



Item No. 136

AGENDA ITEM MEMORADUM

Development Services

Linda Connors *LC*

Department

Town Planner *AB*

| COMMISSION MEETING DATE (*) - 7:00 PM | Deadline to Town Clerk |
|---|----------------------------|
| <input checked="" type="checkbox"/> October 9, 2012 | September 28 th |

*Subject to Change

- Presentation Reports Consent **Ordinance**
 Resolution Quasi-Judicial Old Business New Business

FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Resolution Adopting a Notice of Intent to Revise Satellite Television Antennas and Dishes and Telecommunication Towers and Antennas Regulations.

EXPLANATION: Federal legislation has changed how the Town's can regulate the installation, maintenance or use of small satellite dishes as well as certain satellite and antennas provisions related to safety or historic preservation. To be in compliance with the new Federal regulations and to address standards and definitions, the Town needs to amend Section 30-313 (26) and 30-325 of our code.

All proposed amendments to the Town's development regulations are subject to the Notice of Intent (NOI) procedures of Chapter 30, Section 531 of the Town Code. The attached Resolution 2012-47 (Exhibit 1) meets these requirements.

RECOMMENDATION: We recommend the adoption of Resolution 2012-47.

EXHIBITS: Exhibit 1 – Resolution 2012-47

Resolution Reviewed by Town Attorney

- Yes No

Town Manager Initials *CD*

RESOLUTION NO. 2012-47

1
2 **A RESOLUTION OF THE TOWN COMMISSION OF THE**
3 **TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA**
4 **PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT**
5 **CONCERNING PENDING LAND DEVELOPMENT**
6 **REGULATIONS TO REVISE THE TOWN'S CURRENT**
7 **REGULATIONS REGARDING SATELLITE TELEVISION**
8 **ANTENNAS AND DISHES AND TELECOMMUNICATION**
9 **TOWERS AND ANTENNAS; PROVIDING FOR**
10 **APPLICABILITY; PROVIDING FOR AN EFFECTIVE**
11 **DATE.**

12 **WHEREAS**, Section 30-531 of the Code of Ordinances of the Town of Lauderdale-By-
13 The-Sea (the "Code") provides for a procedure for the public and the development community to
14 be notified of changes to the Town's land development regulations through the issuance of a
15 Notice of Intent of Pending Land Development Regulations (NOI); and

16 **WHEREAS**, pursuant to Section 30-531(b) of the Code, the Town Commission shall
17 authorize the investigation, study, development, drafting and consideration of all proposed
18 amendments to the Town's land development regulations; and

19 **WHEREAS**, pursuant to its authority under the Telecommunications Act of 1996, the
20 Federal Communications Commission ("FCC") adopted the Over-the-Air Reception Devices Rule,
21 47 C.F.R. §1.4000 ("OTARD Rule"); and

22 **WHEREAS**, the Town has reviewed its laws regulating satellite dishes and satellite
23 antennas in light of current federal regulations; and

24 **WHEREAS**, the Town Commission desires to issue an NOI to amend current regulations
25 and implement the new federal regulations; and

26 **WHEREAS**, Section 30-531(f) of the Code provides for posted written notice of the
27 pending amendments; and

28 **WHEREAS**, pursuant to Section 30-531(d) of the Code, the Town Commission held a
29 public hearing concerning the Notice of Intent of Pending Land Development Regulations on
30 October 9, 2012 and desires to approve the further processing of the proposed regulations.

31 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF**
32 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA:**

33 **SECTION 1. Authorization.** Pursuant to Section 30-531 of the Code of Ordinances,
34 the Town Commission authorizes the investigation, study, development, drafting, and
35 consideration of the proposed zoning and land development code amendments, as described in
36 the Notice of Intent of Pending Land Development Regulations attached hereto as Exhibit "A."

37 **SECTION 2. Effective date of notice.** The Town Commission hereby finds that the
38 effective date of the Notice of Intent of Pending Land Development Regulations shall be October
39 9, 2012.

40 **SECTION 3. Application of pending regulations.** The proposed regulations shall
41 become effective and applicable to development within the Town following second reading and
42 adoption of any ordinance(s) related to the proposed pending land development regulations.

43 **SECTION 4. Effective date of resolution.** This Resolution shall become effective
44 immediately upon passage and adoption.

45 **PASSED AND ADOPTED** this _____ of _____, 2012.

46
47
48
49
50
51
52
53
54

MAYOR ROSEANN MINNET

ATTEST:

55 June White, Town Clerk, CMC

56

57 Approved as to form:

58

59

60 Susan L. Trevarthen, Town Attorney

Exhibit “A”

Notice of Intent of Pending Land Development Regulations **Effective October 9, 2012 (Resolution 2012- 47)**

1. Statement of Purpose: In accordance with Section 30-531 of the Code of Ordinances, the Town hereby issues this **Notice of Intent** to notify the public of proposed changes to the land development regulations of Chapter 30 of the Code of Ordinances (“Code”). Upon Town Commission approval of the further processing of the proposed regulations, the amendments will be included in one or more ordinances and scheduled for hearing and adoption.

2. Description of Proposed Amendments to Chapter 30 “Unified Land Development Regulations” of the Code of Ordinances:

Providing for revisions related to the Telecommunication Towers and Antennas and satellite television antennas and dishes to update the current code. These proposed amendments may address regulations in the following Code sections:

- a. Article V. “Zoning,” Division 2. “Districts,” Subdivision L “Supplemental Regulations.”
- b. The Town may also consider proposed changes to Chapter 25, “Telecommunications,” in conjunction with a. above (not a land development regulation).

3. Projected Time Frame for Adoption of Regulations:

- a. Planning and Zoning Board Hearing on Ordinance: October 1, 2012 – December 31, 2012
- b. First Reading of Ordinance(s) by Town Commission: November 1, 2012 – March 31, 2013
- c. Second Reading of Ordinance(s) by Town Commission: December 1, 2012 - April 30, 2013

4. Application of Pending Regulations:

The proposed regulations shall become effective and applicable to development within the Town following second reading and adoption by ordinance.