

MD district, the parking requirements shall be complied with as set forth in article IX.

- (4) *Landscaping.* In order to receive and maintain a valid certificate of occupancy within any MD district, the landscaping requirements shall be complied with as set forth in article VIII.
- (5) *Signs.* In order to receive and maintain a valid certificate of occupancy within any MD district, the signs requirements shall be complied with as set forth in article IX.
- (6) *Flood control.* Prior to the issuance of a building permit in any MD district, the provisions of the flood control district, article VIII, shall be complied with where applicable.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 951420, § 7, 7-8-96; Ord. No. 970683, § 1, 3-9-98)

**Sec. 30-75. Public services and operations district (PS).**

(a) *Purpose.* The PS district is established for the purpose of identifying and providing suitable locations for the necessary public and private utility and recreation activities that serve and are used directly by the public for their own benefit and are necessary to the normal conduct of the community's activities. This district may be isolated and surrounded by any other zoning district compatible with the intended use of the facility.

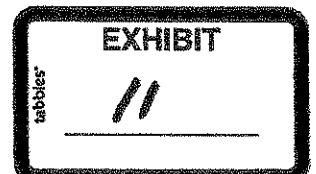
(b) *Objectives.* The provisions of this district are intended to:

- (1) Accommodate utilities, recreation and public facilities, at appropriate locations, necessary to serve the public;
- (2) Ensure public awareness of the location of existing or potential utilities, recreation and public facilities;
- (3) Allow, through the rezoning process, public review of specific utility, recreation and public facility uses to ensure locations compatible with surrounding activities; and

- (4) Ensure, by requiring development plan review where necessary, that such uses are designed to minimize negative impacts on surrounding properties.

(c) *Uses permitted by right.* The specific use(s) permitted on the subject property shall be specified as a part of the ordinance which places this classification on a particular area of ground and may include:

- (1) Libraries and information centers (GN-823).
- (2) U.S. Postal Service (MG-43).
- (3) Museums, art galleries and botanical and zoological gardens (MG-84).
- (4) Public administration (Div. J).
- (5) Local and suburban transit and interurban highway passenger transportation (MG-41).
- (6) Public golf courses (IN-7992).
- (7) Commercial sports (GN-794).
- (8) Pipelines, except natural gas (MG-46).
- (9) Electric, gas and sanitary services (MG-49).
- (10) Amusement parks (IN-7996).
- (11) Membership sports and recreation clubs (IN-7997).
- (12) Amusement and recreation services, not elsewhere classified (IN-7999).
- (13) Cemeteries.
- (14) Public service vehicles, in accordance with article VI.
- (15) Any other use specified in the ordinance rezoning property to this classification.
- (16) Any use customarily incidental to any permitted principal use.
- (17) Public lands designated for open space or conservation.
- (18) Activity-based private recreational or open space lands which have had development rights conveyed to the public, or for which a covenant of at least ten-years' duration is executed ensuring that only open space



outdoor recreation or park uses shall be permitted in accordance with F.S. § 193.501.

- (19) Activity-based public parks and recreational facilities as defined by the comprehensive plan.
  - (20) Golf driving ranges.
  - (21) Pitch-n-putt golf.
  - (22) Utility lines.
  - (23) Water conservation areas, water reservoirs and control structures, drainage wells and water wells.
  - (24) Transmitter towers in accordance with article VI.
  - (25) Camps and recreational vehicle parks (GN-703).
  - (26) Places of religious assembly, in accordance with article VI.
- (d) *Uses by special use permit.*
- (1) Food distribution center for the needy in accordance with article VI.
  - (2) Residences for destitute people in accordance with article VI.

(e) *Dimensional requirements.* All principal and accessory structures shall be located and constructed in accordance with the following requirements:

- (1) Office and administrative activities:
  - a. Minimum lot area: 10,000 square feet.
  - b. Minimum lot width at minimum building front yard setback: 100 feet.
  - c. Minimum yard setbacks:
    1. Front: Ten feet.
    2. Side, street: Ten feet.
    3. Side, interior: Zero feet.

Except where the side yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: 20 feet or

the 60-degree angle of light obstruction, whichever is greater.

4. Rear: Zero feet.

Except where the rear yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: Twenty feet or 60-degree angle of light obstruction, whichever is greater.

- (2) All intensive recreation uses (fairgrounds, stadia, community assembly buildings, performing arts halls, arenas, etc.):

a. Minimum lot size: One acre.

b. Minimum yard setbacks:

1. Front: Twenty-five feet.
2. Side, interior: Twenty feet.

Except where the side yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: Fifty feet or 45-degree angle of light obstruction, whichever is greater.

3. Side, street: Twenty feet.
4. Rear: Zero feet.

Except where the rear yard abuts property which is in a residential district or which is shown for residential use on the future land use map of the comprehensive plan: Fifty feet or 45-degree angle of light obstruction, whichever is greater.

- (3) All other uses: As specified in the zoning ordinance.

