AN ORDINANCE No. 2015-80-74

To amend and reordain City Code §§ 114-692.3, 114-692.4 and 114-1030.1, concerning the review criteria for installations utilizing alternative support structures and when a plan of development shall be required, respectively; and to amend and reordain the fees set forth in Appendix A for section 114-1020.4(a), both for the purpose of authorizing the installation of certain wireless communications facilities on alternative support structures with a building permit.

Patron – Mayor Jones

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MAY 11 2015 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 114-692.3, 114-692.4 and 114.1030.1 of the Code of City of Richmond (2004) be and are hereby amended and reordained as follows:

Sec. 114-692.3. Permitted use of alternative support structures.

Where permitted by the underlying zoning district regulations, use of alternative support structures for the uses described in this division shall be permitted on nonconforming properties and properties which are already subject to special use permits, institutional master plans or community unit plans. Such installations shall be deemed to be a permitted alteration of a

AYES:	9	NOES:	0	ABSTAIN:	
				-	

ADOPTED: MAY 11 2015 REJECTED: STRICKEN:

nonconforming property and shall be in substantial conformance with the special use permit, institutional master plan or community unit plan, provided the installation is in conformance with the review criteria set forth in subsections 114-692.4(b) and (c), as determined by plan of development review, if required, in accordance with article X of this chapter for nonconforming properties and properties subject to special use permits or institutional master plans and by final plan review, if required, in accordance with article IV division 30 of this chapter for properties subject to community unit plans.

Sec. 114-692.4. Review criteria for installations utilizing alternative support structures.

(a) The authorization in this chapter for use of alternative support structures provides a less obtrusive alternative to the traditional monopole and tower-based facilities by accommodating installations that are a companion and subordinate use in conjunction with a permitted principal or accessory use of a property. Such installations may include but not be limited to rooftop installations; installations on the face of buildings and on the exterior of otherwise permitted rooftop mechanical enclosures; installations on otherwise permitted water towers serving municipal, business or industrial uses; and installations within otherwise permitted ornamental towers and steeples. The specific review criteria set forth in this section are intended to result in installations in the residential and less-intensive office business districts which are only minimally visible when viewed from surrounding properties, with greater flexibility in the more intensive office and business districts.

(b) The following standards shall be applicable to all installations on alternative support structures:

(1) The maximum combined projection (antenna and mounting hardware) above the alternative support structure shall not exceed 25 feet, except for whip antennas

which may result in a combined projection of up to 35 feet, and the hardware on which antennas are mounted shall not project above the alternative support structure by more than 20 feet.

(2) Installations shall not be permitted on single- and two-family dwellings or on property containing such use.

(3) Installations meeting the following criteria shall not be subject to the review criteria set forth in subsection (c) and (d) of this section, shall be required to obtain a certificate of zoning compliance and shall not require a plan of development or final community unit plan approval:

a. The maximum combined projection (antenna and mounting hardware) above the alternative support structure shall not exceed ten feet; provided, however, if the installation is visible from the principal street frontage, then the maximum combined projection (antenna and mounting hardware) above the alternative support structure shall not exceed five feet in height.

b. The maximum dimensions of the antenna shall not exceed two feet by two feet by two feet or an alternative design not to exceed three cubic feet.

c. The maximum dimensions of any new mechanical enclosures or cabinets located on a support structure where they would be visible shall not exceed five feet by two feet by two feet.

d. Any portion of the installation that is visible from the principal street frontage shall be designed and colored to appear as an element of the alternative support structure, including the use of antennas, cables and equipment

that are painted or tinted to match the surface of the alternative support structure to which they are affixed.

(c) The following additional review criteria are applicable in residential districts; in the RO-1 and RO-2, UB, UB-2, B-1 and B-2 and I districts; on properties with nonconforming uses or features; and on properties already subject to special use permits or community unit plans:

(1) The property on which the installation is to occur shall contain no less than 12,000 square feet of lot area, shall be developed with an existing building containing a minimum of 14,000 square feet of floor area, and the mounting height on the alternative support structure shall be no less than 45 feet.

