



FAIRFAX
COUNTY

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Zoning for Wireless Telecommunications Infrastructure

PUBLIC HEARING DATES

Planning Commission

March 20, 2019 at 7:30 p.m.

Board of Supervisors

April 9, 2019 at 2:30 p.m.

PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314

February 19, 2019

LK



Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of February 19, 2019 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

1 Amend Article 2, General Regulations, as follows:

2
3 - Amend Part 1, Scope of Regulations, by revising Par. 1A of Sect. 2-104, Exemptions, to
4 read as follows:

5
6 1. The following structures and uses shall be exempt from the regulations of this Ordinance:


7
8 A. ~~Wires, cables, conduits, Vaults, laterals, pipes, mains, valves or other similar~~
9 ~~equipment for the distribution to consumers of telephone or other communications,~~
10 ~~electricity, gas, or water, or the collection of sewage or surface water operated or~~
11 ~~maintained by a government entity or a public utility including customary meter~~
12 ~~pedestals, telephone utility pedestals, distribution transformers and temporary utility~~
13 ~~facilities required during building construction, for the distribution to consumers of~~
14 ~~utilities operated or maintained by a government entity or a public utility, whether~~
15 ~~any such facility is located underground or aboveground; but only when such~~
16 ~~facilities are located in a street right-of-way or in an easement less than twenty-five~~
17 ~~(25) feet in width. This exemption shall does not include any substation located on~~
18 ~~or above the surface of the ground or any such distribution facility located in an~~
19 ~~easement of twenty-five (25) feet or more in width which shall be regulated by the~~
20 ~~provisions of Part 1 of Article 9. [Advertise an option to include utility distribution~~
21 ~~or transmission poles up to 50 feet in height if the Board selects Alt. A under Sect.~~
22 ~~2-522, or to include utility distribution or transmission poles up to 50 feet in height~~
23 ~~and located in road right-of-way if the Board selects Alt. B under Sect. 2-522.]~~
24

25 - Amend Part 5, Qualifying Use, Structure Regulations, Sect. 2-501, Limitation on the
26 Number of Dwelling Units on a Lot, by revising the introductory paragraph to read as
27 follows:

28
29 There ~~shall be not~~ must not be more than one (1) dwelling unit on any one (1) lot, nor ~~shall~~
30 ~~may~~ a dwelling unit be located on the same lot with any other principal building. This provision
31 ~~shall not be deemed, however, to~~ does not preclude multiple family dwelling units as permitted
32 by the provisions of this Ordinance; an accessory use or accessory service use as may be
33 permitted by the provisions of Article 10; an accessory dwelling unit as may be approved by
34 the BZA in accordance with the provisions of Part 9 of Article 8; single family attached

Summary of Comments on Zoning Ordinance Amendment for Wireless Telecommunications Infrastructure Staff Report

Page: 2

 Number: 1 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:34:29 PM
AT&T prefers Alternative A for section 2-522

1 dwellings in a rental development; or a condominium development as provided for in
 2 Sect. 518 below; ~~or antennas and/or related unmanned equipment structures for a mobile and~~
 3 ~~land based telecommunications facility mounted on a utility distribution pole, utility~~
 4 ~~transmission pole or light/camera standard or wireless facilities and associated support~~
 5 ~~structures, but only in accordance with the provisions of Sect. 2-514 Sections 2-514, 2-519, 2-~~
 6 ~~520, and 2-522 below. [Advertise option to delete or to include a reference to Article 9, as~~
 7 ~~applicable, to correspond with Alternative C of Sect. 2-522, below.]~~
 8

9 In addition, in all districts, the Board or BZA, in conjunction with the approval of a special
 10 exception or special permit use, may allow dwelling units for a proprietor, owner and/or
 11 employee and his/her family whose business or employment is directly related to the special
 12 exception or special permit use. Such dwelling units may either be located within the same
 13 structure as the special exception or special permit use or in separate detached structures on
 14 the same lot. If located in separate detached structures, such dwelling units shall ~~shall~~ must meet the
 15 applicable bulk regulations for a principal structure set forth in the specific district in which
 16 located, and any locational requirements set forth as additional standards for a special
 17 exception or special permit use ~~shall not be~~ are not applicable to detached structures occupied
 18 by dwelling units.
 19


- 20 - **Repeal Sect. 2-514, Limitations on Mobile and Land Based Telecommunication Facilities,**
 21 **in its entirety and replace it with a new Sect. 2-514, Wireless Facilities and Their**
 22 **Associated Support Structures, to read as follows: as follows:**
 23


24 **2-514 Limitations on Wireless Facilities and Their Associated Support Structures**
 25


26 Wireless facilities and their associated support structures, including, without limitation,
 27 wireless support structures, existing structures, and replacement structures (except as
 28 otherwise specified below), are permitted on any lot in any zoning districts when such
 29 facilities, equipment, and supporting structures meet the following limitations and are not
 30 specifically precluded by any applicable proffered condition, development condition,
 31 special permit or special exception condition. In addition, wireless facilities and support
 32 structures, including those located within the right-of-way, are subject to the requirements
 33 of Sect. 15.2-2232 of the Code of Virginia and to the application fees as provided for in
 34 Sect. 18-106. Wireless facilities and their associated support structures that do not meet the
 35 following limitations or the limitations in Sect. 2-519, Sect. 2-520, or Sect. 2-522 require
 36 special exception approval. [Option – advertised to allow the Board to consider the denial
 37 of applications that do not meet Sect. 2-522.]
 38

- 39 1. Co-locations: The proposed co-location of wireless facilities ²on any existing
 40 structure ³[Option – and on certain replacement structures] that are not small cell
 41 facilities and that do not fall under Sect. 6409 of the Spectrum Act are deemed a
 42 type of administrative review-eligible project, as defined in Sect. 15.2-2316.3 of
 43 the Code of Virginia, subject to approval by the Zoning Administrator of an
 44 administrative review-eligible project permit, compliance with the provisions
 45 below, and payment of the applicable fee in Sect. 18-106.
 46

□

 Number: 1 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:38:18 PM
AT&T prefers this section as written without this option.

 Number: 2 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:35:40 PM
AT&T suggests including this optional language

 Number: 3 Author: gn452m Subject: Highlight Date: 2/25/2019 3:34:53 PM

1 A. The antennas and associated mounting must be enclosed in a canister or other
 2 enclosure, be flush mounted, be fully screened by a wall, vegetation, or other
 3 existing structure, or provide other means of fully mitigating visual impacts.

4
 5 B. Related equipment cabinets or structures are subject to the following:

6
 7 (1) When located on the existing structure, equipment cabinets must be fully
 8 enclosed within the existing structure, designed to match or blend with the
 9 structure on which they are located, or provide other means of fully
 10 mitigating visual impacts.

11
 12 (2) Any ground-mounted equipment associated with an administrative review-
 13 eligible project is subject to the provisions of Par. 2B of Sect. 2-522.

