



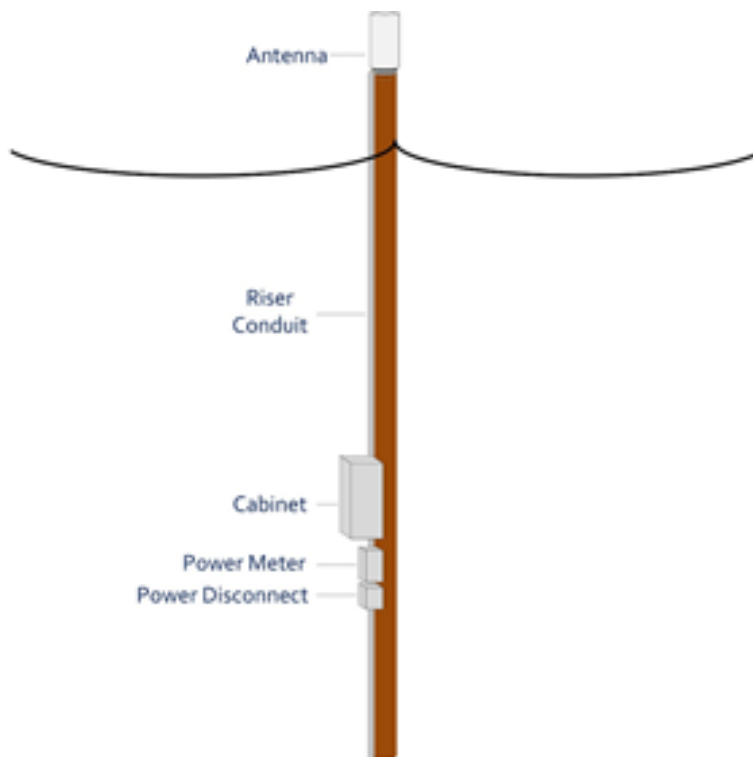
## STAFF REPORT ON PROPOSED LEGISLATION

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To: Mayor Gavin Buckley  
From: Sally Nash, Director of Planning & Zoning  
Date: July 22, 2020  
Subject: O-29-20 Small Cell Systems

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Wireless technology continues to evolve. The next step in this evolution is the installation of “small cell systems” or “small wireless facilities” and associated equipment to enable 5G connectivity, which is faster than the existing 3G and 4G speeds. The adjective “small” in this term refers to the size of the coverage area of the weak 5G signal.



In an effort to speed up deployment of “next-generation networks,” the Federal Communications Commission (FCC) initially tried to limit the ability of local jurisdictions to regulate small cell systems, including exempting them from historic preservation review. This was overturned in August of 2019; however, a fee cap was upheld<sup>1</sup>. The FCC also requires action from local jurisdictions within a reasonable amount of time on an application<sup>2</sup> and does not allow local jurisdictions to “effectively prohibit the provision of personal wireless services.”

Companies that install small cell systems, such as AT&T, Verizon, T-Mobile, and Sprint, typically

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<sup>1</sup> FCC limits up-front application fees, \$500 for first 5, \$100 each beyond 5 and limits yearly recurring fees @ \$270 per year. However, those fees can be increased if justified.

<sup>2</sup> FCC requires action for co-location of small wireless facilities on existing structures within 60 days and action on construction of new small wireless facilities within 90 days

look to place these facilities in the public right-of-way where there are often already poles that can be used, or modified for use. Because the small cell facility coverage area is limited, companies look to locate these systems as close as 200 feet from each other

The City Code does not currently include language specific to small cell technology. This legislation would allow the use, but add standards and fees. The legislation requires:

- A lease agreement between the company and the City before attaching to city asset or locating in a public right-of-way
- A permit
- A bond to ensure removal of a small cell system that is no longer needed at the owner's expense

This ordinance additionally establishes the standards for the use, including:

- The application must be in accordance with the *Annapolis Small Cell System Guidelines*
- The owner of a system shall give notice of installation to abutting property owners in accordance with Section 21.10.020.B
- Prior to issuance of a permit, the owner of a system shall provide a certification from a registered engineer that the system, including any pole, will meet the applicable design standards for wind loads and annually provide certification that the radio frequency radiation from the facility meets the applicable federal communications commission standards and guidelines for those emissions
- Compliance is subject to a municipal infraction and fine.

The technical and aesthetic standards for small cell systems are established in the *Annapolis Small Cell System Guidelines* (See 22 July 2020 draft attached). The guidelines list requirements for the placement and design of wireless infrastructure and associated facilities and address safety, streetscape, and potential engineering concerns. Specific requirements are also included for applications in the Historic District.

The guidelines include the following requirements:

- In all cases, the placement of small cell systems shall be consistent with existing structures and aesthetics, in harmony with the surroundings, and as unobtrusive as possible.
- Small cell systems shall not be installed on poles containing controls such as fire alarms, police signals, or traffic signals.
- A single Applicant's small cell system shall be installed with a minimum spacing of 600 feet in residential areas.
- Small cell systems should be attached to a pre-existing support structure or a like structure replacing an existing structure. However, if the Applicant can demonstrate that no co-location opportunities exist in the area where it demonstrates a need for a small cell system, the Applicant may propose that a new pole or other support structure be constructed for purposes of installing the small cell system.
- Up to two small cell systems may be installed at an intersection, each on a different corner.
- Signs or illumination on the antennas or support structure are prohibited unless required by the FCC, the Federal Aviation Administration, or the City.

- A distinct marker (tag) shall be placed on a small cell systems that will allow for ready identification of the type of attachment, its owner, and contact information.
- On non-wooden poles, all cables shall be placed inside and not visible on the outside.
- All small cell systems shall utilize stealth and concealment methods to limit their visual impact where feasible. Stealthing features should include blending with the environment, concealing the equipment and antennas, and limiting the overall size including the height.
- A replacement pole elevation is limited to a one-time, 10-foot increase from the pre-existing original pole (i.e., top of existing structure to top of proposed structure). Height increase can only be used one time per location.
- A system may be located on the rooftop of an existing nonresidential structure or multifamily dwelling structure with more than 10 units, but the system may not extend above the existing roof height by more than 15 feet.
- Excavation or installation of small cell systems may damage an existing tree's critical root zone or canopy.

The guidelines also establish permissible installation interval lengths (Table 1) and a preference list for installation types (Table 2).

*Prepared by Sally Nash, Director of Planning & Zoning*