ORDINANCE NO. 33-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 82, "COMMUNICATION ANTENNAS AND TOWERS," OF THE LAND DEVELOPMENT CODE TO ALIGN WITH PREVIOUSLY APPROVED UPDATES TO REGULATIONS CONTAINED WITHIN CHAPTER 110, "ZONING"; 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 previously made changes to Chapter 110, "Zoning," of its Land Development Code related to communication antennas and towers within various zoning districts; and

WHEREAS, Chapter 82, "Communication Antennas and Towers," shall be updated to align with the provisions of Chapter 110, "Zoning;" and

WHEREAS, the Planning and Zoning Board held a public hearing on September 17, 2025, 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 modifications to Chapter 82, “Communication 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 Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.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 _____, 2025.

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

Chapter 82 COMMUNICATION ANTENNAS AND TOWERS[1]

ARTICLE I. IN GENERAL

Sec. 82-1. Reserved.

Sec. 82-2. Purpose and intent.

(a) The regulations and requirements set forth in this chapter are adopted for the following purposes:

(1) To provide for the location of communication towers and communication antennas in the city;

(2) To protect residential areas and land uses from potential adverse impacts of communication towers and antennas;

(3) To minimize adverse visual impacts of communication towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;

(4) To accommodate the growing need for communication towers and antennas;

(5) To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;

(6) To consider the public health, safety and welfare;

(7) To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(Ord. No. 06-97, § 2(8)(A), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-3. Applicability.

(a) All new communication towers and communication antennas in the city shall be subject to this chapter and all other applicable regulations to the extent not inconsistent with this chapter. For purposes of measurement, communication tower setbacks and separation distances as listed in sections 82-62 through 82-64 shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.

(b) All communication towers legally existing on July 7, 1997, shall be considered permitted uses, allowed to continue their usage; however, anything other than routine maintenance, including without limitation structural modifications including provisions for additional antennas or additional providers and/or new construction on an existing communication tower, shall comply with the requirements of division 2 of this

[1]Editor's note(s)—Ord. No. 19-2011, § 1(Exh. A), adopted November 7, 2011 amended Ch. 82, in its entirety, to read as herein set out. See also the Code Comparative Table.

Cross reference(s)—Businesses, ch. 22; communications, ch. 28; streets, sidewalks and other public places, ch. 58.

article, with the exception of separation distances. Routine maintenance shall be permitted on such existing towers.

(c) All government towers with public safety systems or equipment shall be exempt from the requirements of this section.

(d) Any legal nonconforming communication tower, antenna or similar transmitting and receiving device is subject to the provisions regarding nonconformance in the zoning regulations. Bona fide nonconforming communication towers rendered nonconforming due to separation requirements that are damaged or destroyed may be rebuilt only in compliance with this chapter.

(Ord. No. 06-97, § 2(8)(B), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Secs. 82-4—82-35. Reserved.

ARTICLE II. REGULATIONS

DIVISION 1. GENERALLY

Sec. 82-36. Permitted towers and antennas.

(a) Guyed and lattice communication towers are prohibited within the city limits.

(b) Monopole communication towers and communication antennas are permitted as follows:

(1) Monopole communication towers and communication antennas are ~~a permitted use in all zoning districts~~ permitted in accordance with Table 110:10 of Chapter 110 (Zoning) of the LDC provided that the structures do not exceed the established height limitation.

(2) Camouflaged and monopole communication towers and communication antennas that exceed the established height limitation but do not exceed 70 feet in height are permitted in accordance with Table 110:10 of Chapter 110 (zoning of the LDC, ~~a permitted use accordance~~subject to site plan review and approval and compliance with the performance and construction standards set forth in division 2 of this article. ~~in those areas as more specifically identified and depicted in color green on the city "Tower Map" on file in the city clerk's office~~.

(3) Camouflaged towers and monopole communication towers and communication antennas that exceed the established height limitation (but not to exceed 200 feet in height) may be approved in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC.

(4) Camouflaged communication towers and antennas that exceed the established height limitation, but do not exceed 120 feet in height, are a permitted in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC use, subject to site plan review and approval and compliance with the performance and construction standards set forth in division 2 of this article~~, in those areas depicted in color red and are zoned either industrial or commercial on the city "Tower Map," which is on file in the city clerk's office.~~.

(5) Camouflaged communication towers and monopole communication towers that exceed the established height limitation, but do not exceed 120 feet in height, may be permitted in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC. ~~approved as a conditional use in those areas as~~

~~more specifically identified and depicted in color blue on the city "Tower Map," which is on file in the city clerk's office.~~

(6) Communication towers and communication antennas that exceed 200 feet in height are prohibited within the city.

(c) Rooftop mounted monopole communication towers or antennas may be permitted in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC to the following:

(1) The height of the tower or antenna does not exceed more than 20 feet above the average height of the roof line.

(2) The building is at least 35 feet in height.

(3) Screening, if appropriate, may be required to minimize the visual impact of a proposed tower or antenna upon adjacent properties.

(4) A roof-mounted monopole tower must be set back from the edge of the roof a minimum of 15 feet.

(5) Roof-mounted monopole communication towers and antennas constructed pursuant to this section shall be exempt from the minimum distances from residential uses established in division 2 of this article and the zoning and land development regulations.

(6) Monopole communication towers and antennas constructed pursuant to this article shall be exempt from the minimum separation distances between towers established in division 2 of this article and the zoning and land development regulations.

(7) Utility poles and transmission towers shall not be considered towers, buildings or rooftops upon which antennas and/or towers are permitted to be located; however, antennas may be located on top of utility poles located in areas where antennas are permitted in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC. ~~as designated on the city "Tower Map," which is on file in the city clerk's office.~~

(Ord. No. 06-97, § 2(8)(C)(1)—(3), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-37. Denials.

(a) A decision to deny an application for a communication tower or communication antenna shall be in writing and must be based on evidence in the record at the time the decision is issued. A recommendation for denial may:

(1) Be based upon an insufficient application that has not been completed within 90 days of the date a letter is sent notifying the applicant that the application is incomplete;

(2) Be based upon an application that does not comply with the requirements of the City of Deltona Land Development~~the Deltona Lakes Community Development Plan Regulations~~; and

(3) Not be based upon safety concerns related to radio frequency radiation, as preempted by the Telecommunications Act of 1996, but may be based on lack of or insufficient documentation of compliance with FCC radiation standards as required by section 82-84.

(Ord. No. 06-97, § 2(8)(C)(4), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-38. Application fee.

For any request for site plan approval, waiver, variance, conditional use or special exception to the requirements of divisions 2 or 3 of this article, the applicant shall submit an application fee, in accordance with fee schedules adopted by resolution of the city commission in the appendix A fee schedule. The applicant shall, additionally, reimburse the city for consultant fees incurred in obtaining technological expertise to assist the city in evaluating the request, and must pay all building, electrical and other applicable permit fees prior to their issuance.

(Ord. No. 06-97, § 2(8)(E), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Secs. 82-39—82-60. Reserved.

DIVISION 2. PERFORMANCE AND CONSTRUCTION STANDARDS

Sec. 82-61. Structural design.

