

MEMORANDUM

DATE: March 6, 2013

TO: Planning and Zoning Board

FROM: Robin Meyer, AICP, Director
Planning, Zoning and Building Department

SUBJECT : Resolution 2013-09 Comprehensive Plan Amendments

Attached for your review is Resolution 2013-09, transmitting proposed Comprehensive Plan amendments to the Future Land Use Element's Policies 1.1.10 and 1.6.4 regarding personal wireless service facilities. The Board's recommendation will be given to the Town Commission, which will determine if the amendments should be transmitted to the Florida Department of Economic Opportunity (DEO) as provided by Florida Statutes 163.3184. The DEO and agencies will review the proposed amendments, and may provide comments to the Town. After receiving and considering the comments, the Town may adopt the amendments after further Board review, commission workshop and public hearings. This is the first step in the process.

Proposed Changes

The first paragraph of Future Land Use Element Policy 1.1.10 is hereby amended as follows:

The Future Land Use Map, Figure 2, shall contain the following future land use categories, which are further detailed in and implemented by the land development regulations. Table 1 illustrates the maximum densities and intensities of development for each future land use category. Height restrictions for each category shall not apply to the following: antennae, enclosed elevator shafts, enclosed stairwells and their parapet walls, enclosed mechanical equipment areas, personal wireless service facilities, chimneys, or house of worship spires. Height restrictions for these exceptions shall be addressed in but the Town's land development regulations shall limit their height.

Future Land Use Element Policy 1.6.4 is hereby amended as follows:

~~Because adequate Town-wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by state and federal law. Advancements in technology have made personal wireless service valuable to Longboat Key residents and visitors. In addition, Federal and State law place restrictions upon the Town's authority to regulate personal wireless service facilities. As a result when the Town is presented with a demonstrated need for modified~~

or additional personal wireless service facilities, the Town will work to balance that need with the Town's need to protect the unique character and aesthetics of the Town through the minimization of visual intrusiveness and other impacts. The Town will utilize the land development regulations to evaluate applications for personal wireless service facilities based on, at a minimum, heights, surrounding land use compatibility, aesthetics, and safety. The land development regulations shall reflect a hierarchy of preferred options for personal wireless service facilities within the Town, with towers being the least preferred option.

Analysis

Proposed Personal Wireless Changes

Federal and State laws require that communities accommodate personal wireless facilities within certain restrictions. In order to ensure compliance, staff is proposing changes to Policy 1.1.10 and Policy 1.6.4 of the Future Land Use Element to the Longboat Key Comprehensive Plan. As part of this effort staff is also proposing changes to the Town's Land Development Code to strengthen the regulations and more clearly define the community's desires as to the location and development of wireless facilities. To this end the proposed regulations clearly delineate the hierarchy for community preference for the type of facilities and their location.

Policy 1.1.10 Change: The purpose of this proposed language change is to specifically provide for "personal wireless service facilities" within the Comprehensive Plan and to set forth that the heights of the facilities will be controlled by the Town's Land Development Regulations.

Policy 1.6.4 Changes: The language changes proposed for Policy 1.6.4 are proposed to more clearly articulate the Town of Longboat Key's intent as to how personal wireless service facilities should be reviewed and developed within the Town. This language addresses three major issues that the Land Development Regulations need to address: 1) That there is a demonstrated need for the personal wireless service facility being proposed; 2) In reviewing applications for personal wireless service facilities the Town will balance the need for the facility with visual and other impacts; and 3) the Land Use Regulations will evaluate the applications based on height, surrounding land use, aesthetics and safety. In addition the changes clearly state there is a hierarchy of preferred services with towers being the least preferred of all of the options.

Staff Recommendation: Staff recommends that the proposed changes to Policy 1.1.10 and Policy 1.6.4 related to personal wireless service facilities be approved by the Planning and Zoning Board and forwarded to the Town Commission for their review and transmittal to DEO.