



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#14-1117

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: September 3, 2014

TITLE: Imposition of a temporary moratorium on the installation wireless personal telecommunication towers and distributed antenna systems.

Recommendation

It is recommended that the City Commission adopt an ordinance imposing a 180-day temporary moratorium on the installation wireless personal telecommunication towers and distributed antenna systems with the City of Fort Lauderdale.

Background

The explosion of personal wireless communications has included not only “traditional” large towers, but recently the use of new smaller tower “microcell” technologies such as Distributed Antenna Systems Networks or DAS Networks. DAS means a network of spatially separated antenna nodes, connected to a common source by way of a transport medium that provides wireless services, including wireless personal telecommunications service, within a limited geographic area.

Recently, the City has become aware that DAS Networks desire to begin installations of new tower facilities within the City of Fort Lauderdale’s public rights-of-way. These new technologies may require improvements that have not been contemplated by the City of Fort Lauderdale in the management and control of the City’s public rights-of-way and lawful competing uses thereof which need to be weighed and balanced with safety and aesthetic interests in mind.

On an increasing basis, public safety officials are becoming alarmed at the dangers of distracted driving caused in part by the use of personal wireless communications technology in the transportation context resulting in the adoption of the Florida Ban on Texting While Driving Law, § 316.305, Fla. Stat. preventing or limiting the use; therefore, allowing a new technology principally designed to serve rights-of-way users and an immediate surrounding area (which immediate surrounding area likely already

has access to alternative forms of communications) could well be viewed as inconsistent with the interest of transportation public safety.

Staff has noted the rapid deployment and potential for rapid deployment of such telecommunications towers, wireless personal telecommunications service tower, towers and Distributed Antenna Systems and the need for time to review, consider, and modify the processes for adoption and implementation of regulations pertaining to the deployment of such telecommunications towers and to evaluate the extent that the existing regulations are effectively regulating the deployment of such telecommunications towers.

The scope of this Ordinance is purposefully designed to be narrowly tailored as it only affects new tower locations (as distinguished from co-locations) in the City's public rights-of-way applications for which are filed on or after the effective date hereof; therefore, the brief moratorium adopted hereby will **not**: (i) prevent or affect applications for co-location of antenna arrays in accordance with § 365.172 (13), Fla. Stat. (2014) on existing telecommunications towers which have antenna arrays anywhere in the City, (ii) affect applications to install new telecommunications towers on private property, or (iii) affect any new telecommunications tower applications for any building site owned by the City of Fort Lauderdale or owned by Broward County, the State of Florida, the United States of America or any of their respective agencies or districts; (iv) below-grade communications service facilities under City Code § 25-25-100.1(b); and (v) at-grade communications service facilities under City Code § 25-100.1 (c).

Within ninety (90) days of adoption of this ordinance, staff will report to the Commission the progress being made in the preparation of an ordinance implementing revised regulations.

Resource Impact:

There is no fiscal impact to the City.

Strategic Connections:

There is no Strategic Connection associated with this item

Attachment: Exhibit 1. Ordinance

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