New communication towers/antennas and modifications to existing structures, including without limitation the addition of height, antennas or providers, shall be constructed in accordance with all city building and electrical codes, and shall be certified by an engineer licensed to practice in the state.

(Ord. No. 06-97, § 2(8)(D)(1), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-62. Setbacks.

Communication tower/antenna setbacks shall be measured from the base of the tower/antenna, or protruding building or structure at the base of the tower, whichever is closest to the property line, to the property line of the parcel on which it is located. Communication towers/antennas and their accessory structures shall comply with the minimum setback requirements of the district in which they are located and the street setbacks set forth the City of Deltona Land Development Code~~at section 5 of the Deltona Lakes Community Development Plan Regulations~~. In cases where there is a conflict between the minimum setback requirements and the street setbacks, the greater setback shall apply. In addition, where there is a principal building housing a principal use located on the site, the communication tower/antenna and accessory structures to the tower/antenna shall be located behind the principal building.

(Ord. No. 06-97, § 2(8)(D)(2), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-63. Separation from off-site uses.

(a) *Measurement.* Communication tower separation shall be measured from the base of the tower to the closest point of off-site uses and/or designated areas as specified in subsection (b) of this section. For purposes of this requirement, global positioning system coordinates for the center of the tower(s) may be used.

(b) *Location requirements.* The separation distances from off-site uses (listed in linear feet) shall be as follows:

Table 82-1: Separation Distances from Off-Site

	Freestanding Height				
	50 or less	51—70	71—120	121—160	161—200

Required Setback From Property Line	Greater of 20% tower height or zoning district setback	Greater of 20% tower height or zoning district setback	Greater of 20% tower height or zoning district setback	Greater of 100% breakpoint or zoning district setback	Greater of 110% breakpoint or zoning district setback
Minimum Distance From Single-Family Residential Structures	150*	300*	600*	1,100*	1,300*
Minimum Distance From Multifamily Residential Structures	150*	150*	300*	550*	650*
Minimum Distance From Other On-site Principal Uses	Design Fall Radius	Design Fall Radius	Design Fall Radius	Design Fall Radius	Design Fall Radius

* However, in no instance shall the separation distance be less than the design fall radius.

(c) The minimum distance from residential uses shall be reduced to the design fall radius for towers located in power corridors of 230 kv or larger transmission lines, provided the towers and ground support and equipment serve a minimum of three telecommunications service providers. Proof of such co-location shall be submitted with the application in the form of a binding contract.

(d) The minimum distance from residential uses shall be reduced by half for camouflaged towers 70 feet or less in height located adjacent to high volume roads, or in or within the communication tower design fall radius distance adjacent to power corridors of 230 kv or larger transmission lines; however, in no instance shall the separation distance be less than the design fall radius.

(Ord. No. 06-97, § 2(8)(D)(3), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-64. Separation distances between communication towers.

(a) Separation distances between communication towers shall be applicable for and measured between the proposed tower and those towers that are existing and/or have received land use or building permit

approval from the city or adjoining jurisdictions. When more than one application is simultaneously being reviewed, separation distances for all pending applications shall also be considered, including those pending in adjacent jurisdictions.

(b) The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. For purposes of this requirement, global positioning system coordinates for the towers may be used.

(c) The separation distances between communication towers (listed in linear feet) shall be as follows:

Table 82-2: Separation Distances Between Communication Towers

	Minimum Tower Separation				
Tower Height	<50	50—70	71—120	121—160	161—200
< 50	330	660	660	660	1,320
50—70	660	660	660	1,320	2,640
71—120	660	660	1,320	2,640	5,280
121—160	660	1,320	2,640	3,600	5,280
161—200	1,320	2,640	5,280	5,280	10,560

(d) Separation distances shall be reduced by half between two or more towers located wholly within an industrial zoning district provided the towers and ground support equipment serve a minimum of three telecommunication service providers. Proof of such co-location shall be submitted with the application in the form of a binding contract.

(e) Separation distances shall be reduced by half between two or more towers located wholly within a power corridor of 230 kv or larger transmission lines provided the towers and ground support equipment serve a minimum of three telecommunication service providers and are permitted in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC. Proof of such co-location shall be submitted with the application in the form of a binding contract.

(f) Separation distances between towers 160 feet or less in height located wholly within a commercial zoning district shall be reduced by half provided the towers and ground support equipment serve a minimum of three telecommunication service providers. Proof of such co-location shall be submitted with the application in the form of a binding contract.

(Ord. No. 06-97, § 2(8)(D)(4), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-65. Fencing.

A chainlink fence or wall not less than eight feet in height from finished grade shall be provided around each communication tower. Access to the tower shall be through a locked gate.

(Ord. No. 06-97, § 2(8)(D)(5), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-66. Landscaping.

(a) The visual impacts of a communication tower shall be mitigated for nearby viewers through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of communication tower shall be required around the perimeter of the tower and accessory structures. Landscaping shall be installed on the outside of fences. Further, the use of existing vegetation

shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement towards meeting landscaping requirements.

(1) A row of trees a minimum of eight feet tall and a maximum of 25 feet apart shall be planted around the perimeter of the fence;

(2) A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line; and

(3) All landscaping shall be of the evergreen variety.

(Ord. No. 06-97, § 2(8)(D)(6), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-67. Height.

(a) No freestanding communication tower/antenna shall exceed 200 feet in height from ground level.

(b) Where installed on top of a building, no communication tower/antenna shall extend greater than 20 feet over the building height.

(c) An existing communication tower may be modified to a taller height not to exceed 20 feet over the tower's existing height to accommodate the co-location of an additional communication antenna.

(1) The height change referred to in this subsection may only occur one time per communication tower.

(2) The additional height referred to in this subsection shall not require an additional distance separation or setback. The communication tower's premodification height shall be used to calculate such distance separations and setbacks.

(Ord. No. 06-97, § 2(8)(D)(7), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-68. Type of construction.

(a) Communication towers shall be monopole construction; however, camouflaged construction may be approved upon consideration of the following additional factors:

(1) Compatibility with adjacent properties;

(2) Architectural consistency with adjacent properties;

(3) Visual impact on adjacent properties, including visual access of adjacent properties to sunlight; and

(4) Design of accessory structures in order to be architecturally consistent with the existing structures on the site. A variance/waiver from the fencing and landscaping requirements of this section may be requested for such accessory structures.

(Ord. No. 06-97, § 2(8)(D)(8), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-69. Development criteria.

Communication towers/antennas shall comply with the minimum development criteria of the district in which they are located, pertaining to minimum lot size and open space.

(Ord. No. 06-97, § 2(8)(D)(9), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-70. Illumination.

Communication towers/antennas shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration. If lighting is required, at time of construction in cases where there are residential uses within a distance 300 percent of the height of the tower, dual lighting shall be requested from the FAA.

(Ord. No. 06-97, § 2(8)(D)(10), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-71. Co-location.

(a) Communication towers less than 150 feet in height shall be engineered and constructed to accommodate a minimum of one additional telecommunication service provider. Communication towers greater than 150 feet in height shall be engineered and constructed to accommodate a minimum of two additional telecommunication service providers.

(b) Camouflaged communication towers may be engineered and constructed without accommodating additional telecommunication service providers.