14
 15 C. Routine maintenance or the replacement of existing wireless facilities or
 16 associated support structures, including light poles, within a six-foot perimeter
 17 with wireless facilities or wireless support structures that are substantially
 18 similar or the same size or smaller is permitted, and eligible facilities requests
 19 may also be permitted in accordance with Sect. 2-520, and a co-location may
 20 occur on such a replacement structure, subject to the following, or as may
 21 otherwise be reviewed and approved under Sect. 2-520:


22
 23 ***Alternative A for Par. (1)***

24
 25 (1) When located in zoning districts that are zoned for single family dwellings
 26 and are residentially developed, vacant, or common open space and not
 27 located on a major thoroughfare, the replacement pole must be no taller than
 28 the existing pole. The diameter of such replacement pole must be no more
 29 than 25 percent greater than the existing pole, up to a maximum diameter of
 30 30 inches.


31
 32 ***Alternative B for Par. (1)***

33
 34 (1) When located in zoning districts that are zoned for single family dwellings
 35 and are residentially developed, vacant, or common open space and not
 36 located on a major thoroughfare, the replacement pole or standard cannot
 37 be more than 15 feet higher than the existing pole. The diameter of such
 38 replacement pole or standard must not exceed 30 inches.

39
 40 (2) When located in zoning districts that are zoned for single family dwellings
 41 and are residentially developed, vacant, or common open space and located
 42 on a major thoroughfare, the height of a replacement pole or standard,
 43 including antennas, must not exceed 80 feet. However, if the height of the
 44 existing pole exceeds 80 feet, the replacement pole or standard cannot be
 45 more than 15 feet higher. The diameter of such replacement pole or
 46 standard must not exceed 30 inches.

 Number: 1 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:41:23 PM

AT&T prefers Alternative B. This will allow for the optimal antenna placement at the top of the pole while keeping the luminaire height consistent with other poles along the same ROW and all cables to fit within the replacement pole.

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- (3) When located in zoning districts that are zoned for multiple family and are residentially developed with buildings that are 35 feet or less in height, vacant, or common open space, the height of a replacement pole or standard, including antennas, must not exceed 100 feet. However, if the height of the existing pole exceeds 100 feet, the replacement pole or standard cannot be more than 15 feet higher. The diameter of such replacement pole or standard must not exceed 42 inches.
- (4) The height of a replacement light/camera standard on property used for athletic fields, must not exceed 125 feet, including antennas. The diameter of such light/camera standard cannot exceed 60 inches.
- (5) In all other instances, the height of a replacement pole or standard, including antennas, must not exceed 100 feet. However, if the height of the existing pole exceeds 100 feet, the replacement pole or standard cannot be more than 15 feet higher. The diameter of such replacement pole or standards must not exceed 60 inches.

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21
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[Option – advertised to allow the Board to adopt alternatives for Par. C with any numbers between 0 and the numbers proposed above; or to allow the Board to retain Par. C without alternatives in accordance with Sect. 15.2-2316.4:3 of the Code of Virginia.]

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26
27
28

D. Applicants must provide with their application documentation of permission from the owner of the existing or replacement structure to co-locate wireless facilities on that structure.

29
30

2. Wireless telecommunication hub sites are subject to the following:

31
32

A. Hub sites are permitted:

- 33
34
35
36
37
38
- (1) In all C Districts, I-1, 1-2, I-3, I-4, I-5 and I-6 Districts, and in the commercial areas of P districts.
- (2) In all R districts on lots that are not vacant, open space, or residentially developed.

39
40


B. The hub site must not exceed 12 feet in height or 750 square feet of gross floor area.

41
42
43

C. The maximum permitted floor area ratio for the zoning district must not be exceeded.

44
45

D. The hub site must meet the minimum yard requirements of the district in which it is located, except that hub sites located in a utility transmission easement or street

 Number: 1 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:42:39 PM
AT&T prefers the numbers proposed above.

1 right-of-way may be located a minimum of 20 feet from the utility transmission
2 easement or street right-of-way.

3
4 E. Hub sites are not subject to the fence/wall height limitations of Sect. 10-104. Hub
5 sites located within a utility easement must be screened by a solid fence, wall or
6 berm 8 feet in height, an evergreen hedge with an ultimate height of at least 8 feet
7 and a planted height of at least 48 inches, or an 8 foot tall fence, wall, berm and or
8 landscaping combination. Hub sites located outside of a utility transmission
9 easement are subject to the transitional requirements of Article 13 for a light public
10 utility use. If a hub site is added to an existing fenced or screened enclosure that
11 contains wireless equipment structures, the screening requirement for the hub site
12 may be satisfied with the existing screening, provided that the screening meets the
13 requirements listed above.

14
15 F. A wireless telecommunication hub site that is located within an existing or principal
16 or accessory structure is not subject to Paragraphs 2B through 2E above.

17
18 3. For the purposes of this section, the height of hub sites and replacement utility poles or
19 light poles will be measured as follows:

20
21 A. The height of a hub site is the vertical distance between the lowest point of finished
22 ground level adjacent to the structure and the highest point of the roof for flat roofs;
23 to the deck line of mansard roofs; and to the average height between the eaves and
24 the ridge for gable, hip and gambrel roofs.

25
26 B. Replacement utility poles and light pole height is the vertical distance between the
27 lowest point of finished ground level adjacent to the structure and the highest point
28 of the structure, including antennas.

29
30 4. Commercial advertising is not allowed on any portion of a wireless facility or its associated
31 support structure.

32
33 5. Except for co-location on a light pole, signals, lights, or illumination are not permitted on
34 wireless facilities or their support structures up to 100 feet in height unless required by the
35 Federal Communications Commission, the Federal Aviation Administration, or the
36 County. On wireless facilities greater than 100 feet in height, a steady red marker light
37 must be installed and operated at all times, unless the Zoning Administrator waives the red
38 marker light requirement upon a determination by the Police Department that such marker
39 light is not necessary for flight safety requirements for police and emergency helicopter
40 operations. All steady red marker lights must be shielded to prevent the downward
41 transmission of light.

42
43 6. All applications involving wireless facilities, including without limitation small cell
44 facilities, standard process projects, administrative review-eligible projects, and eligible
45 facility requests under the Spectrum Act, that are submitted electronically outside of the

Department of Planning and Zoning’s regular business hours will be deemed received by the Department on the next business day.

- Amend Sect. 2-519, Small Cell Facilities, to read as follows:

The installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure may be permitted on any lot in any zoning district subject to approval by the Zoning Administrator of a small cell facility zoning permit and compliance with the provisions below. An application proposing the installation of a small cell facility on a new structure is subject to the requirements of this Section, the requirements of Paragraphs Sect. 2-522, as applicable, and approval by the Zoning Administrator of an Administrative Review-Eligible Project permit. [Advertised to delete the requirement of Zoning Administrator approval if structures up to 50 feet are permitted by right in Sect. 2-522.]

