



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#17-0159

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: March 7, 2017

TITLE: Ordinance Amending the Code of Ordinances of the City of Fort
Lauderdale, Creating a New Article Entitled Communications Facilities in
the Public Rights-of-Way

Recommendation

It is recommended that the City Commission adopt an ordinance amending Chapter 25 of the Code of Ordinances of the City of Fort Lauderdale (Code), Streets and Sidewalks, to create a new Article XII, Communications Facilities in the Public Rights-of-Way (R.O.W.).

Background

On September 3, 2014 the City Commission passed Ordinance C-14-34, which placed a temporary 180 day moratorium on the submittal and approval of Distributed Antenna System (DAS) telecommunications facilities constructed in the Public R.O.W. in the City. The moratorium has been extended and is due to expire on April 19, 2017.

The imposition of the moratorium allowed time for City staff to review, consider, and modify processes for adoption and implementation of regulations pertaining to the deployment of DAS telecommunications towers and to evaluate the extent that the existing regulations are effectively regulating the deployment of such telecommunications towers.

City Staff has been in discussions with industry representatives during the time of the moratorium and has drafted the amendment with industry representative's input.

The ordinance was written to reduce the impact of these facilities on City neighborhoods and promote co-location of facilities, where feasible. Some of the important details outlined in the ordinance are the following:

- creation of design standards for facilities;
- creating requirements to incorporate stealth design;
- creating standards for co-location;
- creating standards for separation distances;
- creating standards for restoration of public R.O.W.;

- providing insurance;
- providing indemnification obligations; and
- providing maintenance obligations.

Some of the design highlights of the amendment include the following standards and mitigation of impact requirements:

- promoting Stealth Design, which is a design method of camouflaging the communications facility to enhance compatibility with adjacent land uses and be as visually unobtrusive as possible;
- requirement for a full color photo-simulation showing the proposed site of the communications facility with photo-realistic representations as it would appear from adjacent properties and the public R.O.W.;
- height limitations for communications facilities; and
- inclusion of LED street lighting into pole design at the City's option to enhance the neighboring area and promote safety.

Some of the maintenance highlights of the amendment include:

- standards and requirements for maintenance and graffiti removal;
- emergency maintenance;
- imposition of reasonable conditions attached to permits;
- fines for violation of maintenance plan; and
- removal requirements for abandoned communications facilities.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included in the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 5: Be a community of strong, beautiful, and healthy neighborhoods.
- Objective 2: Enhance the beauty, aesthetics, and environmental quality of neighborhoods.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Prosperous*.

Attachment

Exhibit 1 – Ordinance

Prepared by: Alex Scheffer, City Engineer

Department Director: Anthony Gregory Fajardo, Sustainable Development