



City of Richmond

Report to Committee Planning and Development Department

To: Planning Committee **Date:** May 9, 2012
From: Brian J. Jackson, MCIP **File:** 08-4040-01/2012-
Vol 01
 Director of Development
Re: **Telecommunication Antennas: Amendments to Zoning Bylaw 8500 and
 Development Application Fees Bylaw 7984**

Staff Recommendation

1. That the proposed "Richmond Zoning Bylaw 8500, Amendment Bylaw No. 8904," concerning maximum heights for telecommunications antennas, be introduced and given first reading; and
2. That the proposed "Development Applications Fees Bylaw 7984, Amendment Bylaw 8905," concerning fees for Telecommunications Antenna Consultation and Siting Protocol applications, be introduced and given first, second and third readings.

Brian J. Jackson, MCIP
 Director of Development

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FOR ORIGINATING DEPARTMENT USE ONLY			
		CONCURRENCE OF ACTING GENERAL MANAGER 	
REVIEWED BY TAG	YES <input type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO YES <input type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

On February 13, 2012, Council passed the following resolution in regards to the *Telecommunication Antenna Consultation and Siting Protocol*:

That:

- (1) *The proposed Telecommunication Antenna Consultation and Siting Protocol be adopted as a Council Policy to guide the City's review of telecommunication antenna proposals and to facilitate commenting to telecommunication antenna proponents and Industry Canada under the Federal Radiocommunication Act as set out in the staff report entitled "Telecommunication Antenna Consultation and Siting Protocol" dated January 18, 2012;*
- (2) *Staff be directed to prepare the proposed amendments to Zoning Bylaw 8500 as set out in the above staff report for future consideration by Council; and*
- (3) *Staff be directed to prepare an amendment to Development Application Fee Bylaw 7984 to include an application fee to cover the cost of processing applications under the proposed Telecommunication Antenna Consultation and Siting Protocol as set out in the above staff report for future consideration by Council.*

Item 1 adopted the *Telecommunication Antenna Consultation and Siting Protocol* (Protocol) as City Policy 5045. The purpose of this Report is to address Items 2 and 3 of the above resolution.

Findings of Fact

Richmond's *Zoning Bylaw 8500* allows for "telecommunications antennas" in all zones as local governments are not empowered to prohibit telecommunication installations that are permitted and regulated under Federal jurisdictional powers. However, Section 5.13.7 of Bylaw 8500 does limit the height of "telecommunication antennas" to that of the maximum height for accessory structures and setbacks in each given zone.

The Zoning Bylaw's Agricultural and Industrial zones set a 20 m (66 ft.) maximum height for non-residential accessory structures. The Residential, Mixed-Use, Commercial and Institutional zones have a range of 9.0 m (33 ft.) to 12 m (39 ft.) for maximum heights for accessory structures with the exception of the Entertainment and Athletics (CEA) and School & Institutional Use (SI) zones that have no maximum heights for accessory structures. The Zoning Bylaw's Site Specific zones also set various maximum heights for accessory structures.

Analysis

Proposed Zoning Bylaw Changes

Following the above-noted February 13, 2012 Council referral, *Zoning Bylaw 8500, Amendment Bylaw 8904* is proposed to amend the maximum height provisions within the Zoning Bylaw in two ways:

Freestanding Antennas and Towers: Following the Council referral; a maximum height for freestanding telecommunication antennas and towers is set at 15 m (48 ft.) or the current maximum height for an accessory structure in a zone, whichever is greater. This is consistent with the 15 m (48 ft.) Industry Canada consultation exemptions for freestanding towers that are contained within the adopted City Protocol. This would allow for applicants to build small towers up to 15 m (48 ft.) throughout the City without Development Variance Permits (DVPs). Currently, some zones would require a DVP and other similar zones would not require a DVP for such antennas and towers up to 15 m (48 ft.).

Building-Mounted Antennas: An allowance for building-mounted antennas to extend 3.0 m (9.8 ft.) above the maximum building height for a zone is also being proposed. This would apply when the roof on which the antenna is attached at or within 3.0 m (9.8 ft.) of the current maximum permitted building height. This is consistent with the adopted City Protocol consultation exemption for antennas extending 3.0 m (9.8 ft.) above a building rooftop. Thus, it would allow for some small antennas to be located on buildings without DVPs being required. This provision is also provided on the basis that it does not contravene Transport Canada's YVR maximum height zoning.

It should be noted that existing legally-installed antennas and towers that exceed the above-noted proposed height provisions would be considered as legal non-conforming (grandfathered) under the Zoning Bylaw.

