



# MEMORANDUM

DATE: May 4, 2026

TO: City Commission

FROM: Jordan Smith, AICP, PP Planning and Development Services Director

THRU: Doc Dougherty, City Manager

SUBJECT: Ordinance No. 06-2026, Amendment to Chapter 82 “Communication Antennas, Antennas and Towers” (Legislative – Public Hearing) (Jordan Smith, Project Manager)

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**REFERENCES:** City Comprehensive Plan; Code of Ordinances; Section 337.401, Florida Statutes.

**REQUEST:** Consideration of amendments to Chapter 82, “Communication Antennas, Antennas and Towers,” of the Land Development Code to establish regulations for small wireless facilities consistent with Section 337,401(7), Florida Statutes, and applicable federal law.

**BACKGROUND:** The Florida Legislature adopted the “Advanced Wireless Infrastructure Deployment Act” in 2017 (HB 687), codified in Section 337,401(7), Florida Statutes, establishing a statewide regulatory framework for small wireless facilities within public rights-of-way and significantly preempting local government authority.

In 2019, the Legislature expanded this preemption (SB 1000), further limiting local control over the placement of wireless infrastructure, including allowing new poles in the rights-of-way and eliminating requirements for co-location among providers.

As a result, local governments are required to allow deployment of small wireless facilities, subject only to objective, reasonable, and nondiscriminatory standards.

**DISCUSSION:** The proposed amendments to Chapter 82, “Communication Antennas, Towers, and Wireless Communication Facilities,” update the City’s Land Development Code to address small wireless facilities and ensure compliance with current state law. The amendments also revise the title of Chapter 82 to reflect the inclusion of wireless communication facilities.

The amendments create Sections 82-120 through 82-133 and establish the following:

- Small wireless facilities are permitted within public rights-of-way and are not subject to zoning regulations, as required by state law.
- Applications must be reviewed on a nondiscriminatory and competitively neutral basis and approved if compliant with applicable codes. Denials are limited to documented code deficiencies and must be supported by competent substantial evidence.
- Review procedures and timelines are aligned with Section 337.401(7), Florida Statutes.
- Facilities must comply with applicable building, electrical, and safety standards.
- Placement standards are established to ensure pedestrian access, ADA compliance, traffic safety, and to minimize conflicts with existing infrastructure.

- Height and design standards are included to reduce visual impacts, including requirements for concealment, shrouding, neutral colors, and consistent corridor design.
- Equipment placement is regulated to avoid obstruction and limit visual clutter, with a preference for undergrounding where feasible and restrictions on freestanding equipment.
- Lighting is prohibited except where required by law or for safety purposes.
- Co-location is encouraged; however, the City cannot require it.
- The City is prohibited from imposing requirements preempted by state law, including separation distances, demonstration of service need, zoning approvals, and proof that co-location is not feasible.

These amendments are necessary to ensure the City remains compliant with state law while maintaining the ability to apply objectives standards that protect public safety and minimize visual impacts within the rights-of-way.

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:** Staff has reviewed the proposed amendments and finds them consistent with the goals, objectives and policies of the Comprehensive Plan, including those related to infrastructure, public facilities, and community design. The amendments support the provision of modern communications infrastructure while maintaining standards to protect public safety and the visual character of the City.

**PLANNING AND ZONING BOARD:** The Planning and Zoning Board will hear the item at its regular meeting on April 29, 2026. Staff will provide an update to the Commission regarding the Board's recommendation.

**STAFF RECOMMENDATION:** Staff recommends approval of Ordinance No. 06-2026 at first reading.

**NEXT STEPS:** The Mayor and City Commission will hear this item for 1<sup>st</sup> reading on May 4, 2026 and the second reading on June 1, 2026.

**ATTACHMENTS:**

- Ordinance No. 06-2026
- HB 687
- SB 1000