(f) *Additional requirements.*

- (1) *General conditions.* All structures and uses within this district shall also comply with the applicable requirements and conditions of article IX.
- (2) *Development plan approval.* Preliminary and final development plan approval in

accordance with article VII shall be required for all development. In addition to the review criteria listed in article VII, the following criteria shall also apply:

a. *Site suitability.*

1. The site shall be suitable to the use proposed. Adequate land area should be provided for the current development, as well as any anticipated expansion.
2. The site shall be adequately served by water and wastewater facilities.
3. Transportation facilities available to the site shall be appropriate to the use. Large scale uses or those generating large volumes of traffic should be located on arterial or major collector streets as shown in the comprehensive plan.
4. The site shall be suitable for the use proposed without hazard to persons or property from the probability of flooding, soil erosion or other hazards.

b. *Site design.*

1. Building scale and massing shall relate to that of adjacent buildings to the extent practical.
2. Public developments shall be exemplary in their use of signage and landscaping and in the preservation of existing trees.
3. Pedestrian areas shall be separated from vehicular areas wherever possible. Traffic circulation should be safe, convenient and designed according to sound engineering practices.
4. The design of the site and facilities shall promote energy conservation through proper solar access, shading and other measures, where appropriate.

5. Appropriate access for emergency vehicles, garbage trucks and other service vehicles shall be provided.

6. All site elements shall be designed to protect natural and community resources, such as wildlife habitats, historic structures and ecologically sensitive areas.

c. *External compatibility.*

1. Buffering and screening of public service facilities shall be provided commensurate with the facility's degree of impact and incompatibility with surrounding developments.

2. Electrical transformers and other utility equipment shall be screened from public view.

3. Site illumination and public address systems, particularly for recreation areas, shall be designed so as to create no interference with the privacy of adjoining properties.

4. Adverse impacts on adjacent properties, such as noise, smoke, glare and odor, shall be mitigated through site design. Where necessary, building construction methods or mechanical equipment should also be utilized to mitigate these adverse impacts.

(3) *Parking.* Any development within any PS district shall comply with the parking requirements as set forth in article IX.

(4) *Landscaping.* Any development within any PS district shall comply with the landscaping requirements is set forth in article VIII.

(5) *Street signs.* In order to receive and maintain a valid certificate of occupancy within all PS districts, the sign requirements shall be complied with as set forth in article IX.

(6) *Flood control.* Prior to the issuance of a building permit in any PS district, the provisions of the flood control ordinance, article VIII, shall be complied with where applicable.

(7) *Preliminary development plan in conjunction with rezoning.*

a. *Intent.* A preliminary development plan is intended to help further the purpose of this district by providing the plan board and city commission with additional information on site-specific conditions which will assist the city plan board and city commission in their decision-making process relating to the accommodation of the proposed use(s) at appropriate locations necessary to serve the public; the assurance of public awareness of the proposed location of potential public facilities, utilities and recreation; and the assurance that the conditions placed upon the rezoning are designed to minimize any potential negative impacts on surrounding properties.

b. *Approval process.* The plan board shall recommend to the city commission whether a preliminary development plan is required before the property is rezoned or the uses permitted on the property are changed. The city commission may require such development plan, or those specific items or portions of a preliminary development plan that the city commission deems necessary, to be included as part of any petition to rezone property to this classification or to change the permitted uses on the property if the newly permitted use has not been previously approved. Should the city commission deem such a plan is needed in order to judge whether the proposed use can be accommodated on the site without detriment to the health, safety and general welfare of sur-

rounding properties the development plan shall meet the requirements of article VII.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3963, § 13, 3-14-94; Ord. No. 060587, § 1, 6-25-07; Ord. No. 070619, § 8, 3-24-08)

**Sec. 30-76. Airport facility district (AF).**

(a) *Purpose.* The AF district is established for the purpose of assuring the proper and safe operation of the Gainesville Regional Airport, to protect the public investment in the airport, and to protect and promote the public utility of the airport. Recognizing the unique conditions pertaining to the airport, this district provides a means of balancing conformance to applicable state and federal regulations with local concerns.

(b) *Objectives.* The provisions of this district are intended to:

- (1) Ensure public health, safety and welfare by adherence to all applicable local, state and federal standards and regulations.
- (2) Protect the public investment through development plan review, where applicable, to accommodate efficient and harmonious use of the facility.
- (3) Be consistent with the city's comprehensive plan and be compatible with surrounding land uses through adoption and implementation of the airport facility zoning map.

(c) *Uses permitted by right.* The specific uses permitted within the airport development area of this district are listed below, subject to the limitations as further provided in this section and subject to the limitations and requirements of Appendix F, Airport Hazard Zoning Regulations, as applicable:

SIC	Uses	Conditions
	Public lands	Designated for open space or conservation
	Wireless communications facilities	In accordance with article VI

(including MH, mobile home residential district) or other existing, conforming residential use.

