

1 Introduced by the Council President:
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4 **ORDINANCE 2019-770**

5 AN ORDINANCE AMENDING CHAPTER 711 (CITY
6 RIGHTS-OF-WAY) PART 4 (COMMUNICATIONS
7 FACILITIES IN CITY RIGHTS-OF-WAY), SECTION
8 711.403 (DEFINITIONS), SECTION 711.404
9 (REGISTRATION FOR PLACING, MAINTAINING OR
10 COLLOCATING COMMUNICATION FACILITIES IN CITY
11 RIGHTS-OF-WAY), SECTION 711.406 (APPEALS),
12 SECTION 711.412 (PERFORMANCE BOND FOR
13 CONSTRUCTION AND MAINTENANCE), SECTION 711.413
14 (SURETY FUND), SECTION 711.417 (ENFORCEMENT OF
15 PERMIT OBLIGATIONS; SUSPENSION AND REVOCATION
16 OF PERMIT), SECTION 711.418 (ADDITIONAL
17 REGISTRATION TERMS AND PERMIT CONDITIONS),
18 SECTION 711.427 (REGISTRATION AND PERMIT FOR
19 PLACING, MAINTAINING OR COLLOCATING
20 COMMUNICATION FACILITIES IN CITY RIGHTS-OF-WAY
21 ASSOCIATED WITH COLLOCATION OF SMALL WIRELESS
22 FACILITIES OR SMALL WIRELESS SOLE PURPOSE NEW
23 UTILITY POLES), SECTION 711.429 (PERMIT
24 APPLICATION), SECTION 711.432 (OBJECTIVE
25 DESIGN STANDARDS), SECTION 711.437 (PERMIT
26 REQUIRED; EXCEPTIONS), SECTION 711.438
27 (OBJECTIVE DESIGN STANDARDS), IN ORDER TO
28 COMPLY WITH THE PROVISIONS AND REQUIREMENTS
29 CONTAINED IN SECTION 337.401, FLORIDA
30 STATUTES; PROVIDING FOR CODIFICATION
31 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

1 existing facilities, or repair work, including, but not
2 limited to, emergency repairs of existing facilities or
3 extensions of such facilities for providing Communication
4 Services to customers; (ii) replacement of an existing
5 Wireless Facility with a Wireless Facility that is
6 substantially similar or of the same or smaller size; or
7 (iii) installation, placement, maintenance or replacement of
8 a Micro Wireless Facility that is suspended on cable strung
9 between Existing Structures in compliance with applicable
10 codes by or for a properly registered Communications Services
11 Provider.

12 * * *

13 **Section 2. Amending Section 711.404 (Registration for**
14 **placing, maintain or collocating communications facilities in city**
15 **rights-of-way), Ordinance Code.** Section 711.404 (Registration for
16 placing, maintain or collocating communications facilities in city
17 rights-of-way), Ordinance Code, is hereby amended to read as
18 follows:

19 **Sec. 711.404 Registration for placing, maintaining or**
20 **collocating Communications Facilities in City Rights-of-Way.**

21 * * *

22 (e) *Registration updates, renewals and cancellation.* Within 30
23 days of any change in the information and documentation required
24 to be submitted pursuant to subsection (b) above, the Registrant
25 shall provide updated information to the City. Each Registrant
26 shall renew its Registration ~~by January 31 of even-numbered~~every
27 five (5) years ~~(beginning in the year 2020)~~ in accordance with
28 the Registration requirements of this Subpart. Failure to renew
29 a Registration may result in the City restricting the issuance
30 of additional Permits until the Provider has complied with the
31 Registration requirements of this Subpart A. A Registrant may

1 cancel a Registration upon written notice to the City stating
2 that it will no longer place, maintain or Collocate any
3 Communications Facilities in City Rights-of-Way and will no
4 longer need to obtain Permits to perform work in City Rights-of-
5 Way. A Registrant shall not cancel a Registration if the
6 Registrant continues to place, maintain or Collocate any
7 Communications Facilities in City Rights-of-Way.