(c) Communication towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers. Such towers shall be monopole construction and shall be subject to all of the requirements of this division. The substation must be located within an area permitting such towers in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC ~~generally located in blue areas) on the city "Tower Map" which is on file in the city clerk's office~~.

(d) Proposed communication antennas may and are encouraged to co-locate onto existing communication towers. Provided such co-location is accomplished in a manner consistent with this article, such co-location is permitted and a new or additional conditional use approval is not required.

(e) If determined by the city that the proposed tower is situated in a location that will benefit the city's telecommunication systems, the tower shall be engineered and constructed to accommodate the additional telecommunicating equipment beneficial to the public system at a cost to the city no greater than the actual expense of the provider in so engineering and constructing the tower to meet the city's needs, and such space shall be leased to the city at a rate no greater than fair market.

(f) A communication tower that is being rebuilt to accommodate the co-location of an additional communication antenna may be moved on-site within 50 feet of its existing location as permitted in accordance with Table 1 of Chapter 110 (zoning) of the LDC; however, the antenna shall meet the setback requirements in sections 82-62 through 82-64. After the communication tower is rebuilt to accommodate co-location, only one tower may remain on the site.

(g) A relocated on-site communication tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to sections 82-63 and 82-64. The relocation of a tower in accordance with this subsection shall in no way be deemed to cause a violation of required separation distances from nonresidential uses. The on-site relocation of a communication tower that comes within the separation distances to residentially zoned lands or residential uses shall require variance approval.

(Ord. No. 06-97, § 2(8)(D)(11), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-72. Noninterference.

No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities. Each application shall include a certification by a licensed engineer that no interference with public safety systems and/or public safety entities will occur. Additionally, each application for conditional use, or building permit where a permitted use, to allow construction of a communication tower shall include either a preliminary or a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with 2 GHz microwave systems, the use of hearing aids or the usual and customary transmission or reception of radio, television, etc., service enjoyed by adjacent residential and nonresidential properties. If only a preliminary statement is submitted with the application, a final, certified statement of noninterference will be provided and approved by the city prior to the issuance of a building permit. The statement shall be prepared by an engineer licensed to practice in the state or other professional accepted by the city.

(Ord. No. 06-97, § 2(8)(D)(12), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-73. Measurement of tower height.

Tower height shall be measured from the finished grade at the base of the tower to the highest point of the tower or attached appurtenance.

(Ord. No. 06-97, § 2(8)(D)(13), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-74. Exemption from minimum distance requirements.

Communication towers installed and operated for public purposes by a federal, state or local governmental agency shall be excluded from calculation of location requirements for communication towers.

(Ord. No. 06-97, § 2(8)(D)(14), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-75. Certification required.

All plans for construction of a communication tower, including foundation plans, shall be certified by an engineer licensed to practice in the state.

(Ord. No. 06-97, § 2(8)(D)(15), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-76. Hurricane evacuation routes.

Communication towers shall not be constructed at a height and location that, in the event of tower failure, the tower may totally or partially block or impede any road or street designated as a hurricane evacuation route.

(Ord. No. 06-97, § 2(8)(D)(16), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-77. Documentation.

Documentation to demonstrate conformance with the requirements of this article shall be submitted by the applicant with all requests to construct, locate or modify a communication tower/antenna. A statement by the

applicant as to how construction of the communication tower will accommodate co-location of additional antennas for future users shall be included with the documentation.

(Ord. No. 06-97, § 2(8)(D)(17), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-78. Signs and advertising.

The use of any portion of a tower for sign or advertising purposes, including without limitation company name, banners or streamers, is prohibited.

(Ord. No. 06-97, § 2(8)(D)(18), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-79. Abandonment.

Thirty days before discontinuing use of a communication tower, the owner and/or operator shall provide notice of abandonment to the city. If the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional 60 days within which to reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or dismantle and remove the tower. The owner of the real property shall be ultimately responsible for all costs of dismantling and removal; and if the tower is not removed within 60 days of abandonment, the city may proceed to do so and assess the costs against the real property. The lien of such assessment shall bear interest, have priority and be collectible, at the same rate and in like manner as provided for special assessments by state law. At the earlier of 61 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any special exception, waiver and/or variance approval for the tower shall automatically expire. All private towers on public lands require the posting with the city of a performance bond, or equivalent assurances acceptable to the city, in an amount sufficient to ensure costs of removal prior to issuance of a building permit.

(Ord. No. 06-97, § 2(8)(D)(19), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-80. Finished color.

Communication towers not requiring FAA painting/marking shall have either a galvanized finish or be painted a noncontrasting blue, gray or black finish. The color should be selected so as to minimize the equipment's visibility.

(Ord. No. 06-97, § 2(8)(D)(20), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-81. Osprey nesting.

New freestanding communication towers shall incorporate a design that provides an integral nesting platform to direct the most likely site for osprey nesting to a location on the tower that will reduce the risk of interference with tower equipment and maintenance. The Nesting Platform must have:

1. Drainage: The base of nest platforms should have multiple drain holes to prevent flooding during heavy rains.
2. Predator Protection: Platforms built on land should include a predator guard to protect eggs and young from ground predators.
3. Perches: The platform should have at least one perch pole.
4. Strength: The platform should be able to support a weight of 300 lbs to accommodate large nest structures.

5. Size: The nest platform should be at least 3' x 3' to provide room for broods.
6. Height: The platform should be at least 20 feet off of the ground.

(Ord. No. 06-97, § 2(8)(D)(21), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-82. Aircraft hazard.

Communication towers shall not encroach into or through an established public or private airport approach path, as established by the Federal Aviation Administration (FAA). Each application to construct a communication tower shall include proof of application for approval from the FAA and shall be submitted with each conditional use application for a communication tower. Based upon the location or height of a proposed tower, the city may require a statement of no objection from the Orlando Sanford Airport Authority or other potentially affected airports. A building permit for an approved communication tower shall not be issued until FAA approval is obtained.

(Ord. No. 06-97, § 2(8)(D)(22), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-83. Approval required from other governmental agencies.

Each conditional use, or building permit application where a permitted use, for a communication tower shall include written approval or a statement of no objection from other federal, state or county agencies that regulate communication tower siting, design and/or construction.

(Ord. No. 06-97, § 2(8)(D)(23), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-84. Radiation standards.

All proposed communication towers shall comply with current standards of the Federal Communications Commission (FCC) for nonionizing electromagnetic radiation (NIER) and electromagnetic fields (EMF). Each conditional use application or site plan application for a communication tower shall include preliminary or certified documentation or a statement from a Florida registered engineer or other professional accepted by the city, indicating compliance with these standards. If only a preliminary statement is submitted with the application, a final certified statement will be provided and approved by the city prior to the issuance of a building permit.

(Ord. No. 06-97, § 2(8)(D)(24), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-85. High voltage and "No Trespassing" warning signs.

(a) If high voltage is necessary for the operation of the communications tower or any accessory structures, "HIGH VOLTAGE—DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced not more than 40 feet apart.

(b) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced not more than 40 feet apart.

