

City of Coconut Creek

InterOffice Memorandum

To: Planning and Zoning Board

Date: December 13, 2017

From: W. SCOTT STOUDENMIRE, AICP
Deputy Director of Sustainable Development

Subject: Land Development Code
Amendment – Telecommunication
ROW

The City desires to amend Chapter 13, "Land Development Code," of the City's Code of Ordinances to revise regulations pertaining to the review and approval of Wireless Communication Facilities.

For reference, during the 2017 Legislative Session, the State Legislature passed House Bill 687, known as the Advanced Wireless Infrastructure Deployment Act. The law establishes a process by which wireless providers may place certain "small wireless facilities" on, under, within, or adjacent to certain utility poles or wireless support structures within public rights-of-way that are under the jurisdiction and control of an "authority" (i.e., a county or municipality). Thus, the law provides that the City may not prohibit, regulate, or charge for the colocation of small wireless facilities or micro wireless facilities in the public rights-of-way, except as specified in Section 337.401, Florida Statutes.

Because the City already had regulations pertaining to such facilities within its Land Development Code, there was an immediate need to evaluate these provisions in light of the new law. Further, in order for the City to have the time necessary to implement any changes that may be required to ensure consistency with State and Federal regulations, the City Commission adopted a temporary moratorium in August of this year. The 150 day moratorium suspended all activities relating to processing or approving any application relating to the operation of a small wireless facility wireless facility. During the moratorium, staff worked to develop amendments that not only ensure consistency but serve to protect the quality and character of our public rights-of-way. As proposed, staff feels these amendments achieve this by addressing process and review requirements, including fees, review timeframes, height, screening and concealment criteria, as well as post-construction inspections.

This proposed draft is presented by Staff to the Planning and Zoning Board for final recommendation to the City Commission.

WSS/jw
Attachments

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