

FILE COPY

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

- WHEREAS,** the City of Lakeland regulates certain aspects of wireless transmission tower construction, including but not limited to, height, setbacks, and separation; and,
- WHEREAS,** the existing wireless transmission ordinance was adopted in 2002; and,
- WHEREAS** given technology improvements and an increased need for wireless transmission towers and associated services by residents, it is appropriate to amend the ordinance from time to time when needed; and,
- WHEREAS,** the Municipal Planning Commission reviewed the proposed ordinance at its meeting on October 16, 2014 and recommended approval of the attached amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF LAKELAND TENNESSEE THAT:**

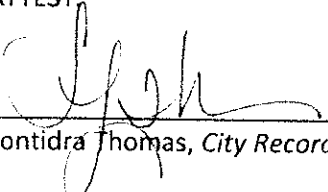
- Section 1. The Land Development Regulations pertaining to wireless transmission towers are hereby amended, as more fully described in Exhibit "A" attached hereto.
- Section 2. The provisions of this Ordinance are severable. If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.
- Section 3. This Ordinance shall take effect immediately after its final passage, the public welfare requiring it.

First Reading: November 13, 2014

Public Hearing: December 04, 2014

Final Reading: December 11, 2014

  
\_\_\_\_\_  
Wyatt Bunker, Mayor

ATTEST:  
  
\_\_\_\_\_  
Sontidra Thomas, City Recorder

## Exhibit "A"

### Article III, Section 14 – WIRELESS TRANSMISSION FACILITIES

- A. **Scope** – The regulations set forth in this section shall apply to wireless transmission facilities.
  
- B. **Purpose** – The purpose of the regulations of this section is to minimize the potential negative impact to surrounding property through application of reasonable technical and development standards for the installation and placement of wireless transmission facilities. The goals of this ordinance are to:
  - 1. protect residential areas and land uses from potential adverse impacts of towers and antennas;
  - 2. encourage the location of towers in non-residential areas;
  - 3. minimize the total number of towers throughout the community;
  - 4. strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use transmission facilities;
  - 5. encourage users of transmission facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
  - 6. encourage users of transmission facilities to configure them in a way that minimizes the adverse visual impact of towers and antennas through careful site design, landscape screening, and innovative camouflaging techniques;
  - 7. enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently;
  - 8. consider the public health and safety of wireless transmission facilities; and

FILE COPY

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

9. avoid potential damage to adjacent properties from tower failure through engineering and careful site selection of tower structures.
  10. give due consideration to the City of Lakeland Land Use Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of wireless transmission facilities.
- C. **Definitions** – The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

***Alternative Tower Structure*** means manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

***Antenna*** means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

***Backhaul Network*** means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and or long distance providers, or the public switched telephone network.

***FAA*** means the Federal Aviation Administration.

***FCC*** means the Federal Communication Commission.

***Height*** means, when referring to a tower or other structure, the distance measured from finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

***Mature system*** means an existing wireless transmission facility.

***Street*** means the surface of and all rights-of-way and the space above and below any public street, road, highway, freeway, lane, public way

FILE COPY

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

or place, sidewalk, alley court, boulevard, parkway, drive or easement now or hereafter held by the City for the purpose of public travel and shall also mean other easements or rights-of-way as shall be now held or hereafter held by the City which shall, within their proper use and meaning, entitle a user to the use thereof for the purposes of installing plant, facilities and equipment as may be ordinarily necessary and pertinent to utilizing wireless transmission facilities for the purpose of production or transmission.

***Tower*** means the base of any wireless transmission facility including, but not limited to, a self-supporting lattice tower, guyed tower, or monopole tower, together with an antennae or other appurtenances.

***User*** means any wireless telecommunications carrier utilizing wireless transmission facilities for the purpose of production or transmission.

***Transmission facilities*** means buildings, cabinets, structures and facilities, including generating and switching stations, repeaters, antennas, transmitters, receivers, towers and all other buildings and structures relating to low-power mobile voice transmission, data transmission, video transmission and radio transmission, or wireless transmission; accomplished by linking a wireless network of radio wave transmitting devices (including, but not limited to, wire, cable, fiber optics, laser, microwave, digital, radio, satellite, portable phones, pagers, mobile phones or similar facilities) to the conventional ground-wired communications system (including, but not limited to, telephone lines, video and/or microwave transmission) through a series of short range, contiguous cells that are part of an evolving cell grid.

