DUNEDIN
Home of Honeymoon Island

MEMORANDUM

TO: City Staff

THRU: Douglas Hutchens, Deputy City Manager

FROM: Jennifer K. Bramley, City Manager

DATE: July 27, 2018

SUBJECT: **POLICY DIRECTIVE: Small & Micro Cell Wireless Facilities**

The Advanced Wireless Infrastructure Deployment Act (the "Act"), codified in Florida Statutes § 337.401(7) authorizes local governments to adopt objective design standards that may require small and microcell wireless facilities in the right-of-way to meet reasonable location context, color, stealth, and concealment requirements, and spacing and location requirements for ground-mounted equipment. Pursuant to that provision, the City Commission has determined that it is in the best interests of the City's aesthetic, public safety and historical preservation interests to adopt more detailed standards and procedures.

This Policy Directive provides procedural guidance and establishes objective design standards for review and approval of small & micro cell wireless facilities applications for deployment in public rights-of-way within the corporate limits of the City of Dunedin.

A) Definitions:

Antenna means any outdoor apparatus designed for telephonic, radio or television communications through the sending or receiving of electromagnetic waves.

Camouflage means disguising an object with paint, structural elements or foliage; concealment by means of encasement within or placement upon a different object in a manner which conceals the object so placed.

Collocate means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure within the public right-of-way.

Communications services means the transmission, conveyance or routing of voice, data, audio, video or any other information or signals, including cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave or other medium or method now in existence or hereafter devised and regardless of the protocol used for such transmission or conveyance.

Communications services provider means any person or entity who transmits, conveys, or routes voice, data, audio, video, or any other information or signals, including cable services, to a point, or between or among

points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. This term does not include any utility holding a valid franchise or registration with the city that provides any of the above-mentioned services for use only by its employees or contractors who construct facilities for that utility in the rights-of-way.

Utility pole means a pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less.

Wireless facility means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications.

Wireless infrastructure provider means a person who has been certificated to provide telecommunications service in Florida and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider.

Wireless services means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

Wireless support structure means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support, or capable of supporting, wireless facilities. The term does not include a utility pole.

B) Unique Definitions

MICRO WIRELESS FACILITY – A small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.

SMALL WIRELESS FACILITY – A wireless facility that meets the following qualifications:

A. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and

B. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

C) Collocation Preference:

(a) Collocation of small or micro wireless facilities on city-owned poles pursuant to agreement between an applicant and the city is authorized.

(b) Such collocations on city poles are subject to the following limitations:

(1) The city may not enter into an exclusive arrangement with any person for the right to attach equipment to its poles.

(2) The rates and fees charged by the city for such collocations on city poles must be nondiscriminatory, regardless of the type of wireless services provided by the collocated facilities.

(3) The rate to collocate on city poles shall be no greater than $150 per pole annually.

(c) Should the city receive a request to collocate a small or micro wireless facility on a city pole, it must, within three months after receipt of such request, make available to the requestor its rates, fees and terms for such collocation. Such rates, fees and conditions shall not conflict with the limitations and conditions set forth in Florida Statutes § 337.401(7)(f)(5)a-d.

D) Objective Design Standards

1. Initial input from the City of Dunedin's Architectural Review Committee may be required.

2. Above ground facilities must be located within the right-of-way where the shared property line between two parcels intersects the right-of-way boundary, or otherwise in a manner that demonstrates the least impact to access to private property.

3. Equipment boxes and other associated facilities located at grade must be located in areas with existing foliage or another aesthetic feature to obscure it from the view, to the greatest extent possible. Or, be shrouded, artistically-wrapped or landscaped to mitigate visual impact. The application must include a depiction of techniques utilized for camouflaging.

4. Equipment mounted to the exterior of a pole shall be a minimum of eight feet above finished grade, excluding the electric meter and disconnect switch. The external finish of the equipment cases shall generally match the color of the pole. All mounting and banding fixtures shall also match the color of the pole. Conduits mounted to an existing pole must match the pole color and be encased with a shroud cover.