(2) The antennas and related mounting hardware and cables shall be designed and arranged so as to be integrated into the design of the alternative support structure, except that whip antennas may extend up to 20 feet above the support structure. Methods of integration shall include but not be limited to concealment of the equipment within the support structure or within design elements attached to the support structure, the use of antennas, cables, and equipment that are painted or tinted to match the surface of the support structure on which they are affixed.

(3) Any new mechanical enclosures or cabinets located on a support structure where they would be visible shall not exceed a height of six feet, a floor area of 100 square feet per installation, or an aggregate of ten percent of roof area, whichever is less, and interior space devoted to such installation shall not exceed five percent of the total floor area of the building. Any new enclosures or cabinets shall be designed and colored so as to appear to be an element of the support structure.

(d) The following additional review criteria are applicable in RO-3, B-3, B-4, B-5, B-6, B-7, RF-1, RF-2, CM and M-1 districts where the alternative support structure has a height of less than 65 feet:

(1) The maximum combined projection (antenna and mounting hardware) above the alternative support structure shall not exceed 15 feet except for whip antennas which may result in a combined projection of up to 20 feet, and the hardware on which antennas are mounted shall not project above the alternative support structure by more than ten feet.

(2) Unconcealed dish antennas shall not exceed a diameter of nine feet.

Sec. 114-1030.1. When required.

A plan of development shall be required for such uses in such districts as specified in article IV and article IX of this chapter pertaining to district regulations, and no certificate of use and occupancy for a newly established use requiring a plan of development and no building permit, land disturbing permit or driveway permit involving the construction, enlargement, conversion, exterior modification or relocation of a building, structure or site occupied or intended to be occupied by such use shall be approved by the zoning administrator, granted by the commissioner of buildings or issued by any other city official unless required plans for such use, building or site shall have been reviewed and approved by the director of community development, in accordance with the requirements set forth in this article. <u>A plan of development shall not be required for wireless communications facilities meeting the criteria set forth in section 114-692.4(b)(3) of this Code.</u> In the case of changes or modifications to the site of a use existing at the effective date of this provision, the following shall apply:

(1) For a use that requires a plan of development under the provisions of this chapter, but for which no plan of development has previously been approved, a plan of development shall be required for:

a. Construction of any new building or of any addition to an existing building when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage, provided that a plan of development shall be required for any industrialized building located in an R district; or

b. Any increase in the number of dwelling units on the site; or

c. Enlargement of the site occupied by the use when such enlargement exceeds a cumulative total 1,000 square feet of lot area; or

d. Addition of a cumulative total of more than 1,000 square feet of outdoor area devoted to active recreation or play area on the site; or

e. Construction of a new parking area, expansion of an existing parking area by five or more spaces, or any material alteration of the arrangement of any parking area, loading area or related vehicle circulation or maneuvering area.

(2) For a use that requires a plan of development under the provisions of this chapter, and for which a plan of development has previously been approved, an amended plan of development shall be required for:

a. Construction of any new building or of any enlargement of a building or site occupied by the use; or

b. Construction of a new parking area, expansion of an existing parking area by five or more spaces, or any material alteration of the arrangement

of any parking area, loading area or related vehicle circulation or maneuvering area; or

c. Any material change in the exterior of a building, landscaping, screening, signage, lighting, or any other feature specifically addressed by the previously approved plan of development.

