

ORDINANCE NO. 1960-21

AN ORDINANCE AMENDING SECTION 8.1 OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF MILTON, ADDING LANGUAGE FOR CORRECTED REFERENCE TO THE CODE OF ORDINANCES AND CONFORMANCE WITH APPLICABLE FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE City Council of the City of Milton, Florida as follows:

Section 1: Unified Development Code Amendment.

The City of Milton Unified Development Code is hereby amended as set forth in and incorporated herein by reference.

Section 8.1 (CCC.) Use of Rights-of-Way by Wireless Communications Facilities

(a) *Definitions.* The definitions of all applicable terms shall be as provided in Section 7.2, with the exception that the following terms shall be defined as provided in F.S. § 337.401(7)(b):

- (1) Antenna;
- (2) Applicable codes;
- (3) Applicant;
- (4) Application;
- (5) Authority;
- (6) Authority utility pole;
- (7) Collocate or collocation;
- (8) FCC;
- (9) Micro wireless facility;
- (10) Small wireless facility;
- (11) Utility pole;
- (12) Wireless facility;
- (13) Wireless infrastructure provider;
- (14) Wireless provider;
- (15) Wireless services;
- (16) Wireless service provider;
- (17) Wireless support structure.

(b) *Generally.* The placement of telecommunication towers and antennae anywhere in the corporate limits of the city shall in all cases be subject to the city's zoning and land use regulations, including those set forth in Part III, the Unified Development Code. Where

placement of a wireless antenna in the public right-of-way has been approved by the city and to the extent not inconsistent with any city zoning and land use regulations, a wireless antenna attached to a permitted and legally maintained vertical structure in the public right-of-way, such as a utility pole, shall, unless otherwise agreed to by the city in writing:

- (1) Not extend more than ten feet above the highest point of the vertical structure;
- (2) Not have any type of lighted signal, lights, or illuminations unless required by an applicable federal, state, or local rule, regulation or law;
- (3) Comply with any applicable Federal Communications Commission Emissions Standards;
- (4) Comply with any applicable local building codes in terms of design, construction and installation; and
- (5) Not contain any commercial advertising thereon.

(c) *Rules and regulations.* The City Manager is authorized to administratively promulgate such rules and regulations as may be necessary and appropriate to regulate the placement of wireless facilities and infrastructure in the public right-of-way in conformity with applicable provisions of state law, and to designate such staff as necessary to receive, process and make determinations with respect to applications for the placement of wireless facilities and infrastructure. Such rules and regulations shall be subject to the following criteria:

- (1) The registration fee required of applicants for the placement of wireless facilities and infrastructure shall be reasonably calculated to equal the city's cost of receiving, assessing, determining, awarding, and maintaining records with respect to each application, whether for an individual facility or for multiple facilities covered by a single application, but such fee shall not exceed \$100.00 per placement of each wireless facility.
- (2) The permit fee for the placement of wireless facilities on poles or other structures owned by the city shall be \$150.00 per facility per year.
- (3) All fees imposed shall be reasonable and nondiscriminatory and not based upon any services provided by the applicant.
- (4) All provisions of federal and state statutes, rules and regulations, and the provisions of this Code, pertaining to historic preservation and the historic districts regulated by the city, which have not been preempted or superseded by F.S. § 337.401(7), shall continue to be enforced and shall not be repealed, abated or waived by this section.
- (5) All applications by small and micro wireless facilities providers and installers to place utility poles and other supporting structures in the public rights-of-way shall be processed in accordance with F.S. § 337.401(6), and shall be subject to the codes, policies, practices, and rules

and regulations of the city with respect to the placement of such poles and other supporting structures in the public rights-of-way.

(d) *Prohibited collocations, attachments, installations, and services.* The provisions of this section do not authorize, and the city hereby prohibits, the following:

(1) This section does not authorize a person or entity to collocate or attach wireless facilities, including any antenna, micro wireless facility, or small wireless facility, on a privately owned utility pole, a privately owned wireless support structure, or other private property without the consent of the property owner.

(2) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this section does not authorize the provision of any voice, data, or video services or the installation, placement, maintenance, or operation of any communication facilities other than small wireless facilities in the public right-of-way.

(3) This section does not affect any provisions relating to pass-through providers contained in this Code and contained in F.S. § 337.401(6).

(4) This section does not authorize a person or entity to collocate small wireless facilities or micro wireless facilities on a city utility pole or erect a wireless support structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association. This subsection does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities.

Section 2: Severability.

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance and the City of Milton's Unified Development Code shall remain in full force and effect.

Section 3: Repealer.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: Effective Date.

This Ordinance shall be effective upon passage by the City Council.

PASSED AND DULY ADOPTED, with a quorum present and voting by the City Council of the City of Milton, Florida, the 9th day of March, 2021.

CITY OF MILTON, FLORIDA

BY:

Heather Lindsay
MAYOR, PRESIDENT OF CITY COUNCIL

ATTEST:

CITY CLERK:

Dennett Nobby

First Reading: 2-9-21

Second Reading: 3-9-21

Legal in form and valid when signed by City Attorney.


~~Alan Andrade~~

GEORGE R. MEAD, II

NOTICE OF PROPOSED ORDINANCE ENACTMENT

TO WHOM IT MAY CONCERN:

Please be advised that on the 9th day of March 2021 at 5:30 p.m., CST,
in the City Council meeting room at the City Hall at 6738 Dixon Street, in the City of Milton,
Florida there will be proposed for enactment an Ordinance whose title is as follows:

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AN ORDINANCE AMENDING SECTION 8.1 OF THE UNIFIED DEVELOPMENT
CODE OF THE CITY OF MILTON, ADDING LANGUAGE FOR CORRECTED
REFERENCE TO THE CODE OF ORDINANCES AND CONFORMANCE WITH
APPLICABLE FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; REPEALING
ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE
DATE.

This Ordinance is on file in the City Clerk's office for inspection. Any interested party may
appear at the meeting and be heard with respect to the proposed Ordinance.

This date of February 10, 2021

Dewitt Nobles

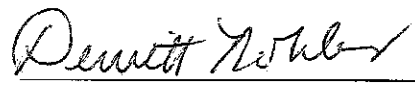
City Clerk

To be published at least ten (10) days in advance of the date of adoption.

Copy of this notice emailed to the newspaper February 10, 2021.

CITY CLERK'S CERTIFICATE

THIS ORDINANCE was read by title on the 9th day of February 2020,
and on the 9th day of March 2021. Notice of the proposed ordinance was published
ten (10) days in advance of its adoption on the 9th day of March 2021, and this
ordinance has been on file in the office of the City Clerk for inspection for more than ten (10)
days prior to its publication.


City Clerk

2/3498	
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This date of February 10, 2021	
Dewitt Nobles City Clerk	
2/20/2021 2/3498	