

RESOLUTION 2013-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, APPROVING FOR TRANSMITTAL FOR INITIAL REVIEW AS REQUIRED BY SECTION 163.3184(3), FLORIDA STATUTES, AMENDMENTS TO POLICIES 1.1.10 AND 1.6.4 OF THE FUTURE LAND USE ELEMENT AND RELATED SUPPLEMENTAL DATA AND ANALYSIS OF THE TOWN OF LONGBOAT KEY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, some have argued that personal wireless service facilities cannot exceed the height limitations set in the Town of Longboat Key's Comprehensive Plan for each future land use category; and

WHEREAS, the Town desires to specifically exempt personal wireless service facilities from the height limitations in the Town's Comprehensive Plan and instead limit the height of personal wireless service facilities through the Town of Longboat Key's land development regulations; and

WHEREAS, the Town wishes to clarify its policy for the approval of additional or modified wireless service facilities; and

WHEREAS, the Community Planning Act, Sections 163.3161 through 163.32466, Florida Statutes, ("Act") authorizes and requires the Town of Longboat Key to adopt and amend a Comprehensive Plan in accordance with the Act; and

WHEREAS, pursuant to the Act, Chapter 33 of the Town Code designates the Town of Longboat Key Planning and Zoning Board as the local planning agency responsible for the preparation of the Comprehensive Plan and amendments thereto; and

WHEREAS, the Town provided due public notice of the Planning and Zoning Board public hearing on March 19, 2013, which was conducted in a manner that afforded public participation to the fullest extent possible for the review of the proposed Comprehensive Plan amendments; and

WHEREAS, the Planning and Zoning Board reviewed the proposed comprehensive plan amendments at the March 19, 2013, public hearing and provided recommendations to the Town Commission as the local governing body; and

WHEREAS, the Town has given due public notice of the Town Commission's workshop and public hearing, which were conducted in a manner affording public participation to the fullest extent possible, for transmittal of the proposed Comprehensive Plan amendments; and

WHEREAS, the Town Commission of the Town of Longboat Key, after review of the recommendations of the Planning and Zoning Board, comments made at public hearings, and careful consideration of the issues, finds that the proposed Comprehensive Plan amendments are consistent with the existing Comprehensive Plan and are in the best interest of the health, safety, and welfare of the citizens of Longboat Key; and

WHEREAS, the Town Commission of the Town of Longboat Key, after due public hearing, wishes to transmit the proposed Comprehensive Plan Amendments to the Florida Department of Economic Opportunity as the state planning agency, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, the Florida Department of Environmental Protection, the Florida Department of Transportation, the Southwest Florida Water Management District, and the Florida Department of State for their review and comment pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. 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.~~

SECTION 3. 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 utilization of existing structures or facilities being the preferred option and with towers being the least preferred option.

SECTION 4. If any section, subsection, sentence, clause or provision of this Resolution is held invalid, the remainder of the Resolution shall not be affected.

SECTION 5. This Resolution becomes effective upon adoption in accordance with Law and the Charter of the Town of Longboat Key.

ADOPTED at a meeting of the Town Commission of the Town of Longboat Key this ____ day of _____, 2013.

James L. Brown, Mayor

ATTEST:

Trish Granger, Town Clerk