§ 2. That the fees set forth in Appendix A of the Code of the City of Richmond (2004) for section 114-1020(a) of the Code of the City of Richmond (2004) be and are hereby amended and reordained as follows:

Code Section	Description	Fee
114-1020.4(a)	Fee for filing an application for a certificate of zoning compliance:	
(1)	Home occupation	50.00
(2)	Single- or two-family detached or attached dwelling	50.00
(3)	Private elementary or secondary school	50.00
(4)	Church or other place of worship	50.00
(5)	Day nursery	50.00
(6)	Adult day care facility	50.00
(7)	Multifamily dwelling (three to ten units)	100.00
(8)	Multifamily dwelling (11 to 50 unites)	200.00
(9)	Multifamily dwelling (more than 50 units)	350.00
(10)	Commercial or industrial use equal to or less than	100.00
	5,000 square feet	
(11)	Commercial or industrial use greater than 5,000 square feet	200.00
(12)	Adult care residence or lodinghouse	200.00
(13)	Portable storage unit	10.00
(14)	Wireless communications facility	<u>500.00</u>
<u>(15)</u>	Uses not specified	100.00

§ 3. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMON & R REQUEST

DEC 16 2014

Carlo State Carlos State		Chief Administration Office			
in strangenerated	O&R REQUEST	City of Richmond			
DATE:	December 10, 2014	DECEIVE EDITION: 1			
то:	The Honorable Members of City Council	DEC 3 1 2014			
THROUGH	: Dwight C. Jones, Mayor (Patron: Mayor	Mayor's Office City of Richmond			
THROUGH	: Christopher L. Beschler, Interim Chief Administ	ritive Officer			
THROUGH	Peter L. Downey, Interim Deputy Chief Adminis Development and Planning	strative Officer for Economic			
FROM:	Mark A. Olinger, Director, Department of Planning and Development Review				
SUBJECT: ORD. OR RI	To amend and reordain the Zoning Ordinance for scale telecommunication facilities on alternative City and exempting them from the requirement (POD).	support structures throughout the			
3 		OFFICE OF CITY ATTORNEY			

PURPOSE: To amend and reordain sections 114-692.4 and 114.1030.1 of the City Code, to permit small scale telecommunication facilities on alternative support structures throughout the City and exempt them from the requirement to obtain a Plan of Development (POD).

REASON: The proposed amendment to the Zoning Ordinance would permit small cell/data node facilities to be installed anywhere in the City (except on property occupied by single- and twofamily uses) with only a building permit when located on alternative support structures. This system is being rolled out by multiple carriers in a large number of sites within the City and the proposed amendment would allow them in more locations and streamline the permitting process.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a This item will be scheduled for consideration by the recommendation to City Council. Commission once it has been introduced to City Council. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: These small cell/data node facilities work with the existing macro (Tower) sites as the umbrella coverage, they have a low profile (usually less than 24" tall), are generally mounted on a building/roof/pole between 20-35' high, and have a very low power output (5

TMP-789

watts). In residential and lower intensity business district these type of facilities are currently only permitted on property that contains no less than 12,000 square feet of lot area, developed with an existing building containing a minimum of 14,000 square feet of floor area, and with mounting height on the alternative support structure shall be no less than 45 feet. These requirements were intended for the larger telecommunication facilities and severely limit the ability to install them in those residential and lower intensity business district.

The proposed amendment to the Zoning Ordinance would allow the small scale facilities to have broader applicability throughout the City. The ordinance would place the following limitations on the type of facility that would be permitted throughout the City without the requirement to obtain a Plan of Development:

- 1. The maximum combined projection (antenna and mounting hardware) above the alternative support structure shall not exceed 10 feet;
- 2. The maximum dimensions of the antenna shall not exceed 2 feet by 2 feet by 2 foot; and
- 3. The maximum dimensions of any new mechanical enclosures or cabinets located on a support structure where they would be visible shall not exceed 5 feet by 2 feet by 2 feet. Any new enclosures or cabinets shall be designed and colored so as to appear to be an element of the support structure.

The ordinance would continue to prohibit the installation of any telecommunication facilities on properties occupied by single- and two-family dwellings.

FISCAL IMPACT: There should be negligible fiscal impact to the City.

COST TO CITY: Staff time for preparation of draft ordinance and publishing of public notices.