~~For the purposes of this provision, an existing structure will be deemed any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider (provider) provides notice to the County or the Virginia Department of Transportation of an agreement with the owner of the structure to co-locate equipment on that structure. It includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, freestanding signs, and water towers. It also includes, without limitation, any structure located within the right-of-way~~

~~A wireless infrastructure provider means any person that builds or installs transmission equipment, wireless facilities, or structures designed to support or capable of supporting wireless facilities, but that is not a wireless services provider.~~


1. General Requirements

~~1A.~~ The provider applicant must demonstrate that each small cell facility complies with the following:

~~A.(1)~~ (1) Each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and

~~B.(2)~~ (2) All other wireless equipment associated with the facility has a cumulative volume of no more than ~~twenty-eight (28)~~ cubic feet or such higher limit as is established by the Federal Communication Commission.

The following types of associated equipment are not included in the equipment volume calculation: electric meter, concealment, telecommunications demarcation boxes, backup power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

 Number: 1 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:43:49 PM
AT&T prefers this option for section 2-522.

1 ~~2B.~~ Before installing any small cell facility, the provider must obtain an approved zoning
 2 permit ~~for each facility~~ in accordance with Paragraphs 2 or 3, below. Each permit
 3 request must include the specific location of each proposed small cell facility
 4 including specific identification of the existing or new structure on which the facility
 5 will be installed, specifications showing the size of the antennas and associated
 6 equipment of each small cell facility, and a statement from the owner of the structure
 7 consenting to co-location of the small cell facility on the structure. This information
 8 must be provided as part of any permit application.

9
 10 ~~C.~~ A small cell facility must be removed by the wireless services provider or wireless
 11 infrastructure provider that installed the facility or is otherwise responsible for the
 12 facility within 120 days after the owner of the existing structure withdraws or revokes
 13 its consent for co-location of such facility; the owner of the existing structure removes
 14 the existing structure; or such facility is no longer in use, in which case it will be
 15 deemed abandoned and must be removed by such provider on that basis.


16
 17 D. Notwithstanding the above, the installation, placement, maintenance, or replacement
 18 of micro-wireless facilities that are suspended on cables or lines that are strung
 19 between existing utility poles in compliance with national safety codes will not be
 20 subject to this provision. For the purposes of this provision, a micro-wireless facility
 21 is a small cell facility that is no greater than 24 inches in length, 15 inches in width,
 22 and 12 inches in height, and that has an exterior antenna, if any, no more than 11
 23 inches in length.

25 2. Small Cell Facilities on Existing Structures


26
 27 A. The applicant must complete a small cell facility application for each zoning permit
 28 request on forms provided by the County and must file completed forms with the
 29 Zoning Administrator. A single application may include up to thirty-five (35) permit
 30 requests. The application form may require certification by the applicant that the small
 31 cell facility will not materially interfere with or degrade the County's existing public
 32 safety communications system.

33
 34 ~~3. Each permit request must include the specific location of each proposed small cell~~
 35 ~~facility including specific identification of the existing or new structure on which the~~
 36 ~~facility will be installed, specifications showing the size of the antennas and associated~~
 37 ~~equipment of each small cell facility, and a statement from the owner of the structure~~
 38 ~~consenting to co-location of the small cell facility on the structure.~~

39
 40 ~~4. The Zoning Administrator must approve or deny the application within sixty (60)~~
 41 ~~days of receipt of a complete application. Within ten (10) days after receipt of an~~
 42 ~~application and a valid electronic mail address for the applicant, the Zoning~~
 43 ~~Administrator will notify the applicant by electronic mail whether the application is~~
 44 ~~incomplete and specify any missing information; otherwise, the application will be~~
 45 ~~deemed complete. The sixty (60) day review period may be extended by the Zoning~~
 46 ~~Administrator in writing for a period not to exceed an additional thirty (30) days. The~~

 Number: 1 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:46:17 PM

AT&T feels this section is unnecessary. Some agreements allow AT&T to take over responsibility of abandoned poles and all cover the requirement to remove small cell equipment in the event that the pole is removed.

 Number: 2 Author: gn452m Subject: Highlight Date: 2/25/2019 3:44:18 PM

1 application will be deemed approved if the Zoning Administrator fails to act within
 2 the initial sixty (60) days or an extended thirty (30) day period.
 3

4 ~~5~~B. The application for a small cell facility must be accompanied by the following filing
 5 fees made payable to the County of Fairfax:
 6

7 ~~A. (1)~~ \$100 each for up to five ~~(5)~~ small cell facilities on a single application; and
 8

9 ~~B. (2)~~ \$50 for each additional small cell facility on a single application.
 10

11 3. Small Cell Facilities on New Administrative Review-Eligible Project Structures: *[Advertise*
 12 *an option to delete Zoning Administrator approval of AREP applications if the Board*
 13 *selects ²Alt. A under Sect. 2-522, or to delete Zoning Administrator approval of AREP*
 14 *applications proposing installation in the street or utility easement if the Board selects*
 15 *Alt. B under Sect. 2-522.]*
 16

17 A. Must comply with the following provisions, as well as the provisions of Sect. 2-522.
 18

19 *Alternative A for Par. B*
 20

21 B. May not exceed 50 feet in height, provided that any such structure with attached
 22 wireless facilities is:
 23

24 (1) Not more than 10 feet above the tallest existing utility pole within 500 feet of the
 25 new structure within the same public right-of-way or within the existing line of
 26 utility poles;
 27

28 (2) Not located within any local, state, or historic district, including Historic Overlay
 29 Districts under Article 7; and
 30

31 (3) Designed to support small cell facilities.
 32


33 ⁴*Alternative B for Par. B*
 34


35 B. May locate on any property, provided that any such structure with attached wireless
 36 facilities is:
 37


38 (1) Not more than 50 feet in height; and
 39


40 (2) Designed to support small cell facilities.
 41

42 C. New structures that meet the requirements of this section are a type of administrative
 43 review-eligible project (AREP) under the Code of Virginia.
 44


 Number: 1 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:47:07 PM
AT&T prefers this option.

 Number: 2 Author: gn452m Subject: Highlight Date: 2/25/2019 3:46:54 PM

 Number: 3 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:48:39 PM
AT&T prefers this option. The carrier does not control utility pole height.

