Regular Workshop – June 17, 2013
Agenda Item 9

Agenda Item:	Telecommunications Follow-up
Presenter:	Town Manager and Staff
Summary:	At the June 3, 2013, Regular Meeting, the Town Commission approved Resolution 2013-09 regarding policy language for Personal Wireless Service Facilities. Staff has been developing the draft Personal Wireless Service Facilities Regulations with the Planning and Zoning Board based on the previously discussed and approved hierarchy of approved facilities. This draft code has had preliminary review by the Planning and Zoning Board at their May 21, 2013, meeting and is scheduled for their June 18th agenda for further consideration. Staff is asking the Commission to provide feedback as to continuing with these regulations.
Attachments:	6-7-13 Memo, PZB Director to Town Manager Proposed Ordinance language; and PowerPoint presentation
Recommended Action:	Pending discussion, provide direction to Manager.

MEMORANDUM

DATE: June 7, 2013

TO: Dave Bullock, Town Manager

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

SUBJECT: Telecommunications Follow-up

At the June 3, 2013, Regular Meeting, the Town Commission approved Resolution 2013-09 regarding policy language for Personal Wireless Service Facilities. The Commission voted to amend the proposed language in Policy 1.6.4 with the following

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.

Staff has been developing the draft Personal Wireless Service Facilities Regulations for several months and presented the draft regulations to the Planning and Zoning Board based on the previously discussed and approved hierarchy of approved facilities. This draft code has had preliminary review by the Planning and Zoning Board at their May 21, 2013, meeting and is scheduled for their June 18th agenda for further consideration. Staff is asking the Commission to provide feedback as to continuing with these regulations.

Staff has transmitted Resolution 2013-09 to the State Department of Economic Opportunity (DEO) and anticipates any comments will be back to the Town within the 30 day time limit for their response. Should you have any questions please contact me.

57.06(E) Personal wireless service facilities primarily mounted on utility poles that meet the requirements of section 158.201(B). ~~Telecommunication antennae located on existing or replacement utility poles (the applicant shall provide proof that the owner of the system authorizes the installation of the antennae). Said antennae shall not extend more than ten feet from the top of the pole. Equipment and cabinet structures required in rights-of-way shall not exceed three feet in height, one foot in width and one foot in depth, shall be located attached to the utility pole and shall be painted the same color as the utility pole. Larger equipment cabinets shall not be located within the rights-of-way.~~

158.097(W) – STRIKE ALL EXISTING

158.157(F) – STRIKE ALL EXISTING

158.006 Definitions.

"*Adverse visual impact.*" As it relates to personal wireless service facilities, the negative visual effect of a personal wireless service facility on its surroundings. Being able to merely see a personal wireless service facility does not necessarily equate to a negative visual effect. Whether the visual effect of a personal wireless service facility is adverse is based on the existence of relevant negative factors for that facility, the number of those negative factors, and the degree that the facility evidences those negative factors. Relevant negative factors may include: A large amount of the personal wireless service facility is visible; the personal wireless service facility is of a design, material, location, or size that readily catches and holds a viewer's eye; the personal wireless service facility is in the reasonable view of a person in a moving vehicle for more than a short period of time; the personal wireless service facility is to be lighted and in an area with few or no other lights; the personal wireless service facility is readily identifiable as a personal wireless service facility by the average viewer; the personal wireless service facility, when viewed from regular views, appears out of place in the area; there is an absence of existing visual impact from other uses in the area surrounding the personal wireless service facility; there is an absence of vegetation, structures or other screening between the personal wireless service facility and reasonable views; the scale (height and bulk) of the personal wireless service facility is significantly greater than other uses existing or allowed in the surrounding area; the facility is proposed in an area visually protected by adopted view protection corridors or generally applicable aesthetic regulations that heighten the protection of the overall aesthetics of the area; and, a large amount of the available view is occupied by the personal wireless service facility, relative to all available views.

"Antenna." Any device used to transmit or receive electromagnetic waves or frequency signals. The term "antenna" includes frequency signals for radio, television, paging, personal communications services, cellular communications services, analog communications services, digital communications services, and microwave communications. The term "antenna" does not include a television antenna, satellite

dish, or other type of satellite or video receiving device that is mounted on a single-family residence for use exclusively of the occupants of that single-family home, or that is in compliance with subsection 158.127(F) and section 158.153 of this Zoning Code.

"Backhaul network." The lines that connect a provider's tower to one or more cellular telephone switching offices, and/or long distance services to the public switched telephone network.

"Collapse zone." The area surrounding a tower, which, in the event of a structural failure of all, or part, of the tower, would result in the tower falling or collapsing within the boundaries of the property on which the tower is placed.

"Co-location." ~~As used in section 158.200, t~~The situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennas. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennas.

~~*"Designed service."* The configuration and manner of deployment of personal wireless the personal wireless service provider has designed for an area as part of its network.~~

"Distributed Antenna System (DAS)." A network of spatially separated antenna nodes connected to a common source via a transport medium that provides personal wireless service within a geographic area or structure.

"Personal wireless services." Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access facilities and those defined by the Federal Telecommunications Act of 1996.