Proposed Application Fee

An application fee of \$2,040 for processing applications under the Protocol is proposed under *Development Application Fee Bylaw 7984, Amendment Bylaw 8905*. This fee is the same as the City's \$2,040 fee set for Temporary Use Permit (TUP) applications, but more than the \$1,530 DVP application fee. A higher fee is chosen given the level of review and public consultation requirements of the adopted City Protocol would often be closer to those undertaken for a TUP. It should be noted that the expanded Protocol consultation area (6 times tower height) for taller towers would usually involve a greater City cost than the 50 m (164 ft.) consultation radius required for DVP notification areas.

Financial Impact

While some telecommunication antenna proposals reviewed by City staff and Council may involve DVPs with their own application fees, the amendment to the *Development Application Fee Bylaw 7984* would also allow for the City to recoup the additional cost of processing Protocol applications where there is no DVP application.

Opportunities for revenue and amenities resulting from telecommunication installations in public places will be part of a negotiation process consistent with existing Municipal Access Agreements and subject to Council approval.

Conclusion

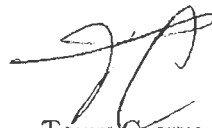
Zoning Amendment Bylaw 8904 includes a maximum height for freestanding towers and antennas of 15 m (48 ft.) or the maximum accessory structure height in a given zone, whichever is greater. Also, it is proposed that building-mounted telecommunication antennas may be allowed to extend 3.0 m (9.8 ft.) above the maximum building height permitted in the zone.

Development Application Fee Bylaw 8905 sets an application fee of \$2,040 for antennas and towers being considered under the adopted City Protocol which is in-line with other City development application fees.

In summary, these proposed amendments address the February 13, 2012 Council referral to fully implement the adopted Telecommunication Antenna Consultation and Siting Protocol.



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**Richmond Zoning Bylaw 8500, Amendment Bylaw No. 8904
(Telecommunications Antenna Heights)**

The Council of the City of Richmond enacts amendments to “Richmond Zoning Bylaw 8500”, as follows:

1. Richmond Zoning Bylaw 8500, as amended, is further amended:
 - a) by deleting section 5.13.7 and replacing it with the following text:

“5.13.7 Wind turbines shall be allowed in all **zones** subject to:

 - a) the maximum **height** for **accessory structures** in that **zone**;
 - b) the **accessory structure** and/or **principal building yards** and **setbacks** in that **zone**;
 - c) **landscaping** or other specific provisions in the **zone**; and
 - d) appropriate safety and noise attenuation measures.
 - 5.13.8 **Telecommunications antennas** shall be allowed in all **zones** subject to:
 - a) freestanding towers or antennas not exceeding the specified maximum **height** for **accessory structures** in that **zone** or 15.0 m, whichever is greater;
 - b) **building-mounted antennas** may extend not more than 3.0 m above the maximum **building height** for that **zone** provided **that** the roof of the **building** is at or within 3.0 m of the **maximum building height** for that **zone**;
 - c) all antennas and towers meeting the **accessory structure** and/or **principal building yards** and **setbacks** in that **zone**;
 - d) **landscaping** or other specific provisions in the **zone**; and
 - e) compliance with any covenants or caveats registered on the title of the land which could restrict the installation of **telecommunications antennas**, including airport maximum height covenants (Property **owners** and tenants are advised to check their current certificate of title for any covenants or caveats which may be registered and affect the use of the **site**.)”

This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 8904".

FIRST READING

MAY 28 2012

PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED by <i>W.C.</i>
APPROVED by Director or Solicitor <i>[Signature]</i>

MAYOR

CORPORATE OFFICER



**Development Application Fees Bylaw No. 7984,
Amendment Bylaw No. 8905**

The Council of the City of Richmond enacts amendments to “Development Application Fees Bylaw No. 7984”, as follows:

1. By renumbering subsection 1.15 as subsection 1.16.
2. By inserting the following new subsection after subsection 1.14:

“1.15 Telecommunication Antenna Consultation and Siting Protocol Fees

1.5.1 Every applicant under the Telecommunication Antenna Consultation and Siting Protocol must pay an application fee of \$2,040.”

3. By inserting the following new definition within section 2.1 immediately following the definition of **Public Hearing**:

“Telecommunication Antenna Consultation and Siting Protocol” means the current policy adopted by **City Council** that identifies the **City** process for managing consultation and providing siting guidelines for telecommunications antenna proposals under a protocol pursuant to the Federal *Radiocommunications Act*.

This Bylaw is cited as “**Development Application Fees Bylaw No. 7984, Amendment Bylaw No. 8905**”.

FIRST READING

MAY 28 2012

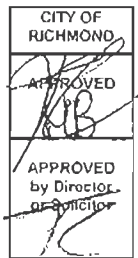
SECOND READING

MAY 28 2012

THIRD READING

MAY 28 2012

ADOPTED



MAYOR

CORPORATE OFFICER