

M E M O R A N D U M

DATE: April 11, 2016

TO: Planning and Zoning Board

FROM: Alaina Ray, AICP, Director
Planning, Zoning and Building

RE: Ordinance 2016-12, Amending Chapter 158, Zoning Code, Section 158.006, Definitions, Section 158.200, Personal Wireless Service Facilities, and Section 158.201, Personal Wireless Service Facility Development Standards

On November 3, 2015, the Town's electors voted to authorize the Town's borrowing of up to \$25,250,000 for undergrounding utilities (electric, telephone, cable and fiber optic) and feeder lines on Gulf of Mexico Drive. Subsequently, on March 15, 2016, the Town's electors also voted to authorize the Town's borrowing of up to \$23,850,000 for undergrounding utilities in all neighborhoods where overhead utilities exist, as well as installation of fiber optics in all neighborhoods. The resulting projects to underground utilities necessitated a new chapter to be added to the Town's Code of Ordinances to establish regulations for underground utilities on the island, which the Town Commission adopted as Chapter 58, Undergrounding of Utilities, on April 4, 2016.

The adoption of Chapter 58 necessitates minor revisions to the Personal Wireless Service Facility regulations contained in Chapter 158, in order to reflect new terminology. Specifically, the term "light fixtures" has been added to the Code, to allow Wi-Fi equipment to be located on light poles, bollards, and other structures used for lighting purposes.

If the Planning and Zoning Board recommends approval of Ordinance 2016-12, the Ordinance will be forwarded to the Town Commission for consideration.

Attachments: PowerPoint Presentation
Ordinance 2016-12

ORDINANCE 2016-12

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING WITHIN TITLE 15 LAND DEVELOPMENT CODE, CHAPTER 158, ZONING CODE; SECTION 158.006, DEFINITIONS; 158.200, PERSONAL WIRELESS SERVICE FACILITIES; SECTION 158.201, PERSONAL WIRELESS SERVICE FACILITY DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Longboat Key (Town) is a barrier island with unique natural attributes and limited development; and

WHEREAS, Policy 1.1.7 of the Town's Comprehensive Plan mandates that, in development planning efforts, emphasis will be placed upon the protection of the visual and aesthetic character of neighborhoods, including open space; and

WHEREAS, an Urban Land Institute study was performed for the Town in October 2013 which recommended streetscape enhancements to Gulf of Mexico Drive, to include landscape options that would necessitate removal of overhead wires, as part of a transformation of Gulf of Mexico Drive into a more pedestrian-friendly system; and

WHEREAS, the Town recognizes the benefits of improved reliability, safety, and aesthetics of eliminating overhead utility lines within the town's corporate limits; and

WHEREAS, the Town seeks to achieve these benefits by requiring the infrastructure for electrical power, telecommunications, video, cable, television, internet, broadband, and similar services be installed underground to the greatest extent possible; and

WHEREAS, the Town found it is necessary to revise its Code of Ordinances to incorporate uniform guidelines, standards, and procedures for these underground services; and

WHEREAS, those revisions prompted the need for modifications to the Code of Ordinances regulations regarding personal wireless services facilities, for the purpose of maintaining consistency regarding terminology; and

WHEREAS, after due public notice, the Town's Planning and Zoning Board held a public hearing on April 19, 2016, to consider the proposed Zoning Code amendments and provided recommendations to the Town Commission as the local governing body; and

WHEREAS, after due public notice, the Town Commission held a workshop on _____, 2016, and considered the recommendations of the Town's Planning and Zoning Board; and

WHEREAS, on _____, 2016, the Town Commission conducted a duly noticed initial public hearing on the proposed Zoning Code amendments; and

WHEREAS, on _____, 2016, the Town Commission conducted a duly noticed second public hearing on the proposed Zoning Code amendments and the Town Commission approved the amendments.

THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, AS FOLLOWS

SECTION 1. The above recitals are true and correct and are hereby incorporated fully by reference.

SECTION 2. Chapter 158, Zoning Code, Sections 158.006, Definitions; 158.200, Personal Wireless Service Facilities; and 158.201, Personal Wireless Service Facility Development Standards; are hereby amended as follows:

Chapter 158 Zoning Code

158.006 - Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Light fixture” shall mean any above ground pole, bollard, ground-mounted pathway light, and other similar structure utilized exclusively for lighting or signalization, but which may also include Wi-Fi node facilities. This definition does not include wiring for street lighting, which is required to be underground.

158.200 - Personal wireless service facilities.

(B) *Hierarchy of personal wireless service facility preferences.* The town has established the hierarch set forth below for personal wireless service facilities, with (1) being the most preferred and (4) 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, whether or not a co-location (see subsections 158.201(A)(2), (3) and (5)).
- (2) The co-location of an antenna on an existing freestanding facility (see subsection 158.201(A)(4)).
- (3) Facilities primarily mounted on existing utility poles and/or light fixtures, such as DAS or similar applications (see subsection 158.201(B)).
- (4) Freestanding facilities (see subsection 158.201(C)).

158.201 - Personal wireless service facility development standards.

(B) Personal wireless service facilities primarily mounted on existing utility poles and/or light fixtures.

(1) Personal wireless service facilities primarily mounted on existing utility poles and/or light fixtures, including but not limited to DAS and/or small cell applications, are permissible in all zoning districts provided the following criteria are met:

(a) The applicant shall provide proof that the owner of the utility pole and/or light fixture 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 ancillary equipment located in a right-of-way:

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

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

(C) Freestanding facilities.

(1) Freestanding facilities and their ancillary equipment shall be permissible by site plan review and special exception granted by the planning and zoning board in all zoning districts except in Island Preserve (R-1IP), Open Space - Passive (OS-P), Open Space - Conservation (OS-C), and Single-Family (R-1SF, R-2SF, R-3SF, R-4SF, R-6SF) districts, provided the following criteria are met:

(a) The freestanding facility shall be designed so as to mimic a structure or natural feature that could reasonably be found and/or blend with the surrounding area, such as a light ~~pole~~ fixture or tree. Examples of acceptable and unacceptable freestanding facilities are provided in the following graphics:

SECTION 5. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 6. Repeal of Ordinances in Conflict. All other ordinances of the Town of Longboat Key, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 7. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key.

SECTION 8. Effective Date. This Ordinance shall take effect immediately upon its adoption, as provided by law.

Passed on first reading and public hearing the ____ day of _____, 2016.

Adopted on second reading and public hearing the ____ day of _____,
2016.

Jack G. Duncan, Mayor

ATTEST:

Trish Granger, Town Clerk



Ordinance 2016-12

Chapter 158: Personal Wireless Service Facilities

Planning and Zoning Board
April 19, 2016



Background

- November 3, 2015: Funding for GMD Undergrounding Project approved by electorate
- March 15, 2016: Funding for Neighborhood Undergrounding Project approved by electorate
- April 4, 2015: Town Commission adopted Ordinance 2016-06, creating a new Chapter 58: Underground Utilities



Chapter 158: Personal Wireless Service Facilities

- The adoption of Ordinance 2016-06 necessitates minor revisions to Chapter 158 to maintain consistency.
 - Establishes new definition:
 - “Light fixture” shall mean any above ground pole, bollard, ground-mounted pathway light, and other similar structure utilized exclusively for lighting or signalization, but which may also include Wi-Fi node facilities. This definition does not include wiring for street lighting, which is required to be underground.
 - Allows Wi-Fi equipment to be located on light poles, bollards, and other structures used for lighting purposes.