

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
2 ORLANDO, FLORIDA, AMENDING THE CODE OF THE CITY OF
3 ORLANDO, FLORIDA, RELATING TO COMMUNICATION FACILITIES;
4 CLARIFYING REGULATIONS FOR COMMUNICATION TOWERS;
5 ESTABLISHING NEW REGULATIONS FOR WIRELESS
6 COMMUNICATION FACILITIES; AMENDING TITLE I, SUBTITLE A,
7 GENERAL ORDINANCES, CHAPTER 23, COMMUNICATIONS RIGHT-
8 OF-WAY UTILIZATION, TO INCLUDE REGULATION FOR WIRELESS
9 COMMUNICATION FACILITIES IN PUBLIC RIGHTS-OF-WAY;
10 AMENDING TITLE I, SUBTITLE B, LAND DEVELOPMENT CODE,
11 CHAPTER 58, ZONING DISTRICTS AND USES, PART 40 TO ADD
12 REVIEW PROCEDURES AND REQUIREMENTS FOR THE SITING,
13 DESIGN, LOCATION, AND ABANDONMENT OF WIRELESS
14 COMMUNICATION FACILITIES; AMENDING CHAPTER 65 OFFICERS,
15 BOARDS AND PROCEDURES TO ADD AND AMEND REVIEW
16 PROCEDURES FOR COMMUNICATION TOWERS AND WIRELESS
17 COMMUNICATIONS FACILITIES IN THE HISTORIC PRESERVATION
18 OVERLAY DISTRICT AND THE DOWNTOWN DEVELOPMENT
19 DISTRICT; AMENDING CHAPTER 66, DEFINITIONS; PROVIDING FOR
20 CONFLICTS; PROVIDING FOR CODIFICATION IN THE CODE OF THE
21 CITY OF ORLANDO; PROVIDING CORRECTION OF SCRIVENER'S
22 ERRORS; PROVIDING SEVERABILITY, AND PROVIDING AN
23 EFFECTIVE DATE.

24
25 **WHEREAS**, the intent of this Ordinance is to promote the public health, safety
26 and general welfare by regulating the siting of communication towers and wireless
27 communication facilities; and

28
29 **WHEREAS**, this Ordinance accommodates the growing need and demand for
30 communication services; and

31
32 **WHEREAS**, this Ordinance seeks to minimize the impacts of wireless
33 communication facilities on surrounding areas by establishing standards for location,
34 landscape screening and compatibility; and

35
36 **WHEREAS**, Section 337.401 *et seq.*, Florida Statutes, addresses, *inter alia*, the
37 authority of municipalities to regulate the placement and maintenance of
38 communications facilities in the public rights-of-way; and

39
40 **WHEREAS**, the Code of the City of Orlando (the "Orlando City Code"),
41 provisions regulating communication towers and antennas need to be updated to
42 expressly address new technologies and to address current practices for siting
43 communication facilities in the public right-of-way, while also protecting, preserving and
44 maintaining the aesthetic character of areas where such rights-of-way exist; and

45
46 **WHEREAS**, at its regularly scheduled meeting of January 19, 2016, the
47 Municipal Planning Board recommended to the City Council of the City of Orlando,
48 Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent
49 with the applicable provisions of the City's adopted Growth Management Plan, are in the
50 best interest of the public health, safety, and welfare, are in harmony with the purpose

51 and intent of the City's Land Development Code, and will not result in disorderly and
52 incompatible land uses; and
53

54 **WHEREAS**, the Orlando City Council finds that the provisions of this ordinance
55 are consistent with the applicable provisions of the City's adopted Growth Management
56 Plan, are in the best interest of the public health, safety, and welfare, are in harmony
57 with the purpose and intent of the City's Land Development Code, and will not result in
58 disorderly and incompatible land uses; and
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60 **WHEREAS**, the Orlando City Council desires to establish uniform standards and
61 general guidelines for the siting, design, and permitting of communication towers and
62 wireless communication facilities in the City of Orlando and to establish review
63 procedures to ensure that applications for communication towers and wireless
64 communication facilities are acted upon within the timeframe established by state and
65 federal law; and
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67 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF**
68 **ORLANDO, FLORIDA, AS FOLLOWS:**
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70 **SECTION 1. CHAPTER 23, ORLANDO CITY CODE AMENDED.**

