

**RESOLUTION NO. 2018 - 054**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, ENACTING A 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, 2018; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council 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**, on August 10, 2017, pursuant to Resolution 2017-055, the Town Council extended this Resolution through December 31, 2017; and

**WHEREAS**, despite the fact that the zoning in progress ended nearly 4 months ago, there has not been a single application for a wireless service facility; and

**WHEREAS**, now that the Town Council is about to adopt revised regulatory requirements for wireless service facilities, the Town needs to reenact its zoning in progress to prohibit the issuance of any building permits, local business tax receipts, or development orders for wireless service facilities and personal wireless service facilities associated therewith until the earlier of the date the Town adopts its Code revisions or December 31, 2018; and

**WHEREAS**, the Town Council deems it timely and in the best interest of the Town and its residents to finalize its 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 a zoning in progress and issues a moratorium until the earlier of the date the Town adopts its Code revisions or December 31, 2018, 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, 2018.

**Section 4.** 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 5.** All Resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

**Section 6.** 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 7.** 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 26<sup>th</sup> day of April, 2018 on a motion by

Cm Breitkreuz and seconded by Cm Jablonski.

McKay	<u>yes</u>	Ayes	<u>4</u>
Fisikelli	<u>yes</u>	Nays	<u>0</u>
Breitkreuz	<u>yes</u>	Absent	<u>1</u>
Jablonski	<u>yes</u>	Abstaining	<u>0</u>
Schroeder	<u>Absent</u>		

Attest:

Russell Muñiz  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Doug McKay  
Doug McKay, Mayor

Approved as to Form and Correctness:

Keith Pollakoff  
Keith Pollakoff, Town Attorney