 Number: 4 Author: gn452m Subject: Highlight Date: 2/25/2019 3:47:14 PM

- 1 D. Applicants may apply for Zoning Administrative approval of an AREP permit for a
 2 standalone structure or may apply for Zoning Administrator approval of a combined
 3 AREP permit with small cell facilities.
 4
- 5 E. A single or combined permit under Par. 2D, above, is subject to the AREP fee under
 6 Sect. 18-106, the fee for small cell facilities under Par. 2 above, or both, if combined.
 7
- 8 F. Any application for an AREP and its proposed facilities that meets all other
 9 requirements of this Section but proposes its location in a historic district is subject to [1]
 10 Architectural Review Board review under Article 7. *[Advertise an option to require*
 11 *special exception approval under Art. 9.]*
 12
- 13 6. ~~The Zoning Administrator may deny a proposed location or installation of a small cell~~
 14 ~~facility only for the reasons listed below. Any denial of the application must be in~~
 15 ~~writing and accompanied by an explanation for the denial.~~
- 16 A. ~~Material potential interference with other pre-existing communications facilities~~
 17 ~~or with future communications facilities that have already been designed and~~
 18 ~~planned for a specific location or that have been reserved for future public safety~~
 19 ~~communications facilities;~~
- 20 B. ~~The installation adversely impacts public safety or other critical public service~~
 21 ~~needs;~~
- 22 C. ~~The installation is on publicly owned or publicly controlled property and the~~
 23 ~~installation would have an adverse aesthetic impact or due to the absence of all~~
 24 ~~required approvals from all departments, authorities, and agencies with~~
 25 ~~jurisdiction over such property; or~~
- 26 D. ~~When located in a Historic Overlay District and such location conflicts with Part~~
 27 ~~2 of Article 7.~~
- 28
- 29
- 30 7. ~~A small cell facility must be removed by the wireless services provider or wireless~~
 31 ~~infrastructure provider that installed the facility or is otherwise responsible for the~~
 32 ~~facility within 120 days after the owner of the existing structure withdraws or revokes~~
 33 ~~its consent for co-location of such facility; the owner of the existing structure removes~~
 34 ~~the existing structure; or such facility is no longer in use, in which case it will be~~
 35 ~~deemed abandoned and must be removed by such provider on that basis.~~
- 36
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- 40 8. ~~Notwithstanding the above, the installation, placement, maintenance, or replacement~~
 41 ~~of micro-wireless facilities that are suspended on cables or lines that are strung~~
 42 ~~between existing utility poles in compliance with national safety codes will not be~~
 43 ~~subject to this provision. For the purposes of this provision, a micro-wireless facility~~
 44 ~~is a small cell facility that is no greater than twenty-four (24) inches in length, fifteen~~
 45 ~~(15) inches in width, and twelve (12) inches in height, and that has an exterior antenna,~~
 46 ~~if any, no more than eleven (11) inches in length.~~

 Number: 1 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:49:19 PM
AT&T prefers this as written without the optional language.

- 1
2 - Add new Sect. 2-522 to read as follows:
3

4 **Sect. 2-522 Requirements for New Utility Distribution or Transmission Poles and their**
5 **Associated Facilities** *[Advertise with the Option to Delete this Section entirely*
6 *or to adopt any one or any combination of alternatives below.]*
7

8 **Alternative A for Sect. 2-522:**
9


10 New Utility Distribution or Transmission Poles not more than 50 feet in height with attached
11 facilities are exempt from this Ordinance, except that they remain subject to any applicable
12 building permit requirements of the County and any associated facilities installed on the poles
13 remain subject to any applicable zoning requirements.
14


15 **Alternative B for Sect. 2-522:**
16

- 17 1. New Utility Distribution or Transmission Poles not more than 50 feet in height with attached
18 facilities that are proposed to be located within the street or utility easement are exempt
19 from this Ordinance, except that they remain subject to any applicable building permit
20 requirements of the County and any associated facilities installed on the poles remain
21 subject to any applicable zoning requirements.
22
- 23 2. New Utility Distribution or Transmission Poles not more than 50-feet in height with
24 attached facilities that do not qualify as administrative review-eligible projects under Sect.
25 2-519 are required to obtain special exception approval under Part 1 of Article 9.
26 *[Advertised with the option to delete this provision and not require a special exception for*
27 *any new structure under this section but still require Zoning Administrator approval of*
28 *any new structure and ARB review of any new structure proposed to locate in a historic*
29 *district.]*
30

31 **Alternative C for Sect. 2-522:**
32

- 33 1. Wiring, Cables, and Conduit Requirements
34
- 35 A. All wiring and cables must be firmly secured to the utility distribution or transmission
36 pole (referred to in this section as “new structure”).
37
- 38 B. All mounting brackets and wiring, cables, and conduits that are not located in a fully
39 enclosed structure must be the same color as, or otherwise demonstrated to match or
40 blend with, the new structure on which they are mounted.
41
- 42 C. Spools or coils of excess fiber optic or cables or any other wires may not be stored on
43 the new structure except completely within approved enclosures or cabinets.
44
- 45 2. Equipment and Facilities
46

 Number: 1 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:49:54 PM
AT&T prefers Alternative A.

 Number: 2 Author: gn452m Subject: Sticky Note Date: 2/25/2019 3:51:20 PM
If Alternative B is selected, AT&T prefers deleting the requirement for special exception approval but keeping the Zoning Administrator approval and ARB review.

1 A. All equipment and support structures located on the new structure:

- 2
3 (1) Must be the same color or material as the new structure and covered by rust-proof
4 treatment or materials.
5
6 (2) Must be flush mounted to the new structure or supported by mounting brackets.
7
8 (3) The support brackets may not extend beyond the new structure by more than eight
9 inches.


10
11 B. Ground-mounted equipment associated with a new structure or as otherwise required
12 in this Ordinance is subject to the following:

- 13
14 (1) Each provider is limited to no more than one equipment structure associated with
15 each new structure.
16
17 (2) May not exceed 12 feet in height or 500 square feet of gross floor area. [Advertised
18 to allow the Board to consider any maximum equipment size from 100 to 750 sq.
19 ft. of GFA and from 8 to 12 feet in height.]
20
21 (3) Must be located a minimum distance of 10 feet from all lot lines or street right-of-
22 way lines.
23
24 (4) Notwithstanding the fence/wall height limitations of Sect. 10-104, the equipment
25 must be screened by a solid fence, wall or berm 8 feet in height, an evergreen hedge
26 with an ultimate height of 8 feet and a planted height of 48 inches, or an 8-foot-tall
27 fence, wall, berm and/or landscaping combination.

28
29 Equipment located within an existing principal or accessory structure, or equipment
30 designed as a bench, mailbox, light pole, or other structure exempt from the minimum
31 yard requirements under Par. 2 of Sect. 2-104, is not subject to the provisions of this
32 paragraph.

33
34 C. Any antennas and associated mounting must be enclosed in a canister or other enclosure
35 or provide other means of fully mitigating visual impacts.

- 36
37 3. All new structures under this section must be constructed of materials and colors designed
38 to match or closely replicate existing utility poles within the same right-of-way or line of
39 poles.
40
41 4. The minimum horizontal distance between any new structure under this section and any
42 other existing, or permitted but unconstructed, utility distribution or transmission pole is
43 not less than 300 feet. [Advertised to allow the Board to consider any distance from 0 to
44 500 feet or to eliminate this provision altogether.]
45
46 5. The Zoning Administrator may disapprove an application for a new structure if it is

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AT&T prefers this section as written.

