

RESOLUTION 17-\_\_

A RESOLUTION EXTENDING THE TEMPORARY MORATORIUM ON RECEIPT OF APPLICATIONS FOR THE PLACEMENT OF CELLULAR TOWERS, ANTENNA, ANTENNA SYSTEMS, OR WIRELESS COMMUNICATION FACILITIES WITHIN COUNTY RIGHTS-OF-WAY; PROVIDING FOR THE REVIEW OF EXISTING RELATED ORDINANCES; AND PROVIDING FOR THE DEVELOPMENT OF EVALUATION CRITERIA; AND PROVIDING FOR THE ORDER OF REVIEW FOR APPLICATION SUBMITTED DURING THE MORATORIUM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 25, 2016, the Board of County Commissioners adopted Resolution 16-78 placing a moratorium on applications for the placement of cellular towers, antenna, antenna systems, or wireless communication facilities within County rights-of-way; and

WHEREAS, County staff prepared an ordinance amending the Pinellas County Code to allow for placement of Telecommunication Towers and Antenna within County Rights-of-way and establishing criteria that must be met for said placement; and

WHEREAS, a public hearing was held on April 11, 2017 and public comment on the proposed ordinance was received; and

WHEREAS, as a result of concerns raised at or before the public hearing, the Board of County Commissioners did not approve the proposed amendments; and

WHEREAS, issues relating to the placement of certain devices in the right-of-way are pending before the Federal Communications Commission, and may affect the amendments proposed by staff; and

WHEREAS, the County seeks to be fully compliant with relevant aspects of state and federal law, including but not limited to the Federal Telecommunications Act, and act within the best interests of the citizens of Pinellas County;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

Section 1: Legislative Findings

The Board of County Commissioners finds and declares that it is in the best interest of the general public and there exists a need to extend the existing moratorium which expires on May 25, 2017 to allow for continued development of amendments to existing ordinances to provide meaningful criteria with which to evaluate applications for

the placement cellular towers, antenna, antenna systems, or wireless communication facilities within Pinellas County owned or control rights-of-way.

Section 3: Intent and Purpose.

It is the purpose and intent of this Resolution to extend the moratorium imposed by Resolution 16-78 for an additional six (6) months during which time no applications for the placement of cellular towers, antenna, antenna systems, or wireless communication facilities of any kind within Pinellas County owned or control rights-of-way will be accepted by the County.

It is further the intent of the Board of County Commissioners that during such time, County staff will continue develop and propose criteria for inclusion in the Pinellas County Code pursuant to which applications for the placement of cellular towers, antenna, antenna systems, or wireless communication facilities within Pinellas County owned or control rights-of-way can be considered. Such criteria should take into consideration, at a minimum, any applicable requirements of state or federal law, any applicable design criteria for roadways, the safety of structures located near the proposed tower/antenna site, and the zoning restrictions upon any adjacent parcels and shall address, to the extent reasonably possible, the issues and concerns raised at the public hearing on the previously proposed amendments.

Section 4: Receipt of Applications during the moratorium

No applications for permits for the placement of cellular towers, antenna, antenna systems, or wireless communication facilities within Pinellas County owned or control rights-of-way shall be accepted by Pinellas County during the moratorium.

Section 5: Effective Date.

This moratorium shall become effective immediately upon its adoption by the Board of County Commissioners.

In a regular meeting duly assembled on the \_\_\_ day of \_\_\_\_\_, 2017, Commissioner \_\_\_\_\_ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner \_\_\_\_\_, and upon roll call the vote was:

AYES:

NAYS:

Absent and not voting:

APPROVED AS TO FORM

By: Christy Imaxam Pambert  
Office of the County Attorney