

M E M O R A N D U M

TO: Tom Harmer, Town Manager

FROM: Allen Parsons, AICP,
Director, Planning, Zoning and Building Department

REPORT DATE: November 3, 2021

MEETING DATE: November 15, 2021

SUBJECT: Ordinance 2021-16, Amending Chapter 158, Zoning Code, Section 158.114, Personal Wireless Service Facility Development Standards

Recommended Action

Adopt Ordinance 2021-16.

Background

At their November 1, 2021 Regular Meeting the Town Commission held first reading and forwarded Ordinance 2021-16 to the November 15, 2021 Special Meeting for second reading, public hearing and adoption.

In 2019, as part of the Utilities Undergrounding Project, the Town Commission approved a number of revisions to the Town's Telecommunications related standards (Zoning Code Sec. 158.114). The revisions established uniform height, spacing and design of utility poles and light fixtures that can accommodate personal wireless service facilities, along Gulf of Mexico Drive, other rights-of-ways or streets and in private properties in the Town.

Among the changes to the standards were that these facilities, and any ancillary equipment and spacing between these facilities, would be similar in character, size and spacing to that being installed by the Town. The ancillary equipment dimensions that were codified into Sec. 158.114 were based on input from the Town's personal wireless consultants at the time and represented a best estimate of minimum ancillary equipment needs. Similarly, the standards addressing the spacing of the infrastructure poles was intended to mirror the lighting equipment deployed by the Town.

The Town has subsequently received interest from a telecommunications provider to install its own equipment in various right-of-way locations in the Town. The existing code provides graphics that highlight examples of acceptable poles. There is no change requested to the graphics in the existing code. However, the specific ancillary equipment dimensions, for the personal wireless facilities, do not meet the current typical dimensional requirements. In addition, the request highlighted that the spacing distances, with new freestanding facilities, can differ from the Town's lighting infrastructure separation requirements because providers may be installing individual poles, proposed for discrete locations, rather than a series of poles at regular intervals along a right-of-way.

To address this, the Town is processing limited amendments to the ancillary equipment dimensional standards and spacing between infrastructure poles, in part, to enhance the

safety, and welfare of the residents and visitors in the Town. The enhancement of wireless telecommunications services is also a Town Commission priority.

The proposed ancillary equipment dimensional changes to the Personal Wireless Service Facilities Development Standards (Section 158.114), are described below:

Section 158.114(A)(1)(c), Personal Wireless Service Facility Development Standards, Antennas, (excerpted below) amendment proposed to ensure that applications for personal wireless facilities provide complete descriptions, including drawings or models with any 5G equipment array, and any other equipment, when proposed. Planning & Zoning Board (P&Z Board) modified, and staff concurred with removal of 5G from the proposed amendment wording.

158.114 - 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;

(A)(c) is revised as follows:

Previous language for subsection (c) reads as follows:

(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.

Proposed Revised language for subsection (c) will include the same language above with the inclusion of an additional sentence at the end, which reads: *The description, drawings or models will also include any proposed equipment array and any other equipment associated therewith;*

Section 158.114(B)(1)(c), Personal Wireless Facilities Primarily Mounted on Existing Utility Poles and/or Light Fixtures, Development Standards- Ancillary Equipment in a Right-of-Way, (excerpted below) amendment proposed to address the Town's current understanding of typical sizes of ancillary equipment, located on existing utility poles or light fixtures, that would accommodate current standards for these types of infrastructure, with increases proposed, from 4 feet to 6 feet in height, and from 1 foot to 2 foot in depth. P&Z Board modified, and staff concurred with modification of the proposed amendment wording to correctly state feet verses foot.

