

Schwarz, Pete

From: Andrew S. Maurodis <AMaurodis@wsh-law.com>
Sent: Tuesday, August 07, 2018 1:12 PM
To: Schwarz, Pete
Cc: Blake Boy, Barbara; Von Stetina, Deanne
Subject: RE: Interpretation - Telecomm facilities

Yes

From: Schwarz, Pete <PSCHWARZ@broward.org>
Sent: Tuesday, August 7, 2018 8:43 AM
To: Andrew S. Maurodis <AMaurodis@wsh-law.com>
Cc: Blake Boy, Barbara <BBLAKEBOY@broward.org>; Von Stetina, Deanne <DVONSTETINA@broward.org>
Subject: Interpretation - Telecomm facilities

Hi Andy,

I have attached two (2) memos dated January 2, 2001, and December 22, 2000, regarding the location of telecommunication facilities. Please confirm that the content remains in effect. I am available if you need to discuss this with me.



Thanks in advance,
Pete

Peter M. Schwarz, AICP, Planning Section Supervisor

115 South Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301
954.357.6688 (direct) www.Broward.org/PlanningCouncil

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Andrew Maurodis



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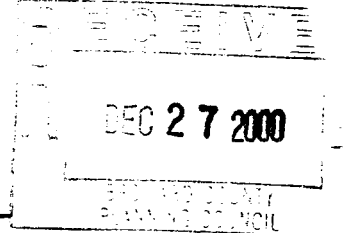
ANDREW S. MAURODIS, ESQ.

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FACSIMILE TRANSMISSION

Number of Pages, Including this Cover Sheet: 2



TO: SUSAN TRAMER, Administrator
Broward County Planning Council

FAX #: 357-6685

FROM: ANDREW S. MAURODIS *a*

DATE: December 22, 2000

RE: Telecommunications Facilities

I am in receipt of your opinion request relative to the legal requirements, both state and federal, governing telecommunications facilities within individual land use categories of the Land Use Plan.

It is my belief that the major set of regulations with which we must be concerned are the Federal Regulations and Statutes passed by the U.S. Congress and Administrative Regulations promulgated by the Federal Communications Commission. Together, these Statutes and Regulations impose considerable restraints on the ability of local governments to prohibit the location of telecommunications facilities. Telecommunications facilities may be regulated, but there are significant restrictions on a City's regulatory authority. Further, it has been my experience that local governments attempt to work with telecommunications providers in order to find appropriate locations for telecommunications facilities. Technology has also assisted in providing for numerous forms of stealth towers to be located in various areas where they would not have formally been appropriate.

After careful consideration, I am not so sure that the Land Use Plan should address the issue in any extensive fashion (I recognize that this has not been suggested). Indeed, my thinking has evolved to the point where I think it might be the best policy for each local municipality to determine the permissible locations and form of regulation of telecommunications facilities. Presently the Plan does not address these facilities and local governments are, for the most part, resolving these issues on a local level in a fashion satisfactory to each municipality. I believe this process should be encouraged. Therefore, I do not think it wise to restrict the location of telecommunications facilities in the Land Use Plan to any particular land use category. There are two choices I would recommend; the first would be to leave the Land Use Plan as it is and allow

local municipalities to continue to determine the extent and manner in which they wish to regulate the location (and other characteristics) of telecommunications facilities; the second alternative would be to indicate that telecommunications facilities may be located in any Land Use Plan designation deemed appropriate by a local municipality, provided that the local municipality has developed an Ordinance to regulate these telecommunications facilities so as to assure that, to the extent possible, residential uses are protected as deemed appropriate by the local government. Thus, through the second alternative, we would be permitting local governments full authority to determine where telecommunications facilities should be placed, provided that there is a municipal regulation which at least addresses the concerns of their citizens with regard to the impact upon residential areas.

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ANDREW S. MAURODIS, ESQ.

Telephone: (954) 480-4265

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MEMORANDUM

TO: Honorable Suzanne N. Gunzburger, Chair, Broward County Planning Council
and Honorable Members of the Broward County Planning Council

FROM: Andrew S. Maurodis

DATE: January 2, 2001

RE: Telecommunications Facilities

I am in receipt of your opinion request relative to the legal requirements, both state and federal, governing telecommunications facilities within individual land use categories of the Land Use Plan.

It is my belief that the major set of regulations with which we must be concerned are the Federal Regulations and Statutes passed by the U.S. Congress and Administrative Regulations promulgated by the Federal Communications Commission. Together, these Statutes and Regulations impose considerable restraints on the ability of local governments to prohibit the location of telecommunications facilities. Telecommunications facilities may be regulated, but there are significant restrictions on a City's regulatory authority. Further, it has been my experience that local governments attempt to work with telecommunications providers in order to find appropriate locations for telecommunications facilities. Technology has also assisted in providing for numerous forms of stealth towers to be located in various areas where they would not have formally been appropriate.

After careful consideration, I am not so sure that the Land Use Plan should address the issue in any extensive fashion (I recognize that this has not been suggested). Indeed, my thinking has evolved to the point where I think it might be the best policy for each local municipality to determine the permissible locations and form of regulation of telecommunications facilities. Presently the Plan does not address these facilities and local governments are, for the most part, resolving these issues on a local level in a fashion satisfactory to each municipality. I believe this process should be encouraged. Therefore, I do not think it wise to restrict the location of telecommunications facilities in the Land Use Plan to any particular land use category. There are two choices I would recommend; the first would be to leave the Land Use Plan as it is and allow local municipalities to continue to determine the extent and manner in which they wish to regulate

the location (and other characteristics) of telecommunications facilities; the second alternative would be to indicate that telecommunications facilities may be located in any Land Use Plan designation deemed appropriate by a local municipality, provided that the local municipality has developed an Ordinance to regulate these telecommunications facilities so as to assure that, to the extent possible, residential uses are protected as deemed appropriate by the local government. Thus, through the second alternative, we would be permitting local governments full authority to determine where telecommunications facilities should be placed, provided that there is a municipal regulation which at least addresses the concerns of their citizens with regard to the impact upon residential areas.

ASM:jms

cc: Susan M. Tramer, AICP
Administrator, Broward County Planning Council