


4-19-16
WALK-ON
RESOLUTION



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#16-0545

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

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

DATE: April 19, 2016

TITLE: **WALK ON** - Resolution Approving an Extension of a Temporary
Moratorium on the Installation of Wireless Personal Telecommunication
Towers and Distributed Antenna Systems through June 21, 2016

Recommendation

It is recommended that the City Commission extend the ordinance imposing a temporary moratorium on the installation of wireless personal telecommunication towers and distributed antenna systems within the City of Fort Lauderdale through June 21, 2016 or until adoption of the ordinance regulating the subject matter of the Moratorium Ordinance, whichever shall first occur.

Background

On September 3, 2014 Ordinance C-14-34 was adopted by the City Commission which imposed a 180-day temporary moratorium retroactive to the effective date of August 19, 2014. On February 3, 2015, the City Commission extended the moratorium to May 16, 2015. On May 5, 2015, the City Commission extended the moratorium to August 8, 2015. On July 7, 2015, the City Commission extended the moratorium to November 6, 2015. On November 3, 2015, the City Commission extended the moratorium to February 16, 2016. On February 16, 2016, the City Commission extended the moratorium to April 19, 2016.

There is need for additional time to analyze and consider the comments from industry representatives and make appropriate adjustments to the Communications Facilities in Public Rights-Of-Way Ordinance which was adopted by the City Commission on first reading on February 2, 2016.

Resource Impact:

There is no fiscal impact to the City.

Strategic Connections:

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included in the **Neighborhood Enhancement Cylinder of Excellence**, specifically advancing

- **Goal 5:** Be a community of strong, beautiful, and healthy neighborhoods.
- **Objective 2:** Enhance the beauty, aesthetics, and environmental quality of neighborhoods.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Community*.

Attachment:

Exhibit 1- Resolution

Prepared by: Katerina Skoundridakis, City Manager's Office

Department Director: Lee R. Feldman, ICMA-CM, City Manager

RESOLUTION NO. 16-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA DETERMINING AND DECLARING THAT IT IS IN THE BEST INTEREST OF THE CITY TO EXTEND THE TERM OF THE TEMPORARY MORATORIUM ORDINANCE NO. C-14-34 (HEREINAFTER, "MORATORIUM ORDINANCE") ON TELECOMMUNICATIONS TOWERS AND DISTRIBUTED ANTENNA SYSTEMS WITHIN THE PUBLIC RIGHTS-OF-WAY AND RESOLUTION NO. 15-147 BY THE AUTHORITY GRANTED PURSUANT TO THE MORATORIUM ORDINANCE AND THE CITY COMMISSION HEREBY EXTENDS THE TERM FOR WHICH THE MORATORIUM ORDINANCE SHALL REMAIN IN EFFECT TO JUNE 21, 2016, OR UNTIL ADOPTION OF AN ORDINANCE REGULATING THE SUBJECT MATTER OF THE MORATORIUM ORDINANCE, WHICHEVER SHALL FIRST OCCUR; REPEALING ANY RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale adopted Ordinance No. C-14-34 on September 3, 2014, imposing a temporary moratorium upon the receipt of or processing of applications, permits or pending approvals pertaining to the installation or siting of any "telecommunications towers" as more particularly set forth therein (hereinafter "Moratorium Ordinance"); and

WHEREAS, the Moratorium Ordinance had an effective date retroactive to August 19, 2014; and

WHEREAS, the Moratorium Ordinance provided that it would remain in effect for a period of one hundred eighty (180) days from the effective date thereof, unless earlier rescinded, repealed or extended by an Ordinance or Resolution of the City Commission of the City of Fort Lauderdale; and

WHEREAS, the City Commission adopted Resolution No. 15-98 extending the term of the Moratorium Ordinance by an additional ninety (90) days to August 8, 2015; and

WHEREAS, the City Commission adopted Resolution No. 15-147 extending the term of the Moratorium Ordinance by and additional ninety (90) days to November 6, 2015; and

WHEREAS, the City Commission adopted Resolution No. 15-249 extending the term of the Moratorium Ordinance by and additional ninety (90) days to February 16, 2016; and

WHEREAS, the City Commission on February 2, 2016 adopted on first reading a Communications Facilities in Public Rights-Of-Way Ordinance and anticipates additional input from industry representatives prior to the projected second reading of the ordinance on April 5, 2016; and

WHEREAS, there is need for additional time to review, consider and modify the 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; and

WHEREAS, on February 16, 2016 the City Commission adopted Resolution No. 16-30 extending the term of the Moratorium Ordinance through April 19, 2016; and

WHEREAS, on presentation to the City Commission for second reading of the Communications Facilities in Public Rights-Of-Way Ordinance, a number of comments from industry representatives was received with further requests for deferral and requiring additional time to review and respond to such requests; and

WHEREAS, the City Commission finds that it is in the best interest of the City to extend the Moratorium Ordinance through June 21, 2016, or until adoption of an Ordinance regulating the subject matter of the Moratorium Ordinance, whichever shall first occur;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Pursuant to the terms of the Moratorium Ordinance and Resolution No. 16-30, the City Commission hereby extends term for which the Moratorium Ordinance shall remain in effect through June 21, 2016 or adoption of an Ordinance regulating the subject matter of the Moratorium Ordinance, whichever shall first occur.

SECTION 2. That any prior Resolutions or parts thereof to the extent of conflict with this Resolution are hereby repealed.

SECTION 3. That this Resolution shall be in full force and effect immediately upon and after its passage.

ADOPTED this the _____ day of _____, 2016.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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