

**RESOLUTION NO. 2017- 055**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, EXTENDING THE ZONING IN PROGRESS FOR WIRELESS SERVICE FACILITIES AND PERSONAL WIRELESS SERVICE FACILITIES, AS DEFINED IN SECTION 365.172 F.S. AND 47 U.S.C. §332(c)(7)(C)(ii); ADDING INTO THE ZONING IN PROGRESS THE INSTALLTION OF FIBER FOR BACKHAUL, WITHIN THE TOWN'S RIGHTS-OF-WAY; DIRECTING TOWN STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS AND PROHIBITING THE ISSUANCE OF BUILDING PERMITS, DEVELOPMENT ORDERS, OR LOCAL BUSINESS TAX RECEIPTS UNTIL THE EARLIER OF THE DATE THE TOWN ADOPTS ITS CODE REVISIONS OR DECEMBER 31, 2017; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town enacted Resolution 2017-012 on November 10, 2016 to impose a 180 day moratorium to allow Town staff to undertake a study of the appropriate regulatory requirements for wireless service facilities and personal wireless service facilities as defined in Section 365.172 F.S. and 47 U.S.C. §332 (c)(7)(C)(ii) within the Town's rights-of-way; and

**WHEREAS**, in the wake of recent changes to State Law planning staff requires more time to study regulatory requirements for wireless service facilities, personal wireless service facilities, and fiber installation for backhaul in the Town's rights-of-way and identify zoning and land use regulations throughout the Town; and

**WHEREAS**, the Town Council hereby directs Town staff to defer the acceptance and processing of development applications for wireless service facilities, personal wireless service facilities, and fiber installation for backhaul within the Town's rights-of-way and extends the prohibition on the issuance of any building permits, local business tax receipts, or development orders for wireless service facilities and personal wireless service facilities associated therewith within the Town until the earlier of the date the Town adopts its Code revisions or December 31, 2017; and

**WHEREAS**, the Town Council deems it timely and in the best interest of the Town and its residents to undertake the study, review and revision of the Town's regulations regarding wireless service facilities, personal wireless service facilities, and fiber installation for backhaul throughout the Town within the Town's rights-of-way.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southwest Ranches, Florida:

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

**Section 2.** The Town Council hereby approves an extension of the current moratorium until the earlier of the date the Town adopts its Code revisions or December 31, 2017, deferring the acceptance and processing of development applications for wireless service facilities, personal wireless service facilities, and fiber installation for backhaul, and prohibiting the issuance of building permits and development orders for wireless service facilities and personal wireless service facilities as defined in Section 365.172 F.S. and 47 U.S.C. §332 (c)(7)(C)(ii), within the Town's rights-of-way.

**Section 3.** The Zoning in Progress shall cease the earlier of the date the Town adopts its Code revisions or December 31, 2017.

**Section 4.** That the Town Council hereby directs Town Staff to continue to study and review the regulations pertaining to wireless service facilities, personal wireless service facilities, fiber installation for backhaul in the Town's rights-of-way and identify appropriate zoning, regulatory and land use regulations, and to report back to the Town Council, prior to the expiration of the Zoning in Progress.

**Section 5.** The Town Council hereby authorizes and directs the appropriate Town Officials to do all things necessary and expedient to effectuate the intent of this Resolution.

**Section 6.** All Resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

**Section 7.** If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

**Section 8.** This Resolution shall become effective upon its passage and adoption by the Town Council.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest

Ranches, Florida, this 10<sup>th</sup> day of August, 2017 on a motion by

Vice Mayor Breithaupt and seconded by Council Member Fisikelli

McKay  
Breitkreuz  
Fisikelli  
Jablonski  
Schroeder

Ayes  
Ayes  
Ayes  
Ayes  
Ayes

Ayes  
Nays  
Absent  
Abstaining

5  
0  
0  
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Attest:

Russell Muñiz

Doug McKay  
Doug McKay, Mayor

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith Poliakoff  
Keith Poliakoff, Town Attorney