~~*"Monopole."* A tower consisting of a single pole to support external antennas and connecting appurtenances.~~

"Personal wireless service facility" or "Personal wireless service facilities." Facilities used for the provision of personal wireless services including any tower or antenna used for the provision of personal wireless services.

~~*"Personal wireless service facilities, height."* The height of personal wireless service facilities shall be measured from the ground or base level of the personal wireless facility to the highest point of the personal wireless facility, including, but not limited, the highest point of the antenna or other telecommunications attachment.~~

"Personal wireless service provider." A company licensed by the Federal Communications Commission (FCC) that provides personal wireless services. A tower

builder or owner is not a personal wireless service provider unless licensed to provide personal wireless services.

"Planning and zoning official." The official designated by the town manager as the individual responsible for the administration and enforcement of these regulations.

~~*"Stealth structure."* Architectural treatment of a tower to conceal or screen the presence of antennas, related supports and associated antenna facilities from public view by designing the tower to unobtrusively blend in aesthetically with the surrounding environment pursuant to the requirements of the Town Code.~~

"Unlicensed wireless service." The offering of telecommunications services using authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

158.200 Personal wireless service facilities. – STRIKE ALL EXISTING AND REPLACE WITH

(A) *Purpose and legislative intent.* Federal and state laws recognize the town's authority to regulate the placement, construction, and modification of personal wireless service facilities. The town recognizes that personal wireless service facilities play an important and complex role in the community. The intent of this section is to ensure that the placement, construction or modification of personal wireless service facilities is consistent with the town's land use policies and balances the community needs. This section strives to establish a fair and efficient application process, minimize impacts of personal wireless service facilities, and protect the health, safety and welfare of the residents and visitors of the town.

(B) *Hierarchy of personal wireless service facility preferences.* The town has established the hierarch set forth below for personal wireless service facilities, with one (1) being the most preferred and five (5) being the least preferred. More preferred facilities require fewer approvals and are subject to fewer restrictions.

(1) An antenna located on or in an existing building (see section 158.201(A)(2),(3) & (5)).
(2) The co-location of an antenna on an existing non-building structure or facility (see section 158.201(A)(4)).
(3) Facilities primarily mounted on utility poles, such as DAS (see section 158.201(B)).
(4) A camouflaged tower located on town-owned land (see section 158.201(C)).
(5) A camouflaged tower on other than town-owned land (see section 158.201(C)).

(C) *Prohibited personal wireless service facilities.* Self-supporting lattice towers, guyed towers, and all un-camouflaged towers are prohibited.

(D) *Priority determination.*

(1) If the proposed personal wireless service facility is not one of the three highest priorities listed, a detailed explanation and technical justification shall be provided as to why each of the higher priority facilities was not selected, including but not limited to the hardship that would be incurred by the applicant if the application were not granted for the personal wireless service facility proposed.

(2) An applicant may not bypass facilities of higher priority based solely on the cost of locating and erecting the proposed facility.

(E) *Generally applicable review procedures and timeframes.*

(1) The planning and zoning official shall notify the applicant for a personal wireless service facility within twentythirty (320) days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted in accordance with the requirements of this Zoning Code. Such notification shall indicate with specificity any deficiencies which, if cured, could make the application properly completed. Upon resubmission of information to cure the stated deficiencies, the town shall again have twentythirty (230) days to notify the applicant, in writing, of any remaining deficiencies that must be cured. If the applicant does not cure the deficiencies within thirty (30) daysany of the provided timeframes, the application shall be considered withdrawn and closed.

(2) An application is deemed submitted or resubmitted on the date the application is received by the town. If the town does not notify the applicant in writing that the application is not completed in compliance with this Zoning Code within twentythirty (230) days after the date the application is initially submitted or resubmitted, the application is deemed, for administrative purposes only, to be properly completed and properly submitted.

(3) Applications for a co-location shall be processed within forty-fiveninety (4590) days after an application has been properly completed and properly submitted. Applications for new personal wireless service facilities, including towers, shall be processed within ninety-one hundred twenty (1290) days after an application has been properly completed and properly submitted.

(4) The timeframes stated in this subsection may be extended or tolled by mutual agreement of the town and applicant.

(5) The final decision approving or denying an application shall be in writing and supported by "substantial evidence" pursuant to the Telecommunications Act, 47 U.S.C. §332(c)(7)(B)(iii).

158.201 Personal wireless service facility development standards.

(A) Antennas.

