

**RESOLUTION NO. 2017-012**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, DECLARING ZONING IN PROGRESS; DIRECTING TOWN STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS AND PROHIBITING THE ISSUANCE OF BUILDING PERMITS, OR 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; AUTHORIZING AND DIRECTING TOWN STAFF TO UNDERTAKE THE STUDY AND REVIEW OF THE TOWN'S REGULATIONS REGARDING SAME; PROVIDING THAT UPON THE ADOPTION OF THIS RESOLUTION THE ACCEPTANCE AND PROCESSING OF DEVELOPMENT APPLICATIONS SHALL BE DEFERRED AND NO PERMITS OR DEVELOPMENT ORDERS SHALL BE ISSUED UNTIL AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE TOWN COUNCIL OR UNTIL THE PASSAGE OF 180 DAYS FROM THE DATE OF THIS RESOLUTION, WHICHEVER OCCURS FIRST; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Administrator, Town Attorney and the Town's professional planning staff continuously monitor and review the Town's Land Development Regulations to ensure appropriate development in the Town, and from time to time recognize the need to study and to amend aspects of the same; and

**WHEREAS**, the Town Council has reviewed the need to establish a 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**, the Town Council hereby directs Town staff to defer the acceptance and processing of development applications for wireless service facilities and personal wireless service facilities within the Town's rights-of-way and imposes a prohibition on the issuance of any building permits, or development orders for wireless service facilities and personal wireless service facilities associated therewith within the Town for a period of one hundred eighty (180) days from the date of this Resolution; and

**WHEREAS**, such a prohibition will enable the Town's professional staff to properly study regulatory requirements for wireless service facilities and personal

wireless service facilities in the Town's rights-of-way and identify zoning and land use regulations throughout the Town; 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 and personal wireless service facilities 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 a moratorium, deferring the acceptance and processing of development applications for wireless service facilities and personal wireless service facilities 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 at the earliest of the expiration of one hundred eighty (180) days from the date of this Resolution, upon the effectiveness of an Ordinance addressing the subject matter of this Resolution, or upon the adoption of a Resolution terminating the zoning in progress.

**Section 4.** That the Town Council hereby directs Town Staff to study and review the regulations pertaining to wireless service facilities and personal wireless service facilities 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 November, 2016 on a motion by

V/m Breithaupt and seconded by C/m Fisikelli.

McKay	<u>Ayes</u>	Ayes	<u>5</u>
Breitkreuz	<u>Ayes</u>	Nays	<u>0</u>
Fisikelli	<u>Ayes</u>	Absent	<u>0</u>
Jablonski	<u>Ayes</u>	Abstaining	<u>0</u>
Schroeder	<u>Ayes</u>		

Attest: Doug McKay  
Doug McKay, Mayor

Russell Muñiz  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:  
Keith Poliakoff  
Keith Poliakoff, Town Attorney