



Pinellas County

Staff Report

File #: 17-1950A, Version: 1

Subject:

Ordinance amending the County Land Development Code by revising Section 170-267 relating to utility work definitions, amending Section 170-268 relating to permits, and amending Section 170-277 relating to small cell wireless facilities.

Recommended Action:

Adopt the proposed ordinance, following a public hearing, amending the County land development code by amending Section 170-267 relating to utility work definitions; amending Section 170-268 relating to permits, adding the requirement for communications services provider registration and providing for payment of an annual fee for antennae within the right-of-way at the time of registration; and amending Section 170-277 relating to small cell wireless facilities.

Strategic Plan:

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

Deliver First Class Services to the Public and Our Customers

5.2 Be responsible stewards of the public's resources

5.3 Ensure effective and efficient delivery of county services and support

Summary:

The Board of County Commissioners (Board) approved the notice of public hearing on October 31, 2017, for the proposed changes to Sections 170-267, 170-268, and 170-277 of the County Land Development Code. These proposed ordinance changes will help align the County's existing wireless communications ordinance with the new legislative amendments of Florida Statutes, Section 337.401, by providing for a registration process in which communication providers interested in installing small wireless facilities, including cable mounted micro-wireless facilities, can register with the County. For cable mounted micro-wireless facilities, the County can only require registration and not require a permit. For all other small wireless facilities in the right-of-way, the registration will streamline the subsequent permitting process by creating a record of necessary provider specific documentation for future permit applications (i.e., Florida Annual Resale Certificate, Certificate of Registration issued by the Florida Department of Revenue, Certificate of Authorization from the Florida Public Service Commission, insurance coverage, etc.).

Background Information:

A moratorium was established on October 25, 2016 while staff developed criteria for placement of cell towers. That moratorium was lifted on April 11, 2017 when the Board approved the amended ordinance that provided guidelines for these small cell towers. During 2017 Legislative Session, those guidelines were largely preempted by the state legislature, and this amended ordinance seeks to align the County with new requirements passed by the state legislature, as well as respond to the

state's allowance for cable strung micro-wireless facilities and imposition of permit review time limits. In order to better align with the state law, streamline the permitting process, and create a mechanism by which the County has knowledge of what communications providers are installing, such as cable suspended micro-wireless facilities within County rights-of-way. Staff proposes to amend the existing ordinance to provide the requirement for communications services provider registration, and providing for payment of an annual fee within County rights-of-way at the time of registration.

The registration requirement will allow the County to receive necessary information in advance of permit applications, if any, and will, therefore, reduce the burden on County staff when reviewing an application. The requirement to pay the annual fee at the time of the annual registration renewal will also reduce the administrative burden on staff as well as providers, as providers have indicated they will be installing numerous small wireless facilities in which a fee per facility may be due annually.

Staff communicated with municipal and industry partners to inform them of the amendments needed to align the ordinance with the new state law.

Fiscal Impact:

It is presently unknown how much revenue the permit application and annual fee will generate, however, the preliminary estimate is \$30,000.00. It is anticipated that 15 companies will probably initially register with the County and will plan on installing between 20-100 facilities each, including micro-wireless facilities. However, these numbers can quickly change due to the nature of the industry and changing technology.

Staff Member Responsible:

Rahim Harji, P.E., Director of Public Works

Partners:

N/A

Attachments:

Proposed Ordinance

Proposed Ordinance - blackline and strikethrough version