(1) An application for an antenna, whether or not a co-location, shall include the following information:

(a) The name of the applicant;
(b) Whether the applicant is an individual, partnership, limited partnership, limited liability corporation, professional corporation, professional association, governmental entity, or some other type of legal group or association;
(c) A complete, thorough and accurate description of the proposed antenna, including where necessary, an elevation drawing or model of the proposed antenna showing the view from north, east, west and south;
(d) The type of structure on which the antenna is proposed to be located;
(e) Certification that the proposed antenna will comply with ~~all applicable state, local and federal radiation standards in effect at the time of the application~~applicable Federal Aviation Administration requirements under 14 C.F.R. s. 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use;
(f) The proposed use of the antenna;
(g) The proposed location of the antenna with a map in sufficient detail to indicate the location with precision;
(h) The applicant shall provide proof that the property owner, if different from applicant, authorizes the installation of the facilities.
(i) The zoning/land use designation of the site for the proposed antenna;
(j) The height of the proposed antenna;
(k) Where applicable, a lighting plan, that is consistent with all federal, state and local requirements;
(l) Documentation that the proposed antenna and any appurtenances will withstand wind speeds as set forth in the Florida Building Code;
(m) A thorough plan detailing the steps to visually blend the proposed antenna with surrounding structures and facilities;
(n) The estimated completion date for constructing and/or locating the antenna, and any structures necessary for the backhaul network.

(2) An antenna classified as an initial (rather than co-location) antenna, located on a rooftop, a rooftop antenna platform or placed on the exterior of a structure shall meet the following minimum criteria:

(a) It is located in the INS, R-3MX, R-4MX, R-6MX, MUC-1, MUC-2, MUC-3, OI, C-1, C-2, C-3, M-1, T-3, or T-6 zoning districts;
(b) It is located on or in one of the following:

1. A rooftop of a structure in excess of 40 feet in height;
2. A rooftop antenna platform located on a roof of a structure in excess of 40 feet in height; or
3. The exterior of a structure in excess of 40 feet in height.

(c) The height of the antenna shall not exceed 30 feet above the highest point of the structure; and

(d) The antenna shall be camouflaged. An antenna shall be deemed to be camouflaged if the antenna and any equipment necessary for its operation are concealed from view by way of enclosure or through a blending of the antenna and equipment with the architectural design and appearance, color and scale of the structure to which it is attached.

(3) An antenna located inside an existing structure is permitted provided it is not visible from any surrounding properties or roadways and no readily discernible modification to the existing structure is performed and/or required.

(4) An antenna classified as a co-location located on an existing tower shall meet the following minimum criteria:

(a) The antenna does not increase the height of the tower to which it is to be attached, measured to the highest point of any part of the tower or any existing antenna attached to the tower;

(b) The ground space area, commonly known as the compound, approved in the site plan for equipment enclosures and ancillary facilities is not increased; and

(c) The antenna and its ancillary facilities are of a design and configuration consistent with all applicable regulations, restrictions or conditions, if any, applied to the initial antennas placed on the tower, its accompanying equipment enclosures and ancillary facilities and, if applicable, the tower supporting the antennas. Such regulations may include the design and aesthetic requirements, but not procedural requirements, other than those authorized by this section in effect at the time the initial antenna placement was approved.

(5) An antenna classified as a co-location located on a non-tower structure shall meet the following minimum criteria:

(a) The height of the antenna does not exceed 30 feet above the highest point of the structure;

(b) The ground space area, otherwise known as the compound, if any, previously approved for equipment enclosures and ancillary facilities is not increased;

(c) The antenna and its ancillary facilities are of a design and configuration consistent with any applicable structural or

aesthetic design requirements and any requirements for location on the structure for initial antennas;

(6) If only a portion of an application for a personal wireless service facility classified as a co-location does not meet the requirements of subsections (4) or (5), the noncompliant portion of the co-location application shall be reviewed as an initial antenna, under subsection (2) and the compliant remainder of the co-location application shall be reviewed in accordance with subsections (4) or (5), as applicable. A co-location application that complies with subsections (4) or (5), except that it is proposing to increase the equipment ground compound approved in the original site plan for equipment enclosure and ancillary facilities by no more than a cumulative amount of 400 square feet or 50 percent of the original compound size, whichever is greater, may continue to be reviewed as a co-location.

(7) Standards applicable to all antennas.

(a) Any antenna placed on the exterior of a structure shall not impede the view from any window of the structure on which it is mounted.

(b) All antennas must be at least 30 feet from ground level.

(c) An antenna and its ancillary facilities must meet all applicable requirements of the Florida Building Code.

(d) The antenna equipment shelter/cabinet must have a sign in close proximity which is readable from at least five feet, in accordance with FCC regulations, which notes the owner of the equipment and the name and telephone number of the person to contact to report an emergency or situation when notification is warranted.

(e) All additional requirements of state, federal and local law must be adhered to.

(8) The review and approval of an application for an antenna under this subsection is by site plan exemption pursuant to section 158.100 and building permit review.

(B) Personal wireless service facilities primarily mounted on utility poles.

(1) Personal wireless service facilities primarily mounted on utility poles, including but not limited to DAS, are permittable in all zoning districts provided the following criteria are met:

(a) The applicant shall provide proof that the owner of the utility pole authorizes the installation of the facilities.

(b) The applicant shall provide proof that the property owner, if different from applicant, authorizes the installation of the facilities.