1 proposed to be located in an area where all cable and public utility facilities are encouraged
 2 to be undergrounded as part of a transportation improvement project or rezoning
 3 application proceeding as set forth in the Comprehensive Plan objectives and: *[Advertised*
 4 *to make the Zoning Administrator's disapproval of such an application mandatory, or*
 5 *eliminate this Par. 5 in its entirety.]*

6
 7 A. The undergrounding requirement or objective existed at least three months before
 8 submission of the application for the new structure;

9
 10 B. Co-location of wireless facilities is still permitted on existing utility poles, government-
 11 owned structures with government consent, existing wireless support structures, or
 12 buildings within that area;

13
 14 C. Replacement of existing utility poles and wireless support structures with poles or
 15 support structures of the same or smaller size within that area is permitted;

16
 17 D. Disapproval does not unreasonably discriminate between the applicant and other
 18 wireless service providers, wireless infrastructure providers, providers of
 19 telecommunications services, and other providers of functionally equivalent services;
 20 and.


21
 22 6. Any new structure that is approved by the Zoning Administrator under this paragraph may
 23 not have any above-ground wiring or cables that connect facilities on new structures to
 24 electricity or facilities on other structures. Any such wiring or cables must be placed
 25 underground, unless there are existing above-ground cables in the immediate vicinity of
 26 the new structure.


27
 28 7. Any application for a new structure that is proposed to be located in a Historic District is
 29 subject to review by the Architectural Review Board in accordance with Article 7 of this
 30 Ordinance. *[Advertised with the option to delete this provision.]*

31
 32 - **Add new Sect. 2-523 to read as follows:**

33
 34 **Sect. 2-523 Wireless Facilities Definitions**

35
 36 The following terms contained in Sect. 2-514, Sect. 2-519, 2-520, Sect. 2-522 and elsewhere
 37 in the Ordinance are defined in Sect. 15.2-2316.3 of the *Code of Virginia*: administrative
 38 review-eligible project, co-locate, existing structure, new structure, project, small cell facility,
 39 wireless facility, wireless infrastructure provider, wireless services provider, and wireless
 40 support structure; however, the term small cell facility as used in this Ordinance is expanded
 41 to include the placement of such facilities on certain new structures under Par. 2 of
 42 Sect. 2-519, above. Except as otherwise specified, the term associated support structures
 43 includes wireless support structures, existing structures, new structures, and administrative
 44 review-eligible project structures; however, the term does not include any structures that
 45 exceed 50 feet in height.
 46

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AT&T prefers this section as written or removed.

 Number: 2 Author: gn452m Subject: Sticky Note Date: 2/25/2019 4:01:53 PM
AT&T prefers the removal of this provision.

1
2 **Amend Article 3, Residential District Regulations, as follows:**

- 3
4 - **Amend Part A, R-A Rural Agricultural District, Sect. 3-A04, Special Exception Uses, by**
5 **deleting Par. 1A, adding new Par. 1C to read as follows, and re-lettering all affected**
6 **paragraphs accordingly.**

7
8 For specific Category uses, regulations and standards, refer to Article 9.

9
10 1. Category 1 – Light Public Utility Uses, limited to:

11
12 ~~A. Mobile and land based telecommunication facilities~~

13
14 C. Wireless facilities and associated support structures that are not subject to Sections
15 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

- 16
17 - **Amend Part 12, R-12 Residential District, Twelve Dwelling Units/Acre, Sect. 3-1202,**
18 **Permitted Uses, by deleting Par. 7, adding new Par. 8 to read as follows, and**
19 **re-numbering the affected paragraph accordingly.**

20
21 ~~7. Mobile and land based telecommunication facilities, subject to the provisions of~~
22 ~~Sect. 2-514.~~

23
24 8. Wireless Facilities and associated support structures, subject to the provisions of Sections
25 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

- 26
27 - **Amend Part 16, R-16 Residential District, Sixteen Dwelling Units/Acre, Sect. 3-1602,**
28 **Permitted Uses, by deleting Par. 7, adding new Par. 8 to read as follows, and**
29 **re-numbering the affected paragraph accordingly.**

30
31 ~~7. Mobile and land based telecommunication facilities, subject to the provisions of~~
32 ~~Sect. 2-514.~~

33
34 8. Wireless Facilities and associated support structures, subject to the provisions of Sections.
35 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

- 36
37 - **Amend Part 20, R-20 Residential District, Twenty Dwelling Units/Acre, Sect. 3-2002,**
38 **Permitted Uses, by deleting Par. 7, adding new Par. 8 to read as follows, and**
39 **re-numbering the affected paragraph accordingly.**

40
41 ~~7. Mobile and land based telecommunication facilities, subject to the provisions of~~
42 ~~Sect. 2-514.~~

43
44 8. Wireless Facilities and associated support structures, subject to the provisions of
45 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

46

- 1
2 - **Amend Part 30, R-30 Residential District, Thirty Dwelling Units/Acre, Sect. 3-3002, Permitted Uses, by deleting Par. 5, adding new Par. 6 to read as follows, and re-numbering the affected paragraph accordingly.**

3
4
5
6 ~~5. Mobile and land based telecommunication facilities, subject to the provisions of~~
7 ~~Sect. 2-514.~~

8
9 6. Wireless Facilities and associated support structures, subject to the provisions of Sections
10 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

11
12
13 **Amend Article 4, Commercial District Regulations, as follows:**

- 14
15 - **Amend Part 1, C-1 Low-Rise Office Transitional District, Sect. 4-102, Permitted Uses, by deleting Par. 4, adding new Par. 10 to read as follows, and re-numbering all affected paragraphs accordingly.**

16
17
18
19 ~~4. Mobile and land based telecommunication facilities, subject to the provisions of~~
20 ~~Sect. 2-514.~~

21
22 10. Wireless Facilities and associated support structures, subject to the provisions of Sections
23 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

- 24
25 - **Amend Part 2, C-2 Limited Office District, Sect. 4-202, Permitted Uses, by deleting**
26 **Par. 4, adding new Par. 10 to read as follows, and re-numbering all affected paragraphs**
27 **accordingly.**

28
29 ~~4. Mobile and land based telecommunication facilities, subject to the provisions of~~
30 ~~Sect. 2-514.~~

31
32 10. Wireless Facilities and associated support structures, subject to the provisions of Sections
33 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

34
35 **Amend Part 3, C-3 Office District, Sect. 4-302, Permitted Uses, by deleting Par. 9, adding**
36 **new Par. 17 to read as follows, and re-numbering all affected paragraphs accordingly.**

37
38 ~~9. Mobile and land based telecommunication facilities, subject to the provisions of~~
39 ~~Sect. 2-514.~~

40
41 17. Wireless Facilities and associated support structures, subject to the provisions of Sections.
42 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

- 43
44 - **Amend Part 4, C-4 High Intensity Office District, Sect. 4-402, Permitted Uses, by**
45 **deleting Par. 10, adding new Par. 19 to read as follows, and re-numbering all affected**
46 **paragraphs accordingly.**

1
2 ~~10. Mobile and land based telecommunication facilities, subject to the provisions of~~
3 ~~Sect. 2-514.~~

4
5 19. Wireless Facilities and associated support structures, subject to the provisions of Section
6 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

