

# **Small Cell Wireless Facilities**

City Council Meeting

November 9, 2021



# Background

- New technology proposed for the rights-of-way for enhanced cellular network and data download speeds
- Cities and cell service providers worked together on a bill (SBI 388) to address right of way issues
  - Sought a balanced approach to protect assets in the ROW
- FCC favors 5G expansion through small cell facilities.



# Small Cell Technology



# Small Cell Technology

- What can the City do?
  - Regulate placement, construction and modification of wireless facilities
  - Charge fair and reasonable compensation
  - Manage the public rights of way



# Small Cell Technology

- What can't the City do?
  - The City can't prohibit small cells on OG&E light poles
    - Investor owned utilities must provide access to their poles unless there are capacity, safety or reliability issues caused by the attachment
  - The City can't require too much documentation (must be reasonably related to determining whether the request meets the Code requirements)
  - Cannot use regulations to prohibit the provision of wireless service
  - The City can't discriminate between providers



# City's Small Cell Regulations

- Regulation adopted in November 2018, added to Section 431.2 of the Zoning Ordinance
- Sought to strike balance between FCC ruling and State law to ensure compliance with both
- Permitting process with federally compliant review timeframes included
- Siting standards adopted in conformance with state law and with expectation that at some point there will be multiple providers in Norman
- Spacing standards for poles adopted



# City's Small Cell Regulations

- Two types of installations – collocation on existing pole or new poles – each requires engineering analysis
- One company has filed approximately 78 small cell applications so far
- Spacing requirements have resulted in few successful applications (only 4)
- Oversight committee discussed possible ordinance changes in June; Full Council discussed changes in July



## Example – Residential Area

- 19 existing street lights

This would be the 3<sup>rd</sup> pole along the frontage of the residence





# Example – Residential Area



## Example – Residential Area

- 4 existing street lights



# Approaches in Other Cities

- **Bixby's Ordinance: Section 11-9-4 (3) (d)** Same Side Of Street: New wireless support structures shall be a minimum of five hundred feet (500') from any other wireless support structure located on the same side of the street (or along the same side of the closest street if located outside of the right-of-way).
- **Jenks Ordinance: Section 232-1 (f) (5) (d)** Spacing Requirements. No small cell facility shall be approved for placement on a new pole if the new pole is proposed to be located within a 500-foot radius of an existing pole.
- **Stillwater Ordinance: Section 23-113.2 (d) (1)** Small cell supporting structures shall be located a minimum of 500 feet from any other small cell supporting structure located on the same side of the street. This distance shall be measured in a straight line from the nearest point of each supporting structure, located at surface grade.
- **Broken Arrow Ordinance: Section 5.9 (E)** No minimum spacing requirement
- **Mustang Ordinance: Section 102-212(b)** No small wireless facility may be placed within 100 feet of another small wireless facility.



# Proposed Changes & Substitute Ordinance

- Add to Section 6 (c)(3) small cell facilities cannot block or encroach upon any sidewalk or walkway or placed unreasonably near another similar structure.
- Add a new Section 6 (c) (7) – Spacing Requirements  
General Rule: new wireless support structure not allowed within 500 foot radius of an existing structure or utility pole UNLESS:
  - It would exceed structural capacity of existing or available poles, or
  - It would cause interference with telecommunications equipment, or
  - It cannot be accommodated on an existing pole or facility at the height needed to function, or
  - The applicant is unable to enter into reasonable lease terms with others at existing pole or other structure, or
  - For good cause shown as determined by staff (new language added since October 26<sup>th</sup> meeting)

\* Other reference to spacing requirements in Section 6 (e) (iv) proposed to be deleted



# QUESTIONS?

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