8 * * *

9 **Section 3. Amending Section 711.406 (Appeals), Ordinance**
10 **Code.** Section 711.406 (Appeals), Ordinance Code, is hereby amended
11 to read as follows:

12 **Sec. 711.406 Appeals.** The following final determinations
13 by the Director or City Council, as applicable, are subject to
14 appeal as provided in this Part:

15 The following final determinations by the Director or City
16 Council, as applicable, are subject to appeal as provided in this
17 Part:

- 18 (a) Denial of an initial Registration or Registration renewal;
19 (b) Involuntary termination of a Registration;
20 (c) Suspension or revocation of a Permit; and
21 ~~(d) The issuance of a notice of withdraw from the Surety Fund;~~
22 and

23 (ed) Denial of a Permit to place, maintain or Collocate a
24 Communications Facility in the City's Rights-of-Way.

25 Appeals are subject to the procedures set forth in this Section,
26 the rules adopted pursuant to Part 5 of this Chapter, and any such
27 suspension or denial is subject to all applicable law. An appeal of
28 an action on a registration application must be filed with the
29 Director within 30 days of the date of the final, written decision
30 to be appealed and shall afford the Registrant an opportunity to
31 appear before the Rights-of-Way Committee in the manner described

1 Section 711.105(b) (2) of this Chapter. Any appeal not timely filed
2 as set forth above shall be waived. Upon correction of any grounds
3 that gave rise to a suspension or denial, the suspension or denial
4 shall be lifted. Any administrative review by the Director or City
5 Council of a final determination must be completed and a written
6 decision issued within 45 days after a written request for review
7 is made. ~~Any Such~~ Decisions of the Council shall constitute a
8 final decision of the City of Jacksonville.

9 **Section 4. Amending Section 711.412 (Performance Bond for**
10 **Construction and Maintenance), Ordinance Code.** Section 711.412
11 (Performance Bond for Construction and Maintenance), Ordinance
12 Code, is hereby amended to read as follows:

13 **Sec. 711.412 ~~Performance Bond for Construction~~ Bond for**
14 **Right-of-Way Restoration and Maintenance.**

15 (a) Prior to issuing a Permit where the work under the permit
16 will require restoration of City Rights-of-Way, the City may
17 require a ~~performance~~ construction bond to secure the restoration
18 of the City's postconstruction Rights-of-Way. ~~Notwithstanding~~
19 ~~the foregoing, a performance bond hereunder shall only be~~
20 ~~required to the extent that the cost of the restoration exceeds~~
21 ~~the amount recoverable against the Surety Fund as provided in~~
22 ~~Section 711.413.~~ to the preconstruction condition. Six months
23 after the completion of the construction of the Communications
24 Facility and satisfaction of all obligations in accordance with
25 the bond, the bond may be eliminated, and the City shall consent
26 to the elimination where necessary (however, the City may
27 subsequently require a new bond for any subsequent work in the
28 City's Rights-of-Way). The ~~performance~~ construction bond shall be
29 issued by a surety having a minimum rating of an A.M. Best A-VII
30 rating or better and duly authorized to do business in Florida;
31 shall be in a form acceptable and subject to the approval of the

1 Director; and shall provide that: "This bond may not be
2 canceled, or allowed to lapse, until 60 days after receipt by
3 the City, by certified mail, return receipt requested, of a
4 written notice from the issuer of the bond of intent to cancel
5 or not to renew or upon the sooner receipt of direction to
6 release from the City." The City shall accept a letter of
7 credit or similar financial instrument issued by any financial
8 institution that is authorized to do business within the United
9 States, provided that a claim against the financial instrument
10 may be made by electronic means, including by facsimile.

