

## MEMO

February 25, 2026

**TO:** Borough Assembly

**FROM:** Liz Cabrera, Community & Economic Development Director

**RE:** Wireless Communications Ordinance

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### Summary

This memo addresses the draft ordinance proposed by the Planning Commission intended to regulate Wireless Communication Facilities (WCF) "Borough Wide," including areas outside of Service Area One. The ordinance is proposed as a zoning amendment to Title 19, *Zoning*, of the municipal code. Under PMC 19.84, the next step is for the Assembly to advise staff how it wishes to proceed.

Because Petersburg is a Home Rule Borough, it has the authority to exercise "Areawide" powers, but how those powers are written into the charter and code determines their enforceability.

- **Scope of Title 19:** Under the Borough Charter, Section 19.06, former City of Petersburg ordinances are effective only within Service Area One until they are adopted as part of the Borough Code. To date, Title 19 has not been adopted into the Borough Code, and thus its applicability is confined to Service Area One.
- **Absence of Zoning:** As the Assembly has not yet extended zoning regulations outside of Service Area One, there are no "permitted" or "conditional" uses established outside of Service Area One. Accordingly, Section 3 of the proposed ordinance will not create enforceable regulation at this time.
- **Not Enforceable:** Title 19 is the vehicle for zoning enforcement. Simply adding the phrase "whether within or without designated service areas" to the proposed ordinance will not create the ability to immediately utilize Title 19 procedures to areas not yet subject to Title 19. If a developer builds a tower within the Borough, but outside the service area, the Borough will not be able to enforce Title 19 setbacks or permit requirements because the land is not yet subject to Title 19.
- **City of Kupreanof:** The Borough charter, at Section 7.04, grants platting, planning, and land use authority within the City of Kupreanof to the City of Kupreanof. Therefore, extending Title 19 to the City of Kupreanof would be contrary to the Borough Charter.

## **OPTIONS**

Following is an analysis of potential paths forward, assuming the Assembly wishes to address regulations for communication towers within Service Area One or the Borough at this time.

### **Option 1: No Change to Title 19**

**Pros:** No impact on staff or fiscal. Communication towers are currently not allowed in any residential district and would be allowed in industrial and commercial districts within Service Area One.

**Cons:** Title 19 does not have a robust mechanism to respond to modern wireless communication facilities proposed in Service Area One. Title 19 does not apply outside the Service Area.

### **Option 2: Limit Scope of a Zoning Amendment to Service Area 1 (Title 19 Amendment)**

**Pros:** By staying within the Service Area, zoning districts already exist to which the amendment would apply.

**Cons:** It leaves a "Regulatory Void." A telecommunications company could theoretically build a tower just outside the Service Area boundary with no oversight from the Borough.

**Staffing:** Can be handled by existing staff.

**Fiscal:** Community Development Department and Title 19 are funded by the Service Area One mill rate, so no new mill rate applicable outside Service Area One is needed.

**Estimated Timeframe to implement:** 3 months

### **Option 3: Expand Zoning Non-Areawide (non-areawide means borough-wide except for the City of Kupreanof)**

To make Title 19 apply throughout the borough for purposes of regulating WCFs, zoning would be extended borough-wide (with the exception of the City of Kupreanof). This is usually done by initially creating a new "holding" district for the area outside the service area and then gradually applying specific zoning to different areas after input from residents of those areas. A holding district could immediately allow many common uses and regulate only the more impactful uses. Title 19 would also have to be amended to apply borough-wide (excepting the City of Kupreanof) and to address internal inconsistencies of the code.

**Pros:** Provides a single, unified "Rulebook" and processes for most of the Borough.

**Cons:** Residents of the Borough outside of Service Area One may not want any type of zoning.

**Staffing:** Would require an additional staff person.

**Fiscal:** A new non-areawide mill rate would need to be established, otherwise Service Area One would be paying for the cost of development, implementation, and enforcement of zoning throughout the borough.

**Timeframe:** 9-12 months for initial effort; thereafter, several years to complete additional specific zoning for all areas.

#### **OTHER OPTIONS:**

There may be other options available but given the press of time we have not fully researched additional possibilities.

#### **NEXT STEPS**

The Planning Commission's draft ordinance is intended to extend Title 19 outside the service area for purposes of regulating Wireless Communication Facilities (WCF's), but would not be effective because Title 19 has no legal "anchor" there.

To assist staff, the Assembly will need to choose one of these options:

**Option 1:** Do not regulate WCFs further at this time;

**Option 2:** Develop further regulations for WCFs only within Service Area One;

**Option 3:** Regulate WCFs borough-wide (excepting within the City of Kupreanof) by extending Title 19 outside of Service Area One; or

**Option 4:** Direct staff to explore additional options