- (2) All outdoor lighting shall be oriented away from any property in a residential district (including MH, mobile home residential district) or other existing conforming residential use.
- (3) All uses must comply with the requirements of article VIII for buffering incompatible uses.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 6, 7-25-94)

### Sec. 30-96. Junkyards and salvage yards.

(a) *Dimensional requirements.* Minimum lot area is two acres.

(b) *Spacing.* Distance from any property which is in a residential district or which is shown for residential use on the future land use map shall be 300 feet.

(c) *Screening.* The entire area occupied by a junkyard or salvage yard shall be surrounded by a continuous solid masonry wall eight feet in height without openings, except for entrances and exits, which shall be equipped with solid gates.

(d) *Hazardous materials.* Junkyards and salvage yards shall comply with the county hazardous materials code.

(e) *Development plan approval.* Development plan approval shall be required for any development or expansion of any junkyard or salvage yard. The county office of environmental protection shall receive notice of any development plans for junkyard development or expansion.

(Ord. No. 3777, § 1, 6-10-92)

Cross reference—Secondhand goods, Ch. 22.

### Sec. 30-97. Outdoor storage.

Where outdoor storage is a principal permitted use or a regularly recurring accessory use (not including short-term or temporary storage) the following requirements shall apply:

- (1) *Screening requirements.* A landscape buffer strip shall be provided in the same manner as if the property were zoned in an

industrial zoning district/category in accordance with the requirements of article VIII, section 30-253, with the following additional requirements:

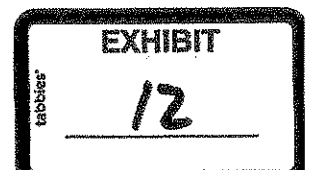
- a. When a hedge is used, a chainlink fence at least six feet in height is required.
- b. Screening is required whenever in the opinion of the city manager it is necessary to visually shield the use from the public right-of-way. (This requirement shall apply notwithstanding the fact that the subject property abuts property which is zoned in an industrial district/category.)
- c. No merchandise, equipment, machinery, materials, motor vehicles or other items shall be stored above the height of the landscape buffer strip.
- d. If a landscape buffer strip is not required either under the provisions of section 30-253 or the provisions of this section, a fence or wall at least six feet in height shall be provided.
- e. Exceptions may be permitted in accordance with the criteria provided in section 30-253, provided the objectives of screening and safety are met in the opinion of the city manager.

- (2) *Hazardous materials.* Compliance with the county hazardous materials code is required.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 7, 7-25-94)

### Sec. 30-98. Wireless communication facilities and antenna regulations.

(a) *Purpose.* These regulations were developed to protect the health, safety and welfare of residents of the city, and to protect property values and minimize visual impact while furthering the development of enhanced telecommunications services in the city. These standards are designed to comply with the Telecommunications Act of 1996 and the requirements of F.S. Ch. 365. The provisions of this section are not intended to and shall



not be interpreted to prohibit or have the effect of prohibiting the provision of personal wireless services. This section shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent services, consistent with federal regulations. These regulations are intended to:

- (1) Provide uniform standards for the provision of both radio and television broadcast signals and telecommunication services, including two-way radio, paging, personal communication services (PCS), cellular and related wireless services;
- (2) Protect the natural features and aesthetic character of the city by regulating the location, design and operation of wireless communication facilities, with special attention to residential neighborhoods, public parks, transportation view corridors, historic districts, historic landmarks, and environmentally sensitive lands;
- (3) Minimize the adverse visual and aesthetic impacts of wireless communication facilities through innovative design, siting and landscaping standards, including incentives to promote the use of camouflaged towers, collocation of new antennas on existing communication towers and the placement of antennas on roofs, walls, existing towers and other existing structures;
- (4) Accommodate the growing demand for wireless communication services, consistent with the Federal Telecommunications Act of 1996, and ensure an efficient and high-quality wireless communications network; and
- (5) Expedite the review process for those new applicants choosing the least intrusive alternative of deploying wireless telecommunication services.

(b) *Definitions.* In addition to the terms defined at F.S. § 365.172, when used in this section, the following terms shall have the following meaning:

*Amateur radio towers.* Structural facilities used to support amateur radio antennas as licensed and operated by federally licensed amateur radio station operators.

*Antenna.* Any exterior apparatus designed for sending and/or receiving intelligence without physical connection.

*Broadcast.* To transmit information without physical connections to two or more receiving devices simultaneously. Information can be transmitted over local television or radio stations, satellite systems or wireless data communications networks.

*Camouflaged facility.* Any wireless communication facility that is designed to blend into the surrounding environment or that camouflages or conceals the presence of the wireless communication facility. Examples of camouflaged towers include, but are not limited to, man-made trees, clock towers, bell steeples, flag poles, light poles, and similar alternative-design mounting structures. Examples of camouflaged antennas include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, and antennas integrated into architectural elements.

*Collocation.* The situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennae. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.

*Communication tower.* A guyed or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. References in this ordinance to "tower," unless otherwise qualified, shall mean "communication tower."

*FAA.* The Federal Aviation Administration.

*FCC.* The Federal Communications Commission.

