



## Legislation Text

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**File #:** 17-6266, **Version:** 1

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A Resolution of the City Commission of Coral Gables, Florida issuing a Zoning In Progress, in accordance with Article 3, "Development Review", Division 7, "Moratorium", Section 3-703, "Zoning In Progress Request" and 3-704, "City Commission Zoning In Progress Resolution Review And Decision" for the consideration of Zoning Code Text Amendments to Article 5, Division 20 "Telecommunications," addressing Wireless Communications Facilities, and Article 8 "Definitions," to implement recently passed Florida Legislation known as the "Advanced Wireless Infrastructure Deployment Act" addressing access to the Public Rights-Of-Way for Wireless Communications Facilities; providing for an effective date.

The City adopted several ordinances establishing regulations for wireless facilities including the location and design of wireless facilities (Article 5, Division 20, Telecommunications, and Article 8, Definitions, of the Zoning Code) and has also adopted the Communications Ordinance set forth in Sections 70-71 et. seq. of the City Code to implement its authority under Section 337.401, Florida Statutes, which authorizes municipalities to regulate the placement and maintenance of communication facilities and utilities in the public rights-of-way.

A new network of wireless communications infrastructure has emerged comprised of a series of localized antennas ("Small Cells"), or nodes ("Distributed Antenna Systems" or "DAS"), with wireline and/or wireless backhaul networks (together referred to as "wireless facilities") that are linked to a larger hub or tower site. The City has been contacted by several companies requesting permission to place wireless facilities and infrastructure or to collocate facilities on poles owned by the City within the public rights-of-way controlled by the City.

The Florida Legislature recently passed HB 687, known as the Advanced Wireless Infrastructure Deployment Act ("Act"), which became effective July 1, 2017. The Act amends Section 337.401 to provide for access to public rights of way and collocation on City-owned poles for certain various wireless facilities, including small cell facilities, equipment facilities, and micro cell facilities, and for wireless support structures, all as defined in the Act, and provides procedures and regulations for local governments to process applications for and to regulate such facilities. The City intends to study the impact of the Act and to propose amendments to the Zoning Code and if necessary, the Code of Ordinances, to adopt provisions addressing such facilities consistent with the Act.

Additionally, since the adoption of the City's Zoning Code addressing wireless facilities, the Federal Communication Commission adopted new regulations addressing municipal processing of applications for collocation of wireless facilities on certain existing towers and base stations. These changes in federal regulations, emerging technologies, and the new Act require a careful review by the City of its policies and ordinances associated with regulation of cell towers, antennae, wireless support structures, and wireless facilities. A temporary moratorium on the processing of applications for, and the issuance of permits, site plan

approvals or any other official action of the City of Coral Gables permitting or having the effect of allowing the installation of wireless facilities in the public rights-of-way within the City's control will maintain the status quo and allow time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the City of Coral Gables Code of Ordinances and/or Zoning Code.

The proposed resolution approves a Zoning in Progress, in accordance with Article 3, Division 7 of the Zoning Code, for a period not to exceed the first regularly scheduled City Commission meeting after 120 days, unless further extended, and orders that Staff report to the Planning and Zoning Board and City Commission with a report, proposed Zoning Code Text Amendment, and recommendations related to a potential moratorium, within 90 days, in accordance with Zoning Code Section 3-704.

Upon adoption of the Zoning in Progress Resolution, the City Clerk shall publish this adopted resolution in a newspaper of general circulation published in the City of Coral Gables, or in Miami-Dade County, Florida, within ten (10) days following the date of adoption, in accordance with Zoning Code Section 3-704.