

ORDINANCE NO. 524

AN ORDINANCE OF TOWN OF INDIAN RIVER SHORES, FLORIDA, A MUNICIPAL CORPORATION, RELATING TO SECTION 167.17 (SITINGS OF COMMUNICATIONS TOWERS AND ANTENNAS) OF THE LAND DEVELOPMENT CODE (LDC) REGARDING TOWER HEIGHT; PROVIDING FOR TOWER NOT TO EXCEED 135 FEET UNDER CERTAIN CONDITIONS; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council has determined that certain conditions may exist to warrant a cell tower height in excess of the current 50' maximum height; and

WHEREAS, strict limitations should be placed on the height of communication towers.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES OF FLORIDA, AS FOLLOWS:

SECTION 1. Section 161.17 SITINGS OF COMMUNICATION TOWERS AND ANTENNAS (A) **Definitions - Communication tower** is amended to read as follows:

Communication tower shall mean a tower greater than 35 feet in height (including antenna) that supports communication (transmission or receiving) equipment. The term communication tower shall not include amateur radio operators' equipment, licensed by the Federal Communications Commission (FCC). No tower shall exceed 50 feet in height (including antenna) when free-standing, or 40% over the building height when placed on top of buildings, except as provided in (1) below:

- (1) A tower not to exceed 135 feet in height may be permitted by the Town if all of the following criteria are met:
 - (a) The Town determines that a serious deficiency in coverage exists that can only be corrected by adding cell tower coverage.
 - (b) The Town determines that the height needs to be increased over the 50 foot level to obtain reasonable coverage within the Town.
 - (c) That location of a tower of up to 135 feet is placed to have minimal adverse effect on surrounding and nearby residences.
 - (d) That location of a tower of up to 135 feet in height has coverage advantages for the Public Safety Department of the Town.

SECTION 2. This ordinance shall remain in force until supplemented, amended, repealed or otherwise altered.

SECTION 3. All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. If any provision of this ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications, and to this end, the provisions.

SECTION 5. This ordinance shall take effect upon its final reading and approval.

Passed 1st Reading: December 17, 2015

Published: January 15, 2016

PASSED AND ADOPTED upon second and final reading at a regular meeting of the Town Council of the Town of Indian River Shores, Florida, on this 28th day of January, 2016.

By:

/s
Brian M. Barefoot, Mayor

Attest:

/s
Laura Aldrich, Town Clerk