11 (b) The rights reserved to the City under this Section are in
12 addition to all other rights of the City, whether reserved in
13 this Chapter, or authorized by other law, and no action,
14 proceeding or exercise of a right with respect to the
15 ~~performance~~construction bond will affect any other right the
16 City may have. Any proceeds recovered under the
17 ~~performance~~construction bond may be used to reimburse the City
18 for such additional expenses as may be incurred by the City as a
19 result of the failure of Registrant to comply with the
20 responsibilities imposed by this Section, including, but not
21 limited to, attorney's fees and costs of any action or
22 proceeding.

23 **Section 5. Amending Section 711.413 (Surety Fund), Ordinance**
24 **Code.** Section 711.413 (Surety Fund), Ordinance Code, is hereby
25 amended to read as follows:

26 **Sec. 711.413 Surety Fund.**

27 (a) At or prior to the time a Registrant receives its first
28 Permit to place, maintain or Collocate a Communications Facility
29 in City Rights-of-Way after the effective date of this Chapter,
30 the Registrant shall be required to file with the City, for City
31 approval, an annual bond or irrevocable evergreen letter of

1 credit (in a form approved by the City and issued by a financial
2 institution with a location in the City), having as a surety a
3 company qualified to do business in the State of Florida, and
4 acceptable to the Director (consulting with the City's Risk
5 Management Division), which shall be referred to as the "Surety
6 Fund." The Surety Fund shall be required as follows: in the sum
7 of \$3,000 per pole for up to 10 poles; for 11-50 poles, the sum
8 of \$45,000; for 51-100 poles, the sum of \$75,000 and 101+ poles,
9 the sum of \$100,000. The Surety Fund shall be maintained from
10 such time through the earlier of: (i) transfer, sale, assignment
11 or removal of all Communications Facilities in City Rights-of-
12 Way or; (ii) 12 months after the termination or cancellation of
13 any Registration. The Surety Fund shall be conditioned on the
14 full and faithful performance ~~by the Registrant~~ of all duties and
15 obligations relating to indemnification and abandonment of all
16 requirements, duties and obligations imposed upon Registrant by
17 the provisions of this Chapter. The Surety Fund shall be
18 furnished annually or as frequently as necessary to provide a
19 continuing guarantee of the Registrant's full and faithful
20 performance of all duties and obligations relating to
21 indemnification and abandonment imposed upon Registrant by the
22 provisions of this Chapter at all times. In the event a
23 Registrant fails to perform its duties and obligations relating
24 to indemnification and abandonment imposed upon the Registrant
25 by the provisions of this Chapter, subject to Section 711.414 of
26 this Part, there shall be recoverable, jointly and severally
27 from the principal and surety of the Surety Fund, any damages or
28 loss suffered by the City as a result, including the full amount
29 of any compensation, indemnification or cost of removal,
30 relocation or abandonment of any property of the Registrant,
31 plus a reasonable allowance for attorneys' fees, up to the full

1 amount of the Surety Fund. The City may in its reasonable
2 discretion accept a Surety Fund from the Registrant or its
3 parent company, or other entity acceptable to the Director.

4 * * *

5 **Section 6. Amending Section 711.417 (Enforcement of Permit**
6 **Obligations; Suspension and Revocation of Permit), Ordinance Code.**

7 Section 711.417 (Enforcement of Permit Obligations; Suspension and
8 Revocation of Permit), Ordinance Code, is hereby amended to read as
9 follows:

10 The Director may order the suspension of placement, maintenance,
11 or collocation work under a Permit and ultimately may revoke any
12 Permit, in the event of a substantial breach of the terms and
13 conditions of any Applicable Codes, State or federal laws or
14 regulations, or any condition of the Permit. A substantial breach
15 by the permittee may include, but is not limited to:

- 16 (1) The violation of any material provision of the Permit or
17 Applicable Codes and applicable objective design standards;
- 18 (2) An evasion or attempt to evade any material provision of
19 the Permit or the perpetration or attempt to perpetrate any
20 fraud or deceit upon the City;
- 21 (3) Any material misrepresentation of act in the process of
22 permittee's request for a Permit or Registration;
- 23 (4) The failure to maintain the required
24 ~~performance~~ construction bond, Surety Fund or insurance;
- 25 (5) The failure to properly restore the City's Rights-of-Way;
- 26 (6) The failure to adhere to the indemnification provisions;
- 27 (7) The failure to comply within the specified time with an
28 order issued by the Director to correct a harmful condition
29 or remedy a hazardous situation;
- 30 (8) The failure to Register, renew Registration, or provide
31 notice of transfer;