*Guyed tower.* A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

*Height.* The vertical distance measured from the base of the tower or antenna support structure at grade to the highest point of any part of the structure.

*Lattice tower.* A guyed or self-supporting three or four-sided, open, steel frame structure used to support communications equipment.

*Microwave transmission tower.* A structure operated for the specific purpose of transmitting microwave frequency communications not open to public correspondence, operated by and for the sole use of those licensees operating their own point-to-point radio facilities in the public safety, business, industrial, land transportation, marine or aviation service.

*Monopole tower.* A communication tower consisting of a single pole, constructed without guy wires and ground anchors, used for the transmission of wireless communication.

*Personal wireless services (PWS).* Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services as defined by Federal Regulations.

*Retransmission tower.* A structure operated for the specific purpose of retransmitting the signals of a radio broadcast station or another retransmission facility without significantly altering the characteristics of the incoming signal other than its frequency or amplitude.

*Service provider(s).* Any individual, company, firm or other entity that provides telecommunications service over telecommunications facilities.

*Wireless communications facility.* An all-encompassing definition meaning any equipment or facility used to provide personal wireless services and may include but is not limited to, antennae, towers, equipment enclosures, cabling, antenna brackets, and other such equipment. Placing a wireless communications facility on an existing structure does not cause the existing structure to become a wireless communications facility. This does not include antennas as defined in subsec-

tion 30-98(n) or other accessory personal use antennas as allowed by the City Code of Ordinances.

(c) *Applicability and general requirements.* The requirements of this section apply to all wireless communication facilities and broadcast towers. All property within the city limits shall be subject to the requirements of this section. It is the intent of the city to impose all regulations of this section to all land within the city, whether publicly or privately held, except as specifically provided herein. These regulations shall supersede all other code provisions concerning wireless communications facilities for those applications for development review that are filed on or after July 1, 2005 unless otherwise provided in law. Setback and separation distances shall be applied regardless of municipal and county jurisdictional boundaries. The design, construction and installation of wireless communications facilities shall comply with all applicable building codes.

(d) *Collocation.* Collocation on any existing facility or structure shall be completed in accordance with the standards stated at F.S. § 365.172(11), if and as applicable. All other collocations shall be reviewed in accordance with the provisions of subsection 30-98(h), and, if applicable, subsection 30-98(j).

(e) *Modification of existing towers.* Pursuant to F.S. § 365.172(11), an existing tower, including a nonconforming tower, may be structurally modified in order to permit collocation or may be replaced through no more than administrative review and building permit review and is not subject to public hearing review if the overall height of the tower is not increased and, if a replacement, the replacement tower is a monopole tower or, if the existing tower is a camouflaged tower, the replacement tower is a like-camouflaged tower.

- (1) The replacement tower is located as close as reasonably possible to the existing tower and in no instance greater than 50 feet from the existing tower.
- (2) In all cases the existing tower shall be removed within 30 days of completion of the replacement tower.

- (3) The replacement tower shall comply with the airport hazard zoning regulations of the city.
- (4) Any other existing tower modifications or replacements are considered a new tower and are subject to the provisions of this section.

(f) *Camouflaged towers.* New camouflaged towers shall be permitted according to the process identified below in subsection (4) in all zoning districts except for those zones in the single-family and residential-low zoning categories (see Table A, which appears at the end of this section) where no actual or effective prohibition of the provider's service in that residential area or zoning district results. If a wireless provider demonstrates to the satisfaction of the city that the provider cannot reasonably provide its service to the residential area or zone from outside the residential area or zone, the city and provider shall cooperate to determine an appropriate location for a wireless communications facility of an appropriate design within the residential area or zone. In no instance shall the height of a camouflage tower in a single-family or residential-low zoning category exceed 80 feet in height, and shall be subject to a special use permit by the plan board. The city may require that the wireless provider reimburse the reasonable costs incurred by the city in cooperating in this determination.

- (1) *Height.* The maximum height of camouflaged towers in multiple-family, office or mixed-use districts, as listed in Table A (which appears at the end of this section), is 80 feet. The maximum height of camouflaged towers in all other districts is 110 feet, except that in industrial districts a camouflaged tower may be a height of up to 130 feet. Camouflaged towers may be constructed in excess of the maximum heights listed above, provided a special use permit is issued in accordance with article VII, division 5 of this chapter.
- (2) *Setbacks.* For purposes of structural safety and aesthetics, regardless of the zoning district in which a camouflaged tower is

located, the tower shall be set back a distance of at least the height of the tower from any adjoining lot line.