REVENUE TO CITY: There should be negligible additional revenue to the City based on the proposed adjustments.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: January 12, 2015

CITY COUNCIL PUBLIC HEARING DATE: February 9, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: City Planning Commission, February 2, 2015

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: None

AFFECTED AGENCIES: Office of Chief Administrative Officer Department of Planning and Development Review Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORDINANCES: Amending Chapter 114 of the City Code.

ATTACHMENTS: Draft ordinance

STAFF: Lory Markham, Principal Planner Land Use Administration (Room 511) 646-6309

DCD O&R No. 14-50

DIVISION 11. WIRELESS TELECOMMUNICATIONS FACILITIES, MICROWAVE RELAY STATIONS, AND RADIO AND TELEVISION BROADCAST ANTENNAS

Sec. 114-692.4. Review criteria for installations utilizing alternative support structures.

(a) The authorization in this chapter for use of alternative support structures provides a less obtrusive alternative to the traditional monopole and tower-based facilities by accommodating installations that are a companion and subordinate use in conjunction with a permitted principal or accessory use of a property. Such installations may include but not be limited to rooftop installations; installations on the face of buildings and on the exterior of otherwise permitted rooftop mechanical enclosures; installations on otherwise permitted water towers serving municipal, business or industrial uses; and installations within otherwise permitted ornamental towers and steeples. The specific review criteria set forth in this section are intended to result in installations in the residential and less-intensive office business districts which are only minimally visible when viewed from surrounding properties, with greater flexibility in the more intensive office and business districts.

(b) The following standards shall be applicable to all installations on alternative support structures:

(1) The maximum combined projection (antenna and mounting hardware) above the alternative support structure shall not exceed 25 feet, except for whip antennas which may result in a combined projection of up to 35 feet, and the hardware on which antennas are mounted shall not project above the alternative support structure by more than 20 feet.

(2) Installations shall not be permitted on single- and two-family dwellings or on property containing such use.

(3) Installations meeting the following criteria shall not be subject to the review criteria set forth in sections (c) and (d) herein and shall not require a plan of development:

a. The maximum combined projection (antenna and mounting hardware) above the alternative support structure shall not exceed 10 feet;

b. The maximum dimensions of the antenna shall not exceed 2 feet by 2 feet by 2 foot;

c. The maximum dimensions of any new mechanical enclosures or cabinets located on a support structure where they would be visible shall not exceed 5 feet by 2 feet by 2 feet. Any new enclosures or cabinets shall be designed and colored so as to appear to be an element of the support structure.

(c) The following additional review criteria are applicable in residential districts; in the RO-1 and RO-2, UB, UB-2, B-1 and B-2 and I districts; on properties with nonconforming uses or features; and on properties already subject to special use permits or community unit plans:

(1) The property on which the installation is to occur shall contain no less than 12,000 square feet of lot area, shall be developed with an existing building containing a

minimum of 14,000 square feet of floor area, and the mounting height on the alternative support structure shall be no less than 45 feet.

(2) The antennas and related mounting hardware and cables shall be designed and arranged so as to be integrated into the design of the alternative support structure, except that whip antennas may extend up to 20 feet above the support structure. Methods of integration shall include but not be limited to concealment of the equipment within the support structure or within design elements attached to the support structure, the use of antennas, cables, and equipment that are painted or tinted to match the surface of the support structure on which they are affixed.

(3) Any new mechanical enclosures or cabinets located on a support structure where they would be visible shall not exceed a height of six feet, a floor area of 100 square feet per installation, or an aggregate of ten percent of roof area, whichever is less, and interior space devoted to such installation shall not exceed five percent of the total floor area of the building. Any new enclosures or cabinets shall be designed and colored so as to appear to be an element of the support structure.