1 (9) The failure to relocate or remove Communications Facilities
2 pursuant to this Part and F.S. Ch. 337, as amended;

3 (10) The failure to comply with a stop work order issued by the
4 Director; or

5 (11) Conducting work in the City's Rights-of-Way without a
6 Permit, if required.

7 If the Director determines that the permittee has committed a
8 substantial breach of a term or condition of the Permit or this
9 Part, the Director shall make a written demand upon the permittee
10 to remedy such violation. The demand shall state that the continued
11 violation(s) may be cause for suspension or revocation of the
12 Permit. Further, the Director, at his or her discretion, may impose
13 additional or revised Permit conditions on the Permit following a
14 substantial breach. Within 30 days of receiving the notification of
15 the breach, the permittee shall contact the Director with a plan,
16 acceptable to the Director, for its correction or shall submit a
17 statement as to why a substantial breach has not occurred. The
18 Director shall provide additional time as reasonably necessary for
19 a permittee to establish a plan acceptable to the Director taking
20 into account the nature and scope of the breach. The permittee's
21 failure to contact the Director, failure to submit an acceptable
22 plan, or failure to reasonably implement an approved plan, shall be
23 cause for suspension or revocation of the Permit. A final
24 determination to suspend or revoke a Permit may be appealed in
25 accordance with the procedures set forth in Subpart A. If a Permit
26 is revoked, the permittee shall reimburse the City for the City's
27 reasonable costs, including restoration costs, administrative
28 costs, attorney's fees, and the cost of collection. The City may
29 charge the costs and/or fees incurred by the City relating to
30 indemnity or abandonment to the Surety Fund set forth in Subpart A
31 if the Provider fails to remit payment within 30 days of

1 notification. The Director may cause an immediate stop work order
2 where the permittee's construction, placement, maintenance or
3 collocation poses a serious threat to the health, safety or welfare
4 of the public until such time as such serious threat has been
5 abated.

6 **Section 7. Amending Section 711.418 (Additional Registration**
7 **terms and Permit conditions), Ordinance Code.** Section 711.418
8 (Additional Registration terms and Permit conditions), Ordinance
9 Code, is hereby amended to read as follows:

10 **Sec. 711.418 Additional Registration terms and Permit**
11 **conditions.**

12 * * *

13 (g) *No interference with use of City Rights-of-Way.* All
14 Communications Facilities shall be placed, maintained or
15 Collocated so as not to ~~unreasonably~~ interfere with the use of
16 the City's Rights-of-Way by the public ~~and with the rights and~~
17 ~~convenience of property owners who adjoin any of the City's~~
18 ~~Rights-of-Way.~~ The use of trenchless technology (i.e.,
19 directional bore method) for the installation of Underground
20 Communications Facilities in the City's Rights-of-Way as well as
21 joint trenching or the collocation of facilities in existing
22 conduit is strongly encouraged, and should be employed wherever
23 feasible.

24 * * *

25 (s) *Correction of harmful conditions.* If, at any time, the City
26 reasonably determines that a Communications Facility is, or has
27 caused a condition that is harmful to the health, safety or
28 general welfare of any Person, then the Provider shall, at its
29 own expense, correct or eliminate all such conditions after
30 being provided reasonable notice. In an emergency, as determined
31 by the Director, when the Provider is not immediately available

1 or is unable to provide the necessary immediate repairs to any
2 Communications Facility that is a threat to public safety, then
3 the City shall have the right to remove, make repairs to or
4 eliminate same with the total cost being charged to and paid for
5 by the Provider upon demand. The City may charge the cost
6 incurred by the City relating to indemnity or abandonment to the
7 Surety Fund set forth in Subpart A if the Provider fails to
8 remit payment within 30 days of notification.

