



## Legislation Text

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File #: ORD 2018-002, Version: 1

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### AGENDA ITEM REPORT

#### **TITLE:**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 13, "LAND DEVELOPMENT CODE," BY AMENDING ARTICLE III, "ZONING REGULATIONS," DIVISION 4, "ACCESSORY USES AND STRUCTURES," SUBDIVISION IX, "WIRELESS COMMUNICATIONS FACILITIES," IN ORDER TO UPDATE THE CITY'S TELECOMMUNICATIONS ORDINANCES TO COMPORT WITH RECENT CHANGES TO STATE AND FEDERAL LAW AND TO ENSURE CONSISTENCY WITH INDUSTRY STANDARDS. (SECOND READING)(PUBLIC HEARING)

#### **BACKGROUND:**

**This item was approved on First Reading at the January 25, 2018, City Commission meeting, as amended to provide that the City Manager, or designee, shall be responsible for the administration and enforcement of the Ordinance.**

**The Ordinance was tabled at the February 8, March 8, and March 22, 2018, City Commission meetings.**

During the 2017 State Legislative Session, the 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 co-location of small wireless facilities or micro wireless facilities in the public rights-of-way, except as specified in Section 337.401, Florida Statutes.

#### **DISCUSSION:**

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. 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 2017. The 150-day moratorium suspended all activities relating to processing or approving any application relating to the operation of a small wireless facility. During the moratorium, staff worked to develop amendments to not only ensure consistency, but to serve to protect the quality and character of our public rights-of-way. These amendments address process and review requirements, including fees, review timeframes, height, screening and concealment criteria, as well as post-construction inspections. A companion Ordinance has been prepared to repeal inconsistent language contained in Chapters 6.5 and 22.

**RECOMMENDATION:**

The Planning and Zoning Board, at its December 13, 2017, meeting, recommended approval of the proposed changes to ensure consistency with industry standards.

**FISCAL IMPACT:** N/A