(c) Any associated equipment and cabinet structures located in a right-of-way:

1. Shall be attached to a utility pole and painted the same color as the utility pole; and

2. Shall not exceed three (3) feet in height, two (2) foot in width, and one (1) foot in depth.

(d) Any associated equipment and cabinet structures not located in a right-of-way is permittable by site plan exemption and must meet the following criteria:

1. Shall be no wider than seven (7) feet;
2. Shall be no longer than thirteen (13) feet;
3. Shall not exceed the height limitations for mechanical equipment as provided by this Zoning Code;
4. May be located within a required side or required rear yard, provided, that it shall be no closer than ten feet to any lot line;
5. Shall be included in lot coverage and non-open space calculations for the site, including the pad;
6. Shall be located on a concrete pad;
7. Shall be screened from view by landscaping, architectural features, or a combination of both, and designed in a manner which minimizes nuisance impacts, such as noise and odor. Screening shall be at least equal to the height of the facility on all sides and shall be maintained in good order to minimize adverse visual impacts and preserve the stability and integrity of adjacent areas. Failure to maintain fences, walls or landscaping shall constitute a violation of this chapter;
8. Shall meet the requirements of section 158.148 "Intersection visibility"; and
9. Shall be set back from any existing residential dwelling at least one (1) foot for every foot in height of the facility (dwellings located on the same parcel as the structure are excluded).

(e) The top of any associated antennae shall not exceed fifty (50) feet in height.

(C) Towers

(1) Towers shall be permittable by site plan review and special exception granted by the Planning and Zoning Board. The special exception application must be made in conjunction with the site plan review requirements set forth in this Zoning Code. An application shall include the following information:

(a) The name of the applicant;

(b) Whether the applicant is an individual, partnership, limited partnership, limited liability corporation, professional corporation, professional association, governmental entity, or some other type of legal group or association;

(c) A complete, thorough and accurate description of the proposed tower, including where necessary, a scale drawing or model of the proposed tower;

(d) The proposed use of the proposed tower;

(e) If applicable, an acknowledgment that the applicant has a contract, license, lease, letter of understanding, agreement in principle, or other type of agreement with another entity for use of an antenna or antennas on the tower and a summary of the agreement or arrangement;

(f) The proposed location of the tower together with both a legal description of the location, and a map in sufficient detail to indicate the location with precision;

(g) The applicant shall provide proof that the property owner, if different from applicant, authorizes the installation of the facilities.

(h) The zoning/land use designation for the proposed tower;

(i) The proposed type of tower or structure;

(j) The height of the proposed tower;

(k) An engineering analysis and/or other data and/or documents that certify that in the event of catastrophic failure, fall or collapse of the tower, said tower would fall or collapse within the collapse zone of the proposed tower and would not damage or negatively impact the real or personal property of the surrounding property owners;

(l) Documentation that the proposed tower can support and locate the antennas or other type of personal wireless service facilities.

(m) Documentation that any existing tower or structure (whether owned by the applicant or not) located within a two-mile radius of the proposed location is physically unable to support co-location of one or more antennas on the existing tower, the height of the existing tower is insufficient or that the existing tower does not meet the engineering requirements of the applicant;

(n) Documentation that the proposed tower will be constructed in a manner to withstand wind speeds as set forth in the Florida Building Code;

(o) A copy of the construction plans to be used in constructing and/or modifying a tower;

(p) A description of the proposed steps to be taken to ensure that the aesthetic requirements are met and/or exceeded;

(q) A detailed plan for camouflaging or minimizing the visual obtrusion of the tower, which shall include the following documentation:

(i) An accurate colorized pictorial representation, artist's rendering, three-dimensional rendering, or digitized (super-imposed) to scale or the like, of the tower;

(ii) Design specifications which include total height, diameter and colorations;

(iii) A corresponding statement and pictures that explains the nature and character of the area within which the camouflaged tower is proposed with respect to land use, surrounding environment, building heights and designs; and building/environment density;

(iv) A corresponding statement that explains how the proposed camouflaged agent will blend and harmonize with the nature and character of the area and not present an adverse visual impact.

(r) A detailed plan for landscaping the perimeter of the tower, and/or equipment and surrounding leased area noting that the landscaping shall be native, xeriscape plants only;

(s) A detailed plan for landscaping the perimeter of any mechanical/electronic equipment buildings that adjoin or are attached to the base of the tower, in such a manner that the landscaping shall shield the buildings or structures from the view of adjoining parcels, noting that the landscaping described shall be native, xeriscape plants only;

(t) A detailed plan for sufficient, unobtrusive lighting, which is consistent with all federal, state and local requirements;

(u) A detailed plan outlining the proposed security measures, including the proposed means to limit access to the tower, in order to reduce the likelihood of trespass, damage, and/or injury to children and others. There are to be no climbing pegs on towers, except during maintenance and/or installation of equipment;

(v) A detailed plan for ingress and egress, including where needed, special ingress and egress routes for emergency vehicles such as emergency medical transport, fire, police and other law enforcement vehicles and ambulances;

(w) A detailed preventive maintenance program that meets minimum maintenance program standards for which the applicant is to remain solely responsible. The town will not be responsible for monitoring the maintenance program;

(x) Documentation of having conducted a balloon test, together with a visual impact analysis of such test, which test consists of a balloon, red or orange in color, no less than four feet in diameter, anchored to the ground, and flown at a height which is the same height as the proposed tower. The balloon shall be flown continuously for at least ten hours per day

