



**To:** City Council  
**From:** Planning and Zoning Commission  
**Date:** September 28, 2020  
**Re:** **Case #20012: 32nd Amendment to the UDC – Small Wireless Facilities**

## **GENERAL INFORMATION**

**Applicant:** City of Raymore

**Requested Action:** 32nd Amendment to the Unified Development Code – Small Wireless Facilities

**Advertisement:** August 13, 2020 Journal Newspaper  
September 10, 2020 Journal Newspaper

**Public Hearing:** September 1, 2020 Planning and Zoning Commission  
September 28, 2020 City Council

**Items of Record:** Exhibit 1. Growth Management Plan  
Exhibit 2. Unified Development Code  
Exhibit 3. Notice of Publication  
Exhibit 4. Staff Report

## **TEXT AMENDMENT REQUIREMENTS**

Chapter 470: Development Review Procedures outlines the applicable requirements for amending the text of the Unified Development Code.

Section 470.020 (B) states:

“...text amendments may be initiated by the City Council or the Planning and Zoning Commission”.

Section 470.020 (F) requires that a public hearing be held by the Planning and Zoning Commission and the City Council.

Section 470.020 (G) (2) states:

“In its deliberation of a request, the Planning and Zoning Commission and City Council must make findings of fact taking into consideration the following:”

1. whether such change is consistent with the intent and purpose of the Unified Development Code and plans adopted by the City of Raymore.
2. whether the proposed text amendment corrects an error or inconsistency in the code;
3. the areas which are most likely to be directly affected by such change and in what way they will be affected;
4. whether the proposed amendment is made necessary because of changed or changing conditions in the areas and/or zoning districts affected by it; and
5. whether the proposed text amendment is in the best interests of the City as a whole.

## STAFF COMMENTS

1. Fifth-generation, or 5G, data networks have network speeds more than 100 times faster than 4G networks and can handle 100 times as many devices as current 4G infrastructure. 5G technology requires transmission equipment to be placed closer together, so wireless companies have pushed for the ability to mount the equipment on public infrastructure, such as light poles, utility poles, and buildings.
2. Below are two examples of small wireless facilities located on light or utility poles:



image from grandrapidsmi.gov

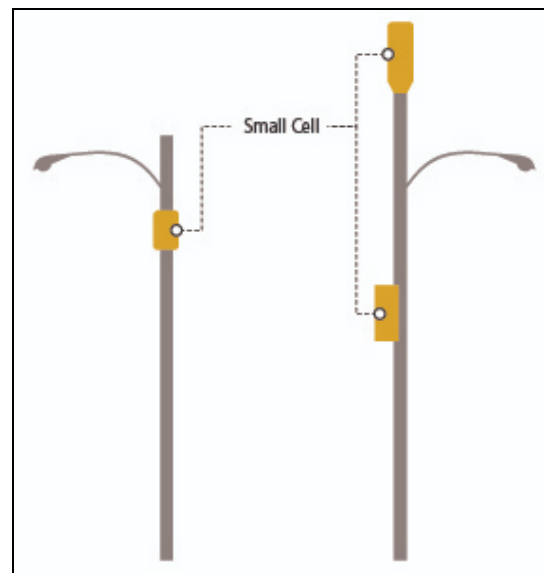


Image from alexandriava.gov

3. House Bill 1991, approved as part of the 2018 Missouri Legislative Session, established the Uniform Small Wireless Facility Deployment Act (the “Act”). The Act provides guidance to the City regarding the installation of small wireless facilities on utility poles located within the City right-of-way or upon private property.
4. The Missouri Municipal League published a small wireless facility deployment model ordinance as a template for Missouri municipalities to utilize. The UDC amendment incorporates the language contained in the model ordinance.
5. Although the Act contains provisions that allow a municipality to consider and adopt small wireless facility regulations after an application for a permit for a facility is submitted to the City, staff is proactively proposing the UDC amendment to ensure the City has all codes and policies in effect prior to the submittal of any applications for a permit.
6. In accordance with the Act, the UDC amendment establishes small wireless facilities as a permitted use in all zoning districts except single-family residential districts.
7. Small wireless facilities will be allowed to be affixed to existing City utility poles, including light poles, and to be installed upon new poles. If new poles are installed in an area where there are existing decorative poles, such as within the Municipal Circle complex, the new poles will have to be similar in design to the decorative poles.
8. The definitions proposed in the UDC amendment come directly from the Act and are applicable only to the section of the UDC on small wireless facilities.
9. The UDC amendment establishes the requirement that a permit be obtained prior to the installation of any small wireless facility. The City Schedule of Fees will be amended to include the permit fee costs for installation of new facilities.
10. The Act prohibits the City from entering into any exclusive arrangement with a carrier to utilize the City utility poles. Multiple carriers will be allowed to secure permits to utilize the existing City utility poles and to install new poles. The City may require a carrier to co-locate new facilities with existing facilities on a pole.
11. A small wireless facility is required to fit within an enclosure of no more than six cubic feet in volume. No single piece of equipment on the utility pole shall exceed nine cubic feet in volume.
12. Small wireless facilities and utility poles shall be installed and maintained so as not to obstruct or hinder the usual travel, including pedestrian travel, or public safety on the right-of-way.

- 13. Small wireless facilities shall not extend more than ten feet above an existing utility pole.
- 14. New utility poles erected for the purpose of holding a small wireless facility shall not exceed ten feet in height above the tallest existing utility pole in the same right-of-way.
- 15 Under Federal law, municipalities cannot ban telecommunications services or equipment in their jurisdiction.

**PLANNING COMMISSION PROPOSED FINDINGS OF FACT**

Under Section 470.020 of the Unified Development Code, the Planning and Zoning Commission is directed concerning its actions in dealing with a request to amend the text of the Unified Development Code. Under 470.020 (G) (2) the Planning and Zoning Commission is directed to make findings of fact taking into consideration the following:

- 1. **whether such change is consistent with the intent and purpose of the Unified Development Code and plans adopted by the City of Raymore;**

The proposed amendment is consistent with the identified purpose and intent of Section 400.040 of the Unified Development Code and with the Growth Management Plan.

- 2. **whether the proposed text amendment corrects an error or inconsistency in the code;**

The proposed sections of the ordinance do not correct an error or inconsistency.

- 3. **the areas which are most likely to be directly affected by such change and in what way they will be affected;**

The changes would affect properties throughout the City.

- 4. **whether the proposed amendment is made necessary because of changed or changing conditions in the areas and/or zoning districts affected by it; and**

The proposed amendment is made necessary due to the changes in Missouri Law enacted as the Uniform Small Wireless Facility Deployment Act.

- 5. **whether the proposed text amendment is in the best interests of the City as a whole.**

The UDC amendment will establish the requirements and standards for the installation of small wireless facilities within the community. Having restrictions in place is in the best interests of the City by ensuring new wireless facilities are properly located and installed.

## **REVIEW OF INFORMATION AND SCHEDULE**

<u>Action</u>	<u>Planning Commission</u>	<u>City Council 1<sup>st</sup></u>	<u>City Council 2<sup>nd</sup></u>
Public Hearing	September 1, 2020	September 28, 2020	October 12, 2020

## **STAFF RECOMMENDATION**

Staff prepared the 32nd amendment to the Unified Development Code in response to the changes to Missouri Law by the adoption of House Bill No. 1991 in 2018. Staff reviewed the State Statute and the model ordinance prepared by the Missouri Municipal League prior to preparation of the 32nd amendment.

Staff believes it is prudent and appropriate to have established ordinance requirements in place prior to the receipt of an application for the installation of small wireless facilities. With the adoption of this UDC amendment, staff will stand ready with adopted regulations and policies to assist any carrier who desires to install the new technology within the community.

Staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and forward Case #20012, 32nd amendment to the UDC, to the City Council with a recommendation of approval.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

The Planning and Zoning Commission, at its September 1, 2020 meeting, voted 9-0 to accept the staff proposed findings of fact and forward Case #20012, 32nd amendment to the UDC, to the City Council with a recommendation of approval.