

Ordinance No. 4427

An Ordinance of the City of Sanford, Florida relating to wireless communication facilities; establishing additional standards for small wireless facilities in City owned right-of-way for City owned utility poles in response to the enactment of Chapter 2017-136, *Laws of Florida*; providing for legislative findings and intent; providing for implementing administrative actions; providing for a savings provision; providing for conflicts; providing for severability; providing for codification as well as the correction of scrivener's errors and providing for an effective date.

Whereas, on April 28, 2017 the Florida Legislature enacted Committee Substitute for Committee Substitute for House Bill 687 (the so called "Advanced Wireless Infrastructure Deployment Act") which is now initially codified as Chapter 2017-136, *Laws of Florida*, which established a process by which wireless providers may place "small wireless facilities" on, under, within, or adjacent to certain City owned utility poles or wireless support structures within the City owned public rights-of-way; and

Whereas, based on the action taken by the Florida Legislature in enacting Chapter 2017-136, *Laws of Florida*, on July 24, 2017 the City Commission enacted Ordinance Number 4412, imposing a 90-day wireless infrastructure moratorium which moratorium has expired; and

Whereas, the purpose of the moratorium was to allow City staff adequate time to analyze and propose the required design standards to meet reasonable location context, color, stealth, and concealment requirements, and the opportunity to propose the approval process and procedures, as may be necessary and appropriate, but the development of appropriate regulations took a longer period of time than anticipated due to the complexity of the technical and legal issue involved; and

Whereas, City staff has proposed those design standards and approval

processes as stated within this Ordinance and recommends approval to the City Commission; and

Whereas, this Ordinance is enacted pursuant to the home rule powers of the City of Sanford as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*, and other applicable controlling law and implements, at the local level, the provisions of Chapter 2017-136, *Laws of Florida*; and

Whereas, the City Commission of the City of Sanford has complied with all procedural and substantive requirements of controlling law in enacting this Ordinance.

Now, therefore, Be it enacted by the People of the City of Sanford:

Section 1. Legislative Findings And Intent.

The City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative and administrative findings and intent of the City Commission.

Section 2. Additional Definitions; Addition Of Section 13.2; *Land Development Regulations/Land Development Code*. The following definitions are hereby added to Schedule "A," Section 2.0 (Glossary) of the City's *Land Development Regulations/Land Development Code* and the provisions of a new Section 13.2 are hereby added to Schedule "E," *Land Development Regulations/Land Development Code* of the *Code of Ordinances of the City of Sanford* as follows:

(a). New Definitions within Schedule "A," Section 2.0, *Land Development Regulations/Land Development Code* (all new text):

Parkway strip – The unpaved portion of the right-of-way between the back of curb and the sidewalk. The parkway strip typically includes street light poles and lights, utility poles, regulatory signage, traffic signal equipment and street trees. In some instances, a streetscape zone and may not have a parkway strip.

Pedestrian clear zone – The unencumbered paved, or sidewalk portion of the streetscape zone inside the right-of-way. The pedestrian clear zone may or may not be separated from the travel lane by a street furniture zone or parkway strip.

Street furniture zone – The paved portion of the streetscape zone typically located between the back of the curb and the sidewalk. The street furniture zone typically includes street light poles and lights, utility poles, regulatory signage, traffic signal equipment and street trees. In some cases, a streetscape zone may not have a furniture zone.

Streetscape zone – The portion of a street between the back of curb and the adjacent property lines, consisting of a sidewalk and a parkway strip or a street furniture zone.

Wireless communication facility – Any equipment or facility used for the transmission or reception of wireless communications. This term includes but is not limited to wireless support structure, antennas, cabling, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems (“DAS”) and small cell networks). For purposes of this definition, the term shall not include communication towers.

Wireless infrastructure – As defined in Florida Statutes (Chapter 337).

Wireless provider - As defined in Florida Statutes (Chapter 337).

Wireless Services - As defined in Florida Statutes (Chapter 337).

Wireless Services Provider - As defined in Florida Statutes (Chapter 337).

Wireless Support Structure - As defined in Florida Statutes (Chapter 337).

(b). New Section 13.2, Schedule "E," *Land Development Regulations/Land Development Code* (all new text):

SECTION 13.2 WIRELESS COMMUNICATION FACILITIES.