71 Section 23.08, Code of the City of Orlando, Florida is hereby amended as follows:
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73 **Sec. 23.08. - Wireless Facilities.**
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75 The placement of communication towers and communication antennae anywhere
76 in the corporate limits of the City shall in all cases be subject to the City's zoning and
77 land use regulations, including those set forth in ~~Sections 58.840 through 58.850 of the~~
78 Orlando City Code. The placement of wireless communication facilities anywhere in the
79 corporate limits of the City shall in all cases be subject to the City's zoning and land use
80 regulations, including those set forth in section 58.844, and sections 58.851 through
81 58.858, Orlando City Code. Except as provided in Chapter 58, Orlando City Code, no
82 communication towers or wireless communication facilities shall be placed or maintained
83 in the Public Rights-of-Way without City Council approval. Where placement of a
84 wireless antenna in the Public Rights-of-Way has been approved by the City and to the
85 extent not inconsistent with any City zoning and land use regulations, a wireless antenna
86 attached to a permitted and legally maintained vertical structure in the Public Rights-of-
87 Way, such as a light pole or utility pole, shall, unless otherwise agreed to by the City in
88 writing:

89
90 A. not extend more than 5 feet above the highest point of the Vertical Structure;
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92 B. not have any type of lighted signal, lights, or illuminations unless required by
93 an applicable federal, state, or local rule, regulation or law;
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95 C. comply with any applicable Federal Communications Commission Emissions
96 Standards;
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98 D. comply with any applicable local building codes in terms of design,
99 construction and installation; and
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101 E. not contain any commercial advertising thereon.

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SECTION 2. PART 40, CHAPTER 58, ORLANDO CITY CODE AMENDED.

Part 40, Chapter 58, Code of the City of Orlando, Florida is hereby amended as follows:

40. - COMMUNICATION TOWERS and WIRELESS COMMUNICATION FACILITIES.

Sec. 58.840. - General Requirements.

~~In addition to any applicable Zoning District and Use Regulations of Figures 1—3, communications towers shall be subject to the requirements of this chapter.~~

(a) All communication towers shall be subject to these land development regulations (including Figures 2B and 2D in Chapter 58, Orlando City Code), the City of Orlando Engineering Standards Manual, Downtown Design Guidelines and Downtown Streetscape Design Guidelines as applicable. A communication tower is a permitted use in the General Industrial District and the Industrial Park District. Communication towers in other zoning districts may be permitted upon the granting of a Conditional Use Permit. Additionally, communication towers located inside:

(1) a Historic Preservation Overlay District must obtain a certificate of appropriateness prior to the issuance of any permit for the construction, installation, or alteration of a communication tower or communication antenna;

(2) the Downtown CRA and outside a Historic Preservation Overlay District must obtain a certificate of appearance approval;

(3) the Traditional City (/T) Overlay Zoning District, a Special Plan (SP) Overlay Zoning District or a Planned Development (PD) Zoning District shall require Urban Design review as part of the Engineering permit process.

Sec. 58.841. - Use Restrictions.

~~(a) In order to address potential incompatibilities between communication towers and Historic Preservation Overlay Districts, a Certificate of Appropriateness from the Historic Preservation Board shall be required in accordance with the procedures set forth in Chapter 65, Part 4B of this Code prior to the issuance of any permit for the construction, installation, or alteration of a communication tower or communication antenna in a Historic Preservation Overlay District.~~

(b) A tower that would be considered a communication tower but for the fact that it is in excess of three hundred (300) feet in height shall be subject to Conditional Use permit approval and shall comply with all other requirements of this chapter. For the purposes of implementing the off-site separation requirements provided in section 58.844(a), the maximum required separation distance for communication towers in excess of three hundred (300) feet in height shall be fifteen hundred (1500) feet.

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Sec. 58.842. - Exemptions.

Government-owned communication towers shall be exempted from the minimum separation distances set forth in ~~Sections~~ Sections 58.844(a) and (b), Orlando City Code, provided that those communication towers are used for a governmental purpose including, but not limited to the provision of fire safety, law enforcement, emergency management or emergency medical services telecommunications.

* * * *

Sec. 58.844. - Separation and Site Development Standards.

(a) *Separation from Off-Site Uses.* Communications Towers shall be located so as to comply with the following standards for the minimum separation distance from the closest required building setback line for any off-site principal use structure:

Off-Site Uses/Zoning	Minimum Separation from Off-Site Structures <u>required building setback</u>
All uses in Any residential zoning district R-3A or less, any similar residential zoning districts in Orange County, any O-1 office and residential district, and any residential component in a PD. R-1AA, R-1A, R-1, R-1N, R-2A, R-2B, RN, and H; existing single-family uses and vacant property in R-3A; existing single-family uses NC; existing single-family uses and vacant property designated for single-family uses in an approved PD; all uses in Orange County R-CE, R-1AAAA, R-1AAA, R-1AA, R-1A, R-1, R-2 and R-3, Cluster Residential Districts, R-T, R-T-1, R-T-2, and R-L-D; and existing single-family uses or vacant property in Orange County R-2 and R-3.	200 feet or 300% height of tower, whichever is greater
All uses in Any multi-family zoning district R-3B, R-3C, and above, mixed use district (MXD, MU), activity center district (AC), office and residential district (O-2 and O-3), any public use district (P), and similar R-3D; existing multifamily uses in R-3A and NC; existing multifamily uses and vacant property designated for multifamily uses in an approved PD; and existing multifamily uses in Orange County R-2 and R-3.	100 feet or 100% height of tower, whichever is greater

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(f) *Fencing and Walls.* A fence or masonry wall not less than eight (8) feet in height from finished grade shall be provided around the perimeter of all communication tower sites for ground-mounted communication towers. The decision to provide either a fence or a wall shall rest with the applicant. If a fence is used to enclose the site, the fence shall be constructed of chain link, wire mesh, metal picket, or an alternative material as approved by the ~~Z~~zoning ~~O~~official. If a wall is used to

180 enclose the site, the wall shall have a decorative finish of stucco, split faced block,
181 brick, or an alternative material as approved by the Zoning Official. Access to the
182 communication tower site shall be through a locked gate.

183
184 (g) *Landscaping.* The following landscaping and buffering shall be required
185 around the perimeter of communication tower sites, except that the Zoning Official
186 may waive the required landscaping on one or more sides of the communication tower
187 site or allow the placement of required landscaping elsewhere on the development
188 site when the required landscape area is located adjacent to undevelopable lands or
189 lands not in public view. Alternative landscaping may be approved by the Zoning
190 Official. Landscaping shall be installed on the outside of the perimeter fence or wall.
191 Existing vegetation shall be preserved to the maximum extent practicable and may be
192 used as a substitute for or in supplement towards meeting the landscaping
193 requirements, subject to approval by the Zoning Official.

194
195• **Sec. 58.845. - Communication Antennas.**

196•
197 Subject to section 58.852(f), Orlando City Code, aAny communication antenna
198 which is not attached to a communication tower shall be a permitted ancillary use to any
199 commercial, industrial, office, institutional, multifamily, or public utility structure, provided
200 that:

- 201
202 (a) The communication antenna does not exceed twenty (20) feet above the
203 highest point of the structure;
204
205 (b) The communication antenna complies with all applicable FCC and FAA
206 regulations; ~~and~~
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208 (c) The communication antenna complies with all applicable building codes; and
209
210 (d) The public utility structure is not located in a public right-of-way.

211•
212• **Sec. 58.846. - Co-Location of Communication Antennas.**

213•
214 The modification or reconstruction of an existing communication tower to
215 accommodate the co-location of two (2) or more communication antennas shall be
216 permitted without new or additional Conditional Use permit approvals, provided that the
217 communication antennas are owned or operated by more than one communication
218 service provider and the co-location is accomplished in a manner consistent with the
219 following requirements:

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222•
223• (c) *On-Site Location.*

224
225 (3) ~~The on-site relocation of a communication tower to a location within the~~
226 ~~minimum separation distance from residentially zoned property as set forth in Section~~
227 ~~58.844(a) shall only be permitted when notarized written consent is obtained from the~~
228 ~~owners of all residentially zoned property located within the minimum separation~~
229 ~~distance.~~

230

231 (4) Any existing communication tower replaced by a new communication
232 tower on the same development site shall be dismantled and removed from the
233 development site within ~~six (6) months~~ one hundred eighty (180) days of the date of
234 the building permit for the new communication tower.
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238• **Sec. 58.847. - Waivers.**
239•

240• (a) A waiver from the minimum separation distance to off-site uses set forth in
241 ~~Section~~ Section 58.844(a), Orlando City Code, may be approved (1) by City Council upon
242 recommendation of the ~~P~~planning Director official, when the proposed communication
243 tower is a permitted use, or (2) through the Conditional Use Permit process, in
244 accordance with the procedure set forth in Chapter 65, Part 2D of this Code, when the
245 proposed communication tower is a Conditional Use, ~~provided that notarized written~~
246 ~~consent is obtained from those affected property owners within the applicable separation~~
247 ~~distance.~~
248

249 (b) A waiver from the minimum separation distance between communication
250 towers set forth in ~~Section~~ Section 58.844(b), Orlando City Code, may be approved by the
251 City Council, upon recommendation of the ~~P~~planning Director official, when the
252 proposed communication tower is a permitted use, or through the Conditional Use
253 Permit process, in accordance with the procedure set forth in Chapter 65, Part 2D of
254 this Code, when the proposed communication tower is a Conditional Use, provided
255 two (2) or more communication service providers agree to co-locate communication
256 antennas on the same tower (co-location).
257