7
8 **Amend Part 5, C-5 Neighborhood Retail Commercial District, Sect. 4-502, Permitted**
9 **Uses, by deleting Par. 17, adding new Par. 30 to read as follows, and re-numbering**
10 **all affected paragraphs accordingly.**

11
12 ~~17. Mobile and land based telecommunication facilities, subject to the provisions of~~
13 ~~Sect. 2-514.~~

14
15 30. Wireless Facilities and associated support structures, subject to the provisions of Sections
16 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

17
18 - **Amend Part 6, C-6 Community Retail Commercial District, Sect. 4-602, Permitted Uses,**
19 **by deleting Par. 18, adding new Par. 36 to read as follows, and re-numbering all affected**
20 **paragraphs accordingly.**

21
22 ~~18. Mobile and land based telecommunication facilities, subject to the provisions of~~
23 ~~Sect. 2-514.~~

24
25 36. Wireless Facilities and associated support structures, subject to the provisions of
26 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

27
28 **Amend Part 7, C-7 Regional Retail Commercial District, Sect. 4-702, Permitted Uses, by**
29 **deleting Par. 23 adding new Par. 42 to read as follows, and re-numbering all affected**
30 **paragraphs accordingly.**

31
32 ~~23. Mobile and land based telecommunication facilities, subject to the provisions of~~
33 ~~Sect. 2-514.~~

34
35 42. Wireless Facilities and associated support structures, subject to the provisions of
36 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

37
38 - **Amend Part 8, C-8 Highway Commercial District, Sect. 4-802, Permitted Uses, by**
39 **deleting Par. 24, adding new Par. 44 to read as follows, and re-numbering all affected**
40 **paragraphs accordingly.**

41
42 ~~24. Mobile and land based telecommunication facilities, subject to the provisions of~~
43 ~~Sect. 2-514.~~

44
45 44. Wireless Facilities and associated support structures, subject to the provisions of
46 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

1
2
3 **Amend Article 5, Industrial District Regulations, as follows:**
4

- 5 - **Amend Part 1, I-1 Light Industrial Research District, Sect. 5-102, Permitted Uses, by**
6 **deleting Par. 6, adding new Par. 12 to read as follows, and re-numbering all affected**
7 **paragraphs accordingly.**
8

9 ~~6. Mobile and land based telecommunication facilities, subject to the provisions of~~
10 ~~Sect. 2-514.~~
11

12 12. Wireless Facilities and associated support structures, subject to the provisions of
13 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]
14

- 15 - **Amend Part 2, I-2 Industrial Research District, Sect. 5-202, Permitted Uses, by deleting**
16 **Par. 7, adding new Par. 13 to read as follows, and re-numbering all affected paragraphs**
17 **accordingly.**
18

19 ~~4. Mobile and land based telecommunication facilities, subject to the provisions of~~
20 ~~Sect. 2-514.~~
21

22 13. Wireless Facilities and associated support structures, subject to the provisions of
23 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]
24

- 25 - **Amend Part 3, I-3 Light Intensity Industrial District, as follows:**
26

- 27 - **Amend Sect. 5-302, Permitted Uses, by revising Par. 10, deleting Par. 11, adding new**
28 **Par. 18, renumbering all affected paragraphs accordingly, and to read as follows:**
29

30 10. Light public utility uses (Category 1), all uses except radio or television broadcasting
31 tower facilities, microwave facilities, satellite earth stations, and ~~mobile and land~~
32 ~~based telecommunication~~ wireless facilities and associated support structures.
33

34 ~~11. Mobile and land based telecommunication facilities, subject to the provisions of~~
35 ~~Sect. 2-514.~~
36

37 18. Wireless Facilities and associated support structures, subject to the provisions of
38 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]
39

- 40 - **Amend Sect. 5-304, Special Exception Uses, by revising Par. 1 to read as follows:**
41

42 1. Category 1 – Light Public Utility Uses, limited to:

43
44 A. ~~Mobile and land based telecommunication facilities~~
45

1 ~~BA.~~ Radio and television broadcasting tower facilities, microwave facilities and
2 satellite earth stations

3
4 B. Wireless facilities and associated support structures that are not subject to
5 Sections 2-515, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

6
7 - **Amend Part 4, I-4 Medium Intensity Industrial District, as follows:**

8
9 - **Amend Sect. 5-402, Permitted Uses, by revising Par. 12, deleting Par. 13, adding new**
10 **Par. 25, renumbering all affected paragraphs accordingly, and to read as follows:**

11
12 12. Light public utility uses (Category 1), all uses except radio or television broadcasting
13 tower facilities, microwave facilities, satellite earth stations, and ~~mobile and land~~
14 ~~based telecommunication~~ wireless facilities and associated support structures.

15
16 ~~13. Mobile and land based telecommunication facilities, subject to the provisions of~~
17 ~~Sect. 2-514.~~

18
19 25. Wireless Facilities and associated support structures, subject to the provisions of
20 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

21
22 - **Amend Sect. 5-404, Special Exception Uses, by revising Par. 1 to read as follows:**

23
24 1. Category 1 – Light Public Utility Uses, limited to:

25
26 ~~A. Mobile and land based telecommunication facilities~~

27
28 BA. Radio and television broadcasting tower facilities, microwave facilities and
29 satellite earth stations

30
31 B. Wireless facilities and associated support structures that are not subject to
32 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

33
34 - **Amend Part 5, I-5 General Intensity Industrial District, as follows:**

35
36 - **Amend Sect. 5-502, Permitted Uses, by revising Par. 13, deleting Par. 15, adding new**
37 **Par. 32, renumbering all affected paragraphs accordingly, and to read as follows:**

38
39 13. Light public utility uses (Category 1), all uses except radio or television broadcasting
40 tower facilities, microwave facilities, satellite earth stations, and ~~mobile and land~~
41 ~~based telecommunication~~ wireless facilities and associated support structures.

42
43 ~~15. Mobile and land based telecommunication facilities, subject to the provisions of~~
44 ~~Sect. 2-514.~~

45

1 32. Wireless Facilities and associated support structures, subject to the provisions of
 2 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

3
 4 - **Amend Sect. 5-504, Special Exception Uses, by revising Par. 1 to read as follows:**

5
 6 1. Category 1 – Light Public Utility Uses, limited to:

7
 8 A. ~~Mobile and land based telecommunication facilities~~

9
 10 BA. Radio and television broadcasting tower facilities, microwave facilities and
 11 satellite earth stations

12
 13 B. Wireless facilities and associated support structures that are not subject to
 14 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

15
 16 - **Amend Part 6, I-6 Heavy Industrial District, as follows:**

17
 18 - **Amend Sect. 5-602, Permitted Uses, by revising Par. 16, deleting Par. 18, adding new**
 19 **Par. 33, renumbering all affected paragraphs accordingly, and to read as follows:**

20
 21 16. Light public utility uses (Category 1), all uses except radio or television broadcasting
 22 tower facilities, microwave facilities, satellite earth stations, and ~~mobile and land~~
 23 ~~based telecommunication~~ wireless facilities and associated support structures.

