



April 2, 2013

Robin D. Meyer
Town of Longboat Key, FL
501 Bay Isles Road
Longboat Key, FL 34228-3124

Re: Proposed Telecommunications Ordinance

Dear Robin:

On behalf of Ridan Industries I offer the following comments to the Proposed Telecommunications Ordinance posted on the Town's website on March 13, 2013:

- Section 158.200 (E)

Recommend for purposes of consistency that the Town regulations mirror the Florida statutory time frames set forth in §365.172(12), Fla. Stats.

- Section 158.200 (E)(1)

This provides that if applicants do not cure application deficiencies within the specified time frames the application will be considered withdrawn and closed but no resubmission time requirement appears to be provided.

- Section 158.201(A)(1)(e)

This requirement conflicts with §365.172(12)(c), Fla. Stats.

- Section 158.201(C)(1)(o)

The requirement that construction plans be submitted with a special exception application, a zoning level approval, is excessive. This particular special exception use is required to go through a simultaneous site plan review and the information required in the special exception and site plan applications is more than sufficient for the Town to review the proposed use for compliance

Mary Doty Solik

121 S. Orange Avenue, Suite 1500 Orlando, FL 32801 Phone 407.367.7868 Mobile 407.925.4738
www.dotysoliklaw.com msolik@dotysoliklaw.com

Licensed in FL and GA

with the special exception and site plan criteria. If approved, the use must still obtain a building permit. The additional information provided in construction plans, over and above the detailed zoning drawings required for the special exception/site plan approval, is Florida Building Code compliance information and is more appropriately evaluated at the building permit stage of development. Because a special exception use proposal is also subject to modification by the Town Commission or additional conditions, it seems unfair to force an applicant to go the extensive time and expense to complete construction drawings for a proposal that may or may not be approved as proposed. We suspect that no other special exception use permitted by the LDRs is required to submit construction drawings for zoning approval.

- Section 158.201(C)(1)(z)

This requirement conflicts with §365.172(12)(c), Fla. Stats.

- Section 158.201(C)(1)(aa)

This is a building permit level issue.

- Sections 158.201(C)(1)(ee) and (ff)

This information is not relevant to any of the review criteria set forth in the Ordinance and exceeds the scope of the Town's authority to regulate land use. No other developer proposing any other special exception use allowed in your LDRs must submit information about development it has done outside your municipal boundaries.

- Section 158.201(3)(c)

This setback appears to address structural safety and sets forth a 100' structural safety setback even if the collapse zone of the tower is less. Section 365.172(12)(b)(2), Fla. Stats., establishes that structural safety setbacks can be no greater than the minimum distance necessary to satisfy the structural safety concern, mandating that this setback be no greater than the collapse zone of the tower.

- Section 158.201(D)

This insurance requirement exceeds the Town's land use regulatory authority. Any tower approved will be required to meet all building code standards. No other land use allowed in Long Boat Key on private property is required to meet such an insurance obligation.

- Section 158.201(E)

This section appears to conflict with §365.172(12)(b)(4) in that many of the fees attempted to be charged exceed the fees imposed on other special exception applicants in the Town of Longboat Key.

It is my hope that you find these comments constructive and useful.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Mary D. Solik". The signature is fluid and cursive, with a small mark at the end.

Mary D. Solik

cc: Kelly Fernandez, Esq.