



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jose Smith, City Attorney *[Signature]*

CC: Jimmy L. Morales, City Manager

DATE: March 5, 2014

SUBJECT: **Request for Referral to the Land Use and Development Committee:
Telecommunications Ordinance**

RECOMMENDATION

The City Attorney recommends that the City Commission refer this item to the Land Use and Development Committee for preliminary review of a draft ordinance (to be provided in advance of the LUDC meeting) and to discuss policy direction.

BACKGROUND

Crown Castle has approached the City to obtain permits for a Distributed Antenna System (DAS) at 39 locations throughout the City, in public rights-of-way. It is the City's understanding that Crown Castle intends to submit additional locations in the next few years throughout the City. This DAS system is intended to supplement existing wireless communications networks in the City by strengthening the signal between existing antenna towers providing cellular and digital communications signals to the modern digital network of smartphones, tablets and computers.

Crown Castle is the successor in interest to Sprint and Nextel, which already have telecommunications systems in the City, both at a fixed location, the City parking garage at 1550 Collins Avenue, and at 45 other locations in the City's rights-of-way, which Crown Castle acquired from Nextel. These former Nextel sites are still run by Nextel for use by the City, but are now owned by Crown Castle.

On January 15, 2014, the City Commission directed the drafting of an ordinance amendment to address the issues raised by the Crown Castle proposal. This referral seeks to provide an opportunity for members of the City Commission to review a draft ordinance and provide policy guidance to the City Attorney's Office and Administration regarding its provisions.

The proposed ordinance is contemplated to contain the following amendments to the existing telecommunications provisions in the City Code:

1. Amends the definition for communications service provider;
2. Provides a definition for communications facility provider;
3. Provides amended and new regulations for such providers;

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4. Adding wireless communications to the definition of communications services;
5. Amending the definition of public rights of way, among other definitions added or amended;
6. Amending the registration process for telecommunications services and facilities providers;
7. Amending the permit application process to require the issuance of permits and design and appropriateness review by the design review board and historic preservation board;
8. Creating standards for communications facilities design, location and co-location, including establishing a hierarchy for location and co-location to ensure the minimum number of new poles are added, and encouraging use of existing poles and co-location on existing and new poles;
9. Adding standards for site improvements, use of and restoration of sites and rights-of-way;
10. Adding distance separation between communications facilities and between such facilities and residential uses and contributing buildings in historic districts;
11. To provide for compensation to the City for the use of public rights-of-way for these purposes; and
12. Amending such other sections as are appropriate to protect the public health, safety and welfare

CONCLUSION

The City Attorney recommends that the City Commission refer this item to the Land Use and Development Committee for preliminary review of the draft ordinance and to provide policy direction.

JS/GMH

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