24
 25 ~~18. Mobile and land based telecommunication facilities, subject to the provisions of~~
 26 ~~Sect. 2-514.~~

27
 28 33. Wireless Facilities and associated support structures, subject to the provisions of
 29 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]

30
 31 - **Amend Sect. 5-604, Special Exception Uses, by revising Par. 1 to read as follows:**

32
 33 1. Category 1 – Light Public Utility Uses, limited to:

34
 35 A. ~~Mobile and land based telecommunication facilities~~

36
 37 BA. Radio and television broadcasting tower facilities, microwave facilities and
 38 satellite earth stations


39
 40 B. Wireless facilities and associated support structures that are not subject to
 41 Sections 2-514, 2-519 or 2-520. [Advertised an option to add Sect. 2-522.]


42
 43
 44 **Amend Article 7, Overlay and Commercial Revitalization District Regulations, Part 2,**
 45 **Historic Overlay Districts, Sect. 7-204, Administration of Historic Overlay District**
 46 **Regulations, by revising Par. 1; introductory paragraph to Par. 3; Par. 3D; introductory**

1 paragraph to Par. 5; Paragraphs 5A, 5C and 5F; introductory paragraph to Par. 6; Par. 6K,
2 and Paragraphs 7 and 8 to read as follows:

3
4 ²*Advertise option to delete required ARB review of utility distribution or transmission poles 50*
5 *feet or lower and their associated facilities if they are permitted by right under Alt. A of*
6 *Sect. 2-522.]*

- 7
8 1. All applications for rezoning, special exception, special permit, variance, sign permits,
9 building permits, as qualified below, and all site plans, subdivision plats, grading plans, and
10 ~~small cell facility permits~~ applications for any new utility distribution or transmission poles
11 and their associated facilities, as qualified below, ~~shall~~ must be referred to the ARB for its
12 review and recommendation or decision in accordance with the provisions of this Part.
13
14 3. ARB approval ~~shall be~~ is required ~~prior to~~ before the issuance of Building Permits by the
15 Director and approval of sign ~~or small cell facility~~ permits by the Zoning Administrator, and
16 the ARB may review and provide a recommendation regarding applications for new utility
17 distribution or transmission poles or their associated facilities, in accordance with ~~for~~ the
18 following:
19
20 D. Small Cell Facility Zoning Permits or Zoning Approvals for the installation of any small
21 cell facility, as defined in Sect. 2-519, on an existing structure new utility distribution
22 or transmission poles or their associated facilities located on, adjacent to, or visible from
23 a major thoroughfare, historic byway, road listed or determined to be eligible for listing
24 in the National Register, or a contributing or historic property in a Historic Overlay
25 District. The ARB will recommend approval or denial of any ~~such small cell facility~~
26 permit application no later than ~~forty-five (45) days~~ after it a complete application is
27 filed with the Department of Planning and Zoning. If such recommendation is not
28 rendered within that time, forty-five (45) days, the Zoning Administrator ~~will make the~~
29 ~~decision without a recommendation from the ARB~~ may consider the recommendation
30 of the ARB in making the final decision on the permit, provided that the
31 recommendation is made within any applicable deadline under local, state, or federal
32 law for action on such permit application.
33
34 5. ARB procedures for the review of Building Permits, sign permits, ~~and small cell facility~~
35 ~~permits~~ applications for new utility distribution or transmission poles or their associated
36 facilities (“utility facility application”), as required by Par. 3 above, shall be in accordance
37 with the following:
38
39 A. The applicant ~~shall~~ must forward to the ARB copies of the Building Permit, sign or ~~small~~
40 ~~cell facility permit~~ utility facility application, including any accompanying materials
41 filed with such application;
42
43 C. In reviewing applications, the ARB ~~shall~~ must not make any requirements except for the
44 purpose of preventing developments architecturally incompatible with the historic
45 aspects of the Historic Overlay District. The ARB ~~shall~~ will consider the following in
46 determining the appropriateness of architectural features:

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AT&T prefers this option.

 Number: 2 Author: gn452m Subject: Highlight Date: 2/25/2019 4:02:27 PM

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46
- (1) The exterior architectural features, including all signs, which are visible from a public right-of-way or contributing or historic property;
 - (2) The general design, size, arrangement, texture, material, color and fenestration of the proposed building, structure, or ~~small-cell~~ utility facility and the relation of such factors to similar features of historic or contributing buildings or structures within the Historic Overlay District;
 - (3) The extent to which the building, structure, ~~small-cell~~ utility facility, or sign would be harmonious with or architecturally incompatible with historic or contributing buildings or structures within the district;
 - (4) The extent to which the building or structure will preserve or protect historic places and areas of historic significance in the County;
 - (5) The extent to which the building or structure will promote the general welfare of the County and all citizens by the preservation and protection of historic places and areas of historic interest in the County.
- F. The ARB, on the basis of the information received from the applicant and from its general background and knowledge, and upon application of the appropriate criteria set forth in this Par. 5 and Par. 7 below shall approve, approve with modifications, or disapprove the application. If the ARB approves or approves with modification the application, it shall authorize the Director to issue the Building Permit or the Zoning Administrator to approve the sign permit. If the ARB disapproves the application, it shall so notify the applicant and the Director or the Zoning Administrator. With respect to ~~small-cell~~ utility facility permit applications, the ARB will make its recommendation of approval or disapproval to the Zoning Administrator, who will then decide whether to issue the permit based on the application as a whole and including the ARB's recommendation.
6. For all applications and plans subject to ARB review, the ARB may require the submission of any or all of the following information and any other materials as may be deemed necessary for its review.
- K. With respect to ~~small-cell facility~~ permit applications for new utility distribution or transmission poles or their associated facilities, the ARB may request submission of photographic simulations of the proposed facility as it would appear on the existing structure; schematic drawings showing the color, proposed material, and scale of the proposed facility relative to the existing structure; or other similar materials that will assist the ARB in timely reviewing such permit applications.
7. To facilitate the review of applications, the ARB ~~shall~~ will formulate and adopt guidelines for ~~the installation of small-cell facilities on existing structures or~~ the new construction and the exterior alteration of existing buildings, structures, and sites located within Historic

1 Overlay Districts based on the standards below. The ARB may also formulate and adopt
 2 recommendations for the installation of new utility distribution or transmission poles or their
 3 associated facilities based solely on the standards below.

- 4
 5 8. Approval authorizing issuance of a Building Permit or a sign permit by the ARB, or Board
 6 of Supervisors on appeal as provided for below, ~~shall~~ will be valid for two (2) years or for
 7 such longer period as may be deemed appropriate by the approving body from the date of
 8 approval or from December 6, 1994 whichever occurs later, and shall continue for the life of
 9 the Building Permit or sign permit. Approval of ~~a small cell facility~~ new utility distribution
 10 or transmission poles or their associated facilities ~~shall~~ will remain valid unless it is subject
 11 to removal under Sect. 2-519 or is otherwise required to be removed by state or federal law.

