

RESOLUTION 16-78

A RESOLUTION DECLARING A 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; PROVIDING FOR THE DEVELOPMENT OF EVALUATION CRITERIA; PROVIDING FOR THE ORDER OF REVIEW FOR APPLICATIONS SUBMITTED DURING THE MORATORIUM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has recently been made aware of technological advances to and uses of wireless communication; and

WHEREAS, Pinellas County and other local governments throughout the State of Florida are receiving requests to place a series of new towers within public rights-of-way; and

WHEREAS, similar requests made throughout the state are made both as non-telecommunication utilities and as telecommunication facilities; and

WHEREAS, existing provisions of the Pinellas County Code, specifically 170-266(h), prohibit the placement of vertical structures where the primary purpose is to serve as a mounting device for antennae within the County rights-of-way; 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

WHEREAS, the County seeks to ensure that placement of any structure within the rights-of-way is done so in a manner which is safe and preserves the aesthetics of the location; and

WHEREAS, the County seeks to promote fairness and equity amongst telecommunication providers and ensure an orderly and timely review of all applications.

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

Section 1: Legislative Findings

The County Commission finds and declares that it is in the best interest of the general public and there exists a need to amend existing ordinances to provide meaningful criteria with which to evaluate applications for the placement of cellular towers, antenna, antenna systems, or wireless communication facilities within Pinellas County owned or controlled rights-of-way.

Section 3: Intent and Purpose.

It is the purpose and intent of this Resolution to impose a six (6) month moratorium 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 controlled 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 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 controlled 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.

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 controlled 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 25<sup>th</sup> day of October, 2016, Commissioner Long offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Welch, and upon roll call the vote was:

AYES: Justice, Long, Welch, Eggers, and Morroni.

NAYS: None.

Absent and not voting: Gerard and Seel.

APPROVED AS TO FORM

By: Christy Immacin Pembek  
Office of the County Attorney