258 (c) A waiver from the minimum separation distances set forth in ~~Sections~~
259 58.844(a) and (b), Orlando City Code, may be approved through the Conditional Use
260 Permit process in accordance with the procedures set forth in Chapter 65, Part 2D,
261 Orlando City Code of this Code when the proposed communication tower conforms to two
262 (2) or more of the following criteria:
263

264 * * * *

266 ~~(5) Notarized written consent is obtained from those affected property owners~~
267 ~~within the required separation distance from off-site uses.~~
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269 * * * *

270•
271• **Sec. 58.849. - Abandonment.**
272•

273 In the event that the use of any communication tower has been discontinued for
274 a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be
275 abandoned. Determination of the date of abandonment shall be made by the ~~Z~~zoning
276 ~~O~~official who shall have the right to request documentation and/or affidavits from the
277 communication tower owner/operator regarding the active use of the tower. The
278 owner/operator of the tower shall have one-hundred eighty (180) days from the date of
279 the notice of the ~~Z~~zoning Official's determination of abandonment to either, (1)
280 reactivate the use of the tower or transfer the tower to another owner/operator who
281 makes actual use of the tower, or (2) dismantle and remove the tower. At the earlier of

282 one hundred eighty-one (181) days from the date of the notice of the Zoning Official's
283 determination of abandonment without reactivation, or upon completion of dismantling
284 and removal, any conditional use and/or variance approval for the tower shall
285 automatically expire.

286•
287• **Sec. 58.850. - Occupational Licensing Business Tax Receipt Requirement.**
288

289 The ~~occupational license~~ business tax receipt required for a communication
290 tower shall specify that the receipt license is for an accessory service use.
291

292 **Sec. 58.851. - Wireless Communication Facilities.**
293

294 (a) All wireless communication facilities shall be subject to the City's zoning and land
295 use regulations, the City of Orlando Engineering Standards Manual, Downtown Design
296 Guidelines and Downtown Streetscape Design Guidelines as applicable. Additionally,
297 wireless communication facilities located inside:

298
299 (1) a Historic Preservation Overlay District must obtain a certificate of
300 appropriateness prior to the issuance of any permit for the construction, installation, or
301 alteration of a wireless communication facility;
302

303 (2) the Downtown CRA and outside a Historic Preservation Overlay District
304 must obtain a certificate of appearance approval;
305

306 (3) the Traditional City (/T) Overlay Zoning District, a Special Plan (SP)
307 Overlay Zoning District or a Planned Development (PD) Zoning District shall require
308 Urban Design review as part of the Engineering permit process.
309

310 (b) Co-location of wireless communication facilities is strongly encouraged. Where
311 multiple providers are seeking to locate in the same geographic area, every effort should
312 be made to co-locate.
313

314 **Sec. 58.852. – Use Restrictions and Approval Process.**
315

316 (a) Maximum Height. The maximum height of a wireless communication facility in
317 any:

318
319 (1) Residential zoning district (O-1 and any R-3A or less) is thirty-five (35)
320 feet;
321

322 (2) Multi-family zoning district (R-3B and above), mixed use district (MXD-1,
323 MXD-2, MU-1 and MU-2), activity center district (AC-N, AC-1, AC-2 and AC-3), office
324 and residential district (O-2 and O-3), or public use district (P) is forty-five (45) feet;
325

326 (3) Industrial zoning district (IG, IP and IC) is fifty-five (55) feet.
327

328 (4) Historic Preservation Overlay District is thirty-five (35) feet.
329

330 (b) Administrative Review. Wireless communication facilities that comply with the
331 height requirements in sections (a)(1-4) above may be approved administratively
332 through the right of way permitting process in Chapter 23, Orlando City Code.

333 Applications for waivers to the height and design requirements shall be reviewed and
334 approved, approved with conditions, or denied, by planning official letter of
335 determination. In reviewing an application for a waiver, the planning official shall apply
336 the standards of review provided for review of Conditional Use Permits as provided in
337 section 65.285, Orlando City Code. If the planning official approves the request, he or
338 she may impose one or more of the conditions of development provided by section
339 65.284, Orlando City Code. Conditions of development must be reasonably calculated to
340 mitigate identifiable land use impacts of the installation of wireless communication
341 facilities. Violations of development conditions constitute a violation of this section.

