

1 **RESOLUTION NO. 17-18**

2 RESOLUTION IMPOSING A TEMPORARY MORATORIUM OF ONE HUNDRED EIGHTY
3 (180) DAYS UPON THE APPROVAL, ISSUANCE, AND/OR PROCESSING OF ANY
4 PERMITS ALLOWING THE CONSTRUCTION, INSTALLATION, AND/OR
5 MODIFICATION TO FACILITIES PERTAINING TO MINI CELL TOWERS WITHIN
6 THE RIGHT-OF-WAYS AND/OR RESIDENTIAL AREAS OF BELLE ISLE, FLORIDA
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8 WHEREAS, the Florida Legislature adopted the Home Rule Powers Act in 1973,
9 which recognizes the broad Home Rule authority of cities and counties to
10 adopt ordinances in the interests of the public health, safety, and welfare;
11 and

12 WHEREAS, there have been both technological advancements and legal
13 developments and the Belle Isle City Council seeks time to study and address
14 the new and unique issue concerning the installation of mini cell towers
15 within the right-of-ways and residential areas of Belle Isle; and additional
16 time to for the development and implementation of regulations regarding mini
17 cell towers, the siting of such wireless facilities and utilities in a way
18 that addresses local concerns, new standards, and policies as determined by a
19 utilities facilities plan; which will provide the public with access to
20 utility and wireless services, and complies with federal and state law; and

21 WHEREAS, for the purposes of this resolution, the City of Belle Isle defines
22 "Mini Cell Towers" to include, but not be limited to, all of the following
23 categories:

24 "Wireless facilities" - meaning any antenna, accessory equipment, or other
25 wireless device or equipment used to provide wireless service; and

1 "Wireless support structures" - meaning a pole, such as a monopole, either
2 guyed or self-supporting, light pole, traffic signal, sign pole, or utility
3 pole capable of supporting wireless facilities. "Wireless support structure"
4 excludes a utility pole or other facility owned or operated by a municipal
5 electric utility; and

6 "Small cell family" - meaning a wireless facility where each antenna is
7 located inside an enclosure of not more than six cubic feet in volume or, in
8 the case of an antenna that has exposed elements, the antenna and all of its
9 exposed elements would fit within an enclosure of not more than six cubic
10 feet in volume and all other wireless equipment associated with the facility
11 is cumulatively not more than twenty-eight cubic feet in volume and if the
12 wireless facility were placed in a wireless support structure, the increased
13 height would not be more than ten feet or the overall resulting height would
14 not be more that fifty feet. The calculation of equipment volume shall not
15 include electric meters, concealment elements, telecommunications demarcation
16 boxes, grounding equipment, power transfer switches, cut-off switches, and
17 vertical cable runs for the connection power and other services; and

18 "Micro wireless facility" - including both a distributed antenna system and a
19 small cell facility, and the related wireless facilities; and

20 "Distributed antenna system" - meaning a network of facility to which all of
21 the following apply: (1) It distributes radio frequency signals to provide
22 wireless service; (2) It meets the height and size characteristics of a small
23 cell facility; (3) It consists of remote antenna nodes deployed throughout
24 desired coverage area; has a high capacity signal transport medium connected
25 to a central hub site; and equipment located at the hub site to process or
control the radio frequency signals through the antennas; (4) It conforms to

1 the size limitations specified in definition of a "small cell facility: in
2 this section; and

3 WHEREAS in order to complete this review, develop a utilities facilities
4 plan/ordinance/resolution, and/or permitting process and/or review and make
5 recommendations on zoning, prohibition and/or limitations of mini cell; City
6 staff will require additional time towers to accomplish the aforementioned so
7 that any necessary regulations, processes, etc., conform to goals of the City
8 of Belle Isle and help ensure the public peace, health, safety, and welfare
9 of its citizens; and

10 WHEREAS, a moratorium of one hundred eighty (180) days on the granting of
11 permits for mini cell towers in the right-of-ways and residential areas of
12 the City of Belle Isle will allow the City Council time to accomplish the
13 City's goals and help ensure the public peace, health, safety and welfare of
14 its citizens.

15 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BELLE ISLE:

- 16 1. The City Council hereby imposes a moratorium of one hundred eighty
17 (180) days on the approval, issuance and processing of any permits for
18 the construction, installation, and/or modification of mini cell towers
19 within the rights-of-ways and residential areas of the City of Belle
20 Isle. The process of this temporary moratorium is so that City staff
21 may study the laws and the related issues and then determine what, if
22 any, regulation regarding the location and installation of mini cell
23 towers within the rights-of-ways and residential areas of the City of
24 Belle Isle are necessary, and to prepare any such related regulations.
- 25 2. The City Council seeks to limit the duration of the moratorium and to
instruct the City Manager and City staff to immediately undertake a

1 review of the law and related issues; City staff will then recommend
2 new regulations regarding the location and installation of mini cell
3 towers within the rights-of-ways and residential areas of the City of
4 Belle Isle.

5 3. The City Council hereby directs and orders that no permits for the
6 installation of any new mini cell towers within the residential areas
7 of Belle Isle be issued or processed by the City during the one hundred
8 eighty (180) day moratorium.

9 4. That it is hereby found and determined that all formal actions of the
10 Council concerning and relating to the passage of the Resolution were
11 taken in an open meeting of the Council, and that all deliberations of
12 the Council that resulted in such formal action were taken in meetings
13 open to the public, in compliance with all legal requirements. and

14 5. That the Council by the majority vote hereby authorizes the adoption of
15 the Resolution and this Resolution shall take effect immediately upon
16 its passage.

17 Passed and adopted by the City Council of the City of Belle Isle, FL this
18 15th day of August 2017.

19 _____
20 **Lydia Pisano, Mayor**

21 **Attest:**

22 _____
23 **Yolanda Quiceno, City Clerk**

24 _____
25 **Approved as to form and legality**
City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby
4 certify that the above and foregoing Resolution No. 17-18 was duly and legally passed and
5 adopted by the Belle Isle City Council in session assembled, at which session a quorum of its
6 members were present on the _____ day of August, 2017.

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9 Yolanda Quiceno, City Clerk

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