(between 8:00 a.m. and 6:00 p.m.) on three consecutive days. The applicant shall document the balloon test with photographic evidence depicting the balloon in its relationship and proximity to the neighboring property, land and uses;

(y) Certification by a professional engineer, with qualifications as a soil engineer that a topographical survey has been conducted, and that the subsurface, substrata, and the proposed drainage are adequate to assure stability to the tower;

(z) Certification that the proposed antenna will comply with applicable Federal Aviation Administration requirements under 14 C.F.R. s. 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use;~~Certification that the applicant has met all FCC regulations regarding radio frequency emissions in effect at the time of the application, including certification by a professional engineer that the proposed design of the antennas located upon a tower will comply with non-ionizing electromagnetic radiation standards in effect at the time of the application;~~

(aa) Certification by a professional engineer that the proposed design of the antennas and tower demonstrates compliance with applicable Telecommunications Industry Association/Electronic Industries Association 222 standards in effect at the time of the application;

(bb) The estimated completion date for the location and/or construction or modification of the tower, and any structures necessary for the backhaul network;

(cc) The identity and location of any land-line backhaul connections to each tower location;

(dd) A map noting all personal wireless service facilities within a two-mile radius of the proposed location, and supporting documentation that lists or notes the identification of the classification of personal wireless service facility (antenna, tower, structure, or other type), its height, location, address, current location and current use;

(ee) A listing, if applicable, of municipalities or local governments within Manatee County and Sarasota County (including the counties) where the applicant, within one year preceding the current application, sought any permit (or similar or equivalent authorization) to locate, construct, and/or modify a tower or antenna, and, if so, what was the ultimate disposition of the application;

(ff) Whether the applicant, within a two-mile radius of the proposed location, has ever had any permit (or similar or equivalent authorization) revoked, rescinded, canceled or terminated which authorized the placement, construction, and/or modification of the tower or antenna, and, if so, what were the reasons surrounding such revocation; and

(gg) An acknowledgment that the applicant has read understands and intends to comply with the applicable rules and regulations governing the issuance and enforcement of special exception permits for personal wireless service facilities.

(2) Siting.

(a) Towers are allowable in the Community Facility Institutional zoning district and in any other zoning district if in conjunction with town-owned public safety facilities.

(b) In determining whether to approve the location of a proposed tower, the town shall consider:

(i) Whether the location is in the best interests of the health, safety and welfare of the town and its inhabitants; and

(ii) Whether another location would result in a less intrusive facility, so long as it would not prohibit or serve to prohibit the provision of personal wireless services.

(c) In determining whether to approve the location of a proposed tower, the cost to the applicant of alternative locations shall not be considered.

(3) General criteria. Towers shall meet the following minimum criteria:

(a) A clear and present need for the tower must be demonstrated at the time of application, including the provision of evidence that any existing tower(s) or facilities located within the search area for the proposed tower are physically unable to support co-location of one or more antennas, are not reasonably available for such use or are of insufficient height;

(b) Shall not exceed a maximum height of 110 feet above ground level for all sites on Longboat Key except for Town owned property which will have a height limit of 100 feet . A tower that is 100 or 110 feet high shall be designed, structurally, electrically, and in all other respects, to accommodate antennas for at least three users. All towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights;

(c) Shall have ~~a collapse zone or~~ be setback from any adjoining residential property at least 100 percent of the tower height, but in no event less than 100 feet;

(d) The placement and location of the proposed tower shall not create an unacceptable safety risk, or the reasonable probability of such, to residents, the public, employees and agents of the town, or employees of the service provider or other service providers;

(e) Shall not conflict, compromise or change the historic nature or character of the area where the tower is to be located;

(f) Shall be camouflaged from view from all public or private roads or streets. A tower shall be deemed to be camouflaged from view if the tower and its ancillary facilities are concealed from view as follows:

(i) Within a naturalistic facade that is similar to or compatible with the appearance of native vegetation in color, size, bulk, height and mass;

(ii) Within the facade of a structure that disguises the tower and its equipment such that they blend into the surrounding environment and which demonstrates that it meets the aesthetic nature and character of the area within which the tower is proposed as determined by land use, surrounding environment, building heights and designs and building/environment density;

(iii) Within a facade or structure, such that the antennas and ancillary facilities are not visible from off-site, that presents as narrow of a view profile as is reasonably possible, and is of the lowest height reasonably possible to provide the personal wireless service provider's service and to provide reasonable co-location opportunities for other personal wireless service providers; or

(iv) Is a unipole (flag pole) without external antennae.

(g) All lighting shall be consistent with all federal, state and local regulations;

(h) The proposed tower shall not be located within a V-zone as determined by the Federal Emergency Management Agency's official Flood Insurance Rate Maps (FIRM);

(i) The proposed tower shall not interfere with or obstruct public safety telecommunications facilities In accordance with the applicable rules of the Federal Communications Commission; and

(j) All applicable provisions of this Zoning Code and the Florida Building Code shall be met, including certification by a

registered engineer that the tower will withstand sustained wind speeds in compliance with the Florida Building Code.