342
343 (c) Conditional Use Permit. A Conditional Use Permit is required for wireless
344 communication facilities that exceed the heights in sections (a)(1-4) above.
345 The maximum height permitted with a Conditional Use Permit is seventy-five (75) feet.
346 Applications for Conditional Use Permits will be evaluated to ensure compliance with
347 sections 58.844(a) and (b), Orlando City Code, and in accordance with the standards
348 of review provided in section 65.285, Orlando City Code.

349
350 (d) Zoning. If a wireless communication facility is proposed in a public right-of-
351 way with no zoning designation, the zoning of the nearest adjacent property will apply.

352
353 (e) Appeal of planning official's Determination. Whenever the applicant disagrees
354 with the decision of the planning official or any of the conditions imposed in the letter of
355 determination, he or she may elect to appeal the planning official's determination to the
356 Municipal Planning Board by filing a written Notice of Appeal within fifteen (15) days after
357 receipt of the determination.

358
359 (f) Modification of existing wireless communication facilities.

360
361 1) Co-location, removal, or replacement of transmission equipment on an existing
362 wireless communication facility shall be subject to no more than building permit review,
363 and an administrative review for compliance with this section, provided the modification
364 does not:

365
366 (a) increase the height of the wireless communication facility by more than 10%
367 or 10 feet whichever is greater.

368
369 (b) involve installation of more than the standard number of new equipment
370 cabinets for the technology involved, not to exceed four cabinets;

371
372 (c) entail any excavation or deployment outside the current site of the wireless
373 communication facility;

374 (d) defeat the existing concealment elements of the wireless communication
375 facility; or

376
377 (e) violate conditions associated with the prior approval of the wireless
378 communication facility, unless the violation involves height, addition of cabinets, or new
379 excavation.

380
381 2) This section does not apply to structures owned by the City or a historic
382 building, structure, site, object, or district.

383
384 **Sec. 58.853. Exemptions.**
385

386 Government-owned wireless communication facilities shall be exempted from the
387 minimum separation distances set forth in sections 58.844(a) and (b), Orlando City Code
388 provided that those wireless communication facilities are used for a governmental
389 purpose including, but not limited to the provision of fire safety, law enforcement,
390 emergency management or emergency medical services telecommunications.
391

392 **Sec. 58.854. Location Requirements for Wireless Communication Facilities.**
393

394 (a) Wireless Communication Facilities may be installed and located inside the City's
395 public rights-of-way as provided in Chapter 23, Orlando City Code and under the
396 following conditions:
397

398 (1) All wireless communication facilities and accessory equipment shall be
399 located to avoid any physical or visual obstruction to pedestrian or vehicular traffic, or to
400 otherwise create safety hazards to pedestrians or motorists.
401

402 (2) Wireless communication facilities taller than thirty-five (35) feet in
403 residential zoning districts (O-1, R-3A or less), shall comply with the minimum
404 separation requirements from adjacent zoning districts set forth in section 58.844(a),
405 Orlando City Code.
406

407 (3) The separation between wireless communication facilities shall be
408 seven-hundred fifty (750) feet.
409

410 (b) Where available, wireless communication facilities shall be located in the
411 furniture zone or parkway strip. In no instance when a furniture zone or parkway strip is
412 available, shall wireless communication facilities be located in the pedestrian clear zone.
413 Wireless communications facilities in the furniture zone shall generally be placed in the
414 center of the furniture zone or parkway strip and shall meet minimum Florida Department
415 of Transportation ("FDOT") and City of Orlando Engineering Standards Manual setback
416 requirements from the back-of-curb.
417

418 (c) Where there is no furniture zone or parkway strip, wireless communication
419 facilities shall maintain either a minimum six (6) foot wide pedestrian clear zone from
420 back-of-curb to the inward edge of a wireless communication facility or a minimum five
421 (5) foot wide pedestrian clear zone between the outward edge of a wireless
422 communication facility and the back-of-sidewalk.
423

424 (d) Wireless communication facilities shall be located at least ten (10) feet from a
425 driveway and at least ten (10) feet from the edge of existing trees twelve (12) inches or
426 greater in diameter.
427

428 (e) Wireless communication facilities shall not be installed on traffic signal poles
429 inside the City's public right-of-way. Further, wireless communication facilities shall be
430 setback a minimum of twenty-five (25) feet from a traffic signal pole and setback a
431 minimum of fifteen (15) feet from any pedestrian ramp.
432

433 (f) Notwithstanding the above, the city engineer may require greater setbacks from
434 these and other fixtures in the right-of-way to ensure proper sight lines for public safety
435 purposes.

436
437 (g) In residential zoning districts, wireless communication facilities must be located
438 where the shared property line between two residential parcels intersects the right-of-
439 way.

