Chapter 9
COMMUNICATION TOWERS

9.1 DEFINITIONS

For the purpose of this Chapter, the following words have the following meanings, unless the context clearly indicates otherwise. Words used in the present tense include the future tense; words in the singular include the plural and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. If a word is not specifically defined in this section, the standard dictionary definition(s) will be used.

A. ANTENNA SUPPORT STRUCTURE

A broadcast antenna, broadcast tower, communication tower or personal wireless tower.

B. BROADCAST ANTENNA

A structure, other than a personal wireless antenna or a standard antenna, which is used or designed to be used to convert radio-frequency currents from a transmitter into radio waves which then travel through space, or one which converts part of a passing radio wave into a radio-frequency current for further processing by a receiver.

C. BROADCAST EQUIPMENT CABINET

An accessory building or other enclosed accessory structure which is used or designed to be used in conjunction with broadcast antennas. The term does not include switching offices.

D. BROADCAST EQUIPMENT

A type of communication structure defined in this section as a broadcast antenna or a broadcast equipment cabinet.

E. BROADCAST FACILITY

A type of communications structure defined in this section as a broadcast tower or a building with a type of structure defined in this section as broadcast equipment.

F. BROADCAST TOWER

A self supporting structure, other than a building, which extends over 50 feet above the ground and upon which one or more broadcast antennas are attached or designed to be attached. This term includes such structures which are located on buildings.

G. CO-LOCATION

The placement of more than one service provider's communications antennas on a single communications tower.
H. COMMUNICATION ANTENNA

A personal wireless antenna or a broadcast antenna.

I. COMMUNICATION EQUIPMENT CABINET

A personal wireless equipment cabinet or a broadcast equipment cabinet.

J. COMMUNICATION EQUIPMENT

A type of communications structure defined in this section as a communication antenna or a communications equipment cabinet.

K. COMMUNICATION FACILITY

A type of communication structure defined in this section as a broadcast facility or personal communications facility.

L. COMMUNICATION TOWER

A personal wireless tower or a broadcast tower.

M. COMMUNICATION TOWER, CAMOUFLAGED

A communication tower which has been designed to unobtrusively blend into the existing surroundings and be designed so as not to have the appearance of a communication tower. Camouflaged towers on buildings must be disguised to appear as an accessory structure that is normally associated with the principal use of occupying the property. Other camouflaged towers must be disguised to blend in with other facilities on the property or existing vegetation. An example of a camouflaged communication tower would be a tower that is constructed in the form and shape of a tree in order to appear to be part of a forested area, or a tower constructed to appear to be a component of a bell or clock tower on sites with compatible buildings, or to appear to be a component of a church steeple on sites with churches.

N. PERSONAL WIRELESS ANTENNA

A structure used or designed to be used by a personal wireless service which converts radio-frequency currents from a transmitter into radio waves which then travel through space, or one which converts part of a passing radio wave into a radio-frequency current for further processing by a receiver. Such antennas include, but are not limited to, dish antennas, whip antennas, and panel antennas (a single panel is an antenna) which are used by personal wireless services.

O. PERSONAL WIRELESS EQUIPMENT CABINET

An accessory building or other enclosed accessory structure which is used or designed to be used to house telecommunications equipment which is used in conjunction with personal wireless antennas. This term does not include switching offices used or designed to be used by personal wireless services.
P. PERSONAL WIRELESS EQUIPMENT

A type of communications structure defined in this section as a personal wireless antenna or personal wireless equipment cabinet.

Q. PERSONAL WIRELESS FACILITY

A type of communication structure defined in this section as a personal wireless tower or a building with a type of structure defined in this section as personal wireless equipment.

R. PERSONAL WIRELESS SERVICE

A communication service establishment which is referred to as a commercial mobile service, unlicensed wireless service, or common carrier exchange access service by Section 704(a)(7)(c)(1) of the Telecommunications Act of 1996.

S. PERSONAL WIRELESS TOWER

A self supporting structure, other than a building, which extends over 50 feet above the ground and upon which one or more personal wireless antennas are attached or designed to be attached. This term includes such structures which are located on buildings.

T. STANDARD ANTENNA

A structure accessory to the principal use of the property, used to convert part of a passing radio wave into a radio-frequency current for further processing by a receiver. However, this term does not include personal wireless service antennas as defined by this section or any antenna structures used by FCC licensed telecommunication companies to transmit information to their residential or business customers. The term does include structures referred to as devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, and directed broadcast satellite services by Section 207 of the Telecommunications Act of 1996.