(4) In evaluating the application for a special exception for a tower, in addition to the findings of subsection 158.126(A), the Planning and Zoning Board shall consider and evaluate the following, with the intent of balancing the reasonable allowance of a tower to provide personal wireless services in the area with the protection of the aesthetics of the area from adverse visual impacts:

(a) The proposed location of the tower, including the zoning/land use designation of the site and adjacent properties;

(b The proposed height of the tower;

(c) The number and location of towers and structures over forty (40) feet in height already existing within the search area of the proposed tower;

(d) The proximity of the proposed tower to single-family residences;

(e) The proposed aesthetics, including proposed camouflage measures, and/or steps proposed to visually blend the proposed tower in with surrounding buildings and facilities (including landscaping, screening or berming) and/or steps to minimize adverse visual impacts with preference being given to sites which can provide heavy vegetative screening of a tower;

(f) The projected collapse zone of the proposed tower;

(g) The ability to support co-locations; and

(h) Whether the types of antenna to be located on the tower are narrow profile antenna arrays;

(5) Upon granting site plan approval and special exception permit for the construction of a tower, the town reserves the right to inspect placement, construction and modification of such tower for the life of the tower. Any modification, relocation, rebuilding, repairing, in any way without the issuance of all applicable approvals and permits will be deemed a violation of the permit and subject the tower to removal.

(6) Removal of tower. The town may require, upon notice with a reasonable opportunity to cure, the immediate removal of a tower if:

(a) It has been abandoned for a period in excess of six (6) months;

(b) It falls into such a state of disrepair that it creates a safety hazard for the citizens of the town;

(c) It is modified, relocated, or rebuilt without the issuance of all applicable approvals and permits;

(d) The insurance required in subsection (D) below has not been maintained; or

(e) The special exception has been revoked.

(D) Insurance and security requirements.

(1) Insurance for towers.

(a) A tower owner shall not commence construction or operation of the facility without obtaining all insurance required hereunder and approval of such insurance by the town manager, nor shall a personal wireless service provider allow any contractor or subcontractor to commence work on its contract or sub-contract until all such insurance has been obtained and approved. The required insurance must be obtained and maintained for the entire period the tower is in existence. If the operator, its contractors or subcontractors do not have the required insurance, the town may order such entities to stop operations until the insurance is obtained and approved. The following coverage, at a minimum, shall be maintained:

(i) Public liability: $1,000,000.00 per occurrence;

(ii) Property damage: $1,000,000.00 per claim; and

(iii) Umbrella liability: $2,000,000.00.

(b) The policies shall be written on forms acceptable to the town, placed with an insurance carrier approved and licensed by the State of Florida Office. Certificates of insurance, reflecting evidence of the required insurance, shall be filed with the town prior to issuance of a building permit.

(c) All policies of insurance required to be maintained shall name the Town of Longboat Key as an additional insured. All policies shall contain a provision that coverage afforded under the policy will not be canceled without at least thirty (30) days prior written notice to the town.

(2) *Security Fund.* A bond, cash security fund or irrevocable letter of credit in a form acceptable to the town, shall be provided to the town by the personal wireless service provider to secure the cost of removing any personal wireless service facility permitted under this section should the provider fail to remove the personal wireless service facility as required by this Zoning Code. The amount of the bond, cash security fund, or letter of credit to be provided is as follows:

For each commercial telecommunication tower and the initial set of antenna or antenna array	$25,000
For each co-located telecommunication providers antenna or antenna array	$5,000

(E) Consultant fees.

(1) The town may hire any consultant and/or expert necessary to assist the town in reviewing and evaluating the application, including:

(a) determining the completeness of the application;

(b) analyzing any requests for waiver, relief or exemption;

(c) assisting with any lease negotiations and any pre-submittal review requested by the applicant, all of which are deemed part of the pre-approval evaluation; and

(d) reviewing the construction and/or modification of the personal wireless service facility.

(2) To prevent the taxpayers from bearing the cost of regulating personal wireless service facilities, the applicant shall deposit with the town sufficient funds to reimburse the town for all reasonable consultant and expert costs. The initial deposit shall be based on the anticipated needs in light of the specifics of the application, but in no event shall be less than $8,500.00 or as set forth in the town's schedule of fees. The placement of the deposit with the town shall precede any site visit or pre-application meeting or review, but in no event be provided later than the submittal of the application to the town.

(3) The town shall account for all funds received. The town's consultants/experts shall invoice the town for its services and such are to be paid out of the applicant's deposit.

(4) If at any time the amount of funds remaining is less than $2,500.00, the applicant shall, upon notification by the town, provide an additional deposit within three (3) business days so that a balance of at least $5,000.00 is obtained. No further action or consideration of the application shall occur until the additional deposit is received. In the event that a portion of the funds remains at the time the certificate of completion is issued, the remaining amount shall be promptly refunded to the applicant.

(5) For any single application there shall be a cap of $20,000.00 for consultant/expert costs to be charged to an applicant. However, the town is not prohibited from imposing additional fees for costs incurred as a result of an applicant amending or changing the application. Nor shall the cap apply to any costs which the town determines are attributable to the dilatory or otherwise bad faith actions of the applicant in providing a complete, accurate and truthful application or in proceeding with a public hearing.

