

## M E M O R A N D U M

**TO:** Howard Tipton, Town Manager

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

**REPORT DATE:** March 15, 2024

**MEETING DATE:** April 1, 2024

**SUBJECT:** Ordinance 2024-06, Amending Chapter 158, Zoning Code, Section 158.114, Personal Wireless Service Facility Development Standards.

### **Recommended Action**

Forward Ordinance 2024-06 to the May 6, 2024 Regular Meeting for second reading and public hearing.

### **Background**

In 2019 and 2021, 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.

The Town has subsequently received interest from a major telecommunications provider to install its equipment on Town light poles in various right-of-way locations. 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 current ancillary equipment standards for dimensions and location, do not meet the telecommunications provider's typical dimensional requirements.

To address this, on behalf of the telecommunications provider, the Town is processing limited amendments to the ancillary equipment dimensional standards applicable to personal wireless facilities mounted on existing lighting poles, in part, to enhance the safety, and welfare of the residents and visitors in the Town. The enhancement of wireless telecommunications services remains a top 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(B)(1)(c), Personal Wireless Service Facilities Primarily Mounted on Existing Utility Poles and/or Existing Light Fixtures**, (excerpted below) amendment proposed to allow for ancillary equipment flexibility to also be able to be located adjacent to a utility pole (in addition to being able to be attached to a utility pole).

**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:

(c) Any ancillary equipment located in a right-of-way:

1. Current language reads: "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"

Proposed language to read: "Shall be painted the same color as the utility pole and/or light fixture, and either attached to the utility pole or ground-mounted adjacent to the utility pole; and"

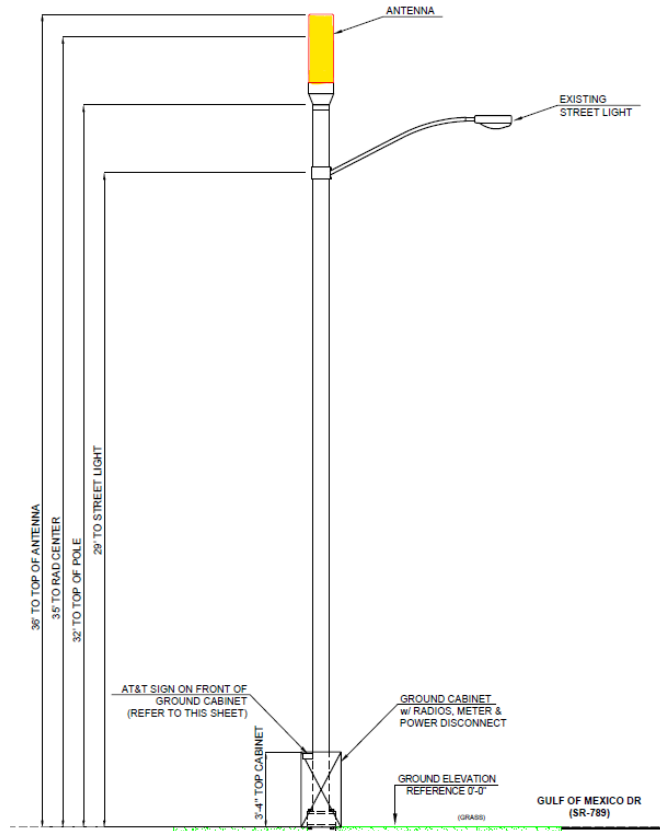
2. Current language reads: "Shall not exceed six feet in height, two feet in width, and two feet in depth, excluding electric meter and disconnect."

Proposed language to read: "Shall not exceed six feet in height, two feet in width, and two feet in depth, excluding electric meter and disconnect, or an equivalent cubic foot volume cabinet size for ground mounted equipment."

**Section 158.114(B)(1)(d)(9), Personal Wireless Facilities Primarily Mounted on Existing Utility Poles and/or Light Fixtures, Development Standards- Ancillary Equipment Not Located in a Right-of-Way**, (excerpted below) amendment proposes to relocate the height standards for equipment attached to existing utility poles/light fixtures from being a sub-item under the category of "Any ancillary equipment not located in the right-of-way" to being a standalone item, as a new sub-item "(e)". The proposed amendment will also address the maximum height allowed from associated equipment to be up to 1 foot higher than the current maximum height of Town utility poles/light poles along Gulf of Mexico Drive, going from 35 feet to 36 feet.

A graphic, depicting the intended design, with an antenna feature highlighted in yellow, is shown below:

Ordinance 2024-06, Amending Chapter 158, Zoning Code, Section 158.114,  
Personal Wireless Service Facility Development Standards  
Town Commission 1<sup>st</sup> Reading, April 1, 2024



**Personal wireless service facility development standards.**

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

(1) (d) Any ancillary equipment not located in a right-of-way is permissible by Site Development Plan exemption and must meet the following criteria:

9. Shall be set back from any existing residential dwelling at least one foot for every foot in height of the facility (dwellings located on the same parcel as the structure are excluded).

The following language is proposed to be removed:

(a) The top of any associated equipment shall not exceed the following heights: 1) 35 feet on the Gulf of Mexico Drive right-of-way; 2) 25 feet on all other rights-of-way or streets; and 3) the maximum height established for the zoning district in which the facility is located, but in no case shall the height exceed 35 feet. Heights shall be measured from finished grade.

The following language is proposed to be added:

(e) The top of any associated equipment shall not exceed the following heights: 1) 36 feet on the Gulf of Mexico Drive right-of-way; 2) 25 feet on all other rights-of-way or streets; and 3) the maximum height established for the zoning district in which the facility is located, but in no case shall the height exceed 36 feet. Heights shall be measured from finished grade.

Staff is of the opinion that the proposed amendments are minimal in aesthetic impact and are unlikely to be noticed by the public. And, to the extent that these minor changes are, as asserted by the major telecommunications provider, needed to enhance their cellular network coverage on the island, this would be a benefit to the public health, safety and welfare for emergency safety connectivity alone.

This Zoning Text Amendment request has been expedited, with the Planning & Zoning Board having held a public hearing on March 26, 2024, to allow for continued processing of submitted co-location applications as soon as possible. The results from that meeting are not available at the time these materials were put together.

**Staff Recommendation**

Forward Ordinance 2024-06 to the May 6, 2024 Regular Meeting for second reading and public hearing.

**Attachments**

- A. Ordinance 2024-06 (Available in Town Clerk's Office)
- B. Application Materials (Available in Town Clerk's Office)

**End of Agenda Item**