- (3) *Collocation.* Any camouflaged tower in excess of 110 feet in height shall be designed to support the facilities of at least three providers, including the facilities of the applicant. Any camouflaged tower in excess of 70 feet in height but less than 110 feet in height shall be designed to support the facilities of at least two providers, including the facilities of the applicant.
- (4) *Development plan approval.* Development plan approval for new uses shall be done in accordance with: the review procedures stated at article VII, division 1 of this chapter for intermediate level review; the provisions for neighborhood workshops stated at section 30-350, citizen participation; and with the requirements as listed below in subsection (m), Submittal requirements. The base application fee for review of any development plan application to construct a camouflaged tower shall be the same as the fee for intermediate plan review, plus the fee for a special use permit, if necessary, and the fee for the technical consultant, if deemed necessary by the city. All proposed new camouflaged towers must be architecturally and/or aesthetically compatible with the surrounding community. To determine architectural and/or aesthetic compatibility with the surrounding community, a public hearing shall be held before the development plan review board on the development plan application; however, if a special use permit is required for approval of the proposed camouflaged tower, a public hearing shall be held before the city plan board on the development plan application.
- (5) *Aircraft hazard.* All towers shall comply with the airport hazard zoning regulations in Appendix F to the Land Development Code.

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- (6) *Utility building.* The equipment used to operate the facility shall be stored in:
  - a. An existing building on the site; or
  - b. An equipment cabinet, shelter or an underground vault; or
  - c. A building constructed or installed to accommodate multiple providers and designed to be compatible with the surrounding environment, while meeting the minimum building setback requirements of the underlying zoning district.

The equipment cabinet or shelter, if used, shall be screened by a fence or wall of not less than eight feet in height from finished grade, or by landscaping that conceals the cabinet or shelter.

- (7) *Equipment storage.* No equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are currently being made.

(g) *Monopole towers.* Except as set forth herein, new monopole towers that are not accessory to communications uses (MG-48), shall be permitted by right in I-1, I-2, and AGR zones and are subject to review in accordance with the process identified below in subsection (8).

- (1) *Height.* The maximum height of a monopole wireless tower is 130 feet. Monopole towers may be constructed in excess of the maximum height, up to 200 feet, provided a special use permit is issued in accordance with article VII, division 5 of this chapter.
- (2) *Setbacks.* For purposes of structural safety and aesthetics, regardless of the zoning district in which a monopole tower is located, the tower shall be set back a distance of at least 300 feet from the nearest property lines of any single-family, residential-low, multiple-family, office or mixed-use district. The tower shall be set back at least 100 percent of the height of the tower from any adjoining lot line. Monopole towers may be constructed within 300 feet of the nearest property

lines of any single-family, residential-low, multiple-family, office or mixed-use district, provided a special use permit is issued in accordance with article VII, division 5 of this chapter.

- (3) *Collocation.* Collocation is encouraged; therefore, monopole towers shall be designed to accommodate collocation for multiple wireless communication service providers in accordance with the following minimum requirements stated at Table 1: Table 1: Collocation Requirements

<i>Monopole Tower Height</i>	<i>Total Number of Providers</i>
Less than 110 feet	3
111 feet to 130 feet	4
131 feet to 170 feet	5
171 feet to 200 feet	6

- (4) *Fencing and buffering (all nonresidential districts).* A metal or solid fence or wall of not less than six feet in height from finished grade, with locked gates, shall be provided around the base of each tower or around the yard area where the tower is located. Climb-proof shields can be substituted for a fence or wall around any tower. A monopole tower shall provide a buffer equal to that of commercial use in accordance with article VIII, except that in cases where the adjacent use is also commercial and a buffer is not required, adjacent use Buffer C shall be provided (see section 30-253, chart A). Exceptions to the buffer strip requirement shall be in accordance with subsection 30-253(5)b.

- (5) *Utility Building.* The equipment used to operate the facility shall be stored in:
  - a. An existing building on the site; or
  - b. An equipment cabinet, shelter or an underground vault; or
  - c. A building constructed or installed to accommodate multiple providers and designed to be compatible with the surrounding environment, while meeting the minimum building setback requirements of the underlying zoning district.

The equipment cabinet or shelter, if used, shall be screened by a fence or wall of not less than eight feet in height from finished grade, or by landscaping that conceals the cabinet or shelter.

