

ORDINANCE NO. 06-2026

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ESTABLISHING A NEW ARTICLE III, "SMALL WIRELESS FACILITIES" OF CHAPTER 82, "COMMUNICATION ANTENNAS AND TOWERS," WITHIN THE LAND DEVELOPMENT CODE OF THE CITY OF DELTONA'S CODE OF ORDINANCES, IN ORDER TO COMPLY WITH FLORIDA STATUTES AND BEST PRACTICES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City of Deltona as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its land development regulations; and

WHEREAS, the City of Deltona, Florida, adopted Chapter 82, "Communication Antennas and Towers" within its Land Development Code; and

WHEREAS, the City Commission for the City of Deltona, Florida deems it necessary to establish regulations for small wireless facilities within Chapter 82, "Communications, Antennas and Towers," in order to align with and complement the provisions of Section 337.401, Florida Statutes, and to protect the public health, safety and welfare; and

WHEREAS, the Planning and Zoning Board held a public hearing on April 29, 2026, and forwarded its recommendations to the City Commission; and

WHEREAS, the City Commission finds and determines that these modifications are in the best interest of the public health, safety, and welfare of the residents of the City of Deltona.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Recitals Adopted. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

Section 2. Amendment to the Code of Ordinances. The City Commission hereby approves and adopts Article III, "Small Wireless Facilities," of Chapter 82, "Communications, Antennas and Towers," of the Land Development Code, as set forth in "Exhibit A" attached hereto.

Section 3. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 5. Codification. The provisions of this Ordinance shall be codified as and be made part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA THIS _____ DAY OF _____, 2026.**

First Reading: _____

Advertised: _____

Second Reading: _____

BY: _____

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

TG Law PLLC, CITY ATTORNEY

EXHIBIT A

PART II - CODE OF ORDINANCES Chapter 82 COMMUNICATION ANTENNAS AND TOWERS

Chapter 82 COMMUNICATION ANTENNAS, ~~AND TOWERS~~ AND WIRELESS COMMUNICATION FACILITIES

I. Land Development Code, of the City of Deltona Code of Ordinances Section 82, shall be amended as follows:

Sec. 82-120. Small Wireless Facilities Permitted.

(a) General. Small wireless facilities and associated equipment are permitted within the City, subject to this article and applicable state and federal law.

(b) Public Rights-of-Way.

(1) Small wireless facilities are permitted uses within public rights of way.

(2) Such facilities shall be regulated in accordance with Florida Statute 337.401(7).

(3) Zoning regulations shall not apply to small wireless facilities in the public rights of way.

Sec. 82-121. Approvals and Denials.

(a) Applications shall be reviewed on a nondiscriminatory and competitively neutral basis.

(b) The City shall approve an application unless it fails to comply with applicable codes.

(c) Any denial shall:

(1) Be in writing;

(2) Be supported by substantial competent evidence; and

(3) Identify the specific code provisions with which the application does not comply.

(d) A denial shall not be based on:

(1) Environmental or health effects of radio frequency emissions, if compliant with FCC standards;

(2) Lack of demonstrated service need;

(3) Minimum separation distances; or

(4) A requirement to prove that co-location is not feasible.

Sec. 82-122. Application Requirements and Processing.

(a) Applications shall include sufficient information to demonstrate compliance with applicable codes and this article.

(b) Applications shall be processed in accordance with the timeframes established in Florida Statute 337.401(7).

(c) The City may require reasonable, cost based application and permit fees as allowed by law.

Sec. 82-123. Structural and safety compliance.

(a) All small wireless facilities shall:

(1) Comply with the Florida Building Code;

(2) Comply with the National Electrical Code;

(3) Be installed and maintained in accordance with applicable safety standards; and

(4) Be certified by a Florida-licensed professional engineer when required.

Sec. 82-124. Placement standards.