440
441 (h) In nonresidential districts wireless communication facilities shall be located
442 between tenant spaces or adjoining properties where their shared property lines
443 intersect the right-of-way.

444
445 (i) Wireless communication facilities shall not be installed on existing, replacement,
446 or new wood utility poles unless the utility pole is located in a Historic Preservation
447 Overlay District where wood utility poles are the predominant poles in the right-of-way.

448
449 (j) The size and height of wireless communication facilities in the right-of-way shall
450 be no greater than the maximum size and height of any other utility pole in the same
451 block-face. The height shall not exceed seventy-five (75) feet.

452
453 (k) Unless required by the Orlando Police Department, Orlando Fire Department or
454 other related governmental or emergency services provider, wireless communication
455 facilities in the public right-of-way shall not include ground mounted equipment cabinets
456 or battery back-up cabinets. If required, placement of such equipment shall comply with
457 the requirements herein.

458
459 **Sec. 58.855. Design Requirements.**

460
461 (a) New and replacement utility poles that support wireless communication facilities
462 shall match the style, design, and color of the utility poles in the surrounding area.

463
464 (b) In the Downtown CRA, Historic Preservation Overlay District, Traditional City
465 Overlay, Special Plan Overlay, or PD Zoning District where double or single acorn
466 streetlights are the predominant fixture, utility poles that support wireless communication
467 facilities shall match the style, design and color of the acorn streetlight poles.

468
469 (c) Equipment boxes for wireless communication facilities must be located in areas
470 with existing foliage or another aesthetic feature to obscure the view of the equipment
471 box. Additional plantings may be provided to meet this requirement.

472
473 (d) Wireless communication facilities mounted to the exterior of a pole shall be a
474 minimum of twelve (12) feet above finished grade, excluding the electric meter and
475 disconnect switch. Individual pole mounted equipment components shall be no more
476 than fifteen (15) cubic feet in area. The external finish of the equipment cases shall
477 generally match the color of the utility pole. All mounting and banding fixtures shall also
478 match the color of the utility pole.

479
480 (e) No exposed wiring or conduit is permitted. Above the electric meter and
481 disconnect switch, all conduit and wiring shall be located inside the pole.
482

483 (f) Electric meters and disconnect switches shall be located as required by the
484 Orlando Utilities Commission. Electric meters and disconnect switches shall not be
485 located on the side of the pole that faces the sidewalk. Conduit leading to the electric
486 meter box and disconnect switch shall generally match the color of the utility pole.

487
488 (g) The grounding rod may not extend above the top of sidewalk and must be placed
489 in a pull box, and the ground wire between the pole and ground rod must be inside an
490 underground conduit.

491
492 (h) All pull boxes must be vehicle load bearing, comply with FDOT Standard
493 specification 635 and be listed on the FDOT Approved Products List. A concrete apron
494 must be installed around all pull boxes not located in the sidewalk. No new pull boxes
495 may be located in pedestrian ramps.

496
497 **Sec. 58.856. Waivers**

498
499 (a) The planning official has the authority to grant a waiver to increase the
500 maximum height of a wireless communication facility up to ten (10) percent if the
501 increased height:

502
503 (1) accommodates the co-location of antennas from more than one
504 wireless provider; or

505
506 (2) improves transmission impacted by surrounding buildings or
507 topography, provided that there is adequate tree canopy to mitigate for the increase in
508 height.

509
510 (b) The planning official has the authority to decrease the separation requirements
511 between wireless communication facilities up to ten (10) percent if:

512
513 (1) an existing utility pole is being replaced, or

514
515 (2) impediments such as a dense tree canopy or tall structure interfere with
516 signal transmission.

517
518 (c) Waivers above ten (10) percent may be granted through the Conditional Use
519 Permit process.

520
521 (d) The planning official has the authority to waive or reduce the design
522 requirements for wireless communication facilities when the planning official finds the
523 intent of this Part is better served by such waiver.

524
525 (e) The city engineer, in coordination with the planning official have the authority to
526 waive or reduce the location requirements for wireless communication facilities when the
527 city engineer and planning official find the intent of this Part is better served by such
528 waiver.

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Sec. 58.857. Wireless Facilities in Existence on the Date of Adoption of this Ordinance.

Wireless communication facilities that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use. Installations that do not comply with the requirements of this section shall be considered a legal non-conforming use.

Sec. 58.858. Abandonment.