9.2 COMMUNICATION TOWERS AND FACILITIES/USES REGULATED OUTSIDE MIA

Notwithstanding anything else to the contrary in the Osceola County zoning regulations, communication towers and other communication facilities within unincorporated Osceola County and outside the municipally influenced area ("MIA") as hereafter established may be located only in institutional land uses and in the following zoning districts: Industrial PUD, Commercial PUD, CR, CG, CT, IR, IG, IB, IN and in AC zoning districts which are designated with a rural land use or on property within an AC Zoning district which is designated with a commercial land use, or on property located within the 192 Tourist Corridor Overlay or West County Overlay which is designated with a commercial land use. In addition, a conditional use must be granted pursuant to the substantive and procedural standards of each zoning regulation. The following additional criteria shall be met for communication towers and other communication facilities:

A. STATEMENT OF NEED

A statement shall be submitted which indicates the purpose of the communication tower or other communication facility, the benefits to be derived by the public as a result of the tower or other facility, and the availability of existing communication towers and other communication facilities which are technologically able to allow the owner/operator of the proposed tower or other facility to provide service to the service area of the owner/operator or service provider.

B. RESIDENTIAL DISTRICT SEPARATION FOR COMMUNICATION TOWERS
The distance from the base of the communication tower to any property boundaries in the following zoning districts: Mixed use PUD, Residential PUD, RS-1, RS-2, RS-3, RS-1A, RS-1C, RM-1, RM-2, RM-3, RM-H, RM-H1, RM-H1A, RPB, R-1, AR-1M, R-2, AR-2M, E-1, AE-1A, E-2, AE-2A and AC, must be equal to or greater than the following:

1. **CAMOUFLAGED COMMUNICATION TOWERS**
   The distance shall be a distance equal to or greater than the tower height.

2. **MONOPOLE AND SIMILAR COMMUNICATION TOWER TYPES**
   The distance shall be a distance equal to or greater than the tower height or 100 feet, whichever is greater.

3. **OTHER TOWER TYPES (INCLUDING LATTICE AND GUYED TOWER TYPES)**
   The distance shall be three times the tower height or 200 feet, whichever is greater.

C. **SEPARATION BETWEEN COMMUNICATION TOWERS**

The distance from the base of one communication tower to the base of other communication towers (including unbuilt towers which have a valid building permit or a valid conditional use), must be equal to or greater than the following:

(See Attached "TABLE 9-1")

Compliance with these separation requirements must be demonstrated by the applicant by using written information prepared by a civil engineer or surveyor.

D. **OTHER MINIMUM SEPARATION REQUIREMENTS**

Communication facilities and communications equipment shall not be located in front of any principal building on the lot and shall comply with required setbacks. A minimum setback of 10 feet to property lines is required for the guy lines for any guyed tower. In addition, communication towers must comply with the following separation requirements:

1. **PUBLIC RIGHTS-OF-WAY**
   The distance from the base of a communication tower to a public right-of-way shall be equal to or greater than the tower height, except that camouflaged communication towers shall only be setback a distance equal to 50 percent of the tower height.

2. **OTHER PROPERTY LINES**
   The distance from the base of a communication tower to other property lines shall be at least 20 percent of the tower height.
3. LAKES

The distance from the base of a communication tower to Lake Tohopekaliga, East Lake Tohopekaliga, Runnymede, Live Oak, Alligator, Lizzie, Center, Coon, Trout, Gentry, Ajay, Hinden, Black, Cecile, Cypress, Hatchenaha, Kissimmee, Kissimmee River, Shingle Creek, and Boggy Creek must be equal to or greater than three times the tower height, except that camouflaged communication towers must only be setback a distance equal to 50 percent of the tower height.

E. SECURITY BARRIER

Each communication tower and communication equipment cabinet shall be surrounded by a masonry wall, chain-link fence or fencing material approved as part of the conditional use site development plan or comprehensive development plan. All walls or fencing shall be at least six feet high with a locked security gate. Barbed wire, razor wire, or other similar wire shall not be permitted.

F. LANDSCAPING

The visual impacts of a communication tower and communication equipment cabinets shall be mitigated for nearby viewers through landscaping or other screening materials at the base of the tower and cabinets. This landscaping and buffering shall be located on the outside of the wall or fence provided to comply with Subsection 2(e) above. Further, existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or a supplement for the landscaping and buffering requirements.