D. **Applicability**

1. ***New Towers and Antennas.*** All new towers and antennas in the City of Lakeland shall be subject to these regulations, except as provided herein.
2. ***Amateur Radio Station Operator/Receive Only Antenna.*** These regulations shall not govern any tower, or the installation of any antenna, that is under sixty-five (65) feet in height and is owned and operated by a radio station operator, or is less than sixty-five (65) feet in height used exclusively for receive-only

7 FILE COPY

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

antennas. Specific requirements for amateur antennas are found in Section F(3).

3. ***Pre-existing Towers or Antennas.*** Pre-existing towers and antennas shall not be required to meet the requirements of this Ordinance; provided, however, the applicant shall meet any state or federal requirements established since erection where compliance is mandated regardless of the date of installation.
4. ***AM Array.*** For purposes of implementing this Section, an AM Array, consisting of one or more tower units and supporting ground system which functions as an AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

**E. Process**

1. The use of land for wireless transmission facilities shall be permitted in residential, agricultural, commercial and industrial districts; provided, however, that no building permit shall be issued or construction initiated without the review and approval of the Planning Commission and the Design Review Commission; and that the other requirements set forth in this division are met. All wireless transmission facilities shall be subject to the technical and developmental standards of this section, to the minimum standards in the zoning district in which the "wireless transmission facility" is located, and to such additional conditions that the Planning Commission and the Design Review Commission may require in order to preserve and protect the character of the district in which the proposed use is located.
2. The use of an electrical transmission tower or pole along major arterial or collector street (per the City's Major Road Plan), for wireless transmission facilities, shall be permitted in residential, agricultural, and commercial and industrial districts; provided, however, that no building permit shall be issued or construction initiated without the review and approval of the Planning Commission and Design Review Commission; and that the other requirements set forth in this

FILE COPY

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

section are met. All wireless transmission facilities on an electrical transmission tower or pole along a major arterial or collector street shall be subject to the technical and development standards of this section, to the minimum standards in the zoning district in which the wireless transmission facility is located, and to such additional conditions that the City may require in order to preserve and protect the character of the district in which the proposed use is located.

3. The use of land for the shared use of wireless transmission facilities where an approved wireless transmission facility exists on public or private property, and is not located within an existing power transmission line tower, shall be permitted in the residential, agricultural and commercial districts; provided, however, that no building permit shall be issued or construction initiated without the review and approval of the Planning Commission and Design Review Commission, and that the other requirements set forth in this section are met. All wireless transmission facilities on a major and/or collector street shall be subject to the technical and development standards of this section, to the minimum standards in the zoning district in which the wireless transmission facility is located, and to such additional conditions that the City may require in order to preserve and protect the character of the district in which the proposed use is located.
4. If, upon review of a wireless transmission facility submitted under subsections E.2. through E.3. of this section, and the City determines that additional review is necessary to completely evaluate the proposed facility, the City may defer the facility to the full process of review under Subsection E.1. of this section which includes review and approval by the Planning Commission and Design Review Commission.

**F. Exceptions – The provisions of this Section shall not apply to:**

1. Antennas or towers located on property owned, leased, or otherwise controlled by the City of Lakeland.
2. Antennas or towers located on property that are less than forty (40) feet in height unless otherwise regulated in this Ordinance.

FILE COPY

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

- 3. Amateur Radio Station Operator/Receive Only Antenna not exceeding sixty-five (65) feet in height and in compliance with the following:
  - a) The tower shall be located so that no part of the antenna or its elements shall encroach within the required side or rear yard setbacks or within ten feet of any easement for overhead electric distribution or transmission lines.
  - b) The tower and any element of the tower including guy wires or anchors shall not be located within the front 20 percent of any area of the tract or lot abutting a public street or approved private drive.
  - c) The tower height shall be established as the tallest point of the supporting tower and shall not include antenna mast or antenna elements affixed to the tower.
  - d) No more than one such tower shall be located on a tract or lot.
  - e) The request for a building permit shall be accompanied by a copy of a valid Amateur Radio Operators license issued by the FCC for the location being requested.
  - f) Installation shall conform to all local building code and structural design requirements pertaining to wind loading and structural strength characteristics protecting against collapse of the tower.
  - g) Provisions must be made to keep children from climbing the tower. At a minimum an enclosure, including gates, shall be constructed around the property or the tower at least four feet above the underlying grounds to adequately restrict access to the base of the tower from small children.
  - h) There shall be administrative site plan review to provide landscape screening to reasonably screen the tower from adjacent residential properties as determined Planning Director.