(c) The letters for the "HIGH VOLTAGE," "DANGER" and "NO TRESPASSING" warning signs shall be at least six inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least five feet above the finished grade of the fence.

(d) The warning signs may be attached to freestanding poles if the content of the signs may be obstructed by landscaping.

(Ord. No. 06-97, § 2(8)(D)(25), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-86. Equipment storage.

Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the communication tower unless repairs to the tower are being made.

(Ord. No. 06-97, § 2(8)(D)(26), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-87. Leaseholds.

The applicant shall submit proof that the lease between the applicant and the landlord contains a provision that the landowner is responsible for the removal of the communication facilities if the applicant fails to remove them upon abandonment.

(Ord. No. 06-97, § 2(8)(D)(27), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-88. Public facilities.

If the city determines there is a governmental or public safety need, the city commission may grant specific waivers to this division in order to allow the construction of a public safety or governmental communication tower or communication antenna.

(Ord. No. 06-97, § 2(8)(D)(28), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-89. Environmental assessments.

(a) The applicant shall submit to the city a copy of environmental statements and environmental assessments and studies when such reports are required by regional, state or federal agency.

(b) The City encourages applicants to review best practice guidance on reducing impacts to birds and wildlife, including:

(1) U.S. Fish & Wildlife Service – Communication Tower Guidance

(2) American Bird Conversancy – Bird Friendly Tower Resources

(c) These resources are for guidance only. They are not mandatory unless required by state or federal law.

(Ord. No. 06-97, § 2(8)(D)(29), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-90. Reports.

The owner or operator of each freestanding ground-mounted communication tower or antenna shall annually submit a report to the city indicating the number of carriers or services and appearance of the facility. The annual report shall include an eight-inch by ten-inch color photograph of two opposing views of the facility and a list of all antennas and equipment shelters and providers served by the facility. A copy of the renewed FCC license, as applicable, shall be included in the report. The report shall include a copy of the most recent structural certification from a licensed engineer and identify anticipated maintenance or modifications to the facility. The city may periodically request an annual report at other times during the year to verify the appearance and safety of the facility or to determine whether modifications have been made without city approval.

(Ord. No. 06-97, § 2(8)(D)(30), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-91. Approval revocation.

Where a condition is not met within the time set forth in the terms of approval, the approval shall be revoked effective the expiration of the time period set forth in the applicable condition and the structure shall be deemed abandoned and must be removed within 60 days.

(Ord. No. 06-97, § 2(8)(D)(31), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-92. Wiring plan.

A conceptual wiring plan showing the fiberoptic lines and wires connecting the applicant's equipment and facilities together and identifying the owner of the lines and wires as well as the public property traversed shall be submitted with the tower or antenna application. Thereafter, a final wiring plan shall be submitted with building permit application. Copies of the conceptual and final wiring plans shall also be provided to the city manager or his designee.

(Ord. No. 06-97, § 2(8)(D)(32), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Secs. 82-93—82-115. Reserved.

DIVISION 3. CONDITIONAL USE APPROVAL

Sec. 82-116. Authorized.

The following requirements for conditional use approval shall apply to communication towers and communication antennas in addition to those set forth at the zoning and land development regulations and in addition to the regulations for the zoning district in which a communication tower/antenna is to be located.

(Ord. No. 06-97, § 2(8)(F), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-117. Land use compatibility.

(a) Communication towers and antennas shall be located and buffered to ensure compatibility with surrounding land uses. To help ensure such compatibility, each application for a conditional use for a proposed communication tower shall include, as a minimum, the following information:

(1) The exact location of the proposed tower/antenna located on the most recent version of a county property appraisers tax map;

(2) The maximum height of the proposed tower/antenna;

(3) The color of the proposed tower/antenna;

(4) The location, type and intensity of lighting for the proposed tower/antenna;

(5) The location of the proposed tower/antenna, placed upon an aerial photograph possessing a scale of not less than one inch equals 300 feet, indicating all adjacent land uses within a radius of 2,640 feet from all property lines of the proposed tower/antenna location site; and

(6) Such other additional information as may be required by city staff to fully review and evaluate the potential impact of a proposed tower/antenna.

(7) A line-of-sight analysis shall include the following information:

a. An identification of significant existing natural and manmade features adjacent to the proposed tower/antenna location, to include those features that will provide buffering for adjacent properties and public rights-of-way.

b. An identification of at least three specific points within a 2,000-foot radius of the proposed tower/antenna from which the line of site analysis is presented.

c. A statement as to the potential visual and aesthetic impacts of the proposed tower/antenna from which the line-of-site analysis is presented.

d. A graphic illustration of the visual impact of the proposed tower/antenna on all adjacent residential zoning districts.

e. Such other additional information as may be required by city staff to fully review and evaluate the potential impact of the proposed tower/antenna.

The exact location of the specific points to be included within the line-of-site analysis shall be determined in coordination with the city staff prior to preparation and completion of the analysis. The visual impact analysis shall be prepared and sealed by an engineer or architect registered in the state. The city, at the expense of the applicant, may employ consulting assistance to review the findings and conclusions of the visual impact analysis.

(Ord. No. 06-97, § 2(8)(F)(1), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-118. Shared use of communication towers.

(a) Each application for a conditional use for a proposed communication tower shall also include the following information:

(1) A written statement from the county and adjacent city planning departments regarding the availability of any existing or approved, but unbuilt, communication towers in the Deltona area; and

(2) A written evaluation of the feasibility of sharing a communication tower, if an appropriate communication tower or towers is available. The evaluation shall analyze but is not limited to the following factors:

a. Structural capacity of the towers;

b. Radio frequency interference;

c. Geographic service area requirements;

d. Mechanical or electrical incompatibilities;

e. Inability or ability to locate equipment on the towers; and

f. Any restrictions or limitations of the FCC that would preclude the shared use of the tower.

(3) A master plan for the communications company's cellular and/or digital network showing the location of the other existing towers in the company's network and all other towers currently in application for approval before the city, the county, or adjacent city jurisdictions.

(4) A wiring site plan showing the fiberoptic lines and wires connecting the applicant's equipment and facilities together and identifying the owner of the lines and wires as well as the public property traversed.

(5) A map based on best available data from the FCC showing the locations of all known towers 150 feet or higher and of antennas 20 feet or higher on existing structures in the Deltona area.

(Ord. No. 06-97, § 2(8)(F)(2), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-119. Denial.

(a) In addition to the criteria set forth in the zoning and land development regulations and this article, the city commission may deny any application for a conditional use to permit construction of a communication tower/antenna if the city commission determines, based upon land use compatibility, line of site, and/or shared use analysis, that any of the following may occur:

(1) The tower/antenna may adversely affect a residential neighborhood, indicated when an average of at least 50 percent of total height of the proposed tower/antenna will be visible from the neighborhood;

(2) The proposed tower/antenna will be of a height, bulk and scale that is not compatible with surrounding residential and/or nonresidential uses; or

(3) The tower needs of the applicant may be reasonably met by or on existing or approved communication towers in the area.

(b) As a condition of conditional use approval, time limitations on approval may be established upon the expiration of which the conditional use shall be reevaluated at a public hearing by the city commission.