9 (t) *Remedy of hazardous conditions.* If, at any time, a
10 condition exists that the Director reasonably determines is an
11 emergency that is potentially hazardous or life threatening to
12 any Person or is a threat to health or safety of the general
13 public, and to remedy such condition the City reasonably
14 determines that a Provider must temporarily relocate or
15 temporarily shut off service or transmissions through a specific
16 Communications Facility, then the City, as an appropriate
17 exercise of its police powers, may order the Provider to
18 immediately perform such temporary relocation or shut off until
19 the condition has been remedied, and to do so at its own expense
20 and without liability to or recourse against the City. In such
21 an emergency, when the Provider is not immediately available or
22 is unable to provide the necessary immediate relocation or shut
23 off of the specific Communications Facility, then the City shall
24 have the right to perform, or cause to be performed, such
25 temporary relocation or shut off until the condition has been
26 remedied with the total cost being charged to and paid for by
27 the Provider upon demand. The City may charge the cost incurred
28 by the City relating to indemnity or abandonment to the Surety
29 Fund set forth in this Subpart A if the Provider fails to remit
30 payment within 30 days of notification.

31 * * *

1 nondiscriminatory requirements that prohibit new Utility
2 Poles used to support Small Wireless Facilities if:

3 (i) City, at least 90 days prior to the submission of an
4 Application, has required all public utility lines to be
5 placed underground;

6 (ii) Structures that City allows to remain above ground
7 are reasonably available to Communications Service
8 Providers for the Collocation of Small Wireless Facilities
9 and may be replaced by a Communications Service Providers
10 to accommodate the Collocation of Small Wireless
11 Facilities; and

12 (iii) A Communications Service Providers may install a new
13 Utility Pole in the designated area in the City Right-of-
14 Way that otherwise complies with this subsection and it is
15 not reasonably able to provide Wireless Services by
16 Collocating on a remaining Utility Pole or other structure
17 in the City Right-of-Way.

18 (2) *Pre-existing Small Wireless Facilities.* For Small
19 Wireless Facilities installed before City adopts requirements
20 that public utility lines be placed underground, City must:

21 (i) Allow a Communications Service Provider to maintain
22 the Small Wireless Facilities in place subject to any
23 applicable pole attachment agreement with the pole owner;

24 or

25 (ii) Allow the Communications Service Provider to replace
26 the associated pole within 50 feet of the prior location
27 in accordance with Subpart E.

28 **Section 9. Amending Section 711.429 (Permit Application),**
29 **Ordinance Code.** Section 711.429 (Permit Application), Ordinance
30 Code, is hereby amended to read as follows:

31 **Sec. 711.429 Permit Application.**

1 shall be filed contemporaneously with the Permit application.
2 The request for waiver shall state each Section, subsection,
3 requirement, standard or criteria for which a waiver is being
4 sought. A request for a waiver shall include a detailed
5 explanation, with supporting engineering or other data, as to
6 why a waiver from the requirements of this Section is required.

7 * * *

8 **Section 10. Amending Section 711.432 (Objective design**
9 **standards), Ordinance Code.** Section 711.432 (Objective design
10 standards), Ordinance Code, is hereby amended to read as follows:

11 **Sec. 711.432 Objective design standards.**

12 * * *

13 (b) *Objective design standards.* All proposed Collocated Small
14 Wireless Facilities shall meet the following objective design
15 standards:

16 *Collocation on Existing Poles in City Rights-of-Way*

17 *Generally applicable standards:*

18 **Standards applicable to all existing and new pole types**
19 **(streetlight, transmission, signal, other) and materials:**

20 (1) Shall at all times comply with and abide by all
21 applicable provisions of the State and Federal law and City
22 ordinances, codes and regulations when placing, maintaining
23 or collocating a Communications Facility or Small Wireless
24 Utility Pole in City Rights-of-Way; no guy wires are allowed.

