



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**ORD. 2017-106:** To amend City Code § 30-692, concerning requirements for the location and design of wireless communications facilities, microwave relay facilities, and radio and television broadcast antennas; to amend ch. 30, art. VI, div. 11 of the City Code by adding therein a new section 30-692.7, concerning the installation of small cell facilities on existing structures; and to amend and reordain the fees set forth in Appendix A of the City Code by adding therein new fees for City Code § 30692.7(d), for the purpose of reflecting amendments to state law.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** June 19, 2017

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#### **PETITIONER**

City of Richmond

#### **LOCATION**

Citywide

#### **PURPOSE**

To amend City Code § 30-692, concerning requirements for the location and design of wireless communications facilities, microwave relay facilities, and radio and television broadcast antennas; to amend ch. 30, art. VI, div. 11 of the City Code by adding therein a new section 30-692.7, concerning the installation of small cell facilities on existing structures; and to amend and reordain the fees set forth in Appendix A of the City Code by adding therein new fees for City Code § 30692.7(d), for the purpose of reflecting amendments to state law.

#### **SUMMARY & RECOMMENDATION**

The proposed amendments to the City Zoning Ordinance are the result of a 2017 act of the General Assembly concerning wireless communications infrastructure, specifically the co-location of small cell facilities on existing structures. In order to follow good zoning practices and remain compliant with the Code of Virginia, the City Zoning Ordinance must be amended accordingly.

The Planning Commission approved a resolution of intent concerning this ordinance to amend to the Zoning Ordinance, at its May 15, 2017 meeting.

Staff therefore recommends approval of this ordinance to amend the City Zoning Ordinance.

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## **FINDINGS OF FACT**

### **Background**

The Code of Virginia defines a “small cell facility” as:

A wireless facility that meets both of the following qualifications:

(i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and

(ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

The Code of Virginia defines “co-locate” as:

To install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

### **Proposed Zoning Amendment**

The City Zoning Ordinance would be amended to include the definitions listed above and others, and require approval of a small cell facility co-location permit by the Director of Planning and Development Review or designee thereof.

The amendment includes the submittal requirements for small cell facility co-location permit applications and outlines the required timeline for review and approval of the applications.

The amendment also specifies the following reasons for which an application could be denied:

-Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities

-The public safety or other critical public service needs

-Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property

-If the existing structure upon which the small cell facility would be co-located is within an old and historic district as set forth in article IX, division 4 of Chapter 30 of the City Code and no certificate of appropriateness authorizing the small cell facility has been issued as required by article IX, division 4 of Chapter 30 of the City Code.

Fees for small cell facility co-location permit applications would be as follows:

-\$100 each for up to five small cell facilities on a permit application

-\$50 for each additional small cell facility on a permit application.

**Staff Contact:** Matthew J. Ebinger, AICP, Acting Principal Planner (804) 646-6308