- (6) *Equipment storage.* No equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are currently being made.
- (7) *Aircraft hazard.* All towers shall comply with the airport hazard zoning regulations in Appendix F to the Land Development Code.
- (8) *Development plan approval.* Development plan approval for new uses shall be done in accordance with: the review procedures stated at article VII, division 1 of this chapter for intermediate level review; the provisions for neighborhood workshops stated at section 30-350, citizen participation; and with the requirements as listed below in subsection (m), submittal requirements. A public hearing before the development review board shall be held to consider all new monopole tower development plan applications; however, if a special use permit is required for approval of the proposed monopole tower, a public hearing shall be held before the city plan board on the development plan application. The base application fee for review of any development plan application to construct a monopole tower shall be the same as the fee for intermediate plan review, plus the fee for a special use permit, if necessary, and the fee for the technical consultant, if deemed necessary by the city.
- (h) *Personal wireless service (PWS) antennas and wireless communications facilities.*
- (1) *General.* This subsection is relevant to all new PWS antennas and collocated PWS antennas that increase the height of the structure or are not otherwise preempted pursuant to F.S. § 365.172(11).
- a. PWS antennas attached to existing structures shall be permitted as accessory uses in all zoning districts.
- b. PWS antennas may be located on existing commercial, industrial, office, institutional or multiple-family structures. PWS antennas shall not be mounted on single-family structures or on two-family structures.
- c. PWS antennas may extend a maximum of 20 feet above the roofline or the highest point of the existing structure on which they are mounted.
- d. The height of a rooftop installation shall be measured from the finish level of the portion of the roof on which the antenna is mounted.
- e. PWS antennas placed on a legally non-conforming structure shall not be considered an expansion of the structure. Existing PWS antennas that were legally installed at the time of initial installation may be repaired, replaced and/or relocated at an equal or lower height on the existing structure.
- (2) *Visual compatibility for PWS antennas not located on a communication tower.*
- a. All new PWS antennas and collocated PWS antennas that increase the height of the structure or are not otherwise preempted pursuant to F.S. § 365.172(11), must be placed on the structure out of public view to the greatest extent possible. If this is not practical, screens or enclosures are required to conceal the facility from public view in a manner that is compatible with the scale, color and architectural character of the structure.
- b. If it is necessary to place the PWS antenna in public view, for aesthetic purposes it shall be integrated into the structure in such a manner that it is compatible with the scale, color and architectural character of the structure to the greatest extent practical.
- c. Equipment shelters used in conjunction with such PWS antennas shall

be located inside the existing structure or hidden from public view, or made compatible with the scale, color and architectural character of the structure.

- d. A PWS antenna shall comply with the required setbacks for the zoning district in which it is located.
- (3) *Development plan approval.* Development plan approval in accordance with article VII, as applicable, and compliance with the application requirements stated in subsections (m)(1), (6) and (11) are required prior to the issuance of a building permit for all new PWS antennas and collocated antennas that are not otherwise preempted pursuant F.S. § 365.172(11).

(i) *Amateur radio towers.* All amateur radio towers in residential districts, as listed in article IV of this chapter, must meet the following requirements:

- (1) *Height.* No amateur radio tower shall rise more than 80 feet from the ground level at the exact site on which it is erected except as otherwise provided for in subsection (7) below.
- (2) *Location.* Amateur radio towers are only allowed in rear yards. Only one tower is allowed per lot.
- (3) *Guy anchors.* Guy anchors shall meet the setback requirements of the respective district and are allowed in side and rear yards only.
- (4) *Construction standards.* Amateur radio towers shall meet manufacturer's specifications and an engineer licensed in the State of Florida shall certify plans. Towers shall meet the requirements of the Standard Building Code, relating to wind loads, and shall be engineered or guyed so that in the event a tower falls it will collapse only within the property lines on which it is located. All towers shall meet the standards contained in the most current version of American National Stan-

dards Institute "Steel Antenna Towers and Steel Supporting Structures" (ANSI EIA/TIA 222, F-1996 (R 2003)).

- (5) *Fencing and buffering.* A metal fence or solid wood or masonry wall at least eight feet in height shall be constructed and maintained around the perimeter of the rear yard or the base of the amateur radio tower. Climb-proof shields may be substituted for a fence or wall around the tower. A combination of hedges and/or evergreen trees, at least four feet in height when planted, shall be planted and maintained around the perimeter of the rear yard or in a continuous line around the tower and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes.
- (6) *Design/landscape plan.* A design/landscape plan shall be submitted for all proposed amateur radio tower sites, showing the proposed location of the tower, guy anchors and any existing or proposed landscaping as required by this section.
- (7) *Development plan approval.* The level of review for amateur radio towers of up to 80 feet in height shall be rapid review in accordance with article VII.
- (8) *Special use permit for excess height.* Amateur radio towers may be constructed in excess of the 80-foot height limitation provided a special use permit is issued. In addition to the requirements stated at article VII, division 5, special use permit, considerations shall include the following:
- a. The effects of topography, terrain and height of surrounding tree canopy on broadcasting ability.
  - b. The construction and design of amateur radio towers with regard to safety regulations including a consideration of the distance from the airport and whether the proposed tower would interfere with any flight paths.

- c. The visual impact on surrounding properties and existing or proposed screening and buffering.

(j) *Historic preservation / conservation districts.* A new wireless communications facility shall only be located in a historic preservation/conservation district if it is a camouflaged tower and is 80 feet or less in height. A certificate of appropriateness from the historic preservation board shall be required for approval, in addition to the requirements of subsection (f). Personal wireless service (PWS) antennas located in a historic preservation/conservation district shall be required to obtain a certificate of appropriateness from the historic preservation board for approval, in addition to meeting the requirements stated at subsection (h). Any alteration made to a historical structure to accommodate the placement of a PWS antenna shall be designed and constructed so that it is fully reversible without damage to the historical structure.

(k) *Broadcast towers, retransmission and microwave transmission towers.* New broadcast towers may be guyed towers, lattice towers or monopole towers.

