



CITY OF RICHMOND

Department of Planning & Development Review *Staff Report*

ORD. 2018-157: To amend City Code §§ 30-692.1 through 30-692.7, concerning requirements for the location and design of wireless communications facilities, microwave relay facilities, and radio and television broadcast antennas, and 30-1030.1, concerning when a plan of development is required, and to amend ch. 30, art. VI, div. 11 of the City Code by adding therein new sections 30-692.1:1, concerning definitions, and 30-692.1:2, concerning applications for the installation or construction of projects, for the purpose of reflecting amendments to state law.

To: City Planning Commission
From: Land Use Administration
Date: June 18, 2018

PETITIONER

City of Richmond

LOCATION

Citywide

PURPOSE

To amend City Code §§ 30-692.1 through 30-692.7, concerning requirements for the location and design of wireless communications facilities, microwave relay facilities, and radio and television broadcast antennas, and 30-1030.1, concerning when a plan of development is required, and to amend ch. 30, art. VI, div. 11 of the City Code by adding therein new sections 30-692.1:1, concerning definitions, and 30-692.1:2, concerning applications for the installation or construction of projects, for the purpose of reflecting amendments to state law.

SUMMARY & RECOMMENDATION

The changes proposed in this ordinance reflect changes to the City Code necessary for the City to comply with amendments to the Virginia Code, made by HB 1258 during the 2018 General Assembly Session, concerning applications to construct and install wireless structures and facilities and City criteria for approving such applications. HB 1258 considerably narrows the ability of localities to subject the construction, installation and location of wireless communications facilities, defined as “administrative review-eligible projects” and “standard process projects,” to zoning regulations. In order to remain compliant with the Code of Virginia, the City Zoning Ordinance must be amended accordingly.

The proposed ordinance amendment would conform certain sections of the City Code with the amendments to the Virginia Code made by HB 1258 during the 2018 General Assembly Session.

The Planning Commission approved a Resolution of Intent on May 21, 2018 to initiate the proposed ordinance amendment.

Staff therefore recommends approval of the proposed amendment to the City Zoning Ordinance.

FINDINGS OF FACT

Background

The Code of Virginia defines an “administrative review-eligible project” as:

1. The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within that existing line of utility poles; (ii) not located within the boundaries of a local, state or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35 percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on undergrounding projects since 1980; and (iv) designed to support small cell facilities; or
2. The co-location on any existing structure of a wireless facility that is not a small cell facility.

The Code of Virginia defines “standard process project” as:

Any project other than an administrative review-eligible project,

where a “project” is:

(i) the installation or construction by a wireless services provider or wireless infrastructure provider of a new structure or (ii) the co-location on any existing structure of a wireless facility that is not a small cell facility.

Proposed Zoning Amendment

The City Zoning Ordinance would be amended to include the definitions listed above and others, to set forth timelines and rules relating to the consideration, acceptance and rejection of applications to construct and install wireless communications facilities, and to adjust the criteria used by the City to evaluate such applications.

The amendment establishes that applicants desiring to install or construct administrative review-eligible projects shall not be required to obtain a special exception, special use permit, or variance, and, because all co-locations of wireless facilities fall within this definition, the amendment removes many of the criteria currently used to evaluate such projects.

The amendment also removes those criteria and conditions upon which localities may no longer rely to evaluate any application for the construction or installation of a wireless communications facility, whether an administrative review-eligible project or a standard process project.

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