(c) A decision to deny an application for a communication tower or communication antenna shall be in writing and must be based on evidence in the record before the city commission at the time the decision is issued. A recommendation for denial may:

(1) Be based upon an insufficient application that has not been completed within 90 days of the date a letter is sent notifying the applicant that the application is incomplete;

(2) Be based upon an application that does not comply with the requirements of the City of Deltona Land Development~~the Deltona Lakes Community Development Plan Regulations~~; and

(3) Not be based upon safety concerns related to radio frequency radiation, as preempted by the Telecommunications Act of 1996, but may be based on lack of, or insufficient, documentation of compliance with FCC radiation standards as required by section 82-84.

(Ord. No. 06-97, § 2(8)(F)(3)—(5), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Chapter 82 COMMUNICATION ANTENNAS AND TOWERS[1]

ARTICLE I. IN GENERAL

Sec. 82-1. Reserved.

Sec. 82-2. Purpose and intent.

(a) The regulations and requirements set forth in this chapter are adopted for the following purposes:

(1) To provide for the location of communication towers and communication antennas in the city;

(2) To protect residential areas and land uses from potential adverse impacts of communication towers and antennas;

(3) To minimize adverse visual impacts of communication towers and antennas through careful design, siting, landscape screening and innovative camouflaging techniques;

(4) To accommodate the growing need for communication towers and antennas;

(5) To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;

(6) To consider the public health, safety and welfare;

(7) To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(Ord. No. 06-97, § 2(8)(A), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-3. Applicability.

(a) All new communication towers and communication antennas in the city shall be subject to this chapter and all other applicable regulations to the extent not inconsistent with this chapter. For purposes of measurement, communication tower setbacks and separation distances as listed in sections 82-62 through 82-64 shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.

(b) All communication towers legally existing on July 7, 1997, shall be considered permitted uses, allowed to continue their usage; however, anything other than routine maintenance, including without limitation structural modifications including provisions for additional antennas or additional providers and/or new construction on an existing communication tower, shall comply with the requirements of division 2 of this

[1]Editor's note(s)—Ord. No. 19-2011, § 1(Exh. A), adopted November 7, 2011 amended Ch. 82, in its entirety, to read as herein set out. See also the Code Comparative Table.

Cross reference(s)—Businesses, ch. 22; communications, ch. 28; streets, sidewalks and other public places, ch. 58.

article, with the exception of separation distances. Routine maintenance shall be permitted on such existing towers.

(c) All government towers with public safety systems or equipment shall be exempt from the requirements of this section.

(d) Any legal nonconforming communication tower, antenna or similar transmitting and receiving device is subject to the provisions regarding nonconformance in the zoning regulations. Bona fide nonconforming communication towers rendered nonconforming due to separation requirements that are damaged or destroyed may be rebuilt only in compliance with this chapter.

(Ord. No. 06-97, § 2(8)(B), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Secs. 82-4—82-35. Reserved.

ARTICLE II. REGULATIONS

DIVISION 1. GENERALLY

Sec. 82-36. Permitted towers and antennas.

(a) Guyed and lattice communication towers are prohibited within the city limits.

(b) Monopole communication towers and communication antennas are permitted as follows:

(1) Monopole communication towers and communication antennas are permitted in accordance with Table 110:10 of Chapter 110 (Zoning) of the LDC provided that the structures do not exceed the established height limitation.

(2) Camouflaged and monopole communication towers and communication antennas that exceed the established height limitation but do not exceed 70 feet in height are permitted in accordance with Table 110:10 of Chapter 110 (zoning of the LDC, subject to site plan review and approval and compliance with the performance and construction standards set forth in division 2 of this article.

(3) Camouflaged towers and monopole communication towers and communication antennas that exceed the established height limitation (but not to exceed 200 feet in height) may be approved in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC.

(4) Camouflaged communication towers and antennas that exceed the established height limitation, but do not exceed 120 feet in height, are a permitted in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC use, subject to site plan review and approval and compliance with the performance and construction standards set forth in division 2 of this article.

(5) Camouflaged communication towers and monopole communication towers that exceed the established height limitation, but do not exceed 120 feet in height, may be permitted in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC.

(6) Communication towers and communication antennas that exceed 200 feet in height are prohibited within the city.

(c) Rooftop mounted monopole communication towers or antennas may be permitted in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC to the following:

(1) The height of the tower or antenna does not exceed more than 20 feet above the average height of the roof line.

(2) The building is at least 35 feet in height.

(3) Screening, if appropriate, may be required to minimize the visual impact of a proposed tower or antenna upon adjacent properties.

(4) A roof-mounted monopole tower must be set back from the edge of the roof a minimum of 15 feet.

(5) Roof-mounted monopole communication towers and antennas constructed pursuant to this section shall be exempt from the minimum distances from residential uses established in division 2 of this article and the zoning and land development regulations.

(6) Monopole communication towers and antennas constructed pursuant to this article shall be exempt from the minimum separation distances between towers established in division 2 of this article and the zoning and land development regulations.

(7) Utility poles and transmission towers shall not be considered towers, buildings or rooftops upon which antennas and/or towers are permitted to be located; however, antennas may be located on top of utility poles located in areas where antennas are permitted in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC.

(Ord. No. 06-97, § 2(8)(C)(1)—(3), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-37. Denials.

(a) A decision to deny an application for a communication tower or communication antenna shall be in writing and must be based on evidence in the record at the time the decision is issued. A recommendation for denial may:

(1) Be based upon an insufficient application that has not been completed within 90 days of the date a letter is sent notifying the applicant that the application is incomplete;

(2) Be based upon an application that does not comply with the requirements of the City of Deltona Land Development; and

(3) Not be based upon safety concerns related to radio frequency radiation, as preempted by the Telecommunications Act of 1996, but may be based on lack of or insufficient documentation of compliance with FCC radiation standards as required by section 82-84.

(Ord. No. 06-97, § 2(8)(C)(4), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-38. Application fee.

For any request for site plan approval, waiver, variance, conditional use or special exception to the requirements of divisions 2 or 3 of this article, the applicant shall submit an application fee, in accordance with fee schedules adopted by resolution of the city commission in the appendix A fee schedule. The applicant shall, additionally, reimburse the city for consultant fees incurred in obtaining technological expertise to assist the city in evaluating the request, and must pay all building, electrical and other applicable permit fees prior to their issuance.

(Ord. No. 06-97, § 2(8)(E), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Secs. 82-39—82-60. Reserved.

DIVISION 2. PERFORMANCE AND CONSTRUCTION STANDARDS

Sec. 82-61. Structural design.

New communication towers/antennas and modifications to existing structures, including without limitation the addition of height, antennas or providers, shall be constructed in accordance with all city building and electrical codes, and shall be certified by an engineer licensed to practice in the state.

(Ord. No. 06-97, § 2(8)(D)(1), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-62. Setbacks.

Communication tower/antenna setbacks shall be measured from the base of the tower/antenna, or protruding building or structure at the base of the tower, whichever is closest to the property line, to the property line of the parcel on which it is located. Communication towers/antennas and their accessory structures shall comply with the minimum setback requirements of the district in which they are located and the street setbacks set forth the City of Deltona Land Development Code. In cases where there is a conflict between the minimum setback requirements and the street setbacks, the greater setback shall apply. In addition, where there is a principal building housing a principal use located on the site, the communication tower/antenna and accessory structures to the tower/antenna shall be located behind the principal building.