G. Preliminary Site Plan

- 1. The applicant shall submit a preliminary site plan describing the concept for the development of the entire parcel containing the wireless transmission facility to the Planning Commission and the Design Review Commission.
- 2. The Preliminary Site Plan shall include the following:

FILE COPY

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

- a. Existing and proposed roads;
  - b. Existing tree cover and proposed tree protection measures as required by the Tree Ordinance;
  - c. Landscape buffer areas and planting screens;
  - d. Curb cuts, drives and parking areas;
  - e. Grading and drainage plan which shows the existing and proposed topography of the entire site;
  - f. Building lines and the location of existing and proposed structures;
  - g. The zoning of adjacent tracts;
  - h. The names of the owners of all adjoining lots or tracts;
  - i. A vicinity map showing the location of the proposed site in relation to surrounding land uses and landmarks of the City;
  - j. Proposed uses of the land and buildings; and
  - k. Conveyance of access rights to the City as required by the Planning Commission.
3. Contain a certification by a licensed civil engineer that the boundaries have been surveyed and are true and correct, and that all encroachments, easements and rights-of-way are accurately shown on the plan;
  4. Provide a form for certification of approval by the Planning Commission and the Design Review Commission;
  5. Provide a form for certification by the owner and trustee of the mortgage, if any, that they adopt the plan and dedicate the streets shown on the plan and agree to make any required public improvements to adjacent streets as shown on the plans; and
  6. Provide the regulations used to control the uses permitted in the site and the uses specifically prohibited in the site.

**H. Final Site Plan**

1. After approval of the preliminary site plan by the Planning Commission and the Design Review Commission, but prior to the issuance of any building permit and/or commencement of construction, the applicant shall have approval of the Planning Commission and Design Review Commission and a final site plan that reflects the conditions of approval imposed by both



FILE COPY

**ORDINANCE 14-217**  
**AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS**  
**REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE**

---

the Planning Commission and Design Review Commission upon approval of the preliminary plan.

2. The Final Site Plan shall include the following:
  - a. Existing and proposed roads and drainage improvements;
  - b. Tree replacement plan and protection measures as required by the Tree Ordinance;
  - c. Landscape buffer areas and planting screening including the specific quantities of plant materials to be planted;
  - d. Existing and proposed curb cuts, drives and parking areas;
  - e. Grading and drainage plan showing the existing and proposed topography and stormwater management improvements required by the City Engineer;
  - f. The total square footage of parking areas, if provided;
  - g. Building lines and the location of all existing and proposed structures and related appurtenances;
  - h. The total square footage of all existing and proposed buildings and structures and related appurtenances;
  - i. The zoning and land use of adjacent tracts;
  - j. The names of the owners of all adjoining lots or tracts; and
  - k. A vicinity map showing the location of the proposed wireless transmission facility within the City including prominent landmarks.
  - l. Contain a certification by a licensed civil engineer that the boundaries have been surveyed and are true and correct and that all encroachments, easements, and rights-of-way are shown accurately on the site plan.
  - m. Provide a form of certification of approval by the Planning Commission and the Design Review Commission.
3. Provide a form of certification by the owner and trustee of the mortgage, if any, that they adopt the plan and dedicate the streets as shown on the Final Site Plan and agree to make any required improvements to adjacent streets as shown on the plan.
4. The applicant may, if desired, submit only one final site plan for the purpose of securing approval of the development plan if

FILE COPY

the plan submitted complies with all the requirements of the final plan. The Planning Commission and the Design Review Commission may grant final approval to such a plan after only one review.

- I. **Time Limitation** – A final plan approved by the Planning Commission and Design Review Commission shall be valid for a period not to exceed six (6) months. If substantial construction on the wireless transmission facility has not begun within six (6) months, the approval shall expire, and the applicant shall be required to resubmit plans to the Planning Commission and Design Review Commission for approval based upon the latest technical and development standards for such facilities contained in this section as well as other applicable provisions contained in the Zoning Ordinance and Lakeland Municipal Code.
  
