



Community Development

AGENDA SECTION: First Reading-ZPS

SUBJECT: Ordinance Approval for the Regulation of Small Wireless Facilities

MEETING DATE: August 15, 2017

FROM: Robert McGinnis, Director of Community Development/Building Commissioner

Recommended Motion

Move to approve an Ordinance Amending The Village Code Of Hinsdale Relative To The Permitting, Regulation And Deployment Of Small Wireless Facilities

General Background

The draft Ordinance (the “Ordinance”) adds a new chapter to the Village Code in order to regulate the permitting and deployment of small wireless facility installations consistent with the requirements of the Small Wireless Facilities Deployment Act (the “Act”), which was signed into law on April 12, as Public Act 100-0585. The Act provides the regulations and process for permitting and deploying small wireless facilities within rights-of-way and on private property throughout Illinois (excluding Chicago). While the Act has an effective date of June 1, 2018, the substantive provisions of the bill have an implementation date of August 1, 2018.

Small wireless facilities, also known as a “small cell,” are most often attached to utility or other poles. Small wireless facilities enable the transmission of data and wireless communications to and from a wireless device, such as a computer, cell phone, tablet, or new “smart home” types of devices (thermostats, refrigerators) and even, in the near future, driverless cars. The Act states that these small wireless facilities are critical to delivering wireless access to advanced technology, broadband and 9-1-1 services to homes, businesses and schools in Illinois. The telecommunications industry sought approval of the Act in order to roll out a 5G telecommunications network over the course of the next couple of years using small wireless facility installations attached to utility and other poles with minimal say by municipalities on where the installations are sited.

Zoning

Per the Act, small wireless facilities are permitted uses and not subject to any zoning review in all rights of way, regardless of zoning districts, and in zoning districts designated exclusively for commercial or industrial uses (in the case of the Village, the O-3 General Office Zoning District). The Village can subject small wireless facilities to zoning review in the remaining zoning districts when located outside the right-of-way (a separate ordinance regarding zoning treatment in the zoning districts outside of right of way will be developed and provided to you for consideration).

What Is Regulated?

As noted above, the Act will allow placement of small wireless facilities on municipal utility poles (light poles, traffic signals, etc.) of a telecommunication provider's choosing, subject to compliance with certain basic standards regarding safety and aesthetics, and regardless of whether the municipality specifically agrees to such placement. While the Village's authority to regulate small wireless facilities is limited by the Act, the Village can, under the Act, and as specified in the Ordinance:

1. Require permits be applied for which include specific information, such as a structural analysis of the pole to be used completed by a certified engineer, specifics about the equipment, construction schedules, etc.

NOTE: There are strict permit processing and approval timelines contained in the Act and set forth in the Ordinance.

2. Require an agreement to be entered into with the Village for placement of small wireless facilities on Village-owned poles (not ComEd or other utility poles). A template copy of such an agreement has been developed by KTJ and will be provided to the Village.

3. Impose Collocation Requirements which can:

- a. Ensure space be reserved for required public safety uses;
- b. Ensure that a small wireless facility not interfere with public safety uses;
- c. Ensure compliance with certain design standards (these standards are being developed with staff and will be approved by the Board in a future meeting via resolution);
- d. Impose specific protections for historic landmarks and in designated historic districts.

4. Place height limitations on the installation of small wireless facilities on existing poles or for new poles in accordance with the maximum heights specified in the Act, and impose a variation process for the those applicants that desire to exceed the limitation;

5. Implement permit application fees (set in the Ordinance at the statutory maximum of \$1,000 when a new pole is involved; \$650 for a single site with existing pole; \$350 per small wireless facility when multiple sites for placement on existing poles are submitted in a single application); and

6. Implement a recurring annual rate for each small wireless facility located upon a Village owned pole (set by the Ordinance at the statutory maximum of \$200/year).

The above-mentioned regulations are expressly authorized by the Act and have been incorporated into the attached Ordinance.

It is advisable to adopt this Ordinance in order to best regulate small wireless facilities to the extent allowed by the Act.



REQUEST FOR BOARD ACTION

Budget Impact

No Budget Impact

Documents Attached

1. Draft Ordinance