(Ord. No. 06-97, § 2(8)(D)(2), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-63. Separation from off-site uses.

(a) *Measurement.* Communication tower separation shall be measured from the base of the tower to the closest point of off-site uses and/or designated areas as specified in subsection (b) of this section. For purposes of this requirement, global positioning system coordinates for the center of the tower(s) may be used.

(b) *Location requirements.* The separation distances from off-site uses (listed in linear feet) shall be as follows:

Table 82-1: Separation Distances from Off-Site

	Freestanding Height				
	50 or less	51—70	71—120	121—160	161—200
Required Setback From Property Line	Greater of 20% tower height or zoning district setback	Greater of 20% tower height or zoning district setback	Greater of 20% tower height or zoning district setback	Greater of 100% breakpoint or zoning district setback	Greater of 110% breakpoint or zoning district setback

Minimum Distance From Single-Family Residential Structures	150*	300*	600*	1,100*	1,300*
Minimum Distance From Multifamily Residential Structures	150*	150*	300*	550*	650*
Minimum Distance From Other On-site Principal Uses	Design Fall Radius	Design Fall Radius	Design Fall Radius	Design Fall Radius	Design Fall Radius

* However, in no instance shall the separation distance be less than the design fall radius.

(c) The minimum distance from residential uses shall be reduced to the design fall radius for towers located in power corridors of 230 kv or larger transmission lines, provided the towers and ground support and equipment serve a minimum of three telecommunications service providers. Proof of such co-location shall be submitted with the application in the form of a binding contract.

(d) The minimum distance from residential uses shall be reduced by half for camouflaged towers 70 feet or less in height located adjacent to high volume roads, or in or within the communication tower design fall radius distance adjacent to power corridors of 230 kv or larger transmission lines; however, in no instance shall the separation distance be less than the design fall radius.

(Ord. No. 06-97, § 2(8)(D)(3), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-64. Separation distances between communication towers.

(a) Separation distances between communication towers shall be applicable for and measured between the proposed tower and those towers that are existing and/or have received land use or building permit approval from the city or adjoining jurisdictions. When more than one application is simultaneously being reviewed, separation distances for all pending applications shall also be considered, including those pending in adjacent jurisdictions.

(b) The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. For purposes of this requirement, global positioning system coordinates for the towers may be used.

(c) The separation distances between communication towers (listed in linear feet) shall be as follows:

Table 82-2: Separation Distances Between Communication Towers

	Minimum Tower Separation				
Tower Height	<50	50—70	71—120	121—160	161—200
< 50	330	660	660	660	1,320
50—70	660	660	660	1,320	2,640
71—120	660	660	1,320	2,640	5,280
121—160	660	1,320	2,640	3,600	5,280
161—200	1,320	2,640	5,280	5,280	10,560

(d) Separation distances shall be reduced by half between two or more towers located wholly within an industrial zoning district provided the towers and ground support equipment serve a minimum of three telecommunication service providers. Proof of such co-location shall be submitted with the application in the form of a binding contract.

(e) Separation distances shall be reduced by half between two or more towers located wholly within a power corridor of 230 kv or larger transmission lines provided the towers and ground support equipment serve a minimum of three telecommunication service providers and are permitted in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC. Proof of such co-location shall be submitted with the application in the form of a binding contract.

(f) Separation distances between towers 160 feet or less in height located wholly within a commercial zoning district shall be reduced by half provided the towers and ground support equipment serve a minimum of three telecommunication service providers. Proof of such co-location shall be submitted with the application in the form of a binding contract.

(Ord. No. 06-97, § 2(8)(D)(4), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-65. Fencing.

A chainlink fence or wall not less than eight feet in height from finished grade shall be provided around each communication tower. Access to the tower shall be through a locked gate.

(Ord. No. 06-97, § 2(8)(D)(5), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-66. Landscaping.

(a) The visual impacts of a communication tower shall be mitigated for nearby viewers through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of communication tower shall be required around the perimeter of the tower and accessory structures. Landscaping shall be installed on the outside of fences. Further, the use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement towards meeting landscaping requirements.

(1) A row of trees a minimum of eight feet tall and a maximum of 25 feet apart shall be planted around the perimeter of the fence;

(2) A continuous hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line; and

(3) All landscaping shall be of the evergreen variety.

(Ord. No. 06-97, § 2(8)(D)(6), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-67. Height.

(a) No freestanding communication tower/antenna shall exceed 200 feet in height from ground level.

(b) Where installed on top of a building, no communication tower/antenna shall extend greater than 20 feet over the building height.

(c) An existing communication tower may be modified to a taller height not to exceed 20 feet over the tower's existing height to accommodate the co-location of an additional communication antenna.

(1) The height change referred to in this subsection may only occur one time per communication tower.

(2) The additional height referred to in this subsection shall not require an additional distance separation or setback. The communication tower's premodification height shall be used to calculate such distance separations and setbacks.

(Ord. No. 06-97, § 2(8)(D)(7), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-68. Type of construction.

(a) Communication towers shall be monopole construction; however, camouflaged construction may be approved upon consideration of the following additional factors:

(1) Compatibility with adjacent properties;

(2) Architectural consistency with adjacent properties;

(3) Visual impact on adjacent properties, including visual access of adjacent properties to sunlight; and

(4) Design of accessory structures in order to be architecturally consistent with the existing structures on the site. A variance/waiver from the fencing and landscaping requirements of this section may be requested for such accessory structures.

(Ord. No. 06-97, § 2(8)(D)(8), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-69. Development criteria.

Communication towers/antennas shall comply with the minimum development criteria of the district in which they are located, pertaining to minimum lot size and open space.

(Ord. No. 06-97, § 2(8)(D)(9), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-70. Illumination.

Communication towers/antennas shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration. If lighting is required, at time of construction in cases where there are residential uses within a distance 300 percent of the height of the tower, dual lighting shall be requested from the FAA.

(Ord. No. 06-97, § 2(8)(D)(10), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-71. Co-location.

(a) Communication towers less than 150 feet in height shall be engineered and constructed to accommodate a minimum of one additional telecommunication service provider. Communication towers greater than 150 feet in height shall be engineered and constructed to accommodate a minimum of two additional telecommunication service providers.

(b) Camouflaged communication towers may be engineered and constructed without accommodating additional telecommunication service providers.

(c) Communication towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers. Such towers shall be monopole construction and shall be subject to all of the requirements of this division. The substation must be located within an area permitting such towers in accordance with Table 110:10 of Chapter 110 (zoning) of the LDC.

(d) Proposed communication antennas may and are encouraged to co-locate onto existing communication towers. Provided such co-location is accomplished in a manner consistent with this article, such co-location is permitted and a new or additional conditional use approval is not required.

(e) If determined by the city that the proposed tower is situated in a location that will benefit the city's telecommunication systems, the tower shall be engineered and constructed to accommodate the additional telecommunicating equipment beneficial to the public system at a cost to the city no greater than the actual expense of the provider in so engineering and constructing the tower to meet the city's needs, and such space shall be leased to the city at a rate no greater than fair market.