5. New poles shall be located at or near roadway intersections or in alleys when possible. When mid-block locations are necessary, new poles shall be located near the property boundary line at the edge of the site or otherwise sited in a manner that demonstrates the least impact to access to private property.

6. Separation from driveways and hydrants. Above-ground communications facilities and utility poles shall be located at least ten (10) feet from a driveway apron and at least thirty (30) feet from a fire hydrant.

7. New poles shall be designed with conduit internal to the pole, with the exception of wood poles. Above the electric meter and disconnect switch, all conduit and wiring shall be located inside the pole.

8. Facilities shall not block or encroach into an existing or future public sidewalk path.

9. Grounding rods shall not extend above the surface elevation and the ground wire between the pole and ground rod must be inside an underground conduit.

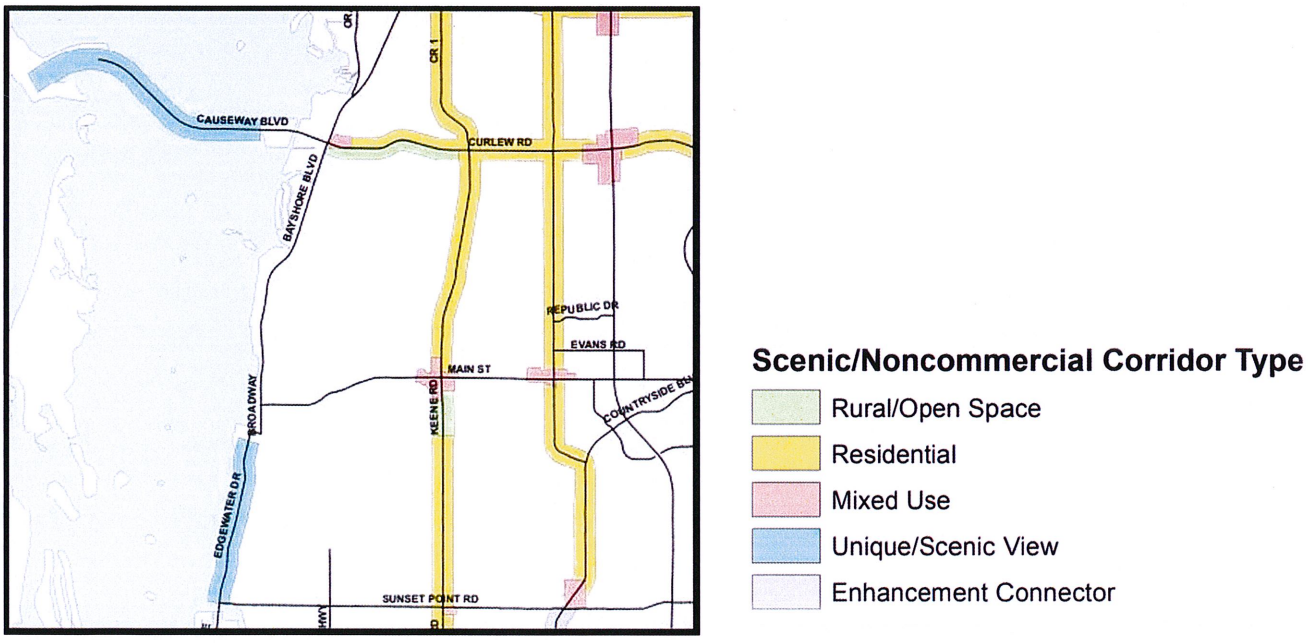
10. All pull boxes shall be located outside of the sidewalk or pedestrian ramp. A concrete apron must be installed around all pull boxes located within the landscape area of the parkway.

11. All pull boxes must be vehicle load bearing, comply with FDOT standard specifications and be listed on the FDOT approved products list.

12. Small wireless facilities and accessory equipment shall meet all applicable historic preservation regulations required by the FCC, Florida Statutes and the City's Historic Preservation Committee, including obtaining a certificate of appropriateness, if necessary.

13. To the greatest extent possible, the City prefers that new utility poles for small wireless facilities be constructed in alleys. However, upon a demonstration of need related to the provision of wireless services by the wireless provider, introduction of pedestrian level light poles which accommodate small wireless facilities may be considered within the right-of-way and at intersections.