(6) Records of all consultant/expert costs associated with the review and approval of an application shall be maintained and available for public inspection, in compliance with applicable law.

TOWN OF LONGBOAT KEY

Personal Wireless Service Facilities Amendments Sections 158.200 and 158.201

Town Commission Workshop

June 17, 2013

Amending Section 158.006 Definitions Adding

- Antenna
- Backhaul network
- Collapse zone
- Co-location
- Distributed Antenna System (DAS)
- Personal Wireless Facility and Provider
- Planning and Zoning Official
- Unlicensed wireless service

Amending Section 158.200 & 201 Personal Wireless service facilities and Standards:

- Adds Purpose and Intent
- Hierarchy of personal wireless service facility preference;
    1. Antenna located on or in an existing building
    2. Co-location of antenna on an existing non-building structure or facility.
    3. Facilities primarily mounted on utility poles (DAS)
    4. Camouflaged tower located on town owned land
    5. Camouflaged tower on other than town-owned land

Amending Section 158.200 & 201 Personal Wireless service facilities and standards:

- Prohibited personal wireless service facilities

  - Self supporting lattice towers, guyed towers, and all uncamouflaged towers are prohibited.

Amends Section 158.200 & 201 Personal Wireless service facilities and Standards:

- Facilities requiring site plan review and special exception
  - Camouflaged Towers

Amending Section 158.200 & 201 Personal Wireless service facilities and Standards:

- Priority determination;
  - If proposed facility is not one of the top priorities, then a detailed explanation is required along with technical justification as to why each of the higher priority facilities is not selected, including but not limited to the hardship that would be incurred by the applicant if the application were not granted for the personal wireless service facility proposed.
  - An applicant may not bypass facilities of higher priority based solely on the cost of locating and erecting the proposed facility

Amending Section 158.200 & 201 Personal Wireless service facilities and Standards:

- Priority determination; how would it be applied?
- An applicant would need to demonstrate for the first and second priorities that there are no viable locations for antennas on existing buildings or for co-location on antennas on existing facilities such as existing towers.
    - The showing for antennas would be a demonstration that there are no buildings or other facilities within the proposed service area that would be a viable location for a roof mounted antenna or attachment to an existing antenna.

Amending Section 158.200 & 201 Personal Wireless service facilities and Standards:

- Priority determination; how would it be applied?
- An applicant would need to demonstrate for the third priority that a Distributed Antenna System (DAS) or similar system using a series of small distributed antennas is technically unfeasible to build.
    - The showing for a DAS or similar system would be a demonstration that technically the system cannot serve the proposed service area due to constraints in the technology or similar reason, stating that the cost of the system is to high is not a legitimate reason for not using a DAS system.

Amending Section 158.200 & 201 Personal Wireless service facilities and Standards:

- Priority determination; how would it be applied?
- An applicant would need to demonstrate for the forth priority that a camouflaged tower on Town owned property is not technically feasible.
  - The showing for a camouflaged tower on Town owned property would not work would be technical analysis demonstrating the no Town owned site can provide the necessary service or the sites cannot be developed due to zoning constraints.

Amending Section 158.200 & 201 Personal Wireless service facilities and Standards:

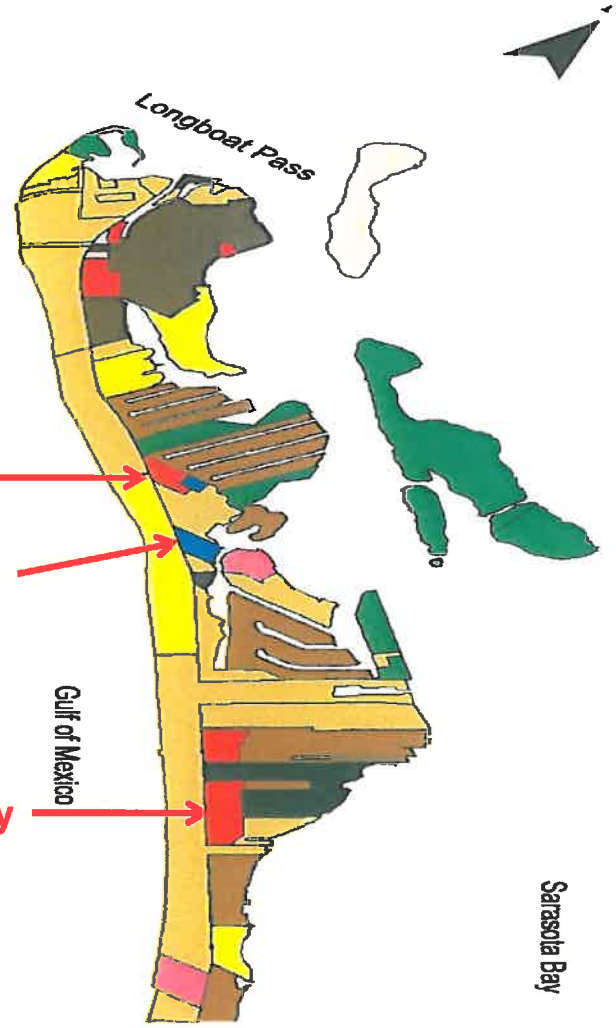
- Priority determination; how would it be applied?
- To review the technical analysis's provided by an applicant to support their application, the Town will hire a "expert" at the applicants expense to review all information and provide the Town with an objective review of the information.
- Staff would use the "expert analysis" as the basis for their review and recommendation to the P & Z Board and the Town Commission