25 (2) No signage allowed, unless legally required; no
26 advertising or company information allowed.

27 (3) No lights unless required by FAA.

28 *Collocation on existing poles in City Rights-of-Way:*

Eligible poles	City, JEA and Private Utility poles in use at time of collocation permit application, which either have a dedicated power service to pole
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	<p>or are on the same side of the street as transmission and/or distribution lines. Prohibited on historic street lights and any pole less than 15 feet in height.</p>
Antenna	
Maximum Height of antenna	10 feet above top of existing pole. No extensions of pole height below the antenna is permitted.
Max Height above replacement pole	10 feet above replacement pole height.
Antenna location	Flush mounted to top of pole only, in line with the pole.
Max volume of antenna	6 Cu. feet.
Enclosure required	Antenna and its connection to pole must be completely shrouded, in line with the pole and must smoothly transition around pole top.
Size of antenna shroud	Diameter no more than 2× greater than the diameter of the pole top (cylinder).
Shroud Color/Material	Must match color and style of pole, all wiring and equipment must be enclosed in shroud or internal to pole.
Number of antennae shrouds allowed	One, 6 cu. foot antenna shroud allowed per pole, but no limit on number of antennae within shroud.
Replacement pole	
Appearance	Must be of same design, material and color as existing pole, unless original pole owner has a planned project to replace poles, in which case the pole must conform to the updated design, color and material.

Location	Must be in substantially same location and continue to serve primary function as original pole.
Diameter of replacement pole	Diameter cannot be greater than 1.5× diameter of existing pole.
Height of replacement pole	Same height as original pole (not including antenna), unless otherwise allowed. For traffic signal poles and streetlights, replacement pole must be the same height as the original pole; provided, however, for a streetlight with an overhead power feed, the height of the streetlight pole may be increased up to five feet if reasonably necessary to accommodate the top mounted antenna and any related equipment. For transmission/distribution poles, replacement pole may be up to five feet above the original pole height.
Wood replacement poles	Prohibited unless wood poles are the predominant pole in the corridor and if there are no plans to upgrade poles to a different material.
Hollow replacement poles	Non-wood replacement poles such as aluminum, fiberglass, concrete, etc. must be capable of accommodating an internal chase, and all wiring shall be interior to pole; provided, however, this requirement for concrete poles applies to concrete streetlight poles and not to concrete transmission and distribution line poles if such requirement is not reasonably practical.

Wireless Equipment	
Max cumulative volume	Cumulative maximum volume of all Wireless Equipment shall not exceed 30 Cu. Ft.
Location of Wireless Equipment	<p>Up to 10<u>28</u> cu. feet by volume may be pole, <u>provided that the following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.</u> mounted, flush with the pole, provided the depth of any such equipment shall not exceed 20 inches and width shall not exceed 2.5× the diameter of pole. All Wireless Equipment in excess of 10 cu. feet shall be located underground or in an architectural pedestal base not exceeding 36 inches high and a square shape not exceeding 18 inches wide by 18 inches in depth; and having architectural molding on all flat surfaces. All grounding rods must be below grade and inside a pull box which meets FDOT standards and must not be placed on a pedestrian ramp.</p>
Pole mounted Wireless Equipment location	Free mounted disconnect may be pole located, no less than 96" above grade, minimum separation of 12" to pole mounted surge protector or meter, if any. Radio and other equipment cabinet must be no less than 10 ft.

