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June 28, 2016

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Mr. Cleveland Bain
Mobilitie, LLC
925B Peachtree Street NE, Suite 710
Atlanta, GA 30309

**RE: Mobilitie, LLC
Right-of-Way Use Permit Application for 120-foot Tower**

Mr. Bain:

We have received your application on for a Right-of Way Use Permit to construct a 120-foot Wireless Telecommunication Facility (WTCF) within NE Skyline Drive Way right-of-way. Martin County's Land Development Regulations (Section 4.793) provides that,

“No WTCF or tower shall be constructed, reconstructed, structurally altered or moved except pursuant to the provisions of this division 18 and pursuant to a development order issued in accordance with Article 10, Development Review Procedures, of the Land Development Regulations. Nothing in this division is intended to limit routine maintenance of lawfully established WTCFs or towers. Despite any provisions to the contrary in [Section 10.11](#) of the Land Development Regulations, the required type of development review for a WTCF or tower shall be as follows:

Development Review Process	Activity
Building permit only:	<ul style="list-style-type: none"> • Co-location of an antenna on an existing tower. • Replacement of antennas or ancillary WTCF equipment on an otherwise lawfully established tower or antenna support structure site. • New pole-mounted antennas. • New structure-mounted antennas. • New amateur radio antennas. • New Class A or Class B satellite earth stations. • Repair, reconstruction or replacement of an existing, nonconforming tower not involving an extension in tower height pursuant to section 4.806.

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<p>Minor development:</p>	<ul style="list-style-type: none"> • Construction of a new tower or an increase in the height of an existing tower on lands within industrial or agricultural future land use designations.
<p>Major development:</p>	<ul style="list-style-type: none"> • Construction of a new tower or an increase in the height of an existing tower within any future land use designation other than industrial or agricultural, except as otherwise provided in section 4.806.

A new pole-mounted antennas is the only applicable activity for this application; however, “pole-mounted means an antenna attached to or upon an electric transmission or distribution pole, a streetlight, a traffic signal or similar facility located within the public right-of-way or a utility easement. A utility pole mounted facility shall not be considered a tower.” Further, “pole-mounted antennas shall be placed no higher than ten percent above the point at which the utility pole would normally extend for purposes of providing the utility service. For example, where a 35-foot pole would normally be utilized to support a street light, a pole-mounted antenna located above such a street light shall be placed no higher than 38.5 feet.”

This application cannot be considered because the pole to which you are proposing to mount an antenna (microwave dish) does not provide a utility service and cannot be considered a utility pole. Should you have questions or need further clarification, please contact us.

Sincerely,

Lisa A. Wichser, P.E.
Traffic Engineering/ Development Review Administrator

LAW/MWC/smt