(d) The following additional review criteria are applicable in RO-3, B-3, B-4, B-5, B-6, B-7, RF-1, RF-2, CM and M-1 districts where the alternative support structure has a height of less than 65 feet: (Ord. No. 2010-19-31, § 3, 2-22-2010)

(1) The maximum combined projection (antenna and mounting hardware) above the alternative support structure shall not exceed 15 feet except for whip antennas which may result in a combined projection of up to 20 feet, and the hardware on which antennas are mounted shall not project above the alternative support structure by more than ten feet.

(2) Unconcealed dish antennas shall not exceed a diameter of nine feet.

(Code 1993, § 32-692.4; Ord. No. 2006-168-189, § 2, 7-10-2006; Ord. No. 2008-2-55, § 2, 3-24-2008)

DIVISION 4. PLAN OF DEVELOPMENT

Sec. 114-1030.1. When required.

A plan of development shall be required for such uses in such districts as specified in article IV and article IX of this chapter pertaining to district regulations, and no certificate of use and occupancy for a newly established use requiring a plan of development and no building permit, land disturbing permit or driveway permit involving the construction, enlargement, conversion, exterior modification or relocation of a building, structure or site occupied or intended to be occupied by such use shall be approved by the zoning administrator, granted by the commissioner of buildings or issued by any other city official unless required plans for such use, building or site shall have been reviewed and approved by the director of planning and development review, in accordance with the requirements set forth in this article. <u>A plan of</u> <u>development shall not be required for wireless communications facilities meeting the criteria set</u> forth in Section 114-692.4(b)(3). In the case of changes or modifications to the site of a use existing at the effective date of this provision, the following shall apply:

(1) For a use that requires a plan of development under the provisions of this chapter, but for which no plan of development has previously been approved, a plan of development shall be required for:

a. Construction of any new building or of any addition to an existing building when such new building or addition occupies a cumulative total of more than 1,000 square feet of lot coverage, provided that a plan of development shall be required for any industrialized building located in an R district; or (2010-209-216, §3; 12-13-2010)

b. Any increase in the number of dwelling units on the site; or

c. Enlargement of the site occupied by the use when such enlargement exceeds a cumulative total 1,000 square feet of lot area; or

d. Addition of a cumulative total of more than 1,000 square feet of outdoor area devoted to active recreation or play area on the site; or

e. Construction of a new parking area, expansion of an existing parking area by five or more spaces, or any material alteration of the arrangement of any parking area, loading area or related vehicle circulation or maneuvering area.

(2) For a use that requires a plan of development under the provisions of this chapter, and for which a plan of development has previously been approved, an amended plan of development shall be required for:

a. Construction of any new building or of any enlargement of a building or site occupied by the use; or

b. Construction of a new parking area, expansion of an existing parking area by five or more spaces, or any material alteration of the arrangement of any parking area, loading area or related vehicle circulation or maneuvering area; or

c. Any material change in the exterior of a building, landscaping, screening, signage, lighting, or any other feature specifically addressed by the previously approved plan of development.

(Ord. No. 2004-180-167, §§ 3, 5, 6-28-2004; 2010-209-216, §3; 12-13-2010)



Network Node Proposal

September 24, 2014 City of Richmond

Colleen Hall Network Node Project Manager



Why Coverage alone is no longer the driver for Network growth?

In 2012, wireless broadband usage produced steady growth in consumption rates. 4G LTE made way for the advancement on how consumers and businesses use wireless data.

Industry trends estimate that consumer and corporate data usage is growing at a rate of 333 times more than growth periods for previous technologies*.



*CTIA



4g LTE Phones and features

Presence Powered Communications



Always On, Instant Video Communications



Feature-Packed Messaging Experience



HD Voice / VoLTE





Network Node Deployment Strategy





Network Node Deployment Strategy

- Capacity demands generate the need for Network Nodes
- Network Nodes provide
 - Small coverage (100's of feet)
 - Low power (2x5W)
 - Low antenna height (<35')
 - Smaller space requirement
- Identify Location of Usage
 -VZW to work with
 Local Jurisdictions





What is a Network Node?