~~(a) Wireless Communication Facilities outside the public right-of-way. In the event that the use of any wireless communication facility located outside the public right of way has been discontinued for a period of one hundred eighty (180) consecutive days, the wireless communication facility shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the planning official who shall have the right to request documentation and/or affidavits from the wireless communication facilities owner/operator regarding the active use of the wireless communication facilities. The owner/operator of the wireless communication facilities shall have one hundred eighty (180) days from the date of the notice of the planning official's determination of abandonment to either, (1) reactivate the use of the wireless communication facilities or transfer the wireless communication facilities to another owner/operator who makes actual use of the facilities, or (2) dismantle and remove the wireless communication facilities. At the earlier of one hundred eighty one (181) days from the date of the notice of the planning official's determination of abandonment without reactivation, or upon completion of dismantling and removal, any conditional use and/or variance approval for the wireless communication facilities shall automatically expire.~~

The abandonment of wireless communication facilities shall be managed in accordance with the procedures set forth in section 23.21, Orlando City Code.

SECTION 3. PART 4B, CHAPTER 65, ORLANDO CITY CODE AMENDED.

Part 4B, Chapter 65, Code of the City of Orlando, Florida is hereby amended as follows:

Sec. 65.471. - Procedure for Issuance of Certificate of Appropriateness; Application; Review; Hearing; Criteria; Approval/Denial; 180-Day Waiting Period; Appeal.

* * * *

MINOR REVIEW

One procedure shall be a minor review procedure composed of Administrative review performed by the Planning Official or designee and a qualified member of the Historic Preservation Board.

* * * *

General. A minor review shall occur for construction and alterations of an Historic Landmark or structure in an HP Overlay District which have a minor impact on the significant historical, architectural, or cultural materials of the structure and/or the district.

583 If there is a conflict between any historic district ordinance and this ordinance, this
584 ordinance shall apply. The minor review procedure shall apply to the following:

585 * * * *
586

587
588 ~~14. Any other request determined by the Planning Official or his designee~~
589 ~~and the Minor Review Committee to have a minor impact or no potential detriment on~~
590 ~~the structure or historic district.~~

591
592 14. Communication Towers and wireless communication facilities;

593
594 15. Any other request determined by the planning official or his designee
595 and the Minor Review Committee to have a minor impact or no potential detriment on
596 the structure or historic district.

597
598 If either the Planning Official or his designee and the Minor Review Committee
599 member determines that there would be a major impact or potential detriment as a result
600 of the proposed action, the application shall be submitted for major review.

601 * * * *
602

603
604 *Minor Review.* After submission of the minor review application, the Planning
605 Official or his designee shall prepare a written recommendation which addresses the
606 criteria listed above in the paragraph entitled "Minor Review Criteria," and which
607 recommends approval, denial, or approval-with-conditions of the application. The
608 recommendation of the Planning Official or his designee shall be presented to the
609 applicant and Minor Review Committee at a Minor Review Committee meeting which
610 shall take place within ten (10) days of the submittal of a Certificate of Appropriateness
611 application.

612 * * * *
613

614
615 **SECTION 4. PART 4F, CHAPTER 65, ORLANDO CITY CODE AMENDED.**
616 **Part 4F, Chapter 65, Code of the City of Orlando, Florida is hereby amended as**
617 **follows:**

618
619• **Sec. 65.511. - Types of Certificates of Appearance Approval.**
620•

621 There are hereby established two types of certificates of appearance approval. One
622 shall be known as a major certificate of appearance approval, and the other known as a
623 minor certificate of appearance approval.

624
625 *Major certificates of appearance approval.* Major certificates of appearance
626 approval are for significant works of construction, alteration, modification, or repair of
627 private or public buildings and improvements. Applications for the following kind of work
628 must be approved by a major certificate of appearance approval:

629 * * * *
630

631
632 ~~h. Telecommunications equipment visible from the public right of way.~~
633

634 ih. Any work typically requiring a minor certificate of appearance approval if a
635 major certificate of appearance approval is requested by the applicant or required by
636 the Appearance Review Official.

637
638 ji. Any work typically requiring a minor certificate of appearance approval if the
639 minor certificate application is denied by the Appearance Review Official or if the
640 applicant objects to conditions of approval.

641
642 *Minor certificates of appearance approval.* Minor certificates of appearance
643 approval are for less than significant works of construction, alteration, modification, or
644 repair of private or public buildings and improvements. Applications for the following kind
645 of work must be approved by a minor certificate of appearance approval:

646 * * * *

647
648
649 ~~w. All other work requiring a certificate of appearance approval and not otherwise~~
650 ~~determined to be work requiring a major certificate of design approval.~~

651
652 w. Telecommunication towers and wireless communication facilities visible from
653 the public right-of-way.

654
655 x. All other work requiring a certificate of appearance approval and not otherwise
656 determined to be work requiring a major certificate of design approval.

