

Small Wireless Facilities


February 6, 2018



The slide features a white background with a blue, green, and red decorative wave at the bottom. The title 'Small Wireless Facilities' is centered in a large blue font, and the date 'February 6, 2018' is centered below it. The MASCO logo is in the bottom right corner.

Background Information


- Residents and businesses are increasingly reliant on handheld wireless devices to communicate and transmit data
- User demand and expectations require wireless network upgrades
- Advanced wireless technology (5G and greater)
 - Requires a denser antenna network deployed near street level
 - Antennas and support equipment are referred to as Small Wireless Facilities or Small Cells



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Background Information


- Small Wireless Facilities
 - Have a limited coverage area
 - Enhance and supplement existing wireless networks
 - Require a larger number of SWFs compared to cell towers
 - Are a critical component to the continued economic competitiveness of the US and quality of life



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Background Information

- Local governments cannot prohibit SWFs
- Must approve or deny permit requests in timely manner – FCC Shot Clock
- SWF impact greatest in Municipalities with a high density of wireless device users
- Not all municipalities will have SWFs constructed in near term




Federal SWF Policy

- FCC policy currently
 - Requires nondiscriminatory and competitively neutral SWF permitting
 - Prohibits policies and practices, including moratoriums, that effectively prohibiting SWF deployment
 - Maintains local police powers including zoning
 - Supports attaching SWFs to poles or structures in public rights-of-ways




Model SWF Ordinance

- Association and telecommunication industry negotiating a model ordinance
- Intent is to avoid SWF legislation
- Purpose
 - Streamline 5G technology deployment
 - Balance municipal and telecom industry interests
 - Rollout ordinance as quickly as possible




Legislative Activity

- Over regulation and lack of responsiveness by local governments contributing to state SWF legislation
- Nationally SWF deployment is a hot legislative issue
 - At least 13 states passed SWF legislation in 2017
 - Four in the South
 - Florida
 - North Carolina
 - Texas
 - Virginia




Legislative Activity

- Recent SWF legislation
 - Exceeds FCC policy requirements
 - Heavily favors the telecommunication industry interests
 - Makes SWFs **unrestricted permissible uses** in the ROW and most, if not all, zoning districts
 - Requires access to publicly owned poles and structures
 - Sets nominal permitting and pole attachment fees
 - Severely limits or preempts municipal aesthetic review and control




What is different in SC?

- SC Telecommunications Act of 1999 addressed ROW access and revenue issue by
 - Setting a nominal annual ROW consent fee guaranteeing ROW access with payment of consent fee
 - Setting a 1% business license fee on gross receipts from retail telecommunication services –BL fee is in lieu of franchise fees
 - Prohibiting other fees for a telecommunication provider to occupy or work in the ROW




Why a Model Ordinance?

- Contentious issue of ROW access and fees settled in SC
- FCC policy and state law sufficient to guide policy decisions on other issues
- Model ordinance to assist municipalities that lack resource, time or expertise to address SWF on their own
- Understand, some cities will take different approach




General Provisions

- Establish SWFs as an authorized use in public ROWs and abutting utility easements in all zoning districts subject to administrative review and conditions
- Allow each city to use zoning, if they choose, to address the placement of SWFs on private property
- Treat SWFs in a manner similar to other public utilities
- Maintain municipal police powers including aesthetic review




General Provisions

- Two sets of conditions
 - General conditions – apply to all SWFs located in ROW in all zoning districts, including Supplemental Review Districts
 - Supplemental Review District conditions – apply only in SRDs
- Authorized Supplemental Review Districts
 - Historic districts
 - Design districts/corridors
 - Underground utility districts




General Provisions

- Aesthetic Review
 - SWFs to be no more readily apparent or plainly visible (to a reasonable person of ordinary sensibilities) from public rights of way than existing utility structures, poles and equipment located within 500 linear feet on the same right of way as the subject utility pole or wireless support structure
 - Use of stealth and concealment treatments, low profile equipment and control boxes, and screening may be required to avoid significant negative impacts on the character and visual aesthetics of the area




General Provisions

- Height limit
 - Pole/structure height – limited to the height of the highest existing pole within 500 feet on the same rights of way or 50 feet, whichever is greater
 - Antenna height – no more than 10 feet above the maximum pole/structure height
 - No poles/structures within 500 feet
 - 50-foot maximum height
 - Residentially zoned area 40 feet



Supplemental Review

- Supplemental Review Districts subject to two levels of review
 - General provisions of SWF Ordinance
 - Secondary level of review based the design and aesthetic guidelines and review process established in the ordinance creating the SRD district(s)



Administrative Review

- Zoning administrator performs administrative review of
 - General conditions and
 - Supplemental review district requirements, unless another official is specified in the ordinance creating the SRD
- Appeals of administrative decisions go to the circuit court, same a other zoning decisions



SWF Fees

- Application/permit fees apply only to SWF owners who are not exempt under SC telecom Act of 1999 – expect limited revenue
- Ordinance provides for a reasonable attachment fee for a SWF attached to city owned poles or structures
- The proposed fees consistent with highest fees in adopted SWF legislation



SWF Fees

- Proposed attachment fees
 - \$50/year for wooden poles (excluding municipal electric poles)
 - \$200/year for all other poles/structures (excluding municipal electric poles)
 - Reimbursement of make ready costs
 - City may require a pole attachment agreement to specify other terms and conditions of attachment
- Demand for significantly higher fees could trigger state or federal legislative action with unknown results

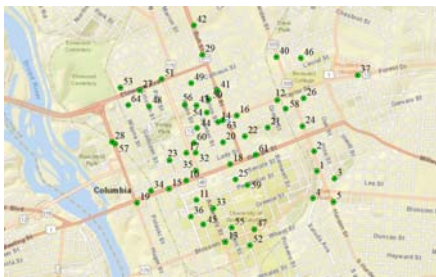


Goal to Avoid SWFs Like This



MASC Municipal Association of South Carolina

SWFs Permitted in Columbia



MASC Municipal Association of South Carolina

Example: Columbia SWFs




MASC Municipal Association of South Carolina

Example: Columbia SWFs



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What if your poles look like this?



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Status – SWF Ordinance

- Questions
- Available to answer your questions or questions of your city staff

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