158.114 Personal wireless service facility development standards.

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

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

(B)(1)(c) is revised as follows:

Previous language for subsection (1)(c) reads as follows:

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 four feet in height, two foot in width, and one foot in depth.*

Proposed revised language for subsection (1)(c) will read as follows:

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 six feet in height, two feet in width, and two feet in depth, excluding electric meter and disconnect.*

Section 158.114(C)(1)(b), Free Standing Facilities, Ancillary Equipment Criteria, (excerpted below) Similar to the requirements for personal wireless facilities and ancillary equipment on existing poles, the newly proposed ancillary equipment standards for new free-standing facilities have increases proposed, from 4 feet to 6 feet in height, and from 1 foot to 2 foot in depth. Additionally, language is being added to provide a 60 feet minimum separation between adjacent lighting or personal wireless service poles to address circumstances where a single pole would be added to a location. P&Z Board modified, and staff concurred with modification of the proposed amendment wording to correctly state feet, verses foot.

158.114 Personal wireless service facility development standards.

(C) Freestanding facilities.

(1) Freestanding facilities and their ancillary equipment shall be permissible by Site Development Plan review and Special Exception granted by the Planning and Zoning Board in all zoning districts provided the following criteria are met:

Previous language for subsection (1)(b) reads as follows:

(b) Ancillary equipment must meet the following criteria:

- 1. Private property;*

(a) Shall be as compact as technologically possible, but in no case shall ground mounted equipment exceed eight foot in height, four foot in width, and eight foot in depth, or shall facility mounted equipment exceed four feet in height, two foot in width, and one foot in depth.

Proposed revised language for subsection (1)(b) will read as follows:

(a) Shall be as compact as technologically possible, but in no case shall ground mounted equipment exceed eight foot in height, four foot in width, and eight foot in depth, or shall facility mounted equipment exceed six feet in height, two feet in width, and two feet in depth excluding electric meter and disconnect.

2. *Public rights-of-way;*

(a) Shall utilize identical equipment or substantially similar equipment to the equipment deployed by the Town;

Previous language for subsection (b) reads as follows:

(b) Shall be as compact as technologically possible, but in no case shall exceed four feet in height, two foot in width, and one foot in depth.

Proposed revised language for subsection (1)(b) will read as follows:

(b) Shall be as compact as technologically possible, but in no case shall exceed six feet in height, two feet in width, and two feet in depth, excluding electric meter and disconnect.

(d) For any freestanding facility within the Gulf of Mexico Drive or other rights-of-way or streets within the Town that utilizes lighting, the facility shall:

1. *utilize identical equipment or substantially similar equipment to the adjacent lighting deployed by the Town;*

Previous language for subsection (d)(2) reads as follows:

2. *be installed with a spacing distance substantially similar to the adjacent lighting equipment deployed by the Town, and*

Proposed Revised language for subsection (d)(2) will include the same language above with the inclusion of an additional sentence at the end, which reads: *or no closer than 60 feet from adjacent lighting deployed by the Town or another free standing personal wireless service pole; and*

Previous language for subsection (3)(e)(2) reads as follows:

3. *meet all applicable Federal, State, and local regulations regarding shielding or illumination of lighting to protect sea turtles.*

(e) For any freestanding facility within the Gulf of Mexico Drive or other rights-of-way or streets within the Town that does not utilize lighting, the facility shall:

- 1. utilize identical equipment or substantially similar equipment to the adjacent lighting deployed by the Town;*
- 2. be installed with a spacing distance substantially similar to the adjacent lighting equipment deployed by the Town, or no closer than 60 feet from adjacent lighting deployed by the Town or another free standing personal wireless service pole.*

Proposed Revised language for subsection (3)(e)(2) will include the same language above with the inclusion of an additional sentence at the end, which reads: *or no closer than 60 feet from adjacent lighting deployed by the Town or another free standing personal wireless service pole.*

Substantially similar, for the purposes of this Section means that the lighting is substantially similar equipment in illumination, capacity, style, color, and exterior appearance to the adjacent lighting deployed by the Town.

The Planning & Zoning Board held a public hearing on November 19, 2021 and recommended Approval (7-0) to the Town Commission Ordinance 2021-16 with minor edits as highlighted herein.

At their November 1, 2021 Regular Meeting the Town Commission forwarded Ordinance 2021-16 to the November 15, 2021 Special Meeting for second reading, public hearing and adoption.

Staff Recommendation

Adopt Ordinance 2021-16

Attachments

- A. Ordinance 2021-16 (Available in Town Clerk's Office)
- B. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item