

RESOLUTION NO. 16-133

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 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 **DECEMBER 6, 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it would remain in effect for a period of one hundred eighty (180) days from the effective date thereof, unless earlier rescinded, repealed or extended by an Ordinance or Resolution of the City Commission of the City of Fort Lauderdale; and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 an 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 an 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 April 19, 2016 the City Commission adopted Resolution No. 16-76 extending the term of the Moratorium Ordinance through June 21, 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, on June 7, 2016 the City Commission adopted Resolution No. 16-94 extending the Moratorium Ordinance through September 7, 2016; and

WHEREAS, industry representative have submitted a proposed Ordinance regarding Communications Facility's in Public Rights-of-Way and additional time is required to integrate input from the industry with City staff's proposed legislation and the City Commission therefore finds that it is in the best interest of the City to extend the Moratorium Ordinance through December 6, 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 this Resolution No. 16-133 the City Commission hereby extends term for which the Moratorium Ordinance shall remain in effect through December 6, 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 7th day of September, 2016.

  
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Mayor  
JOHN P. "JACK" SEILER

ATTEST:



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City Clerk  
JEFFREY A. MODARELLI

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