1 ~~(d) Review for Collocation on Existing Structures, City Utility~~
2 ~~Poles or JEA Utility Poles prior to placing a Small Wireless~~
3 ~~Sole Purpose New Utility Pole. The Director shall review the~~
4 ~~proposed location of a Small Wireless Sole Purpose New Utility~~
5 ~~Pole to determine whether another Utility Pole already existing~~
6 ~~in the vicinity of the proposed location may be used to support~~
7 ~~the proposed Small Wireless Sole Purpose New Utility Pole. If a~~
8 ~~Utility Pole already exists, the Director shall propose such~~
9 ~~existing Utility Pole as an alternative location. Only when the~~
10 ~~applicant can demonstrate that no existing Utility Pole is~~
11 ~~reasonably feasible to Collocate the Small Wireless Facilities~~
12 ~~shall the Director be authorized to approve a Small Wireless~~
13 ~~Sole Purpose New Utility Pole. To assist in determining whether~~
14 ~~an existing Utility Pole is reasonably feasible for collocation,~~
15 ~~the applicant may provide the Director with information~~
16 ~~concerning whether the closest available existing Utility Pole~~
17 ~~fails to provide substantially the same coverage that would be~~
18 ~~provided by the Small Wireless Sole Purpose New Utility Pole, is~~
19 ~~incapable of supporting the weight of all equipment and no~~
20 ~~Replacement Pole may be used, collocation will result in some~~
21 ~~nuisance or unsafe condition, collocation will result in~~
22 ~~excessive or extraordinary financial expense compared to the~~
23 ~~cost of the Small Wireless Sole Purpose New Utility Pole,~~
24 ~~whether there are undergrounding plans which would eliminate the~~
25 ~~proposed collocation existing Utility Pole, or such other~~
26 ~~information the applicant believes is relevant to the~~
27 ~~determination.~~

28 **Section 12. Amending Section 711.438 (Objective design**
29 **standards), Ordinance Code.** Section 711.438 (Objective design
30 standards), Ordinance Code, is hereby amended to read as follows:

31 * * *

1 (b) *Objective design standards.* All Small Wireless Sole Purpose
2 New Utility Pole shall meet the following objective design
3 standards:

4 *Small Wireless Sole Purpose New Utility Poles*

5 *Generally applicable standards:*

6 **Standards applicable to all existing and new pole types**
7 **(streetlight, transmission, signal, other) and materials:**

8 (1) Shall at all times comply with and abide by all applicable
9 provisions of the State and Federal law and City ordinances,
10 codes and regulations when placing, maintaining or
11 collocating a Communications Facility or Small Wireless
12 Utility Pole in City Rights-of-Way; no guy wires are allowed.

13 (2) No signage allowed, unless legally required; no advertising
14 or company information allowed.

15 (3) No lights unless required by FAA.

Sole Purpose, New Pole Facilities:	
Maximum height of pole	Height limited to tallest existing pole in ROW within 500 feet; if no pole, height of new pole with antenna limited to 50 feet.
Minimum height	Prohibited on poles 15 feet or less.
Appearance	Substantially similar to design, material and color of existing poles in corridor; however if wood poles are the predominant pole in the corridor, then new pole may be wood unless there are plans to upgrade poles to a different material; fluted poles shall be used in areas where existing historic streetlights are installed along corridor.
Diameter of new pole	Diameter at base cannot be greater than 1.5* greater than diameter of largest existing pole

	<p>in corridor within 500 feet, unless an architectural, ground-mounted pedestal is used at the pole base to internally accommodate Wireless Equipment. In such a case, the architectural base shall be a maximum height of 36 inches, a maximum width of 18 inches and a maximum volume of six cubic feet.</p>
<p>Internal channel</p>	<p>To the extent possible consistent with requirements for compatible material and diameter every new pole shall accommodate internal wires, and cabling and additional equipment.</p>
<p>Location</p>	<ul style="list-style-type: none"> • In areas where there is existing overhead electrical service, new poles must be located on the same side of the street as electrical transmission/distribution line or service to pole must be provided underground; in areas where electrical service has been undergrounded, new poles must be located on same side of street as existing streetlights. • Located with sufficient space to accommodate present and planned travel lanes for all users; <ul style="list-style-type: none"> • May not be located within two feet of existing sidewalk or multi-use trail or where City has plans for new sidewalk or multi-use trail • Located equidistant between existing poles unless doing so results in an impermissible distance limitation, subject to specific location criteria below:

	<ul style="list-style-type: none"> • In all locations, minimum 10 feet from driveways and 30 feet from hydrants • In residential areas, poles placed in line with common interior side lot lines unless lot widths exceed 100 feet in which case the poles shall not be located within 50 feet of the driveway entrance(s) to the lot; • No further than 10 feet from side property line on residential corner lots;
	<ul style="list-style-type: none"> • Cannot impair view from primary residential structure; • In non residential areas, cannot interfere with view of commercial business signs; <ul style="list-style-type: none"> • Cannot be placed in line with front/principal façade of business unless there are already parking or loading spaces present.
Aerial connections	Pursuant to the provisions in City Ordinance requiring underground utilities where appropriate, aerial electrical and fiber connections prohibited where majority of utilities have been undergrounded; lowest wire in areas of bicycle or pedestrian use must be at least 18 feet above grade.
Antenna	
Maximum height of antenna	Ten feet above top of pole.
Antenna location	Flush mounted to top of pole only, in line with pole.
Max volume of antenna	6 Cu. feet.

Enclosure required	Antenna and its connection to pole must be completely shrouded, in line with pole and must smoothly transition to top of pole.
Size of antenna shroud	Diameter no more than 2× greater than new pole top (cylinder).
Shroud color/material	Must match color and style of pole, all wiring and equipment must be enclosed in shroud.
Number of antenna shrouds allowed	One 6 cu. foot antenna shroud only per pole but no limit on antennae within shroud.
Wireless Equipment	
Max cumulative volume	Cumulative maximum volume of all Wireless Equipment shall not exceed 30 Cu. Ft.
Location of Wireless Equipment	Up to ten cu. ft. by volume may be externally pole mounted, flush with the pole, provided the depth of any such equipment shall not exceed 20 inches and equipment width shall not exceed 2× the diameter of the pole. All Wireless Equipment in excess of ten cu. feet shall be located underground or internal to the pole. All grounding rods must be below grade and inside a pull box which meets FDOT standards and must not be placed on a pedestrian ramp.
Pole mounted Wireless Equipment location	Free mounted disconnect may be pole located, no less than 96" above grade, minimum separation of 12" to pole mounted surge protector or meter, if any; Radio and other equipment cabinet must be no less than ten feet and no more than 18 feet above grade. All exterior-mounted equipment must be located at least 12" below communication cables, if

	<p>any.</p> <p>For traffic signal poles and streetlights, replacement pole must be the same height as the original pole. For transmission/distribution poles, replacement pole may be up to five feet above the original pole height.</p>
Pole mounted color/material	<p>On all poles, except wood poles where allowed, all wires and cabling shall be placed internal to the pole; all pole mounted equipment, including external wires and cables, if allowed, shall be flush mounted, and shrouded or encased in a covering that matches the pole in color and texture; mounting straps shall only be allowed on poles where direct amount is not possible or impairs pole structure and in the event external straps are used, they must match pole color.</p>
Ground mounted Wireless Equipment (if available through waiver)	<p>Must be located in areas of existing foliage. Must be located within 10 foot radius of pole.</p>
Ground mounted color/material (if available through waiver)	<p>All equipment, cables, etc. must be enclosed; must use camouflage; may use wraps to conceal equipment.</p>

1 **Section 13. Codification Instructions.** The codifier and
2 the Office of General Counsel are authorized to make all chapter
3 and division "tables of contents" consistent with the changes set
4 forth herein. Such editorial changes and any others necessary to
5 make the *Ordinance Code* consistent with the intent of this

1 legislation are approved and directed herein, and changes to the
2 *Ordinance Code* shall be made forthwith and when inconsistencies are
3 discovered.

4 **Section 14. Effective Date.** This ordinance shall become
5 effective upon signature by the Mayor or upon becoming effective
6 without the Mayor's signature.

7
8 Form Approved:

9
10 /s/ Shannon K. Eller

11 Office of General Counsel

12 Legislation prepared by: Jason R. Teal

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