

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-56

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING ARTICLE 5, DIVISION 20, TELECOMMUNICATIONS OF THE CITY ZONING CODE, AMENDING THE PREVIOUS "AMATEUR RADIO ANTENNAS" PROVISIONS TO BE RENAMED "PERSONAL RADIO SERVICES ANTENNA SUPPORT STRUCTURES" AND AMENDING ARTICLE 8, DEFINITIONS, PROVIDING FOR DEFINITIONS; 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, antenna support structures, poles, masts and towers used for personal radio service 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 November 4, 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 (6-0 vote) of the amendment; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on November 17, 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 (5-0 vote) the amendment on First Reading; 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;

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

Section 5-2002 (C):

Personal Radio Services antennas. This Article shall not govern any telecommunications facilities owned and operated for providing personal radio services. Refer to Section 5-2011, for provisions applicable to personal radio services.

SECTION 3. Section 5-2011 of the Zoning Code of the City of Coral Gables, Florida, in Article 5, Division 20, entitled “Telecommunications,” is hereby amended as follows:

Section 5-2011. Personal radio services antenna support structures.

Antenna Support Structures used in the operation of Personal Radio Services shall be exempted from the provisions contained within this Article except as noted within this Section. Personal radio services’ Antenna Support Structures shall be governed by the following:

A. Application requirements and fees. An application shall comply with the requirements of sections 52003(B) (1), (3), (4) and (8). The City may establish a filing fee for such application and Section 52003(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 Antenna Support Structures 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. Antenna Support Structures 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 Antenna Support Structures.*

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 Antenna Support Structures 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 antenna 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) Antenna Support Structure shall be permitted on each building site with a SFR, MF1, MF2, and MFSA zoning districts.*
 - c. Building site location. Antenna Support Structures shall be located behind the required primary/principle building within the rear and interior side yard of the property. Antenna Support Structures are prohibited within the front and side street yard areas.*
 - d. Setbacks. Antenna Support Structures 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 Antenna Support Structure is located on a building site which is fronting upon two or more streets and/or alleys, the Antenna Support Structure shall maintain the same primary/principle building setback as required for each such street or alley.*
 - e. Dismantling/tilting provisions for Antenna Support Structures exceeding fifty (50) feet in height. An Antenna Support Structure exceeding fifty (50) feet in height shall have the capability of being cranked up and down or being tilted over. Tilted Antenna Support Structures shall comply with all setbacks contained herein. In case of an impending hurricane or other natural disasters, the Antenna Support Structure shall be cranked down to its nested position or tilted over and antenna shall be removed. Antenna engaged in emergency communications shall be exempted from the dismantling provisions.*
 - f. Installation. The installation or modification of an Antenna Support Structure 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 permit and punishable as a violation of the Zoning Code.*

SECTION 4. Article 8, Definitions of the Zoning Code of the City of Coral Gables, Florida, is hereby amended as follows:

Antenna support structures means any poles, masts, towers and/or support structures for supporting antenna used in the operation of personal radio services.

Personal radio services include the following services as defined by the Federal Communications Commission (FCC) as amended: the General Mobile Radio Service, the Family Radio Service, the Radio Control Radio Service, the Citizens Band Radio Service, the Low Power Radio Service, the Wireless Medical Telemetry Service, the Medical Device Radio Communication Service, the Multi-Use Radio Service, and the Dedicated Short-Range Communications Service On-Board Units. Personal Radio Services provide short-range, low power radio for personal communications, radio signaling, and business communications not provided for in other wireless services. The range of applications is wide, spanning from varied one- and two way voice communications systems to non-voice data transmission devices used for monitoring patients or operating equipment by radio control. Licensing and eligibility rules vary. Some personal radio services require a license grant from the FCC, while others require only the use of equipment that is properly authorized under the FCC's rules. The personal radio services are:

Citizens Band (CB) Radio Service - 1-5 mile range two-way voice communication for use in personal and business activities.

Family Radio Service (FRS) - 1 mile range Citizen Band service for family use in their neighborhood or during group outings.

General Mobile Radio Service (GMRS) - 5-25 mile range Citizen Band service for family use in their neighborhood or during group outings.

Low Power Radio Service (LPRS) - private, one-way communications providing auditory assistance for persons with disability, language translation, and in educational settings, health care, law, and AMTS coast stations.

Medical Implant Communications Service (MICS) - for transmitting data in support of diagnostic or therapeutic functions associated with implanted medical devices.

Multi-Use Radio Service (MURS) - private, two-way, short-distance voice or data communications service for personal or business activities of the general public.

Personal Locator Beacons (PLB) - used by hikers, and people in remote locations to alert search and rescue personnel of a distress situation.

Radio Control Radio Service (R/C) - one-way non-voice radio service for on/off operation of devices at places distant from the operator.

Wireless Medical Telemetry Service (WMTS) - for remote monitoring of patients' health through radio technology and transporting the data via a radio link to a remote location, such as a nurses' station.

SECTION 5. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. 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 7. 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 8. This ordinance shall become effective within ten (10) days following the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FIFTEENTH DAY OF DECEMBER, A.D., 2009.

(Moved: Cabrera / Seconded: Withers)

(Yeas: Anderson, Cabrera, Withers, Slesnick)

(Majority: (4-0) Vote)

(Absent: Kerdyk)

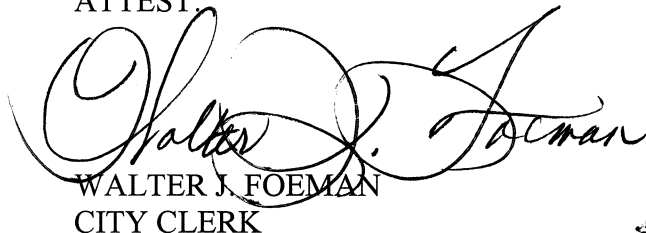
(Agenda Item: E-3)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:



WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY