

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

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

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

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

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

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

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

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

54 **WHEREAS**, the Orlando City Council finds that the provisions of this ordinance  
55 are consistent with the applicable provisions of the City's adopted Growth Management  
56 Plan, are in the best interest of the public health, safety, and welfare, are in harmony  
57 with the purpose and intent of the City's Land Development Code, and will not result in  
58 disorderly and incompatible land uses; and  
59

60 **WHEREAS**, the Orlando City Council desires to establish uniform standards and  
61 general guidelines for the siting, design, and permitting of communication towers and  
62 wireless communication facilities in the City of Orlando and to establish review  
63 procedures to ensure that applications for communication towers and wireless  
64 communication facilities are acted upon within the timeframe established by state and  
65 federal law; and  
66

67 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF**  
68 **ORLANDO, FLORIDA, AS FOLLOWS:**  
69

70 **SECTION 1. CHAPTER 23, ORLANDO CITY CODE AMENDED.**

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

89  
90 A. not extend more than 5 feet above the highest point of the Vertical Structure;  
91

92 B. not have any type of lighted signal, lights, or illuminations unless required by  
93 an applicable federal, state, or local rule, regulation or law;  
94

95 C. comply with any applicable Federal Communications Commission Emissions  
96 Standards;  
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98 D. comply with any applicable local building codes in terms of design,  
99 construction and installation; and  
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101 E. not contain any commercial advertising thereon.

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

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

**40. - COMMUNICATION TOWERS and WIRELESS COMMUNICATION FACILITIES.**

**Sec. 58.840. - General Requirements.**

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

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

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

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

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

**Sec. 58.841. - Use Restrictions.**

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

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

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**Sec. 58.842. - Exemptions.**

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

\* \* \* \*

**Sec. 58.844. - Separation and Site Development Standards.**

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

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

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

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

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

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

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

- 201  
202 (a) The communication antenna does not exceed twenty (20) feet above the  
203 highest point of the structure;  
204  
205 (b) The communication antenna complies with all applicable FCC and FAA  
206 regulations; ~~and~~  
207  
208 (c) The communication antenna complies with all applicable building codes; and  
209  
210 (d) The public utility structure is not located in a public right-of-way.

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

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

220  
221• \* \* \* \*

222•  
223• (c) *On-Site Location.*

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

230

231 (4) Any existing communication tower replaced by a new communication  
232 tower on the same development site shall be dismantled and removed from the  
233 development site within ~~six (6) months~~ one hundred eighty (180) days of the date of  
234 the building permit for the new communication tower.  
235

236•  
237•  
238• **Sec. 58.847. - Waivers.**  
239•

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

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

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

264 \* \* \* \*

266 ~~(5) Notarized written consent is obtained from those affected property owners~~  
267 ~~within the required separation distance from off-site uses.~~  
268

269 \* \* \* \*

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

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

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

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

288  
289 The ~~occupational license~~ business tax receipt required for a communication  
290 tower shall specify that the receipt license is for an accessory service use.

291  
292 **Sec. 58.851. - Wireless Communication Facilities.**

293  
294 (a) All wireless communication facilities shall be subject to the City's zoning and land  
295 use regulations, the City of Orlando Engineering Standards Manual, Downtown Design  
296 Guidelines and Downtown Streetscape Design Guidelines as applicable. Additionally,  
297 wireless communication facilities located inside:

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

302  
303 (2) the Downtown CRA and outside a Historic Preservation Overlay District  
304 must obtain a certificate of appearance approval;

305  
306 (3) the Traditional City (/T) Overlay Zoning District, a Special Plan (SP)  
307 Overlay Zoning District or a Planned Development (PD) Zoning District shall require  
308 Urban Design review as part of the Engineering permit process.

309  
310 (b) Co-location of wireless communication facilities is strongly encouraged. Where  
311 multiple providers are seeking to locate in the same geographic area, every effort should  
312 be made to co-locate.

313  
314 **Sec. 58.852. - Use Restrictions and Approval Process.**

315  
316 (a) Maximum Height. The maximum height of a wireless communication facility in  
317 any:

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

321  
322 (2) Multi-family zoning district (R-3B and above), mixed use district (MXD-1,  
323 MXD-2, MU-1 and MU-2), activity center district (AC-N, AC-1, AC-2 and AC-3), office  
324 and residential district (O-2 and O-3), or public use district (P) is forty-five (45) feet;

325  
326 (3) Industrial zoning district (IG, IP and IC) is fifty-five (55) feet.

327  
328 (4) Historic Preservation Overlay District is thirty-five (35) feet.

329  
330 (b) Administrative Review. Wireless communication facilities that comply with the  
331 height requirements in sections (a)(1-4) above may be approved administratively  
332 through the right of way permitting process in Chapter 23, Orlando City Code.

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

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

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

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

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

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

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

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

370  
371 (c) entail any excavation or deployment outside the current site of the wireless  
372 communication facility;

373  
374 (d) defeat the existing concealment elements of the wireless communication  
375 facility; or

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

496  
497 **Sec. 58.856. Waivers**

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

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

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

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

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

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

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

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

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

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532

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

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

**Sec. 58.858. Abandonment.**

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

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

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

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

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

\* \* \* \*

**MINOR REVIEW**

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

\* \* \* \*

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

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

585 \* \* \* \*  
586

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

591  
592 14. Communication Towers and wireless communication facilities;

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

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

601 \* \* \* \*  
602

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

612 \* \* \* \*  
613

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

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

620•  
621 There are hereby established two types of certificates of appearance approval. One  
622 shall be known as a major certificate of appearance approval, and the other known as a  
623 minor certificate of appearance approval.

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

629 \* \* \* \*  
630

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

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

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

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

\* \* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDINANCE NO. 2016-39

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

738  
739

740 BY THE MAYOR OF THE CITY OF  
741 ORLANDO, FLORIDA:

742

743 \_\_\_\_\_  
744 Mayor

745

746 ATTEST, BY THE CLERK OF THE  
747 CITY COUNCIL OF THE CITY OF  
748 ORLANDO, FLORIDA:

749

750 \_\_\_\_\_  
City Clerk

751

752 \_\_\_\_\_  
753 Print Name

754

755  
756 APPROVED AS TO FORM AND LEGALITY  
757 FOR THE USE AND RELIANCE OF THE  
758 CITY OF ORLANDO, FLORIDA:

759

760 \_\_\_\_\_  
761 City Attorney

762

763 \_\_\_\_\_  
764 Print Name

765

766 **\*\*[Remainder of page intentionally left blank.]\*\***

767