

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: October 16, 2019

MEETING DATE: November 4, 2019

SUBJECT: Ordinance 2019-10, Amending Chapter 158, Zoning Code, Section 158.113, Personal Wireless Service Facilities, Section 158.114, Personal Wireless Service Facility Development Standards, Section 158.116, Administrative Exemptions – Essential Services, and Section 158.144, Definitions.

Recommended Action

Adopt Ordinance 2019-10.

Background

This is the second public hearing for an update to the Town's Personal Wireless Facilities Code provisions that began as part of the May 20, 2019 Regular Workshop Meeting discussions for the Utilities Undergrounding Project. At that meeting, the Commission provided guidance regarding uniform standards for the height, spacing and overall make-up of fixtures that will be located along the Gulf of Mexico Drive right-of-way and all other rights-of-ways/streets in the Town of Longboat Key (Town). These fixtures, primarily consisting of utility/smart poles and light fixtures will allow for the co-location of personal wireless service facilities infrastructure throughout the Town.

In order to address the Town Commission's guidance, the standards for these facilities are proposed to be updated to ensure that any future installations would be similar in character to the Town installed fixtures and would not exceed 35 feet in height along the Gulf of Mexico Drive right-of-way, or 25 feet in height on all other rights-of-way, or streets within the Town.

To ensure that future facilities are consistent with the height, location and aesthetics desired by the Town, Sections of the Zoning Code, primarily dealing with Personal Wireless Service Facilities (Section 158.113) and their Development Standards (Section 158.114), are proposed to be amended. The proposed amendments also include updates provided for Administrative Exemptions – (Section 158.116), and the Definitions (Section 158.144) Sections related to reflecting the provision of existing Town "Essential Services" infrastructure.

Additional amendments of existing text to provide clarity and update the overall purpose and legislative intent, and ensure compliance with Federal and State requirements for Personal Wireless Facilities are also proposed. The Town continues to maintain its "carve out" exemption applicable to certain qualifying coastal communities that were in the process of undergrounding utilities during the Florida Legislature's most recent adoption of State preemptory requirements adopted in 2017 (aka Advanced Wireless Infrastructure Deployment Act, F.S. 337.401(7)).

The P&Z Board held a public hearing on Ordinance 2019-10 on September 17, 2019 and recommended approval (6-1) with recommended changes to the maximum heights of personal

wireless facilities and the inclusion of cable telecommunications as an “Essential Service” of the Town, as described and noted below.

The P&Z Board also expressed concern about ancillary equipment standards for “Free Standing” Personal Wireless Facilities. The Town Commission, at its first public hearing on October 1, 2019, also expressed concern about these ancillary standards provisions. In response, staff has incorporated revised ancillary equipment criteria, as described below, into Ordinance 2019-10 (*Section 158.114(C)(1)(b), Free Standing Facilities, Design Standards- Ancillary Equipment*). The proposed revised ancillary equipment criteria distinguishes between Free Standing ancillary facilities that may be placed on private property and those that may be placed in rights-of-way.

In addition, Ordinance 2019-10 reflects Town Commission consensus, from the September 23, 2019 Regular Workshop, with regard to desired design elements that will be utilized in lighting fixtures proposed for rights-of-way along Gulf of Mexico Drive and along all other streets. These design elements have been incorporated into the recommended “Acceptable” examples for Freestanding Facilities in Sec. 158.114(C).

Descriptions of the amendments, the P&Z Board’s recommendations, and the Town Commission’s consensus design elements direction, are provided and highlighted below. (Note: Due to the legislative format (i.e. underline/strikethrough), necessary to highlight proposed amendments, readers of this memorandum published on the Town’s website, will be unable to view the descriptions below in ADA readable requirements, as it does not support legislative format. The full document will however be available at the office of the Town Clerk.)

Planning & Zoning Board Recommendation

The Planning & Zoning Board held a public hearing on Ordinance 2019-10 on September 17, 2019 and recommended approval (6-1), with the incorporation of their recommendations, as noted above. The P&Z Board’s recommendations have been incorporated into Ordinance 2019-10.

Staff Recommendation

Adopt Ordinance 2019-10.

Attachments

- A. Ordinance 2019-10 (Available in Town Clerk’s Office)
- B. April 5, 2019, Town Attorney Memorandum Re: Applicable Laws Governing Small Cell Wireless Facilities with the Town (Available in Town Clerk’s Office)
- C. Article, October 9, 2019, Smart Cities Dive: “Cities are facing an absolute land grab from telecoms in wake of 5G” (Available in Town Clerk’s Office)
- D. PowerPoint Presentation (Available in Town Clerk’s Office)

End of Agenda Item