

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-38

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA AMENDING ARTICLE 5, DIVISION 20, ENTITLED "TELECOMMUNICATIONS" OF THE CITY ZONING CODE, BY ADDING A SECTION REGULATING THE INSTALLATION OF AMATEUR RADIO ANTENNAS; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City of Coral Gables, Florida to exercise its authority to amend its previously enacted rules and regulations under Article 5, Division 20, Section 2001 et seq. of the Zoning Code with respect to the installation of antennas, poles, masts and towers used for amateur and citizens band operations in the City to the fullest extent allowed by Federal and State Law; and

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on July 7, 2009, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Board was presented with a text amendment to the Zoning Code and after due consideration, recommended approval (vote: 6-0) of the amendment; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on July 29, 2009 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 4-0); and

WHEREAS, it is the intent of the City that this Ordinance shall amend the existing regulations codified under Article 5, Division 20, entitled "Telecommunications" Section 2001 et seq. of the Zoning Code that became effective on January 9, 2007;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, THAT:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Article 5, Division 20, entitled “Telecommunications”, by amending section 5-2002(C) of the Zoning Code of the City of Coral Gables, Florida is hereby amended as follows:

Section 5-2002 (C):

Amateur radio operators/antennas. This Article shall not govern any telecommunications facilities owned and operated by a federally licensed amateur radio station and/or citizen band operators. Refer to Section 5-2011, for amateur radio station operators and/or citizens band operator’s provisions.

SECTION 3. There is hereby created in Article 5, Division 20, a new Section 5-2011 to provide:

Section 5-2011. Amateur radio antennas

Poles, masts and towers for supporting antenna used in the operation of amateur radio station operators and/or citizen band operators licensed by the Federal Communication Commission (FCC) for transmitting and receiving on the amateur radio frequencies shall be exempted from the provisions contained within this Division except as noted within this Section. Amateur radio antennas shall be governed by the following:

- A. Application requirements and fees. An application shall comply with the requirements of sections 5-2003 B (1), (3), (4) and (8). The City may establish a filing fee for such application and Section 5-2003(D) shall apply to such fee. The timeframes for review contained within Section 5-2003 shall not apply to such application. Other application requirements may be requested as determined by the Department completing the review.*
- B. Required reviews and permits.*
 - 1. By right review. Applications for towers less than fifty (50) feet in height shall be submitted to the Building and Zoning Department for review and permit issuance.*
 - 2. Conditional use review. Antennas greater than fifty (50) feet in height require conditional use review pursuant to the Conditional Use provisions of the Zoning Code. Conditional use review applications shall be submitted to the Planning Department for review. The Department shall provide a recommendation which shall be forwarded for public hearing review by the Planning and Zoning Board and City Commission at which all interested persons shall be afforded an opportunity to be heard. The Planning and Zoning Board shall make a recommendation to the City Commission. The City Commission approval, if granted shall be in Resolution form at one advertised public hearing.*
 - 3. Board of Architects review. Board of Architects review and approval is required for all applications. Prior to scheduling an application for a conditional use review, preliminary Board of Architects review and approval is required.*
 - 4. Permits shall be required for installation of all antennas, poles, and masts. If approval is recommended and/or granted, City Staff, the Planning and Zoning Board and City Commission may proscribe conditions and safeguards to such approval.*

C. Requirements.

1. *Such antennas, pole, mast and towers as a minimum shall be subject to the following standards.*
 - a. *Measurement of height. In computing the height of the installation, the top section of the pole, mast or tower, including antennae array, when fully extended, shall be considered the top for the purpose of these provisions.*
 - b. *Permitted locations and number permitted. A maximum of one (1) amateur radio antenna shall be permitted on each building site with a SFR, MF1, MF2, and MFSA zoning districts.*
 - c. *Building site location. Antennas, pole, mast and towers shall be located behind the required primary/principle building within the rear and interior side yard of the property. Antennas are prohibited within the front and side street yard areas.*
 - d. *Setbacks. Antennas, pole, mast, antenna array and beam elements shall maintain the same rear and side setbacks as required for the principal building of the building site. All of the above shall also be a minimum of eight (8) feet from any overhead utility line(s) and power line(s). Where such antennas, pole and mast are located on a building site which is fronting upon two or more streets and/or alleys, the antennas, pole and mast shall maintain the same primary/principle building setback as required for each such street or alley.*
 - e. *Dismantling/tilting provisions for antenna exceeding fifty (50) feet in height. An antenna, pole and mast exceeding fifty (50) feet in height shall have the capability of being cranked up and down or being tilted over. Tilted poles shall comply with all setbacks contained herein. In case of an impending hurricane or other natural disasters, the antenna, pole and mast shall be cranked down to its nested position or tilted over. Antennae engaged in emergency communications shall be exempted from the dismantling provisions.*
 - f. *Installation. The installation or modification of an antenna, pole, mast and foundation shall be in accordance with the manufacturer's prescribed installation and safety procedures and shall meet all applicable City, State and Federal requirements, as amended including but not limited to following: Florida Building Code, City Code, Zoning Code, National Electric Code and F.C.C. regulations.*
- D. *Violations. Violations of any conditions and safeguards, when made part of the terms under which the application is approved, shall be deemed grounds for revocation of the application and punishable as a violation of the Zoning Code.*

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

SECTION 7. This ordinance shall become effective ten (10) days following the date of passage and adoption of same.

PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF AUGUST, A.D.,
2009.

(Moved: Withers / Seconded: Anderson)
(Yeas: Withers, Anderson, Cabrera, Slesnick)
(Majority: (4-0) Vote)
(Absent: Kerdyk)
(Agenda Item: E-2)

APPROVED:



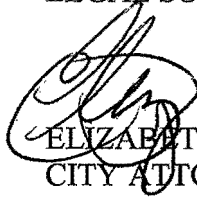
DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY