



City of Coral Gables  
CITY COMMISSION MEETING  
**December 10, 2019**

**ITEM TITLE:**

Ordinance on Second Reading. AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF CORAL GABLES BY AMENDING ARTICLE III, CHAPTER 70, SECTIONS 70-76 THROUGH 70-91, THE "CORAL GABLES COMMUNICATIONS RIGHTS-OF-WAY ORDINANCE"; PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION; PROVIDING FOR THE REQUIREMENT OF A PERMIT; PROVIDING APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR A PERFORMANCE CONSTRUCTION BOND AND PERMANENT PERFORMANCE BOND TO PLACE OR MAINTAIN COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR CONSTRUCTION METHODS; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**BRIEF HISTORY:**

In 2019, the City Commission adopted Ordinance No. 2019-08, to implement amendments to Florida Statutes, including the Florida Advanced Wireless Infrastructure Deployment Act ("Small Cell Statute") that became effective July 1, 2018. In 2019, Florida passed CS/CS/CS/SB 1000 ("SB 1000") which further amended Section 337.401, Florida Statutes, effective July 1, 2019. The proposed Ordinance amends the City Code consistent with the 2019 amendments to Florida Statutes. In particular, the Ordinance amendments include the following provisions: definitions; registration; requirements and exceptions for permits; application requirements and procedures; construction and permanent performance bond requirements; and construction requirements. We provided notice of the first hearing to the Secretary of State as required by Florida Statutes, and distributed a draft of the Ordinance to industry members for input.

As indicated at the first hearing on this Ordinance, we made further revisions before this second hearing based on comments received from the City staff and industry stakeholders. These revisions include: added language to implement the Statute's preemption of the City's ability to require maps of facilities; requiring notice of work done without City permits and requiring photographic and video documentation of all underground work; adding technical requirements for sidewalk closure and maintenance of traffic plans; included the Statute's "shot clock" for processing applications for all communications facilities while maintaining different standards for small wireless facilities and utility poles from other communications facilities; address ancillary permits; adding legislative intent for the permanent performance bond, which the industry continues to oppose; clarify the process for approvals to impact historic property; and clarify requirements for installing facilities underground.

It should be noted that the Florida League of Cities and a few individual municipalities are suing to challenge portions of the Small Cell Statute, which may lead to further revisions to the Code. In addition, it should be noted that the Statute created a private cause of action for any party aggrieved by action of the City that is preempted by the Statute, and provides for the possible award of attorneys' fees and costs to the prevailing party.

**ATTACHMENT(S):**

1. Draft Ordinance