A. *Purpose and Intent.* The purpose of these Wireless Communication Facility Regulations is to provide for the location of wireless communication facilities within the City; to protect residential areas and land uses from potential adverse impact of wireless communication facilities; to minimize adverse visual impact of wireless communication facilities through careful design, siting, landscape screening and innovative camouflaging techniques; to accommodate the growing need for wireless communication facilities; to promote and encourage shared use/co-location of existing and new wireless communication facilities as a primary option rather than constriction of additional facilities; to promote the public health, safety, aesthetics and general welfare of the City by providing for the placement or maintenance of wireless communication facilities on privately-owned and publicly-owned property within the City; to promote the public health, safety, aesthetics and general welfare of the City by providing for the placement or maintenance of wireless communication facilities on private and public property and in public rights-of-way and public easements within the City; to avoid potential damage to adjacent properties from facilities failure through engineering and careful siting of wireless facilities; to adopt and administer rules and regulation inconsistent with State and Federal law, the City's home-rule authority, and in accordance with the provision of the *Federal Telecommunications Act of 1996* and other federal and state law; establishing reasonable

rules and regulations necessary to manage the placement or maintenance of wireless communications facilities in the public rights-of-way by all communications services providers; and minimizing disruption to the public rights-of-way; and to promote safe conditions in the public right-of-way for users in all modes of transportation, to include pedestrians, bicycles and vehicles.

B. Within the City Limits the City, wireless communication facilities shall be permitted on private roadways, and within city, county, and state public rights-of-way and public easements, subject to the requirements of this Schedule.

C. All wireless communication facilities in/on private roadways and in public rights-of-way and public easements shall be subject to the City's zoning and land use regulations, and consistency with design requirements.

D. Co-location of wireless communication facilities is strongly encouraged. Where multiple providers are seeking to locate in the same geographic area, every effort should be made to co-locate.

E. Wireless communication facilities attached to a permitted and legally installed and maintained vertical structure in a private roadway or public right-of-way, such as a street light pole or utility pole, is strongly encouraged, but still subject to the below design standards.

F. Use and height requirements

1. Zoning and maximum heights. Wireless communication facilities shall be permitted in the zoning districts indicated below, at the maximum heights indicated. The zoning of the nearest adjacent property will apply to wireless communication facilities proposed in a City, County, or State public right-of-way.

Zoning District	Private Roadways	Public Rights-of-Way
SR-1AA, SR-1A, SR-1, SR-2, MR-1, MR-2 and MR-3 residential districts. AG, Agriculture. SC-3, Special Commercial PD, Planned Development with residential component. Any similar zoning district in adjoining jurisdictions.	Not permitted, unless applicant can conclusively demonstrate to the satisfaction of the City that it cannot reasonably provide its wireless service to the residential area from outside of zoning district.	Not permitted, unless applicant can conclusively demonstrate to the satisfaction of the City that it cannot reasonably provide its wireless service to the residential area from outside of zoning district.
RMOI, Residential, Multi-Family, Office, Institutional, RC-1, GC-2, RI-1, MI-2, PD, Planned Development with Commercial Component, PD, Planned Development with industrial component. Any similar zoning district in adjoining jurisdictions	No higher than 10 feet above the utility pole or support structure.*	No higher than 10 feet above the utility pole or support structure.*

*A new utility pole can be no higher than the tallest existing utility pole located in the right-of-way within 500 feet of the proposed location, or, if no utility pole within 500 feet, no higher than 50 feet.

G. Permitted use in Planned Development (PD). Wireless communication facilities shall be indicated as permitted use in a PD Master plan in order to be considered as permitted on private and property pursuant to the above table.

H. Approval and Permitting Process

1. Registration. In accordance with Chapter 30 – Communications/Article II – Communication Facilities in Right-of-Way/Sec. 30-31 Registration of Communication Service providers is required.

2. Public rights-of-way. Wireless communication facilities that comply with the requirements of this Schedule may be installed and located within city, county, and state

public rights-of-way and public easements within the city limits of the City of Sanford through the rights-of-way permitting process.

3. Private Roadways. Wireless communication facilities that comply with the requirements of this Schedule may be installed and located within private roadways that contain or are adjacent to City utility easements through the right-of-way permitting process subject to approval of the owner or property owners association.

4. Compliance with land development code. An existing or proposed wireless communication facility on private roads or in public rights-of-way or public easements shall only be constructed, utilized, and maintained in a manner consistent with the City of Sanford Land Development Regulations.

5. Plan Requirements. In addition to the standard permit submittal requirements, applicants for wireless communication facilities shall submit plans which include the following:

- a. Depict the area where the work shall be performed.
- b. Indicate limits of right-of-way or roadway tracts and easements.
- c. Depict and identify within a minimum of 75 feet of work all above ground infrastructure and improvements, including without limitation, pavement, curb, sidewalks, buildings, utility poles, etc. and all below ground infrastructure and utilities etc. within limits of work.
- d. Depict and identify within a minimum of 75 feet of work all existing landscaping and vegetation.
- e. Depict and identify all existing easements within limits of work and any additional easement(s) acquired (e.g., access easement, temporary construction easement, or

other easement) for construction of work. Easements must denote recording information.

f. Include a profile view of wireless communication facility demonstrating overall height and compliance with the pole construction requirements, design requirements and all other applicable requirements of this Schedule.

g. Indicate the city-assigned address on the plan and submit a copy of the address assignment letter from the City of Sanford.

h. Depict and identify all wireless communication facilities located within a 1,000 radius measured for the center of the proposed wireless communication facility to the center of any existing wireless communication facility. If none exist within the 1,000 foot radius, the plans must denote this.

i. Plan and profile drawings must depict and identify all proposed improvements for the wireless communication facility.

j. Drawings must be a minimum 11 x 17 inches; to a standard engineering scale, and signed and sealed by a professional engineer.

k. Identification of the parcels consisting of the nearest adjacent property and the zoning jurisdiction of such property.

l. The height size and type/material of existing utility poles on the same block-face or for a 500 foot radius for new pole construction.

m. Support material requirements. Application for right-of-way utilizations permits shall submit, at a minimum the following support materials:

i. A statement or statements certifying that the construction of wireless communication facilities proposed to be located in the public rights-of-way will comply with applicable standards as set forth in the Florida Building Code, the state of Florida

Department of Transportation manual of uniform minimum standards for design, construction and maintenance for streets and highways, Florida Department of Transportation Utility Accommodation Manual and applicable electrical codes: and describing the proposed wireless communication facilities' capacity to permit multiple users, including an example of the number and type of antennas or other attachments that can be accommodated on support structure. Any wireless communication facility which exceeds its support structure's loading capacity, which causes any pole or structure to exceed its loading capacity, or which does not conform to applicable electrical codes shall not be permitted in the public rights-of-way or private roadways.

- ii. For utilization of electric utility poles and facilities in city rights-of-way, documentation of compliance with the requirements of the electric utility's franchise agreement regarding facilities for other non-electric utility services or products.
- iii. For wireless communication facilities proposed to be located in a county or state right-of-way, a copy of the right-of-way utilization permit or authorization from the county or state.
- iv. For wireless communication facilities proposed to be located on private roadways, a copy of the owner's or property owner association's authorization
 - I. Performance and construction standards for wireless communication facilities.
 1. Any new proposal to construct Wireless Facilities or Wireless Support Structure must first demonstrate why the services cannot be collocated on an existing wireless facility, wireless support structure or utility pole.
 2. Separation from off-site residential. No wireless communication facility shall be permitted within seventy-five (75) feet of any off-site single family or multi-family

residential principal structure. Documentation shall be submitted with any application for permit approval to demonstrate conformance with the separation requirement.

3. Separation distance between wireless communication facilities.

The minimum separation distance between wireless communication facilities shall be one thousand (1,000) feet. Separation distance shall be irrespective of jurisdiction or location in rights-of-way or on parcels of land shall be measured by drawing or following a straight line between the base of the existing wireless communication facility and the base of the proposed facility. Documentation shall be submitted with any request for a wireless communication facility to demonstrate conformance with the requirement for separation distance between wireless communication facilities.

J. Types of pole construction. The following vertical pole structure may be used as support structure for new wireless communication facilities, subject to compliance with the requirements of this Schedule, to include the use and height requirements.