657
658 In cases of uncertainty, the Appearance Review Official shall determine whether an
659 application for certificate of appearance approval is for a major or minor certificate.
660 Applicants may appeal the official's determination by application for an official Planning
661 Official determination.

662
663 **SECTION 5. CHAPTER 66, ORLANDO CITY CODE AMENDED.** Chapter 66,
664 Code of the City of Orlando, Florida is hereby amended as follows:

665
666 Communication Tower: A building or ground-mounted tower which as measured
667 from the finished grade of the property (1) is greater than thirty-five (35) feet in height (2)
668 does not exceed 300 ft in height (including antenna), and (3) is ~~principally intended to~~
669 ~~support communication (transmission or receiving) equipment for radio, TV, microwave,~~
670 ~~cellular and similar communication purposes.~~ built for the sole or primary purpose of
671 supporting any Federal Communications Commission (FCC) licensed antennas and their
672 associated facilities. The term communication tower shall not include amateur radio
673 operators' equipment licensed by the ~~Federal Communications Commission (FCC).~~
674 Communication towers are generally described as either Monopole (freestanding),
675 Guyed (anchored with guy wires), or Self Supporting (square, triangular or pyramidal in
676 plan view and constructed of steel lattice, tubular steel, reinforced concrete, or wood)

677
678 Furniture Zone: the paved portion of the streetscape zone typically located
679 between the back of curb and the sidewalk. The furniture zone typically includes street
680 light poles and lights, utility poles, regulatory signage, traffic signal equipment and street
681 trees. In some cases a streetscape zone may not have a furniture zone.

682
683 Parkway Strip: the unpaved portion of the right-of-way between the back of curb
684 and the sidewalk. The parkway strip typically includes street light poles and lights, utility

685 poles, regulatory signage, traffic signal equipment and street trees. In some instances a
686 streetscape zone may not have a parkway strip.

687
688 Pedestrian Clear Zone: the unencumbered paved, or sidewalk portion of the
689 streetscape zone inside the right-of-way. The pedestrian clear zone may or may not be
690 separated from the travel lane by a furniture zone or parkway strip.

691
692 Utility Pole: any pole or structure utilized for electric, telephone, cable television,
693 street lights, other lighting standards, or comparable standards.

694
695 Wireless Communication Facility: any equipment or facility used for the
696 transmission or reception of wireless communications and located on public right-of-way.
697 This term includes but is not limited to wireless support structures, antennas, cabling,
698 regular and backup power supplies, and comparable equipment, regardless of
699 technological configuration (including Distributed Antenna Systems (“DAS”) and small
700 cell networks). For purposes of this Ordinance, the term shall not include
701 communication towers.

702
703 **SECTION 6. CONFLICT.** The provisions of this Ordinance will prevail in the
704 event of conflict with the provisions of any existing ordinance.

705
706 **SECTION 7. CODIFICATION.** The City Clerk and the City Attorney shall cause
707 the Code of the City of Orlando, Florida to be amended as provided in this ordinance
708 and may renumber, re-letter and rearrange the codified parts of this ordinance if
709 necessary to facilitate the finding of the law.

710
711 **SECTION 8. SCRIVENER’S ERROR.** The city attorney may correct scrivener’s
712 errors found in this ordinance by filing a corrected copy of this ordinance with the city
713 clerk.

714
715 **SECTION 9. SEVERABILITY.** If any provision of this ordinance or its
716 application to any person or circumstance is held invalid, the invalidity does not affect
717 other provisions or applications of this ordinance which can be given effect without the
718 invalid provision or application, and to this end the provisions of this ordinance are
719 severable.

720
721 **SECTION 10. EFFECTIVE DATE.** This ordinance is effective upon adoption.

722
723 **DONE, THE FIRST READING,** by the City Council of the City of Orlando,
724 Florida, at a regular meeting, this _____ day of _____, 2016.

725
726 **DONE, THE FIRST PUBLIC NOTICE,** in a newspaper of general circulation in
727 the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this
728 _____ day of _____, 2016.

729
730
731 **DONE, THE SECOND PUBLIC NOTICE,** in a newspaper of
732 _____, 2016.

733
734 **DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON**
735 **FINAL PASSAGE,** by an affirmative vote of a majority of a quorum present of the City

ORDINANCE NO. 2016-39

736 Council of the City of Orlando, Florida, at a regular meeting, this _____ day of
737 _____, 2016.

738

739

740

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

741

742

743

744

Mayor

745

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

746

747

748

749

City Clerk

750

751

752

Print Name

753

754

755

756

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

757

758

759

760

City Attorney

761

762

763

Print Name

764

765

766

[Remainder of page intentionally left blank.]

767