

Wireless Telecom Facilities: Overview and Discussion Points

City Council Work Session
November 14, 2018



Background

- Montgomery County zoning codes govern where wireless facilities can be sited (setbacks)
- Takoma Park can establish a permitting process to set safety and aesthetic requirements
- County attorney has requested appointment of special counsel to pursue legal challenge re: health effects
- The City is covered by County zoning rules, but we can add an additional layer of protection
- In sum: Advisable to develop a permitting process.



FCC Rules

- Federal law states that a local jurisdiction cannot prohibit deployment of small cell antenna
- The FCC has established regulations on what jurisdictions can charge; based on costs to jurisdiction (e.g. for permit review)
- The FCC also established a “shot clock” that limits the time a jurisdiction can take to review a permit application (60-90 days)



Purpose of City Ordinance

The regulation of wireless installation and maintenance in the public right-of-way is necessary to protect and preserve the aesthetics in the community, as well as the values of properties within the City, and to ensure that all wireless telecommunications facilities are installed using the least intrusive and safest means possible and that there is accessible wireless in the community.



Purpose of City Ordinance



Wireless telecommunications facilities shall be installed, modified, and maintained in a manner that:

- minimizes risks to public health and safety
- minimizes the overuse and installation of poles or equipment cabinets in the public rights-of-way to reduce the intrusion of poles and equipment in right away
- maintains the integrity and character of the neighborhoods and corridors in which the facilities are located
- ensures that installations are subject to periodic review
- ensures that the city bears no risk or liability as a result of the installations, and that such use does not inconvenience the public or hinder government to manage right-of-way
- provides access to wireless technology in the Community
- ensures public and City government notification

Considerations for Council

- Fees
 - Initial
 - Annual
- Placement and aesthetics
 - Protecting views
 - Visual aesthetics
 - Appearance and size
 - Landscaping and screening
- Height limits
- Safety
- Tower profile requirements
- Repair and maintenance requirements
- Application, review process, public notice and input
- Community benefits?
- Tree ordinance

Note: Setbacks will be covered by County Code