1. Utility poles.

a. Utility poles may be used as wireless communication facility support structure when wireless communication facilities are added to an existing utility pole, or an existing utility pole is replaced in order to support wireless communication facilities. In no instance shall a wood utility pole be utilized for wireless communication facilities. The pole must be upgraded to metal or another material acceptable to the City in order for the infrastructure to be hidden from view.

b. Wireless communication facilities shall not be installed on existing, replacement, or new wood utility poles.

c. New and replacement utility poles that support wireless communication facilities

shall match the style, design, and color on non-wood utility poles in the surrounding area.

d. New utility poles shall not be permitted in areas that have street-scaping or where the above-ground utilities have been removed or placed underground.

e. Where decorative street lights are the predominant fixture, utility poles that support wireless communication facilities shall match the style, design, and color of the decorative streetlight poles.

2. Streetlights and on-site light poles.

a. Street lights in public rights-of-way and on-site light poles may be used as Wireless communication facility support structure when wireless communication facilities are added to an existing light pole, or an existing light pole is replace in order to support wireless communication facilities.

b. Such street lights or on-site light poles shall continue to match the style, design and color; of existing street light poles on that particular street or particular parcel of land.

3. Stand-alone wireless communication facility support pole.

a. New poles designed specifically to support wireless communication facilities may be used for wireless communication facilities.

b. For placement in public rights-of-way, an applicant must provide satisfactory evidence to the city that no existing utility poles or streetlights can be reasonable used for the wireless communication facility placement instead of the construction of a new, single purpose support pole.

c. New wireless communication facility support poles shall be decorative monopoles with a black finish.

4. Traffic signal poles

a. In no instance shall a wireless communication facility be installed on a horizontal structure to which signal lights or other traffic control devices are attached, whether owned by the city, county or other agency.

K. Design Requirements. Wireless Facilities and Wireless Support Structure shall meet the following design requirements.

1. Ground mounted equipment cabinet and battery backup cabinets shall be permitted. The external finish of all ground mounted cabinets and associated hardware shall be black.

2. Equipment cabinets or battery backup cabinets shall not be mounted to the exterior of a pole.

3. Electric power and communication lines servicing wireless communication facilities shall be located underground. Aerial connections shall be prohibited.

4. No exposed wiring or conduit is permitted. All conduit and wiring shall be located inside the pole.

5. Exterior looping of excess cable length installed on any wireless communication facility is prohibited.

6. Electric meters and disconnect switches shall not be located on the pole. All such infrastructure shall be hidden in an equipment cabinet off the pole.

7. The grounding rod shall not extend above the top of the sidewalk and must be placed in a pull box, and the ground wire between the pole and ground rod must be inside an underground conduit.

8. All pull boxes must be vehicle load bearing, comply with FDOT standard specification 635 and be listed on the FDOT approved products list. No new pull boxes

may be located in pedestrian ramps.

9. No signals, lights or illumination shall be permitted on an antenna, except in the case of a light pole to which such antenna is attached, unless required by applicable state or federal laws or rules.

10. For the purposes of emergency contact, the owner of the wireless communication facility shall place one identification label on the equipment advising of the name and contact telephone number of the owner of the wireless communication facility.

11. FCC emissions standards. All personal wireless service facilities in the public rights of-way shall comply with current radio frequency emissions standards of the Federal Communications Commission.

L. Placement requirements

1. All wireless communication facilities and accessory equipment shall be located to avoid any physical or visual obstruction to pedestrian, bicycle, or vehicular traffic, or to otherwise create safety hazards to pedestrian, bicyclists, or motorists.

2. When located within a public right-of-way or private street:

a. Depict the area where the work shall be performed.

b. Indicate limits of right-of-way or roadway tracts and easements.

c. Depict and identify within a minimum of 75 feet of work all above ground

d. Where available, wireless communication facilities shall be located in the parkway strip or street furniture zone, as defined in Schedule A. When a parkway strip or street furniture zone is available, wireless communication facilities shall not be located in the pedestrian clear zone as defined in Schedule A. Wireless communications facilities in the

