



Legislation Text

File #: ORD-0056-2016, **Version:** 1

AN ORDINANCE TO IMPOSE A TEMPORARY MORATORIUM UPON THE APPROVAL OF ANY APPLICATION FOR CONSTRUCTION OF AND/OR MODIFICATIONS TO WIRELESS COMMUNICATIONS FACILITIES WITHIN THE CORPORATE LIMITS OF THE CITY OF GAHANNA UNTIL 145 DAYS AFTER THE EFFECTIVE DATE OF THIS ORDINANCE; AND TO DECLARE AN EMERGENCY.

WHEREAS, the City of Gahanna established Chapter 1181 of the Codified Ordinances, Personal Wireless Service Facilities, to establish the standards for the location, siting and design of PWSFs; and

WHEREAS, the ordinance to approve Chapter 1181 (Ordinance 164-2008) was approved August 18, 2008, and this chapter has not been significantly altered since that date; and

WHEREAS, there have been both technological advancements and legal developments and the City staff has determined that they need time to review and make major amendments to its regulations to address issues relating to the siting of wireless facilities in a way that addresses local concerns, new standards passed by the FCC, and policies as determined by a wireless facilities plan; which will provide the public with access to wireless services, and complies with federal and state law; and

WHEREAS, in order to complete this review, develop a wireless facilities plan and ordinance, and permitting process; a temporary moratorium is imposed upon any approval of applications for wireless communications facilities, cellular facilities and sites, and permits for one hundred forty-five days (145) from the effective date of this ordinance; and

WHEREAS, it is imperative to move forward with this ordinance so that the moratorium can be in effect as soon as possible, all for the preservation of the public peace, health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GAHANNA, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That Council and the Administration shall not formally act upon any applications for construction and/or modification of wireless communications facilities for a period of one hundred forty-five days (145) days from the effective date of this ordinance.

Section 2. That this moratorium shall not affect vested rights established pursuant to previously filed and fully complete applications.

Section 3. That, for the reasons set forth in the preamble herein above, this Ordinance is declared emergency legislation and shall be in full force and effect immediately upon passage by this Council

and on date of signature approval by the Mayor.