Amending Section 158.200 & 201 Personal Wireless service facilities and Standards:

- Code Technical requirements;
  - Stipulated timelines
  - Application requirements
  - Specific development requirements for each facility type
  - Removal of a Tower
  - Insurance requirements
  - Consultant requirements and payment

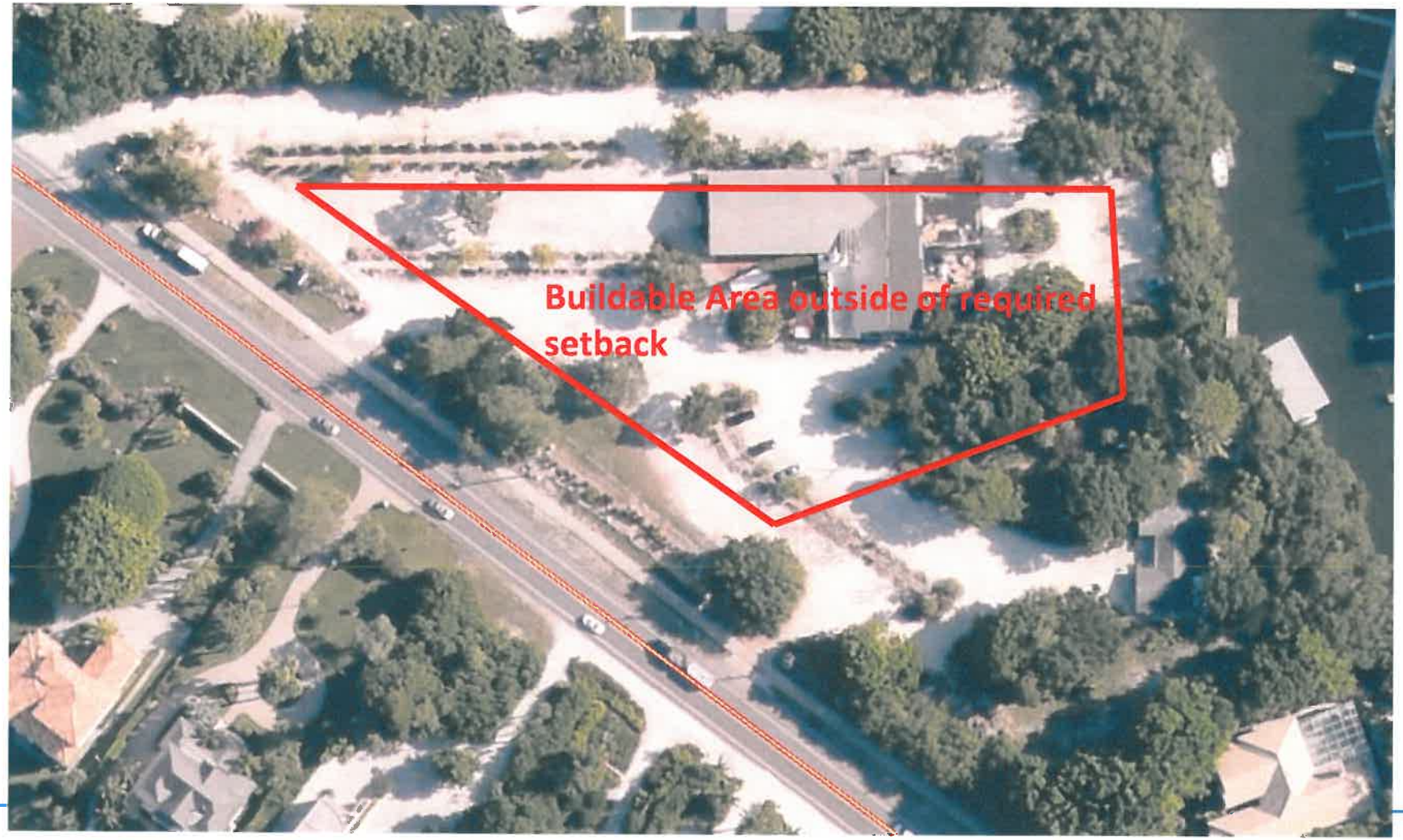
Location of Institutional Zoned and Public Safety Sites

1. 600 General Harris Street, Public Works
2. 6200 Gulf of Mexico Drive, Island Chapel
3. 5450 Gulf of Mexico Drive, Public Safety



1. 600 General Harris Street – Public Works

1. 6200 Gulf of Mexico Drive – Island Chapel



5450 Gulf of Mexico Drive – Public Safety Facility

End of Agenda Item