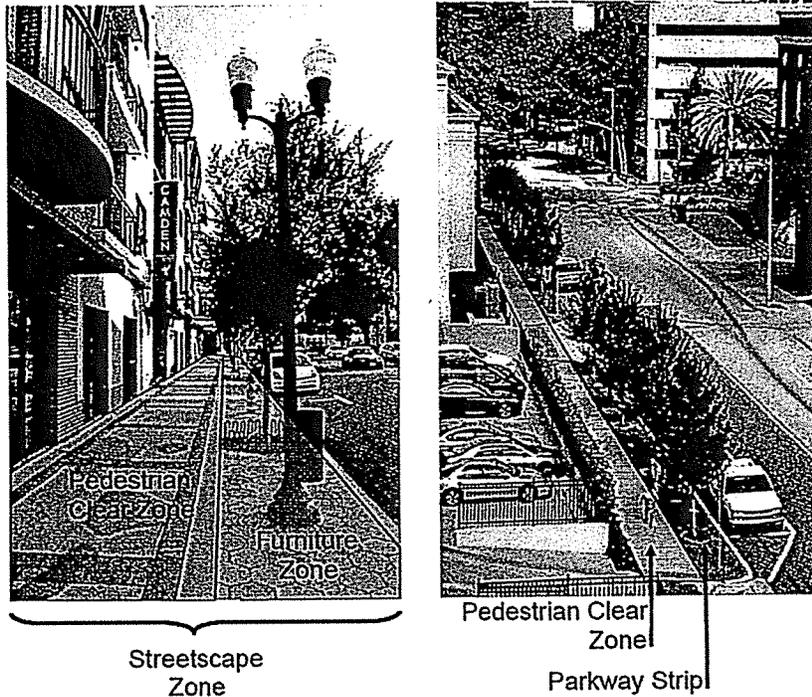
parkway strip or street furniture zone shall generally be placed in the center of the parkway strip or street furniture zone and shall meet minimum Florida Department of Transportation and City of Sanford roadway setback requirements from the back of curb. See Figure 1.

e. Where there is no parkway strip or street furniture zone, wireless communication facilities shall maintain a minimum five (5) foot wide pedestrian clear zone between the wireless communication facility and edge of sidewalk. See Figure 1

f. Wireless communication facilities shall be located at least ten (10) feet from the edge of existing trees twelve (12) inches or greater in diameter at breast height.

g. When located in any other location that is adjacent to a sidewalk or pedestrian way, a minimum five (5) foot wide pedestrian clear zone shall be maintained.

h. Wireless communication facilities shall be located at least ten (10) feet from a driveway.



i. Wireless communication facilities shall be set back a minimum of twenty-five (25) feet from a traffic signal pole and a set back a minimum of fifteen (15) feet from any pedestrian ramp.

j. Notwithstanding the above, the city may require greater setbacks from these and other fixtures in the right-of-way to ensure proper sign lines for public safety purposes.

k. When adjacent principal use buildings are located within ten (10) feet of the right of-way, wireless communication facilities shall be located between tenant spaces or adjoining properties where their shared property line intersect the right-of-way.

M. Modification of existing wireless communication facilities. Co-location, removal, or replacement of reception or transmission equipment for an existing wireless communication facility shall be subject to a right-of-way utilization permit in public rights-of-way or on private roadways, either of which shall include an administrative review for compliance with this ordinance, provided the modification does not:

1. Increase the height of the wireless communication facility such that it would exceed the maximum height requirements of this Schedule.
2. Involve installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed a total of four cabinets.
3. Involve any excavation or deployment outside the current site of the wireless communication facility.
4. Defeat the existing concealment elements of the wireless communication facility.
5. Violate conditions associated with the prior approval of the wireless communication facility, except for addition of cabinets, or new excavation pursuant to the allowance of this section.

N. Maintenance

1. All wireless communication facilities shall be maintained consistent with city approvals, the requirements of the land development code, and in good repair, including exterior finishes, surfaces and structures.
2. Routine maintenance not modifying the wireless communications facility from the approved permitted drawings may be performed without a permit from the city.
3. Damaged poles or facilities shall be immediately repaired, removed, or replaced. Within public-rights-of-way, in the event that damage to a wireless communication facility poses a safety hazard to the public, the city has a right of removal at the owner's expense.
4. All safety practices require by applicable law or accepted industry practices and standards shall be used during the placement or maintenance of communications facilities and wireless communication facilities.
5. The use of any portion of a wireless communication facility or support pole for the

posting of signs or for advertising purposes, including, but not limited to the display of lights, banners and streamers, is strictly prohibited.

