



## WILDWOOD™

October 15, 2018

The Honorable City Council  
The City of Wildwood, Missouri  
16860 Main Street  
Wildwood, Missouri 63040

Council Members:

The Planning and Zoning Commission has completed its review of the posted request regarding the proposed consideration of changes to the regulations governing wireless facilities and associated structures, along with the criteria for their placement, and prepared the following recommendation upon it for City Council's consideration. This recommendation was completed in accordance with the requirements of Chapter 89 of Missouri Revised Statutes and those regulations of the City relating to public notice, publications, and amendments to the City's codes (Chapter 415.560 of the City of Wildwood Zoning Ordinance). This recommendation and associated action are as follows:

**Petition:** P.Z. 02-18  
**Petitioner:** City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri, 63040  
**Request:** A request to review and consider amendments to the City of Wildwood's Regulation of Placement of Communication Antennae and Support Structures – Chapter 430 of the City of Wildwood Municipal Code – which would thereby consider the following: amendment of existing and enactment of new regulations pertaining to the placement, installation and construction of communication and support structures, wireless facilities, and accessory equipment; administrative procedures related to the consideration thereof by the City; and the promotion of the health, safety, and welfare of Wildwood residents, all consistent with current Federal and State laws and regulations.  
**Zoning District (s):** All "R," "C," and "M" Districts  
**Public Hearing**  
**Date:** January 16, 2018  
**2<sup>ND</sup> Public Hearing**  
**Date:** March 5, 2018  
**Date and Vote on Information Report:** October 1, 2018 – **Approve modifications to Chapter 415, the Zoning Ordinance, and Chapter 430, Regulation of Placement of Communication Antennae and Support Structures, both of the City of Wildwood Municipal Code to address changes contained therein primarily necessary to new/amended State and federal laws in this regard, by a vote of 7 to 0, with one (1) abstention** (Voting Aye – Deppeler, Helfrey, Lee, Gagnani, Beattie, Kohn, and Archeski; abstaining Council Member Woerther)

**Date and Vote on  
Letter of**

**Recommendation:** October 15, 2018 - **Approve modifications to Chapter 415, the Zoning Ordinance, and Chapter 430, Regulation of Placement of Communication Antennae and Support Structures, both of the City of Wildwood Municipal Code to address changes contained therein primarily necessary to new/amended State and federal laws in this regard, by a vote of 9 to 0, with one (1) abstention** (Voting Aye – Deppeler, Helfrey, Lee, Gragnani, Beattie, Kohn, Simpson, Bowlin, and Archeski; abstaining Council Member Woerther)

**Report:** Attachment A

**Conditions:** Attachment B

**Background**

**Information:** Attachment C

**School District:** Rockwood

**Fire Districts:** Eureka, Metro West, and Monarch Fire Protection Districts

**Police Services:** St. Louis County Police Department – Wildwood Precinct #6

**Wards:** All

**Recommendation**

**And Rationales:** Approval

1. The Planning and Zoning Commission has developed a recommendation, supported by the contents of this report, which would allow certain modifications to the regulations governing wireless facilities and wireless support structures and their utilization within the City of Wildwood.
2. The former regulations have provided protections to the City and its residents for many years, but changes at the federal and State levels are prompting this action.
3. The changes, as proposed, are less favorable to the City, in some regards, but the right to apply zoning laws remains and the new regulations recognize such.
4. The Planning and Zoning Commission is recommending the City Council adopt the changes highlighted in Attachment B of this report favorably.

Copies of the City of Wildwood’s Master Plan, Charter, and Zoning Ordinance are all on file with the City Clerk’s Office.

Respectfully submitted,  
**CITY OF WILDWOOD PLANNING AND ZONING COMMISSION**

Rick Archeski, Chair

**ATTEST:**

Joe Vujnich, Director  
Department of Planning

Cc: The Honorable James R. Bowlin, Mayor  
Ryan S. Thomas, P.E., City Administrator  
John A. Young, City Attorney  
Kathy Arnett, Assistant Director of Planning and Parks  
Travis Newberry, Planner

## ATTACHMENT A + Report

**BACKGROUND INFORMATION and HISTORICAL SYNOPSIS OF REGULATIONS >>>** At a public hearing that was held on this matter in January 2018, the Planning and Zoning Commission received explanations from the City Attorney and the Department of Planning about the City's current telecommunications regulations that are contained in a stand-alone ordinance adopted approximately twenty (20) years ago. These regulations were adopted shortly after the United States Congress approved the **Telecommunications Act of 1996** that created an omnibus bill that would govern this burgeoning industry and the States, counties, and cities that were currently regulating it, but now face new requirements in this regard. This landmark legislation, the first in over fifty (50) years, set standards for all parties and necessitated a proactive approach for cities, like Wildwood, to retain the needed authority to address the placement of telecommunications facilities within its boundaries and protect the public for safety issues relating to rights-of-way areas and preservation of the community's innate character.

As the aforementioned public hearing proceeded forward and further comments were offered by the Planning and Zoning Commission, a request was made of the members to the City Attorney and the Department of Planning to provide more background on the current regulations of the City on this subject, along with an inventory of all facilities located within the City of Wildwood at this current time. With this information, the Planning and Zoning Commission then wanted to further review and discuss this matter, before taking any action on new regulations relating to it.

To this end, the Department then provided at the March 4, 2018 open public hearing information to the Planning and Zoning Commission, per its direction, the following additional items for its consideration and use:

1. An inventory of sites, in map form, for all existing telecommunications facilities that are located within the City of Wildwood. This inventory includes both private facilities owned by the traditional providers of telecommunication services, along with the facilities and structures installed by the City, as part of its rural internet access effort/project.
2. A summary of the main components of the City's current regulations that have been in place and used for the past twenty-two (22) years.
3. A synopsis of the items the City Attorney and the Department believes are essential within any set of new or updated regulations associated with the telecommunications facilities and their placement and use within this community.

**Item #1 >>>** See attached map for described locations.

**Item #2 >>>** The current set of regulations was developed with several major goals identified for inclusion in them. These major goals included the following items:

1. Defined terms of the industry to ensure clarity regarding how structures, towers, and other vertical improvements are treated under these regulations for their siting and installations.
2. Established a process to ensure all telecommunications facilities that are planned within Wildwood receive required review and the providers identify alternatives to potential locations and design components in terms of their submittals in this regard.