(a) Small wireless facilities shall be installed so as to:

(1) Maintain a minimum clear pedestrian path of five (5) feet for sidewalks;

(2) Comply with ADA accessibility requirements;

(3) Not obstruct intersections, traffic control devices, or sight lines;

(4) Maintain required clear zones for vehicular safety;

(5) Avoid placement within driveway aprons or curb ramps;

(b) To the extent technically feasible, small wireless facilities shall be located:

(1) On existing utility poles or structures;

(2) Within utility corridors or aligned with existing infrastructure.

(c) Placement directly in front of residential dwelling shall be avoided where an alternative location within one hundred (100) feet is technically feasible.

Sec. 82-125. Height.

(a) A small wireless facility mounted on an existing pole or structure shall not extend more than ten (10) feet above the structure.

(b) A new pole installed to support a small wireless facility shall not exceed:

(1) Fifty (50) feet in height; or

(2) The height of the tallest existing pole within five hundred (500) feet.

Sec. 82-126. Design Standards.

(a) All design standards shall be objective, reasonable, and nondiscriminatory.

(b) Small wireless facilities shall comply with the following:

-
- (1) Stealth and concealment. Equipment shall be concealed, camouflaged, or integrated into the supporting structure to the maximum extent technically feasible.
 - (2) Shrouding. Antennas and associated equipment mounted on poles shall be enclosed within a shroud matching the supporting structure.
 - (3) Color and finish. All equipment shall be painted or finished to match the supporting structure using non-reflective, neutral colors.
 - (4) Flush mounting. Equipment shall be flush mounted to the pole or structure and shall not extend more than necessary for safe operation.
 - (5) Cabling. All wiring and cabling shall be fully concealed within the pole or conduit; external cables are prohibited unless no technically feasible alternative exists.
 - (6) Equipment size. Equipment shall be limited to the smallest feasible size necessary for operation.
 - (7) Consistency. Facilities along the same corridor shall maintain a consistent design, color, and configuration where feasible.

Sec. 82-127. Equipment and cabinets.

(a) Equipment associated with a small wireless facility shall:

- (1) Be located to minimize visual impact;
- (2) Not impede pedestrian or vehicular movement;
- (3) Not be placed in a manner that creates a safety hazard.

(b) Underground preference. To the extent technically feasible, ground mounted equipment shall be placed underground.

(b) Ground equipment limitations.

- (1) New freestanding ground equipment cabinets in the public rights-of-way are prohibited unless no technically feasible alternative exists.
- (2) When permitted, such equipment shall be:
 - a. Located outside pedestrian travel paths;
 - b. Screened or integrated with surrounding infrastructure.

Sec. 82-128. Lighting.

(a) Small wireless facilities shall not be illuminated except:

- (1) As required by law; or
- (2) For safety purposes.

Sec. 82-129. Co-location.

(a) Co-location is encouraged.

(b) Pole replacement. Replacement of an existing pole with a new pole to accommodate a small wireless facility shall be permitted, provided the replacement pole is substantially similar in design and location.

Sec. 82-130. Prohibited requirements.

(a) The City shall not require, for small wireless facilities in public rights-of-way:

(1) Minimum separation distances;

(2) Demonstration of service needs;

(3) Zoning approvals; or

(4) Proof that co-location is not feasible.

Sec. 82-131. Modifications.

(a) Modifications to existing small wireless facilities shall be permitted if compliant with applicable codes.

(b) Eligible facilities requests shall be processed in accordance with federal law.

Sec. 82-132. Abandonment.

(a) In addition to removal requirements:

(1) The City may require a performance bond or other security to ensure removal of abandoned facilities, where permitted by law.

Sec. 82-133. State and Federal Law.

(a) This article shall be interpreted and applied consistent with:

(1) Florida Statute §337.401; and

(2) The Federal Telecommunications Act of 1996.

(b) Any provision inconsistent with applicable law shall be deemed inapplicable to the extent of the conflict.

**Chapter 82 COMMUNICATION ANTENNAS, TOWERS AND WIRELESS COMMUNICATION
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