14. Placement within a scenic/non-commercial corridor. Unless otherwise authorized by a franchise agreement or for public safety purposes, no net new utility poles shall be placed within a designated scenic/non-commercial corridor. Scenic/Non-commercial corridors are identified on the Forward Pinellas website and shown below.



15. Pole, antenna, and other associated ancillary equipment shall be designed to blend with surrounding environment through color, camouflaging and architectural treatments. In the Community Redevelopment District, similar deployments shall comply with the intent of the **February 14, 2011, Version 1.0** ***Streetscape Pattern Book*** guidelines.

E) Specifications:

1. Support Structures:

Support structures must be concrete, metal, wood, composite and/or fiberglass poles consistent in shape, size and color to adjacent street light poles, power poles and traffic signal poles, per engineering specifications, as may be amended from time to time and, within the Community Redevelopment District (CRD), or wherever else decorative poles may be deployed, shall be as follows:

a.) Shakespeare's Washington Historic Series poles, Sternberg Lighting Ornamental poles, or approved equivalent, black fluted fiberglass or concrete poles with traffic-rated flush-mounted pedestals:

b.) Support structures, if including lighting elements shall include Sternberg Historical Series Acorn LED luminaires that match those which are adjacent, or as approved otherwise at the direction of the City Engineer, or their designee, for lighting.

Same shall be maintained in good working order at the cost of the applicant (or its assigns), including the cost of electricity. Any equipment mounted to the support structures (antenna or other permitted equipment) shall also be matching in color to the support structure. Poles shall be periodically repainted, but at no less than five (5) year intervals.

2. Plaque:

All support structures shall have a plaque identifying the structure, the owner and the owner's contact information. Said plaque shall not exceed 0.25 square feet in size.

3. Wiring, Fiber and Conduit:

All wiring and fiber shall be concealed within the support structure and all conduit, wiring and fiber shall be buried between structures and/or structures and ground mounted cabinets. All service lines (e.g. electric lines) to the support structure must also be buried unless service lines in the area of the support structure are aerial then service lines to the support structure can also be aerial, except for any service drop crossing a street or roadway which would need to be bored and placed under such street or roadway.

4. Environmental Compatibility:

Wireless support structures and facilities shall be designed to blend into the surrounding environment through the use of color; camouflaging and architectural treatment and the entire facility shall be aesthetically and architecturally compatible with its environment. The use of materials compatible with the surrounding environment is required for associated support structures, which shall be designed to architecturally match the exterior of residential or commercial structures within the neighborhood or area. Specific requirements for aesthetics of the wireless support structures and facilities, if any, shall be in accordance with standards established by the *Architectural Review Committee*, from time to time.

8. Continued Operation:

The owner of any facility shall annually file a copy of an inspection of such wireless support structure or

wireless facilities with the permit authority for continued operation and use of the wireless support structure or wireless facilities. The report shall document facility compliance with the FCC's Policy on Human Exposure to Radio Frequency Electromagnetic Fields.

F) Small Wireless facility height and design provisions

(a) The height of a small wireless facility shall be limited to 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated. The height for a new utility pole is limited to the tallest existing utility pole located in the same contiguous right-of-way as of July 1st 2017, measured from a grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the height of the utility pole shall be no greater than 50 feet, inclusive of the height of the small wireless facility attached thereto.

(b) A new utility pole or similar vertical structure to support a small wireless facility installed in public right-of-way must be designed to afford collocation of at least three antennae, and must be of a design which will limit the added visual blight the installation will cause, and/or which will provide alternative functionality to enhance public safety, such as by incorporation of decorative lighting elements.

G) Small Wireless Support Structures Application Process:

(a) A permit shall be required prior to the installation in the public right-of-way of a small wireless facility or a utility pole designed to support a small wireless facility. Except as preempted or limited in this part, such permit applications shall be applied for under the same process, and shall be reviewed under the same standards, and shall be subject to the same conditions, as applies to all other utilities seeking right-of-way permits under this article, including but not limited to provisions on insurance coverage, indemnification, performance bonds, security funds, abandonment, landscaping, undergrounding requirements, and city liability. The city staff shall approve a complete application unless it does not meet the city's applicable codes.