1. TREES

A row of evergreen trees with a minimum size of 2 inches D.B.H. or greater and a maximum separation of 10 feet shall be planted around the perimeter of the wall or fence provided to comply with Subsection 2(e) above. Landscaping and buffering requirements may be exempted as part of the conditional use approval in rural land use areas, provided visual impacts are determined by the County to be negligible.

2. HEDGE

If the wall or fence provided to comply with Subsection 2(e) is not a solid wall or fence, a hedge at least 2 feet high at the time of planting shall be planted near the perimeter of the wall or fence. This hedge shall be spaced and maintained so as to form a continuous, unbroken, solid, visual screen within one year after planting. Such spacing shall be no more than 30 inches on center at the time of planting.

G. HEIGHT OF COMMUNICATION TOWERS

Communication towers located within AC zoned property having a commercial, tourist commercial corridor or commercial within the west county overlay shall not exceed 200 ft. in height. Communication towers shall not extend over 1,000 feet above the ground. Communication towers on buildings shall not exceed the building height by more than 20 percent. The height of towers should be minimized to the maximum extent practical. Justification for the proposed tower height shall be submitted by the applicant. Evidence of compliance with FAA requirements, where applicable, governing structure heights shall also be submitted to the Zoning Department as part of all applications. This evidence shall include, where applicable, a copy of the submitted FAA form 7460-1,
attachments submitted with the form, and a copy of any FAA responses. For purposes of determining tower height for compliance with the requirements of this section, the height shall be measured to include communication antennas located on the tower.

H. ILLUMINATION

Antenna support structures, communication towers and associated communication antennas shall not be artificially lighted except to assure human safety or as required by the FAA. At the time of construction, in cases where there are residentially zoned areas within a distance equal to three times the height of the tower, dual mode lighting shall be requested from the FAA.

I. FINISHED COLOR

Communication towers and associated communication antennas not requiring FAA painting/marking shall have either a galvanized finish or be painted a non-contrasting blue or gray finish. The color should be selected so as to minimize the equipment's visibility. Compliance with these requirements does not mean that the tower is a camouflaged communication tower.

J. STRUCTURAL DESIGN

Each new communication tower must be designed and constructed so that in the event a tower falls it will collapse only within the property lines of the lot on which the tower is located. All applications for development approval shall provide verification of compliance with this design requirement from an engineer registered by the State of Florida. In addition, the construction of new communication towers shall comply with all county construction codes.

K. NONINTERFERENCE

No communication facility and no communication equipment shall be designed or operated in a manner which interferes with public safety communications. Frequency coordination is required to ensure noninterference with public safety systems and operations. Compliance with this requirement must be demonstrated by the applicant by using written information prepared by a communications expert or by submitting suitable Federal Communications Commission (FCC) information which verifies compliance.

L. SIGNAGE

Communication tower sites may be posted with signage to identify it as a “No Trespassing Area”. However, signage, other than governmentally required signage, shall not be placed on communication tower or communication equipment.

M. SITE PLAN

A site plan shall be required for new communication towers and communication facilities in accordance with the requirements of the zoning district within which they are proposed to be located in this Chapter.

N. FCC COMPLIANCE

No building permit may be issued for a new communication facility or communication tower until the applicant has demonstrated that the proposal complies with FCC
requirements. This evidence shall include, where applicable, a copy of the submitted FCC form 600, or FCC forms as amended, attachments submitted with the form, and a copy of any FCC responses.

O. CO-LOCATION OF COMMUNICATION ANTENNA

1. USE OF EXISTING COMMUNICATION TOWERS

New communication towers shall not be allowed unless the applicant can demonstrate that it is not feasible to use existing communication towers or other communication facilities. Factors to consider when evaluating the feasibility of joint use of existing communication facilities include, but are not limited to the following: lack of structural capacity; radio frequency interference; geographic service area requirement problems; mechanical or electrical incompatibilities; excessive costs (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a reasonable time period; FCC limitations which would preclude joint use; and difficulty complying with other requirements of this Chapter).

