



## Legislation Text

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File #: ORD 2017-030, Version: 1

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## AGENDA ITEM REPORT

### **TITLE:**

AN ORDINANCE ENACTING A TEMPORARY MORATORIUM ON THE SUBMITTAL AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF ANY PERMITS PERTAINING TO COLOCATION ON EXISTING, OR THE CREATION OF NEW, UTILITY POLES IN THE RIGHT-OF-WAY TO SUPPORT SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES FOR A PERIOD OF 150 DAYS IN ORDER TO ALLOW AN OPPORTUNITY FOR THE CITY TO DEVELOP REGULATIONS CONSISTENT WITH CHAPTER 2017-136, LAWS OF FLORIDA, WHICH BECAME EFFECTIVE JULY 1, 2017. (SECOND READING)(PUBLIC HEARING)

### **BACKGROUND:**

**This item was approved on First Reading at the July 27, 2017, City Commission Meeting.**

During the 2017 Legislative Session, the State Legislature passed House Bill 687, amending Section 337.401, Florida Statutes, known as the "Advanced Wireless Infrastructure Deployment Act," which was signed into law by the Governor on June 23, 2017, with an effective of July 1, 2017, as Chapter 2017-136, Laws of Florida. The law establishes a process by which wireless providers may place certain "small wireless facilities" on, under, within, or adjacent to certain utility poles or wireless support structures within public rights-of-way that are under the jurisdiction and control of an "authority" (i.e., a county or municipality). Thus, the law provides that the City may not prohibit, regulate, or charge for the colocation of small wireless facilities or micro wireless facilities in the public rights-of-way, except as specified in the statute.

### **DISCUSSION:**

The City currently has regulations pertaining to such facilities within its Code of Ordinances, specifically codified within Chapter 13, "Land Development Code," Article III, "Zoning Regulations," Division 4, "Accessory Uses and Structures," Subdivision IX, "Wireless Communications Facilities," which need to be evaluated in light of the new law. City staff has not had adequate time to evaluate the impacts of this new law or address local issues that are presented by the new law and take action accordingly. A temporary moratorium will suspend all activities relating to accepting, processing or approving any application relating to the establishment or operation of a small wireless facility or micro wireless facility (as referenced in Section 337.401, Florida Statutes) in order for the City to have the time and opportunity necessary to implement a framework of authorized regulation and fee structure as provided in the newly enacted portions of Section 337.401, Florida Statutes.

### **RECOMMENDATION:**

Staff recommends approval of this Ordinance.

**FISCAL IMPACT:** N/A