



MEMORANDUM

Office of the City Attorney

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TO: Mayor and City Commission

DATE: June 12, 2000
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-55; Petition No. 34TCH-00PB
An ordinance of the City of Gainesville, Florida, amending section 30-23 to provide definitions of personal wireless services and personal wireless services antennas; creating and adding subsection 30-98(i) to allow personal wireless services antennas as an accessory use in all zoning districts and providing conditions and regulations of such antennas; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT

The increased demand for wireless technology presents opportunities and challenges concerning the siting of antennas and telecommunications towers. With the passage of the Telecommunications Act of 1996, it became clear that the development of local telecommunications infrastructure would become a high priority for local governments around the country. Growth in the personal wireless services market, including cellular telephones, personal communications systems and paging services, has caused a substantial increase in the demand for new facilities to site antennas. The construction of transmitting and receiving antennas is necessary for the effective operation of wireless services. Many of these antennas are placed on rooftops, water towers, or other relatively tall structures.

This petition would allow personal wireless service (PWS) antennas to be located on existing commercial, industrial, office, institutional or multiple-family structures of 5 or more stories with certain condition. The change would not allow PWS antennas to be mounted on single-family structures, two-family structures, or on commercial, industrial, office, institutional or multiple-family structures of less than 5 stories in height.

The Plan Board reviewed the petition and recommended approval.

Public notice was published in the Gainesville Sun on March 1, 2000. The Plan Board held a public hearing March 16, 2000. Planning Division staff recommended that the Plan Board

approve the petition. The Plan Board recommended that the City Commission approve Petition 34TCH-00 PB. Plan Board vote 4-1.

..Fiscal Note
None

CITY ATTORNEY'S MEMORANDUM

This ordinance requires two public hearings. If the Commission adopts the ordinance on first reading, the second and final reading will be held on June 12, 2000.

Prepared by: Patricia M. Carter
Patricia M. Carter,
Sr. Assistant City Attorney

Approved and
Submitted by: Marion J. Radson
Marion J. Radson,
City Attorney

MJR:PMC:sw

PASSED ON FIRST READING, AS AMENDED, BY A VOTE OF 4-0.