(f) A communication tower that is being rebuilt to accommodate the co-location of an additional communication antenna may be moved on-site within 50 feet of its existing location as permitted in accordance with Table 1 of Chapter 110 (zoning) of the LDC; however, the antenna shall meet the setback requirements in sections 82-62 through 82-64. After the communication tower is rebuilt to accommodate co-location, only one tower may remain on the site.

(g) A relocated on-site communication tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to sections 82-63 and 82-64. The relocation of a tower in accordance with this subsection shall in no way be deemed to cause a violation of required separation distances from nonresidential uses. The on-site relocation of a communication tower that comes within the separation distances to residentially zoned lands or residential uses shall require variance approval.

(Ord. No. 06-97, § 2(8)(D)(11), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-72. Noninterference.

No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities. Each application shall include a certification by a licensed engineer that no interference with public safety systems and/or public safety entities will occur. Additionally, each application for conditional use, or building permit where a permitted use, to allow construction of a communication tower shall include either a preliminary or a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with 2 GHz microwave systems, the use of hearing aids or the usual and customary transmission or reception of radio, television, etc., service enjoyed by adjacent residential and nonresidential properties. If only a preliminary statement is submitted with the application, a final, certified statement of noninterference will be provided and approved by the city prior to the issuance of a building permit. The statement shall be prepared by an engineer licensed to practice in the state or other professional accepted by the city.

(Ord. No. 06-97, § 2(8)(D)(12), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-73. Measurement of tower height.

Tower height shall be measured from the finished grade at the base of the tower to the highest point of the tower or attached appurtenance.

(Ord. No. 06-97, § 2(8)(D)(13), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-74. Exemption from minimum distance requirements.

Communication towers installed and operated for public purposes by a federal, state or local governmental agency shall be excluded from calculation of location requirements for communication towers.

(Ord. No. 06-97, § 2(8)(D)(14), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-75. Certification required.

All plans for construction of a communication tower, including foundation plans, shall be certified by an engineer licensed to practice in the state.

(Ord. No. 06-97, § 2(8)(D)(15), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-76. Hurricane evacuation routes.

Communication towers shall not be constructed at a height and location that, in the event of tower failure, the tower may totally or partially block or impede any road or street designated as a hurricane evacuation route.

(Ord. No. 06-97, § 2(8)(D)(16), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-77. Documentation.

Documentation to demonstrate conformance with the requirements of this article shall be submitted by the applicant with all requests to construct, locate or modify a communication tower/antenna. A statement by the applicant as to how construction of the communication tower will accommodate co-location of additional antennas for future users shall be included with the documentation.

(Ord. No. 06-97, § 2(8)(D)(17), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-78. Signs and advertising.

The use of any portion of a tower for sign or advertising purposes, including without limitation company name, banners or streamers, is prohibited.

(Ord. No. 06-97, § 2(8)(D)(18), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-79. Abandonment.

Thirty days before discontinuing use of a communication tower, the owner and/or operator shall provide notice of abandonment to the city. If the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional 60 days within which to reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or dismantle and remove the tower. The owner of the real property shall be ultimately responsible for all costs of dismantling and removal; and if the tower is not removed within 60 days of abandonment, the city may proceed to do so and assess the costs against the real property. The lien of such assessment shall bear interest, have priority and be collectible, at the same rate and in like manner as provided for special assessments by state law. At the earlier of 61 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any special exception, waiver and/or variance approval for the tower shall automatically expire. All private towers on public lands require the posting with the city of a performance bond, or equivalent assurances acceptable to the city, in an amount sufficient to ensure costs of removal prior to issuance of a building permit.

(Ord. No. 06-97, § 2(8)(D)(19), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-80. Finished color.

Communication towers not requiring FAA painting/marking shall have either a galvanized finish or be painted a noncontrasting blue, gray or black finish. The color should be selected so as to minimize the equipment's visibility.

(Ord. No. 06-97, § 2(8)(D)(20), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-81. Osprey nesting.

New freestanding communication towers shall incorporate a design that provides an integral nesting platform to direct the most likely site for osprey nesting to a location on the tower that will reduce the risk of interference with tower equipment and maintenance. The Nesting Platform must have:

1. Drainage: The base of nest platforms should have multiple drain holes to prevent flooding during heavy rains.
2. Predator Protection: Platforms built on land should include a predator guard to protect eggs and young from ground predators.
3. Perches: The platform should have at least one perch pole.
4. Strength: The platform should be able to support a weight of 300 lbs to accommodate large nest structures.
5. Size: The nest platform should be at least 3’ x 3’ to provide room for broods.
6. Height: The platform should be at least 20 feet off of the ground.

(Ord. No. 06-97, § 2(8)(D)(21), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-82. Aircraft hazard.

Communication towers shall not encroach into or through an established public or private airport approach path, as established by the Federal Aviation Administration (FAA). Each application to construct a communication tower shall include proof of application for approval from the FAA and shall be submitted with each conditional

use application for a communication tower. Based upon the location or height of a proposed tower, the city may require a statement of no objection from the Orlando Sanford Airport Authority or other potentially affected airports. A building permit for an approved communication tower shall not be issued until FAA approval is obtained.

(Ord. No. 06-97, § 2(8)(D)(22), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-83. Approval required from other governmental agencies.

Each conditional use, or building permit application where a permitted use, for a communication tower shall include written approval or a statement of no objection from other federal, state or county agencies that regulate communication tower siting, design and/or construction.

(Ord. No. 06-97, § 2(8)(D)(23), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-84. Radiation standards.

All proposed communication towers shall comply with current standards of the Federal Communications Commission (FCC) for nonionizing electromagnetic radiation (NIER) and electromagnetic fields (EMF). Each conditional use application or site plan application for a communication tower shall include preliminary or certified documentation or a statement from a Florida registered engineer or other professional accepted by the city, indicating compliance with these standards. If only a preliminary statement is submitted with the application, a final certified statement will be provided and approved by the city prior to the issuance of a building permit.

(Ord. No. 06-97, § 2(8)(D)(24), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-85. High voltage and "No Trespassing" warning signs.

(a) If high voltage is necessary for the operation of the communications tower or any accessory structures, "HIGH VOLTAGE—DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced not more than 40 feet apart.

(b) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced not more than 40 feet apart.

(c) The letters for the "HIGH VOLTAGE," "DANGER" and "NO TRESPASSING" warning signs shall be at least six inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least five feet above the finished grade of the fence.

(d) The warning signs may be attached to freestanding poles if the content of the signs may be obstructed by landscaping.

(Ord. No. 06-97, § 2(8)(D)(25), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-86. Equipment storage.

Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the communication tower unless repairs to the tower are being made.

(Ord. No. 06-97, § 2(8)(D)(26), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-87. Leaseholds.

The applicant shall submit proof that the lease between the applicant and the landlord contains a provision that the landowner is responsible for the removal of the communication facilities if the applicant fails to remove them upon abandonment.

(Ord. No. 06-97, § 2(8)(D)(27), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-88. Public facilities.