Network Nodes:

- Covers less than 1000 foot radius (more typically 500 feet)
- Two categories: Coverage and Capacity

Notes:

- Unique antenna locations
- Low profile design- Aesthetics of area kept in mind with design
- Average 18 35 foot antenna centerlines (height above ground)





Typical antenna equipment used in Network Node Deployment



Antenna/equipment cabinet micro design



Average size equipment: 13"H x16" W x11"D weight: ~ 40 lbs.

Average size per antenna: 17"H x 10"W x 7"D, weight 25lbs.



Microcell – Equipment Cabinet #1 vs. Cabinet #2

DC cabinet Battery backup Dual-band (dual-MCO) support

Size: ~55" H x 21.25" W x 20" D Weight: 400lbs (fully equipped)



AC cabinet Dual-band (dual-MCO) support



Size: 30"H x 21.25" W x 20" D Weight: ~200lbs (fully equipped)



Antenna Example

- Less than 24" tall
- Typically mounted 18'-35'
- Very low profile
- Very low power output (5 watts)
- Outdoor or Indoor
- GPS











Transport Requirements for Network Nodes

Transport Options

- Dark Fiber Solutions- VZW preferred option
- Lit Fiber Solutions VZW 2nd option
- Microwave VZW 3rd option





Shockoe Slip Installation

Downtown Richmond





Primland Installation

Primland Resort







Charlottesville Mall Parking Garage





CITY OF RICHMOND

PLANNING COMMISSION

March 16, 2015

MOTION OF THE CITY OF RICHMOND PLANNING COMMISSION

TO AMEND SECTIONS 114-692.4 AND 114.1030.1 OF THE CITY CODE, TO PERMIT SMALL SCALE TELECOMMUNICATION FACILITIES ON ALTERNATIVE SUPPORT STRUCTURES THROUGHOUT THE CITY AND EXEMPT THEM FROM THE REQUIREMENT TO OBTAIN A PLAN OF DEVELOPMENT (POD).

WHEREAS, Section 15.2-2286 of the Code of Virginia (1950), as amended, provides that a zoning ordinance may include, among other things, reasonable regulations and provisions for the amendment of regulations from time to time; and

WHEREAS, in accordance with section 15.2-2286 of the Code of Virginia an amendment to the zoning regulations or district maps may be initiated by motion of the City of Richmond Planning Commission provided any such motion of the Commission proposing an amendment to the regulations or district maps shall state the public purposes therefore; and

WHEREAS, good zoning practice dictates that the comprehensive zoning plan be amended as required to reflect current conditions and trends in land use; and

WHEREAS, the purposes of zoning cited in the Code of Virginia include facilitating the creation of a convenient, attractive harmonious community, encouraging economic development and enlarging the tax base, providing for public safety and preventing congestion in the streets; and

WHEREAS, the City has adopted a Master Plan which, among other things, suggests the appropriate land use for all of the neighborhoods of the City; and

WHEREAS, technology has developed in the telecommunication industry to include small cell/data node facilities that work with the existing macro (Tower) sites as the umbrella coverage in order to provide better cell and data coverage; and

WHERAS, small cell facilities have a low profile (usually less than 24" tall); are generally mounted on a building/roof/pole between 20-35' high; and have a very low power output (5 watts); and

WHEREAS, this small cell system is being rolled out by multiple carriers in a large number of sites within the City and the proposed amendment would allow them to be installed with little visual effect in more locations in order to provide better coverage and streamline the permitting process; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY PLANNING COMMISSION:

That in accordance with §15.2-2286 of the Code of Virginia, the City Planning Commission hereby declares that the public necessity, convenience, general welfare and good zoning practices of the City require that an amendment to the zoning ordinance should be drafted for the purpose of permitting small scale telecommunication facilities on alternative support structures throughout the city and exempt them from the requirement to obtain a plan of development.

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Rodney Poole Chair, City Planning Commission

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gretary, City Planning Commission

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