2. CO-LOCATION OF NEW COMMUNICATION TOWERS

New communication towers shall be engineered and constructed to accommodate the following unless the applicant can demonstrate that such accommodation is not technologically, structurally, or cost feasible:

a. One additional communication service provider (such as a personal wireless service provider) if the new communication tower extends less than 75 feet above the ground.

b. Two additional communication service providers if the new communication tower extends 75 feet or more above the ground.

c. If co-location is determined to be feasible, verification from an engineer registered by the State of Florida shall be submitted which demonstrates that the communication tower is designed to accommodate the required number of service providers.

d. In addition, the owner/operation shall submit an agreement, in a form acceptable to the County Attorney, which shall indicate that the owner/operator shall make the communications tower and site available to other legitimate service providers at a price equal to or lower than the market rates where feasible and subject to reasonable terms. Factors which may impact determinations regarding feasibility include, but are not limited to: the use of sound engineering principals, the impact of the co-location on the structural integrity of the tower, and the impact of the co-location on existing tower users. Factors which may impact determinations regarding reasonable terms include, but are not limited to: the capitalized cost of the communication tower and land, the amount of lease payments, the incremental cost of designing and constructing the tower to accommodate additional users, increases the maintenance expenses due to co-location, and a fair return on investment which is consistent with rates paid for comparable tower sites for co-location.
These instruments shall be recorded by the owner/operation at its’ expense. Any communication tower which has a valid approval may, without new conditional use approval, add additional communication antennas in accordance with a County approved tower design – unless prohibited by the conditions of a prior conditional use or other governmental approval.

e. A communication tower which is designed to accommodate more than two service providers shall be granted a 20% reduction to the separation distances between towers set forth in Subsection 2 (c) above. Use of this incentive shall not be construed in a manner which would cause the tower or any existing lawfully established communication towers to be penalized with regard to criteria in Subsection 2(c).

P. MISCELLANEOUS COMMUNICATION ANTENNA REQUIREMENTS

Communication antennas mounted on buildings shall be a permitted use within CT, CG, CR, IG, IR, IB, IN and AC zoning districts, provided the height of the communication antenna does not exceed 20% of the building height and that further provided the communication antenna is camouflaged. Communication antennas shall not be mounted on buildings primarily used as a single family dwelling, duplex, or triplex. Communication antennas mounted on communication towers should utilize the minimum visible area practical and should be mounted in a manner which minimizes the visual impacts on residential areas, public rights-of-way, recreational areas and navigable bodies of water.

Q. CAMOUFLAGED COMMUNICATION TOWERS

Camouflaged communication towers are a permitted use in the AC, CR, CT, CG, IR, IG, IN, IB, industrial PUD and commercial PUD zoning districts provided they are attached to a building as an accessory and are no higher than the building or are not visible from any point on the ground.

R. MISCELLANEOUS COMMUNICATION EQUIPMENT CABINET REQUIREMENTS

Communication equipment cabinets must comply with all government health, fire, and safety requirements. Information shall be submitted indicating the types and amount of any flammable, explosive, or other hazardous materials expected to be located in these cabinets. The placement, size, or number of cabinets shall be indicated on the site plan. Any cabinets located on a building must be screened from view from public rights-of-way or camouflaged. Communication equipment and cabinets or shelters located on buildings within an IG, IR, IB, IN, CG, CR, CT and AC, industrial PUD and commercial PUD zoning districts shall be a permitted use provided such cabinets are less than eight feet tall and further provided such cabinets are camouflaged. Communication equipment cabinets shall not be located on buildings primarily used as a single family dwelling, duplex or triplex.

S. PUBLIC SAFETY EXEMPTION

All government communication towers with public safety systems or equipment may be exempted from the criteria in subsection 9.2 (B), (C), (D)(1), and (F). These exemptions shall only be granted if the applicant can demonstrate that compliance with these provisions is not technologically or cost feasible. Any such exemptions shall not be considered as precluding the co-location or other service providers.
9.3 COMMUNICATION ANTENNAS

Except as otherwise provided herein, communication antennas are permitted uses in all zoning districts provided they comply with the following standards:

A. STANDARD FOR ALL DISTRICTS

1. CONSTRUCTION PERMITS AND CODES

Communication antennas shall be erected and maintained in compliance with all applicable construction permits and codes.

2. INDUSTRY STANDARDS

The installation shall meet all FCC and manufacturer specifications, rules and requirements.

3. GENERAL APPEARANCE

The antennas shall be of a nonreflective surface material and to the maximum extent possible, by color and location shall blend with the surrounding area and structures.