- J. **Technical Standards** –
  1. ***Frontage and setbacks.*** Towers within all agricultural and residential districts shall be located on a single lot with a minimum of two hundred 200 feet of frontage on a public street (except when antenna is installed on existing electrical transmission towers or utility poles). Towers installed in zoning classifications other than agricultural and residential zoning districts shall conform to the minimum lot area and lot width requirements prescribed for the district in which the tower will be placed. The minimum distance from the base of the tower to any right-of-way shall be equivalent to or greater than two hundred (200) feet or two hundred percent (200%) of the height of the tower, whichever is greater; provided, however, in the case of self-supporting lattice or guyed towers the minimum distance from the base of the tower to any right-of-way shall be equivalent to or greater than two hundred fifty (250) feet or three hundred percent (300%) of the height of the tower, whichever is greater. Guys shall be placed no closer than seventy-five (75) feet from a right-of-way. No buildings or structures shall be located within the setback area of any required yard, thereby providing a clear fall zone for the tower to any right-of-way. The setbacks for all associated appurtenances, including buildings, cabinets, structures and facilities, shall correspond with the minimum setback requirements established for the zoning district in which the use is proposed.

ORDINANCE 14-217  
 AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
 REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

2. *Separation Distance between off-site Uses.* Tower separation shall be measured from the base of the tower to the lot line of off-site uses or designated areas as specified in the table below ("Separation Distances Between Towers And Off-Site Uses"). Separation requirements shall comply with the minimum standards established in the table below ("Separation Distances Between Towers And Off-Site Uses").

<u><i>Separation Distances Between Towers and Off-site Uses</i></u>	
<u><i>Off-Site/Designated Area</i></u>	<u><i>Separation Distance</i></u>
<u>Detached residential dwelling units, or vacant and zoned or otherwise approved for detached residential dwelling units</u>	<u>200 feet or 200 percent of Tower height, whichever is greater [1]</u>
<u>Nonresidentially-zoned land or nonresidential uses</u>	<u>None; only setbacks apply (per underlying zoning district requirements)</u>
<u><i>Notes:</i></u> <u>[1] Separation distance shall be measured by drawing or following a straight line between the base of the proposed tower and the closest property line of an off-site use.</u>	

2. *Separation Distance between Towers.* Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the base of the proposed tower. The separation distances shall be as follows based upon the type of tower:

Existing	Existing	Existing	Existing
Self-Support	Existing	Monopole	Monopole
Lattice	Guyed	(less than 75'	(75' or more
		in height)	in height)

ORDINANCE 14-217

AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

FILE COPY

Proposed Self-Support Lattice	5,000 feet	5,000 feet	1,500 feet	1,500 feet
Proposed Guyed	5,000 feet	5,000 feet	1,500 feet	1,500 feet
Proposed Monopole	1,500 feet	1,500 feet	1,000 feet	750 feet

3. ***National standards.*** The applicant's engineer shall provide documentation that the proposed wireless transmission facility meets or exceeds the standards of the American National Standards Institute (ANSI) for professionally acceptable radio frequency emissions standards.
4. ***Tower height***
  - a. For a single user in a residential zoning district, up to ninety (90) feet in height; for two or more users up to one hundred twenty (120) feet in height.
  - b. For a single user in a nonresidential zoning district, up to ninety (90) feet in height; for two or more users up to one hundred fifty (150) feet in height.
  - b. To encourage shared use, the maximum tower height for wireless transmission facilities, incorporated within an existing power transmission line tower, shall be twenty (20) feet above the highest point of the existing power transmission line tower.
  - c. To encourage shared use, the maximum tower height for wireless transmission facilities, on top of a utility pole, located within the right-of-way of a collector or major arterial street as defined in the Major Road Plan of the City of Lakeland, shall be eight (8) feet above the highest point of the existing utility pole.
5. ***Structural requirements.*** Prior to the approval of any tower in excess of thirty-five (35) feet in height, the applicant shall provide the City including the Planning Commission and Design Review Commission with written certification from a registered structural engineer that the tower is able to

FILE COPY

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

minimally withstand winds of seventy (70) miles per hour with one-half-inch radial ice, as per the ANSI Standards, and/or one hundred (100) miles per hour wind gusts, whichever is greater. For towers placed on buildings, the applicant shall also provide the City and Planning Commission and Design Review Commission such written certification, plus evidence that the building itself is structurally capable of safely supporting the tower and its accompanying equipment. Wireless transmission facilities shall be designed in accordance with acceptable standards for Seismic Zone 3.

6. ***Cable Microcell Network*** Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology may be permitted; provided, however, such installations do not require the use of towers.
  