O. Waivers. Waivers related to the following situations for wireless communication facilities located on private roadways or in rights-of-way may be granted by the Administrative Official upon finding that such waiver would not be contrary to the public interest:

1. To increase the maximum height of a wireless communication facility up to ten (10) percent if the increased height:

a. Accommodates the co-location of antennas from more than one wireless provider;

or

b. Improve transmission impacted by surrounding buildings or topography, provided that there is adequate tree canopy to mitigate for the increase in height.

2. To decrease the separation distance requirement between wireless communication facilities required in Section 13.2, L by up to ten (10) percent if:

a. An existing utility pole is being replaced; or

b. Impediments such as a dense tree canopy or tall structure interfere with signal transmission.

3. To reduce the design requirements in Section 13.2 K or the placement requirements in Section 13.2, L when the Administrative Official finds the intent of the division is better served by such waiver.

P. Compliance with franchise agreement. In addition to the requirements contained

herein, all applications that involved the utilization of electric utility poles or facilities in city rights-of-way shall provided documentation that the electric utility has complied with the requirements of the franchise agreement for obtaining additional and separate permission from the city to utilize its electric utility system facilities in the city's right-of-ways to provide other, non-electric utility services or products.

Q. Registration. Registration with the city is required pursuant to Chapter 30, communication systems, of the City Code of Ordinance prior to applying for permits to place, occupy, or maintain a communications system in the public right-of-way.

Section 3. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to bring into effect the provisions of this Ordinance including, but not limited to, the promulgation and adoption of rules and forms.

Section 4. Savings; Effect Of Ordinance.

The prior actions of the City of Sanford in terms of the matters relating to wireless communications facilities, as well as any and all activities of the City pertaining thereto or of an associated nature, are hereby ratified and affirmed.

Section 5. Codification; Scrivener's Errors.

(a). Sections 2 and 3 of this Ordinance shall be codified and all other sections shall not be codified.

(b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts.

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date.

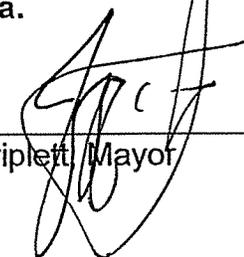
This Ordinance shall take effect immediately upon enactment.

Passed and adopted this 11th day of December, 2017.

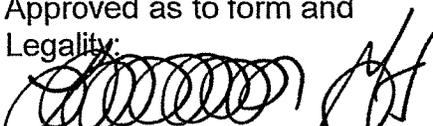
Attest:

City Commission of the City of Sanford, Florida, Seminole County, Florida.


Cynthia Porter, City Clerk


Jeff Triplett, Mayor

Approved as to form and Legality:


William L. Colbert, Esquire
City Attorney

★ LONNIE N. GROOT
ACR



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**CITY COMMISSION MEMORANDUM 17-315
DECEMBER 11, 2017 AGENDA**

TO: Honorable Mayor and Members of the City Commission
PREPARED BY: Cynthia Porter, City Clerk
 Russell Gibson, Planning and Development Services Director
SUBMITTED BY: Norton N. Bonaparte Jr., City Manager
SUBJECT: Wireless Communication Facilities in the Right-of-Way

STRATEGIC PRIORITIES:

- Unify Downtown & the Waterfront
- Promote the City's Distinct Culture
- Update Regulatory Framework
- Redevelop and Revitalize Disadvantaged Communities

SYNOPSIS:

Ordinance No. 4427, establishing regulations for Wireless Communication Facilities in the Right-of-Way, is being submitted for second reading and adoption.

FISCAL/STAFFING STATEMENT:

The new legislation restricts the amount the City can charge for permit fees and also restricts the rate to collocate a small wireless facility on government utility poles to not more than \$150 per pole annually.

BACKGROUND:

On July 24, 2017, the City of Sanford City Commission passed and adopted Ordinance 4412, to place a temporary (90 day) moratorium on the acceptance of any applications for the placement of wireless communication facilities and telecommunication towers and antennas, nor accept any new applications thereof, within the City's Rights-of-Way as a result of CS/CS/HB 687.