4. SIGNS

The antennas shall contain no advertising or signage of any type, other than governmentally required signage.

5. INSTALLATION

Prior to installation, the applicant shall submit detailed drawings of the proposed antenna installation and of the installation of any associated equipment. The drawings shall be certified by the manufacturer or a professional engineer.

6. PLACEMENT/DESIGN OF COMMUNICATION ANTENNAS

a. Communication antennas which are mounted on self-supporting structures other than communication towers and other communication facilities shall only be allowed as an accessory attachment to the structure and shall be designed to blend in with the functional design of the structure. Such self-supporting structures must comply with the following requirements:

(1) Minimum Separation Requirements: The distance from the base of the structures, on which the communication antennas are mounted to residentially zoned lots must be equal to or greater than the height of the structures, including any antennas on the structures. In addition, the structures and any associated communications equipment shall not be located in the front yards of any principal building. All structures and guy lines shall maintain required building setbacks. A minimum setback of 10 feet to property lines is required for any associated guy lines.
(2) Screening: Communication antennas and structures on which the communication antennas are mounted and any associated communications equipment shall be screened from view from public rights-of-way and residentially zoned lots in conformance with standards contained herein and to the extent that such screening is practical and consistent with the principal use of the structures.

(3) Illumination: The structures on which the communication antennas are mounted shall not be artificially lighted except to the extent required by the principal use of the structure or except to assure human safety or as required by FAA.

(4) Noninterference: No structure on which communication antennas are mounted and no associated communications equipment shall be designed or operated in a manner which interferes with public safety communications. Frequency coordination is required to ensure noninterference with public safety systems and operations. Compliance with this requirement must be demonstrated by the applicant using written information prepared by a communications expert or by submitting suitable FCC information which verifies compliance.

(5) Signage: Each structure on which communication antennas are mounted shall be posted with signage warning the general public to stay away from the antennas.

b. Communication antennas mounted on communication towers and other communication facilities as allowed by Subsection 9.2 above shall be placed and designed in accordance with this section, in a manner consistent with valid development plans, construction plans, and conditional use approval conditions.

B. COMMUNICATION ANTENNA PROHIBITION

Communication antennas which are mounted on structures other than buildings are not allowed in any residential district (for example, no communication towers and no communication antennas on poles are allowed in residential districts).

C. EXCEPTIONS

Communication antennas shall be exempt from these regulations to the minimum extent necessary to comply with the laws of the United States.

9.4 COMMUNICATION TOWERS AND FACILITIES IN MIA

There is hereby established a municipally influenced area ("MIA") within incorporated Osceola County described as:

From an area beginning at the east line of Range 31 East, running west to the west line of Range 28 East, and from the north line of Township 25 South, south to the south line of Township 26 South, also including the land area contained within the Poinciana Planned Unit Development.

Within the municipally influenced area, all communication towers and communication facilities may be allowed as a conditional use within institutional land uses and the following zoning districts: CR, CG, IG, IR, IB, IN, commercial PUD and industrial PUD, provided that the maximum height of a communication tower does not exceed 200 feet and the communication tower and facility comply with all requirements set forth in subsection 9.2.
9.5  EXEMPTION

Amateur radio operator antennas are exempt from the provisions of this Ordinance.

9.6  WAIVER

A waiver of these regulations may be granted, if recommended by the Planning Commission and approved by the Board of County Commissioners, where the application of these regulations would result in an undue hardship on the applicant.

9.7  ABANDONMENT

The Zoning Director must be notified immediately upon the cessation of use of the tower and/or antenna(s). When such use has been discontinued for 180 days or more, the conditional use approval shall become void, and the tower shall be removed within a reasonable time, thereafter.
“TABLE 9-1”

EXISTING TOWERS – TYPES
(REQUIRED SEPARATION IN FEET)

<table>
<thead>
<tr>
<th>PROPOSED TOWER TYPES</th>
<th>CAMOFLAGED - LESS THAN 75 FT. IN HEIGHT</th>
<th>ALL OTHER TOWER TYPES - LESS THAN 75 FT. IN HEIGHT</th>
<th>MONOPOLE, SIMILAR TOWER TYPES &amp; CAMOFLAGED -75 FT. IN HEIGHT</th>
<th>OTHER THAN TOWER TYPES (INCLUDING LATTICE &amp; GUYED) - 75 FT. IN HEIGHT OR GREATER</th>
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