



## Legislation Text

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**File #:** 170353., **Version:** 1

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### **SECOND EXTENSION OF MORATORIUM ON CONSTRUCTION OF WIRELESS COMMUNICATION FACILITIES IN PUBLIC RIGHTS-OF-WAY (B)**

Ordinance No. 170353

An ordinance of the City of Gainesville, Florida, readopting and ratifying, in part, Ordinance No. 160401 and Ordinance No. 160798, and extending the time period of the temporary moratorium to prohibit the filing, acceptance or processing of any permit, development order, or any other official action of the City having the effect of permitting or allowing the placement of above-ground wireless communication facilities in the public rights-of-way within the city limits; providing a severability clause; providing repealing clauses; and providing an effective date.

The City Commission adopt the proposed ordinance.

Ordinance No. 160401 was adopted by the City Commission on October 20, 2016, imposing a temporary moratorium on construction of wireless communication facilities in the public right-of-way until April 7, 2017. In January 2017, the Florida legislature began considering legislation that would preempt, limit, or provide additional direction to local governments regarding regulation of wireless communication facilities in the public rights-of-way. The proposed legislation was subject to numerous amendments and City staff deemed it ineffective to draft any ordinance until any new legislation was passed. Accordingly, Ordinance No. 160798 was adopted to extend the moratorium until October 7, 2017. The final version of the Advanced Wireless Infrastructure Deployment Act ("Act") was signed by the Governor on June 23, 2017, with an effective date of July 1, 2017. City staff began preparing ordinances that would be consistent with the new Act and would provide for the public health, safety and welfare of the citizens of Gainesville. To that end, the first ordinance, an amendment to Article VI, Section 23 of the City Code, was adopted by the City Commission on September 7, 2017. That ordinance partially repealed the moratorium as to placement of underground wireless communication facilities in the public rights-of-way. City staff anticipates that the next ordinance, an amendment to the City's land development code, will take an additional four months because it will need to be considered by the City's Plan Board, as well as the City Commission. Accordingly, the City staff recommends that the moratorium be extended until December 31, 2017.

The extended time period will end on December 31, 2017, or sooner if the City adopts the necessary implementing ordinances.

### **CITY ATTORNEY MEMORANDUM**

This ordinance requires two hearings and shall become effective immediately upon adoption.