The legislation has been referred to as the "wireless giveaway" and became effective on July 1, 2017. The legislation has been initially codified as Chapter 2017-136, *Laws of Florida*. The legislation is assigned the common name of the "Advanced Wireless Infrastructure Deployment Act" by the Florida Legislature, but will be referred to as the "Act" in this memorandum,

The Act substantially amends Section 337.401, *Florida Statutes*, relating to the use of public (municipal or county) right-of-way, and structures located within the right-of-way, for broadband or wireless facility infrastructure. With various limited exceptions, the Act provides for the installation of small wireless facilities on government-owned poles and other poles and structures

located in the right-of-way, installation of ground-mounted equipment in the right-of-way, installation of new poles in the right-of-way, and installation of micro wireless facilities.

The 90 day moratorium expired on September 30, 2017, which temporarily suspended all permitting activities relating to the installation of wireless devices and infrastructure on utility public poles. The moratorium provided time for City staff to analyze and propose the required design standards to meet reasonable location context, color, stealth, and concealment requirements which are similar to those implemented by the City of Orlando, the City of Altamonte Springs and the City of Lake Mary. It also allowed City Staff the opportunity to propose the approval process and procedures, as may be necessary and appropriate, to amend the City's *Code of Ordinances* or the City's *Land Development Regulations/Land Development Code*.

The telecommunication industry is in constant state of growth and expansion. A new network of telecommunications infrastructure known as a Distributed Antenna System "DAS" or "Small Cell" networks also known as Wireless Communication Facilities has emerged to help meet the growing capacity demands. DAS networks are comprised of a series of small individual antenna locations, or nodes, that are linked to a large hub site, typically an existing cellular communications tower by fiber optic cable or radio transmission.

Small cell or DAS antenna nodes have a much smaller coverage areas than taller cell towers, typically ¼ miles or less. However, DAS networks provide increased capacity and data transfer rates to existing coverage areas as well as areas with weak or limited coverage such as dense urban areas that have tall impediments and dense building materials that diminish or block network signal coverage for users.

DAS antennas are typically located inside the right-of-way on new poles or existing utility poles. Typical cellular communications towers are hundreds of feet tall. Cell towers also have large antenna arrays and extensive amounts of exposed cables and conduits. Moreover, the cell towers require at-ground equipment shelters and other support equipment in a fenced in yard area. Small cell antenna nodes, on the other hand, are typically located on utility-size poles or existing utility poles such as streetlight or traffic signal poles that are 25-feet to 100 feet tall. DAS pole equipment includes a 3 to 4-foot tall antenna at the top of the pole and an electric meter, compact transmitters, receivers and other components that are also attached to the pole. Some node locations also include a ground mounted battery back-up cabinet.

DAS nodes are typically located in rights-of-way that are already constrained and crowded by existing above and below ground utilities. DAS nodes can also be located in residential, non-residential and highly urbanized areas.

The City has previously received applications for outdoor Distributed Antenna System [DAS] installations in the public rights-of-way.

The City's existing Land Development Regulations were developed for traditional telecommunications towers, rather than the smaller and more discrete DAS nodes. While the City supports the provision of private utilities in the rights-of-way, it is clear the City needs to establish regulations ensuring these installations are done in an aesthetic manner respectful of the neighborhoods in which they are proposed.

In response to the changing technology, request for installations in the City and the growing need for more cell site capacity in heavily populated areas, the following are regulations for Wireless Communication Facilities in the right-of-way which are similar to what was implemented by the City of Orlando, the City of Altamonte Springs and the City of Lake Mary.

The Planning and Zoning Commission will conduct a public hearing and thereat recommend approval.

At the November 13, 2017 City Commission Work Session, Planning and Development Services Director Russ Gibson submitted a change to page 12 of the Ordinance regarding 4.a. Traffic signal poles: In no instance shall a wireless communication facility be installed on a *horizontal structure to which signal lights or other traffic control devices are attached*, whether owned by the city, county or other agency.

The City Commission approved the first reading of Ordinance No. 4427 on November 13, 2017.

The City Clerk advertised notice of the public hearing in the Sanford Herald on November 12, 2017.

LEGAL REVIEW:

The City Attorney prepared the ordinance and has otherwise assisted in this matter.

RECOMMENDATION:

Staff recommends that the City Commission adopt Ordinance No. 4427, establishing regulations for Wireless Communication Facilities in the Right-of-Way.

SUGGESTED MOTION:

“I move to adopt Ordinance No. 4427, establishing regulation for Wireless Communication Facilities in the Right-of-Way.”

Attachment: Ordinance No. 4427