If the city determines there is a governmental or public safety need, the city commission may grant specific waivers to this division in order to allow the construction of a public safety or governmental communication tower or communication antenna.

(Ord. No. 06-97, § 2(8)(D)(28), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-89. Environmental assessments.

(a) The applicant shall submit to the city a copy of environmental statements and environmental assessments and studies when such reports are required by regional, state or federal agency.

(b) The City encourages applicants to review best practice guidance on reducing impacts to birds and wildlife, including:

(1) U.S. Fish & Wildlife Service – Communication Tower Guidance

(2) American Bird Conversancy – Bird Friendly Tower Resources

(c) These resources are for guidance only. They are not mandatory unless required by state or federal law.

(Ord. No. 06-97, § 2(8)(D)(29), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-90. Reports.

The owner or operator of each freestanding ground-mounted communication tower or antenna shall annually submit a report to the city indicating the number of carriers or services and appearance of the facility. The annual report shall include an eight-inch by ten-inch color photograph of two opposing views of the facility and a list of all antennas and equipment shelters and providers served by the facility. A copy of the renewed FCC license, as applicable, shall be included in the report. The report shall include a copy of the most recent structural certification from a licensed engineer and identify anticipated maintenance or modifications to the facility. The city may periodically request an annual report at other times during the year to verify the appearance and safety of the facility or to determine whether modifications have been made without city approval.

(Ord. No. 06-97, § 2(8)(D)(30), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-91. Approval revocation.

Where a condition is not met within the time set forth in the terms of approval, the approval shall be revoked effective the expiration of the time period set forth in the applicable condition and the structure shall be deemed abandoned and must be removed within 60 days.

(Ord. No. 06-97, § 2(8)(D)(31), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-92. Wiring plan.

A conceptual wiring plan showing the fiberoptic lines and wires connecting the applicant's equipment and facilities together and identifying the owner of the lines and wires as well as the public property traversed shall be submitted with the tower or antenna application. Thereafter, a final wiring plan shall be submitted with building permit application. Copies of the conceptual and final wiring plans shall also be provided to the city manager or his designee.

(Ord. No. 06-97, § 2(8)(D)(32), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Secs. 82-93—82-115. Reserved.

DIVISION 3. CONDITIONAL USE APPROVAL

Sec. 82-116. Authorized.

The following requirements for conditional use approval shall apply to communication towers and communication antennas in addition to those set forth at the zoning and land development regulations and in addition to the regulations for the zoning district in which a communication tower/antenna is to be located.

(Ord. No. 06-97, § 2(8)(F), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-117. Land use compatibility.

(a) Communication towers and antennas shall be located and buffered to ensure compatibility with surrounding land uses. To help ensure such compatibility, each application for a conditional use for a proposed communication tower shall include, as a minimum, the following information:

(1) The exact location of the proposed tower/antenna located on the most recent version of a county property appraisers tax map;

(2) The maximum height of the proposed tower/antenna;

(3) The color of the proposed tower/antenna;

(4) The location, type and intensity of lighting for the proposed tower/antenna;

(5) The location of the proposed tower/antenna, placed upon an aerial photograph possessing a scale of not less than one inch equals 300 feet, indicating all adjacent land uses within a radius of 2,640 feet from all property lines of the proposed tower/antenna location site; and

(6) Such other additional information as may be required by city staff to fully review and evaluate the potential impact of a proposed tower/antenna.

(7) A line-of-sight analysis shall include the following information:

a. An identification of significant existing natural and manmade features adjacent to the proposed tower/antenna location, to include those features that will provide buffering for adjacent properties and public rights-of-way.

b. An identification of at least three specific points within a 2,000-foot radius of the proposed tower/antenna from which the line of site analysis is presented.

c. A statement as to the potential visual and aesthetic impacts of the proposed tower/antenna from which the line-of-site analysis is presented.

d. A graphic illustration of the visual impact of the proposed tower/antenna on all adjacent residential zoning districts.

e. Such other additional information as may be required by city staff to fully review and evaluate the potential impact of the proposed tower/antenna.

The exact location of the specific points to be included within the line-of-site analysis shall be determined in coordination with the city staff prior to preparation and completion of the analysis. The visual impact analysis shall be prepared and sealed by an engineer or architect registered in the state. The city, at the expense of the applicant, may employ consulting assistance to review the findings and conclusions of the visual impact analysis.

(Ord. No. 06-97, § 2(8)(F)(1), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-118. Shared use of communication towers.

(a) Each application for a conditional use for a proposed communication tower shall also include the following information:

(1) A written statement from the county and adjacent city planning departments regarding the availability of any existing or approved, but unbuilt, communication towers in the Deltona area; and

(2) A written evaluation of the feasibility of sharing a communication tower, if an appropriate communication tower or towers is available. The evaluation shall analyze but is not limited to the following factors:

a. Structural capacity of the towers;

b. Radio frequency interference;

c. Geographic service area requirements;

d. Mechanical or electrical incompatibilities;

e. Inability or ability to locate equipment on the towers; and

f. Any restrictions or limitations of the FCC that would preclude the shared use of the tower.

(3) A master plan for the communications company's cellular and/or digital network showing the location of the other existing towers in the company's network and all other towers currently in application for approval before the city, the county, or adjacent city jurisdictions.

(4) A wiring site plan showing the fiberoptic lines and wires connecting the applicant's equipment and facilities together and identifying the owner of the lines and wires as well as the public property traversed.

(5) A map based on best available data from the FCC showing the locations of all known towers 150 feet or higher and of antennas 20 feet or higher on existing structures in the Deltona area.

(Ord. No. 06-97, § 2(8)(F)(2), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)

Sec. 82-119. Denial.

(a) In addition to the criteria set forth in the zoning and land development regulations and this article, the city commission may deny any application for a conditional use to permit construction of a communication

tower/antenna if the city commission determines, based upon land use compatibility, line of site, and/or shared use analysis, that any of the following may occur:

(1) The tower/antenna may adversely affect a residential neighborhood, indicated when an average of at least 50 percent of total height of the proposed tower/antenna will be visible from the neighborhood;

(2) The proposed tower/antenna will be of a height, bulk and scale that is not compatible with surrounding residential and/or nonresidential uses; or

(3) The tower needs of the applicant may be reasonably met by or on existing or approved communication towers in the area.

(b) As a condition of conditional use approval, time limitations on approval may be established upon the expiration of which the conditional use shall be reevaluated at a public hearing by the city commission.

(c) A decision to deny an application for a communication tower or communication antenna shall be in writing and must be based on evidence in the record before the city commission at the time the decision is issued. A recommendation for denial may:

(1) Be based upon an insufficient application that has not been completed within 90 days of the date a letter is sent notifying the applicant that the application is incomplete;

(2) Be based upon an application that does not comply with the requirements of the City of Deltona Land Development; and

(3) Not be based upon safety concerns related to radio frequency radiation, as preempted by the Telecommunications Act of 1996, but may be based on lack of, or insufficient, documentation of compliance with FCC radiation standards as required by section 82-84.

(Ord. No. 06-97, § 2(8)(F)(3)—(5), 7-7-1997; Ord. No. 19-2011, § 1(Exh. A), 11-7-2011)