(1) *Dimensional requirements.*

- a. *Tower location.* For purposes of structural safety and aesthetics, broadcast towers and retransmission and microwave transmission towers shall be set back at least 300 feet from the nearest property lines of any single-family, residential-low or multiple-family district. The tower shall be set back at least 100 percent of the height of the tower from any adjoining lot line. No broadcast tower shall be located between the street and the front of any principal building. Broadcast towers adjacent to any residential district shall be screened along any common property line by trees and shrubs. A combination of hedges and/or evergreen trees, at least four feet in height when planted, shall be planted and maintained around the perimeter of the rear yard or in a continuous line around

the tower and spaced close together to provide a continuous visual screen. Shrubs shall also be planted and maintained around the guy anchors for visual screening purposes.

- b. *Anchor location.* All tower supports and peripheral anchors shall be located entirely within the boundaries of the property.
- c. *Height and angle of light.* The height and angle of light obstruction of particular zoning districts shall not apply to broadcast towers.
- (2) *Fencing and buffering (all nonresidential districts).* A metal or solid fence or wall of not less than eight feet in height from finished grade, with locked gates, shall be provided around the base of each tower or around the yard area where the tower is located. Climb-proof shields may be substituted for a fence or wall around any tower. A broadcast tower shall provide a buffer equal to that of an industrial use in accordance with article VIII, except that in cases where the adjacent use is also industrial and a buffer is not required, adjacent use Buffer D shall be provided (see section 30-253, chart A).
- (3) *Equipment storage.* No equipment, mobile or immobile, not used in direct support of the transmission or relay facility, shall be stored or parked on the site unless repairs to the facility are being made.
- (4) *Aircraft hazard.* All towers shall comply with the airport hazard zoning regulations stated in Appendix F to the Land Development Code.
- (5) *Development plan approval.* Development plan approval shall be in accordance with the review procedures in article VII, division 1 of this chapter, as applicable; the provisions for neighborhood workshops in section 30-350, citizen participation; and the requirements as listed below in subsection (m), submittal requirements, as applicable.

(l) *Unused or abandoned towers.* A wireless communications tower is considered unused or abandoned when it is not used for transmission or retransmission for nine consecutive months. Upon determination that a tower has been abandoned, the city manager or designee shall provide written notice of the determination, by certified mail, to the owner of the tower. Upon receipt of the written notice of abandonment, the owner shall have 90 days to:

- (1) Reactivate the use of the tower;
- (2) Transfer the tower to another owner who makes actual use of the facility; or
- (3) Remove the tower and all associated equipment. If the tower is not removed within 90 days of the receipt of notice of abandonment, the city may dismantle and remove the tower and recover the costs from the owner or by accessing the bond set forth in subsection (m), Submittal requirements.

(m) *Submittal requirements.* In addition to the requirements of article VII, division 1, an application for a new wireless communication facility shall contain the following information:

- (1) The identity of the owner(s) of the proposed facility, as well as the identity of the wireless communication service provider(s) who have committed to locating on the proposed facility.
- (2) The distance between the proposed tower and the nearest residentially zoned lands.
- (3) Details of all proposed antennas and mounting equipment, including the location on the structure, size and color.
- (4) A design drawing including a cross-section and elevation of the proposed tower.
- (5) A description of the capacity of the tower including the number and type of antennas that can be accommodated.
- (6) A certified statement from a licensed professional engineer attesting to the structural integrity of the proposed facility and its ability to accommodate collocation opportunities.

- (7) Color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed facility, as it would appear viewed from the closest residential property or properties and adjacent roadways.
- (8) An application for a new wireless communication facility that requires a special use permit shall contain a propagation map depicting both the extent of the communication service provider's existing coverage within the subject area and the service area of the proposed tower.
- (9) A bond or irrevocable letter of credit in an amount determined by the city manager or designee, and subject to the approval of the city attorney as to form and legality, to ensure that if the tower is abandoned pursuant to subsection 30-98(m), cost to the city for removal of the tower shall be guaranteed to the city.
- (10) FCC license.
- (11) Any additional information that is necessary for the city to complete the review of the application and is consistent with the requirements of Florida Statutes.

(n) *Television antennas.* For the purposes of this subsection, television antenna shall mean any exterior apparatus designed for television communications through the reception of electromagnetic waves. The following antennas used to receive video programming signals are allowed in all zoning districts and are exempt from the provisions of this section except as noted herein:

- (1) Residential antenna satellite dishes that are one meter (39 inches) or less in diameter and are designed to receive direct broadcast satellite (DBS) service, including direct-to-home satellite service.
- (2) Antennas that are one meter (39 inches) or less in diameter or diagonal measurement and are designed to receive video programming services via multichannel multipoint distribution service (MMDS or wireless cable). These antennas may be mounted on masts to reach the height needed to establish line-of-sight contact

with the transmitter. Antennas mounted on masts higher than 20 feet are considered communication towers and shall be subject to the provisions of subsection (h).

- (3) Antennas that are designed to receive over-the-air television broadcast signals and that are mounted on masts higher than 20 feet are considered communication towers and shall be subject to the provisions of subsection (h).