7. ***Shared use***. The shared use of existing towers or the placement of towers less than thirty-five (35) feet in height at locations adjacent to a mature wireless facility, or wireless transmission facility incorporated within existing power transmission line towers, shall be encouraged whenever possible.
  - a. The applicant's proposal for a new wireless transmission facility shall not be approved unless it can be documented by the applicant that the proposed equipment planned for the proposed tower cannot be accommodated on an existing or approved tower located within a minimum distance of ten hundredths (.10) miles due to one or more of the following reasons:
    - (1) The planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
    - (2) The planned equipment would cause radio frequency (FR) interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost.

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

FILE COPY

- (3) Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and reasonably in parity with other similar equipment in place or approved.
  - (4) Geographic service requirements.
- b. The applicant shall also address the extent to which shared use of the proposed tower will be allowed in the future. A letter of intent committing the tower owner and his successors to allow shared use of the tower, if an applicant agrees in writing to pay any reasonable charge for shared use, shall be filed with the City, prior to any building permit being issued.
  - c. The applicant's plans must demonstrate how shared facilities would potentially be situated on proposed sites. Towers and/or structures shall be required to be designed for multi-tenants on the initial installation, i.e., designed for two sets of fully sectorized antenna arrays.

**K. Development Standards**

- 1. ***Buffer/landscaping provisions.*** The planting, maintenance and removal of trees associated with wireless transmission facilities shall comply with the Tree Ordinance of the City of Lakeland, and other related regulations pertaining to land disturbance and grading and sediment and erosion control. For ground structures and equipment buildings, located in or abutting property zoned residential (either immediately adjacent to such property or across a public roadway), special care shall be taken to minimize the effects on the adjacent residential area. The following shall be considered minimum standards:
  - a. A minimum of fifty (50)-foot buffer strip shall be required on the outer perimeter of the property, abutting property currently zoned for residential, office or commercial use or development. No internal roads or driveways, parking areas, structures or storage of materials shall be allowed within the buffer strip. This standard shall not supersede any existing or future agreements or regulations which may provide for a

- 
- greater buffer strip than outlined in subsection K.1. of this Section.
- b. The buffer strip shall consist of plantings and physical features sufficient to screen the view beginning at a specified level, reduce glare and noise, and provide greater privacy for nearby residential uses. The buffer shall be initially installed for the permanent year-round protection of adjacent property by visually shielding internal activities from adjoining property from ground level view to a minimum height of six (6) feet. A landscaping plan detailing the type, substance, design, width, height, opacity, growing period to maturity, time schedule for installation, and responsibility for perpetual maintenance of the buffer strip shall be submitted to and approved by the Design Review Commission.
  - c. The landscaping provisions of this Section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that, in the opinion of the Design Review Commission, meet the intent and purpose of this Section. In instances where significant physical features exist (i.e., railroads, major roads and interstates, hillsides, preserved wooded areas, and utility easements, etc.) which in the opinion of the Design Review Commission provided adequate buffering between land uses, the existing buffers may be used to meet landscaping requirements of this Section.
  - d. Security fencing shall be required and shall comply with the regulations set forth for fencing in the Lakeland Municipal Code. Security fencing (wood only) shall be required around the area of the wireless transmission facility. Other fencing requested by the user, in compliance with the Fence Regulations contained in the Lakeland Municipal Code shall be constructed, in addition to, and behind the required wood fencing.
  - e. Wireless transmission facilities mounted on a building or structure in a commercial district shall be screened and/or designed to blend in visually with the roof and/or structure and surroundings where mounted. Such methods and materials shall only require approval by the Design Review Commission.

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

FILE COPY

- f. Prior to issuance of a building permit, security acceptable to the City (such as a maintenance bond, letter of credit or similar security) shall be required to ensure completion of landscaping and screening provisions as outlined in the plan approved by the Design Review Commission. The security shall be posted in an amount equal to one hundred ten percent (110%) of the total cost of the materials and installation of such improvements. This security shall be required for a period of one (1) year following the issuance of a Certificate of for the building, or one (1) year following the completion of construction of the wireless transmission facility if no Certificate of Completion is required.
2. ***Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.*** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate at no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
    - a. No existing tower or structures are located within the geographic area which meets the applicant's engineering requirements;
    - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
    - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment;
    - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers and structures would cause interference with the applicant's proposed antenna.



