

Plan Commission
of the City of Racine, Wisconsin

AGENDA BRIEFING MEMORADUM

For

Small Cell Wireless Facility Ordinance

AGENDA DATE: March 27, 2019
SUBJECT: Overview of Small Cell Wireless Facility Ordinance
PREPARED BY: Matt Sadowski, Planning Manager
EXECUTIVE SUMMARY: The Impetus In 2018, the Federal Communication Commission (FCC) issued the Small Cell Order. The order put into place new limitations on the ability of municipalities to regulate wireless facilities in rights-of way (ROW). As a result of this order, if local municipalities wished to have some level of review over these facilities, municipalities needed to have rules for ROW permitting in place by January 14, 2019. Racine has met this deadline and has put in place applicable permitting standards. In addition, any municipalities wishing to have rules on aesthetic standards need to have them in place by April 15, 2019. The rules being brought before the Commission are presented in an effort to meet the April 15 th deadline. Racine Rules Development During the Commission meeting of February 27, 2019, staff made a presentation regarding 5G technology and the supporting network of “small cell” wireless communication infrastructure. The Commission provided input on locational and aesthetic concerns related to the appropriate installation of facilities when considering diverse settings throughout the City. Reflecting on the Commission’s input, as well as guidance from a model ordinance from the League of Wisconsin Municipalities, and FCC guidelines, a draft ordinance has been prepared and will be presented for the Commission’s consideration. The following is a summary of the draft ordinance. The Draft Ordinance The draft ordinance begins by explaining what a small wireless facility is as defined per the FCC and the Code of Federal Regulations (CFR), and which wireless facilities are exempt. <u>For facilities constructed outside the ROW</u> , per the CFR and Wisconsin Statutes, the draft ordinance describes processing deadlines for those facilities which are co-locations/attached to existing structures (45 days from the application date) and wireless facilities which are new locations or substantial modifications to existing structures (90 days from the application date). Free standing facilities require a conditional use permit whereas building mounted facilities may be approved administratively, subject to compliance with certain design requirements. <u>For facilities which are to be located in the public ROW</u> , per Wisconsin Statutes, the draft ordinance describes a processing deadline of 60 days from the date of application, no matter if the facility is stand alone or co-located.

The draft ordinance then details design criteria for antenna affixed to the exterior of utility poles or structures, and those concealed within the pole or structure. The draft ordinance then establishes standards for the appearance of such facilities and antenna location.

The draft ordinance then describes locational standards for the placement of small wireless facilities.

For all small wireless facilities, the draft ordinance establishes standards for subordinate and accessory equipment and how they shall be designed and located, rules regarding associated signage and stickers, treatment of existing vegetation, noise limitations, design review for design and corridor districts, historic district or landmarks, co-location on existing facilities, and treatment of obsolete facilities.

Summary

The impact of this ordinance will not be to implement a one size fits all approach, but to utilize standards which allow for installations and help insure that they are located and designed with the surroundings and context in mind.

BUDGETARY IMPACT:

RECOMMENDED ACTION:

That an ordinance be prepared and public hearing before the Common Council scheduled.