



Legislation Text

File #: 17-232, **Version:** 1

TO: Chair Wastchak and Planning Commission Members

FROM: Kevin Burke, Town Manager

DATE: June 20, 2017

DEPARTMENT: Town Manager

AGENDA TITLE:

Personal Wireless Service Facility (a.k.a. Cell Antennas) Ordinance Amendment

Council Goals or Other Policies / Statutory Requirements:

Responsiveness to Residents - Identify and consider resident concerns in a timely manner and seek solutions to the best of the Town's ability - Cell Service.

SUMMARY STATEMENT:

The Town Council adopted a Statement of Direction (SOD) regarding amending the Town Code to comply with the new State statute on small cell antennas. The SOD is attached and largely consistent with the discussion of the May 25 joint meeting of the Council and Commission.

The purpose of the revision is first and foremost to come into compliance with the new State statute in terms of objective design standards, undergrounding, stealth and concealment, and timely processing. In short, the Council has directed that the objective design standard for "new small cells in the right-of-way" model the New Path/Crown Castle faux cactus design. Second, the Council has directed that "small cell antennas attached to existing utility poles in the ROW" model the antenna on the southwest traffic signal post of 56th Street and Lincoln Drive. To that end, staff has attached the construction drawings for both antennae and Town Attorney Andrew Miller has drafted an amendment to incorporate these objective design standards into the Town Code. Rather than amending the PWSF Chapter in the Zoning Ordinance, because the State statute is looking for an administrative process that that leads to a timely and predictable process, the majority of the amendment is found in Chapter 2 of the Town Code. Further, the amendment proposes that the objective design standard for any proposed small cell antenna be a faux cactus and the alternative is the cylinder on top of a traffic pole or light pole. Any design concept beyond that shall apply as an SUP in accordance with Chapter XI of the Zoning Ordinance.

Both processes must be accomplished in time frames consistent with State statute. Further, processing fees and use fees for the ROW must be established and consistent with that statute.

In order to accomplish this code amendment prior to the effective date of the new statute on August

9, 2017, this agenda item will be in study session on June 20, citizen review meeting on July 11, and public hearing on July 25. It will then be returned to Council for a special meeting sometime between July 26 and August 8.

Due to the tight turn-around associated with this agenda item, the attached ordinance is in draft form with suggested edits and discussion points highlighted or in comment boxes.

BUDGETARY IMPACT:

New statute will reduce the revenue received from those carriers licensed to place PWSF's in the rights-of-way.

ATTACHMENT(S):

Cell Service SOD 6-8-17

Small Cell Wireless Facilities Ordinance 6-14-17 Burke Redlines

Design Sheet for Faux Cactus

Design Sheet for 56th and Lincoln Traffic Signal