(b) Each application shall be accompanied by a permit application fee of $500 to defray the City's costs of filing, engineering and inspection.

1) Communications services providers paying the communications services tax pursuant to Florida Statutes Chapter 202 are exempt from this fee.

(2) A utility possessing a franchise with the city on the effective date of this Policy Directive is exempt from this fee. Any utility negotiating with the city for a franchise after the effective date of this Policy Directive shall have the ability to be exempt from the permit fee if the franchise fee represents the maximum fee allowed by law for use of the rights-of-way or if the franchise states that the franchise fee represents full or total compensation for the use and occupation of the rights-of-way.

(c) In addition to denial for a failure to satisfy the standards and conditions referenced in subsection (a) above, a permit application for the collocation of a small wireless facility in the right-of-way submitted under this part may be denied if the proposed collocation:

(1) Materially interferes with the safe operation of traffic control equipment.

(2) Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.

(3) Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.

(4) Materially fails to comply with the 2010 edition of the FDOT Utility Accommodation Manual.

(5) Fails to comply with applicable codes.

(d) At the applicant's discretion, an applicant seeking to collocate small wireless facilities within the city may file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities.

Pursuant to Florida Statutes § 365.172(b) 1 and 5, the City may, in consider acting upon applications for wireless communications facilities, consider all applicable City land development and zoning regulations including, but not limited to, regulations addressing aesthetics, landscaping, land use based location priorities, structural design, and setbacks, as well as the applicant's compliance with construction standards adopted by the City under Florida Statutes Chapter 553 which are applicable to all similar types of construction.

A statement verifying the applicant's status as a utility authorized by this article and Florida law to install and maintain facilities, and to operate in the public's right-of-way;

Unless the utility has an annual general permit, a statement verifying the applicant's status as a utility authorized by this article and Florida law to install and maintain facilities, and to operate in the public's right-of-way;

H) Construction Requirements:

All new or collated antennas, telecommunication towers, accessory structures and any other wiring constructed within the City shall comply with the following requirements:

i. All applicable provisions of Article X (Rights-of-Way) of Chapter 78 and Division 4 of Chapter 107, the Florida Building Code, as amended, and the Federal Communications Commission (FCC).

ii. All wireless facilities and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.

iii. All wireless facilities and support structures shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.

iv. All wireless facilities and support structures shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA), as amended.

v. All wireless facilities and support structures shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended, the Americans with Disabilities Act, and the FDOT Utility Accommodation Manual, as amended.

vi. Does not comply with the requirements of Section 106 of the National Historic Preservation Act.

I) Appeals Process for denial of permits

The utility may submit a notice of appeal to the city clerk no later than 30 days after the denial of the permit by the city staff. Failure to file an appeal in a timely manner shall render the decision final and shall foreclose further review of the matter. The appeal must state with specificity each fact relevant to the appeal, and each provision of city code or state or federal law the applicant contends would be violated by the denial. The city commission shall hear the appeal at the next regularly scheduled meeting of the commission. At the hearing, the applicant is entitled to be represented by counsel, to call witnesses and to introduce any evidence it contends is relevant to the appeal. The city commission shall render a decision on the appeal in writing within 10 days after hearing the appeal. The decision of the commission shall be final. Appeals from the commission's decision may be taken in the circuit court by way of a petition for writ of certiorari as provided for by general law and court rules.

J) Communication of Standards and Procedures: The City Manager or designee shall ensure that the standards and procedures established by this Policy Directive are effectively communicated to both City staff charged with implementing them, as well as the current and prospective constructors or operators of small and microcell systems within the City. Such communication shall, at a minimum, include publishing the standards and procedures on the appropriate page of the City's website, and referencing this Policy Directive on any permit application materials which the City may promulgate to be used for the permitting of such systems.

Effective Date of this Policy Directive: July 27, 2018

APPROVED:

Jennifer K. Bramley
City Manager