FILE COPY

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

- e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - f. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- 3. ***Off-street parking.*** At least one (1) off-street parking space and/or an all-weather access drive capable of parking a vehicle shall be provided to service the wireless transmission facility. Parking facilities will be reviewed and approved by the Planning Commission and City Engineer.
  - 4. ***Lighting.*** Outside lighting, if required for safety and security purposes, shall be arranged so as to minimize glare and reflection on adjacent residential properties and public streets. The Design Review Commission may require the submission of a lighting plan by a qualified professional engineer to ensure that the illumination of outside lighting as designed and installed does not exceed 0.5 footcandles, measured at the property line of abutting property zoned for residential use or development. Wireless transmission facilities shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other governmental authority.
  - 5. ***Signs.*** The visual transfer of information on the public facility through the use of external signs shall comply with the sign regulations set forth in the Lakeland Municipal Code. No signs including flags shall be allowed on an antenna or tower under any circumstance including flags. Signage, where required, shall be reviewed and approved where required by the Design Review Commission.
  - 6. ***Vehicle access control.*** The location and design of driveways and/or accesses to reach the facility from a public street shall be approved by the Planning Commission and City Engineer.

FILE COPY

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

7. ***Erosion control and stormwater management.*** The control of erosion during development and the design of drainage systems suitable to handle stormwater runoff after the site is developed shall be approved by the Planning Commission and the City Engineer.
8. ***Exterior treatment.*** All wireless transmission facilities including buildings, cabinets, structures and facilities, shall be designed and constructed of materials so as to be architecturally compatible with the architectural character of the general area, and as approved by the Design Review Commission.
9. ***Franchises.*** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Lakeland have been obtained and shall file a copy of all required franchises with the City.
10. ***Noise.*** The intensity level of sound from the wireless transmission facility including temporary generators used during extended power outages, measured at the property line of abutting property zoned residential, shall not at any time exceed fifty (50) decibels. In instances where the Planning Commission and/or Design Review Commission determines that a new wireless transmission facility site may create objectionable noise or a nuisance to any adjacent property, additional buffers or other physical features shall be required to mitigate the noise.

**L. Inspections**

1. The user shall provide the City with a letter of certification from the design engineers (electrical, structural and civil) indicating that the wireless transmission facility was constructed according to the plans approved by the City. The letter shall be submitted within thirty (30) days of completion of the facility.
2. The user shall provide the City with a copy of the Shelby County's electrical inspector's report which ensures that the user met code requirements during construction of the facility.

FILE COPY

3. The user shall annually provide the City with a certified copy of the engineer's annual inspection report, which includes, but is not limited to, the condition of the grounding system, the structural integrity of the facility, any damage incurred over the past year, the condition of fasteners, and a plan to correct any documented deficiencies.
- M. **Removal** – Users vacating the property shall be responsible for removal of their respective buildings, cabinets, structures, facilities, and other appurtenances at their expense. It shall be the responsibility of the remaining facility user(s) and the landowner to maintain the site as per the site plan approved by the City of Lakeland. Legal use of the property for a wireless transmission facility shall be discontinued if all facility uses vacate the site for a minimum period of ninety (90) days.
- N. **Removal of Abandoned Wireless Transmission Facilities** – Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower and related appurtenances shall remove the same within ninety (90) days of receipt of notice from the City of Lakeland notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandoned the tower and related appurtenances.
- O. **Nonconforming Uses**
1. **Expansion of Nonconforming Use.** Towers that are constructed and antennas that are installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
  2. **Pre-Existing Towers.** Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance (including replacement with a new tower of like construction and height) on a pre-existing tower shall cause the property and all wireless transmission facilities and related

ORDINANCE 14-217  
AN ORDINANCE TO AMEND ARTICLE III, SECTION 14 OF THE LAND DEVELOPMENT REGULATIONS  
REGARDING WIRELESS TRANSMISSION TOWERS; PROVIDING AN EFFECTIVE DATE

---

FILE COPY

appurtenances to be brought into compliance with current requirements of this Section and shall require review and approval by the Planning Commission and Design Review Commission.

3. ***Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas.*** Notwithstanding Article III of the Zoning Ordinance, a nonconforming tower or antenna that is damaged or destroyed may be rebuilt; provided, however, that the type, height, and location of the tower and related appurtenances shall be designed similarly to the previous tower and related appurtenances. Substantial deviation from the original facility will require submittal of revised plans and approval from the Planning Commission and Design Review Commission. Building permits will be secured within 180 days of the date damage or destruction was incurred. If no building permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in this Section.

- P. **Building Permits** – It shall be unlawful to commence the excavation for the construction of any wireless transmission facility, including all associated appurtenances, until the City has issued a building permit and related permits for such work.