(4) *General conditions for television antennas.*

- a. There are no minimum setback requirements for antennas described in subsections (n)(1) through (3). In order to protect pedestrians and vehicle operators from possible conflict with structures in the right-of-way, no part of an antenna or its support structure shall extend over public sidewalk or right-of-way at a height of less than nine feet.
- b. Antennas described in subsections (n)(1) through (3), shall be placed in a location not visible from the street unless an acceptable signal cannot be obtained from any other location. If an antenna must be placed where it is visible from the street, it shall be placed wholly on the subject property and shall comply with the provisions of section 30-341 (vision triangle). This is a safety-based restriction necessary to provide unobstructed sight distance in both directions on all approaches to an intersection.
- c. A certificate of appropriateness shall be required for the placement of antennas described in subsections (n)(1) through (3), in those districts or on individual properties that are listed on both the local and national register of historic places and for those districts or individual properties listed on the local register of historic places for which the Federal Communica-

tions Commission has granted permission for the city to regulate antenna placement.

(o) *Environmental regulations.* All wireless communications facilities shall comply with all applicable environmental regulations.

(p) *Signs and illumination.* No signage or advertising shall be permitted on any wireless communications facility, except that each tower facility shall have an identification sign of no more than six square feet, identifying the service providers, the dates of permit approval, and the FCC registration and site identification numbers. The maximum height of the sign shall be no more than six feet, as measured from the base of the tower. No signals, lights or illumination shall be permitted on any wireless communication facility unless required by the Federal Aviation Administration or as an integral part of the design of a camouflaged facility.

(q) *Technical consultants.* The city in its discretion shall have the right to hire independent technical consultants and experts that it deems necessary to properly evaluate individual commercial wireless facility applications for purposes of compliance with land use and zoning regulations. The applicant shall be responsible for paying the costs of such consultation, the costs of which shall be identified reasonable expenses incurred in the review of the application. Payment is due upon receipt of the billing invoice and proof of payment shall be required prior to the consideration of the application by the appropriate reviewing body of the city. The applicant shall also be responsible for paying the costs of such consultation that may occur at the time of consideration of the application by the appropriate reviewing body. No final development order for the project under review shall be issued by the city until payment in full has been received by the city for technical consultation costs incurred during review of the application by the appropriate reviewing body.

Table A

For the purposes of this section, *single-family and residential-low zoning districts* shall include the following:

RSF-1: 3.5 units/acre single-family residential district.

RSF-2: 4.6 units/acre single-family residential district.

RSF-3: 5.8 units/acre single-family residential district.

RSF-4: 8 units/acre single-family residential district.

RC: 12 units/acre residential conservation district.

MH: 12 units/acre mobile home residential district.

RMF-5: 12 units/acre single-family/multiple-family residential district.

*Multiple-family districts* shall include the following:

RMF-6: 8—15 units/acre multiple-family residential district.

RMF-7: 8—21 units/acre multiple-family residential district.

RMF-8: 8—30 units/acre multiple-family residential district.

RMU: Up to 75 units/acre residential mixed use district.

RH-1: 8—43 units/acre residential high-density district.

RH-2: 8—100 units/acre residential high-density district.

*Office districts* shall include the following:

OR: 20 units/acre office residential district.

OF: General office district.

MD: Medical services district.

*Mixed-use districts* shall include the following:

MU-1: 10—30 units/acre mixed use low intensity.

MU-2: 14—30 units/acre mixed use medium intensity.

CCD: Up to 150 units/acre central city district.

CP: Corporate park district.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3918, § 7, 11-15-93; Ord. No. 970151, §§ 1, 2, 11-10-97; Ord.

No. 970741, § 1, 3-23-98; Ord. No. 980732, §§ 1, 2, 6-14-99; Ord. No. 991152, § 2, 6-12-00; Ord. No. 030759, § 1, 8-22-05)

#### Sec. 30-99. Veterinary services (GN-074).

(a) *Dimensional requirements.* Dimensional requirements for veterinary services:

- (1) Minimum lot area: 10,000 square feet.
- (2) Minimum lot width at minimum front yard setback: 100 feet.
- (3) Minimum yard setback: All buildings and structures, excluding fences and walls, shall be set back a minimum distance of 25 feet from any property which is in a residential zoning district or which is shown for residential use on the future land use map of the comprehensive plan. All other setbacks shall conform to the requirements of the district in which such use is located.

(b) *Additional regulations.*

- (1) No such facilities shall be permitted to have outside cages or runs except for those which are located in industrial districts and which are at least 500 feet from any property shown on the comprehensive plan for residential use.
- (2) All such facilities shall have sound attenuation so as to prevent common and ordinary animal noises from being heard outside any building or structure. Outside cages or runs permitted in industrial districts shall not be required to be so designed.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3993, § 8, 7-25-94)

#### Sec. 30-100. Dormitories and roominghouses.

(a) *Dimensional requirements.* All principal and accessory structures for dormitories and roominghouses shall be located and constructed in accordance with the dimensional requirements for multiple-family dwellings for the particular district in which located, except that the required