12 However, if no Building Permit or sign permit has been issued within the initial approval
 13 period, the ARB may grant an extension of the approval for a period not to exceed one (1)
 14 year provided the applicant requests an extension prior to the original expiration date and the
 15 ARB finds that the proposed project and conditions within the Historic Overlay District are
 16 essentially the same as when the approval was first granted.

17
 18
 19 **Amend Article 9, Special Exceptions, Part 1, Light Public Utility Uses, as follows:**

- 20
 21 - **Amend Sect. 9-101 Category 1 Special Exception Uses, by revising Paragraphs 5 and 6,**
 22 **deleting Par. 8, and adding a new Par. 9 to read as follows:**


23
 24 5. Telecommunication facilities, including central offices and repeat stations, but not
 25 including ~~ordinary~~ telephone or telegraph transmission poles and lines ~~located in public~~
 26 ~~rights-of-way or easements of not more than twenty-five (25) feet in width that comply~~ 1
 27 with Sect. 2-522. [Advertised with an option to require a special exception for any
 28 poles and lines that comply with Sect. 2-522 but are located outside of the right-of-
 29 way and/or in a historic overlay district.]


30
 31 6. Utility transmission facilities, including but not limited to ~~poles, structures, wires,~~
 32 ~~conduits, cables,~~ vaults, laterals, pipes, mains, valves or other similar equipment for the
 33 transmission of telephone or other communication, electricity, gas or water, but not
 34 including poles, wires, cables, and conduits that comply with Sect. 2-522. [Advertised 2
 35 with an option to require an SE for any poles and lines that comply with Sect. 2-522
 36 but are located outside of the right-of-way and/or in a historic overlay district.]

37 For the purpose of this Part, utility transmission facilities ~~shall~~ do not include:
 38 Transmission lines approved by the State Corporation Commission pursuant to Sect. 56-
 39 46.1 of the Code of Virginia, as amended.

40
 41 ~~A. Ordinary distribution facilities for delivery of such utilities to customers where such~~
 42 ~~facilities are located in the public right-of-way or are located in easements, or strips~~
 43 ~~of property owned in fee simple not more than twenty-five (25) feet in width; or~~

44
 45 ~~B. Transmission lines approved by the State Corporation Commission pursuant to~~
 46 ~~Sect. 56-46.1 of the Code of Virginia, as amended.~~

 Number: 1 Author: gn452m Subject: Sticky Note Date: 2/25/2019 4:03:21 PM
AT&T prefers this text as written without the advertised option.

 Number: 2 Author: gn452m Subject: Sticky Note Date: 2/25/2019 4:03:26 PM
AT&T prefers this text as written without the advertised option.

1
2 8. ~~Mobile and land based telecommunication facilities.~~

3
4 9. Wireless facilities and associated support structures.

5
6 - **Amend Sect. 9-102 Districts in Which Category 1 Uses May be Located, to read as**
7 **follows:**

8
9 1. Category 1 uses may be permitted by right in the following districts:

10
11 R-12, R-16, R-20, R-30 Districts: Limited to use ~~8~~ 9

12
13 All P Districts: All uses when represented on an approved development plan or as
14 permitted by Sect. 2-514

15
16 All C Districts: Limited to uses 5 and ~~8~~ 9

17
18 I-1, I-2 Districts: Limited to uses 5 and ~~8~~ 9

19 I-3, I-4, I-5, I-6 Districts: Limited to uses 1, 2, 4, 5, 6, 7 and ~~8~~ 9

20
21 2. Category 1 uses may be allowed by special exception in the following districts:

22
23 R-A District: Limited to uses 5, 6, 7 and ~~8~~ 9

24 All other R Districts: All uses

25
26 All C Districts: All uses

27 I-I District: Limited to use 4

28 I-1, I-2 Districts: All uses

29 I-3, I-4, I-5, I-6 Districts: Limited to uses 3 and ~~8~~ 9

30
31 - **Amend Sect. 9-105 to read as follows:**

32
33 **9-105 Additional Standards for ~~Mobile and Land Based Telecommunication~~ Wireless**
34 **Facilities**

35
36 Wireless facilities and their associated support structures that do not meet the
37 provisions of Sect. 2-514, Sect. 2-519, 2-520, or Sect. 2-522 are Standard Process
38 Projects under Sect. 15.2-2316.3 of the Code of Virginia and are subject to the
39 following standards:

40
41 1. Except for antennas completely enclosed within a structure, all antennas and their
42 supporting mounts ~~shall~~ must be of ~~a material or the same color that as, or~~
43 otherwise demonstrated to closely matches match and ~~blends~~ blend with the
44 structure on which it is mounted.
45

- 1 2. ~~Except for a flag mounted on a flagpole as permitted under the provisions of Par.~~
2 ~~2 of Sect. 12-203, no~~ Commercial advertising or signs ~~shall be~~ are not allowed on
3 any monopole, tower, antenna, antenna support structure, or related equipment
4 cabinet or structure.
5
6 3. If any additions, changes or modifications are to be made to monopoles or towers,
7 the Director ~~shall have~~ has the authority to require proof, through the submission
8 of engineering and structural data, that the addition, change, or modifications
9 conforms to structural wind load and all other requirements of the Virginia
10 Uniform Statewide Building Code.
11
12 4. ~~No~~ Signals, lights or illumination ~~shall be~~ are not permitted ~~on an antenna~~ unless
13 required by the Federal Communications Commission, the Federal Aviation
14 Administration or the County; provided, however, that on all antenna structures
15 which ~~that~~ exceed 100 feet in height, a steady red marker light ~~shall~~ must be
16 installed and operated at all times, unless the Zoning Administrator waives the
17 red marker light requirement upon a determination by the Police Department that
18 such marker light is not necessary for flight safety requirements for police and
19 emergency helicopter operations. All such lights ~~shall~~ must be shielded to prevent
20 the downward transmission of light.
21
22 5. All antennas and related equipment cabinets or structures ~~shall~~ must be removed
23 within 120 days after such antennas or related equipment cabinets or structures
24 are no longer in use.
25
26 6. Any antennas, equipment, and associated support structures that are clearly
27 depicted on the special exception plat may be approved as part of the wireless
28 facility and would not be subject to a separate small cell facility permit or an
29 administrative review-eligible permit that would otherwise be required for such
30 installations.

31
32
33 **Amend Article 18, Administration, Amendments, Violations and Penalties, Part 1,**
34 **Administration, Sect. 18-106, Application and Zoning Compliance Letter Fees, by revising**
35 **the Category 1 special exception fee in Par. 1, revising Par. 12, and adding a new Par. 14 to**
36 **read as follows:**

37
38 All appeals and applications as provided for in this Ordinance and requests for zoning compliance
39 letters ~~shall~~ must be accompanied by a filing fee in the amount to be determined by the following
40 paragraphs unless otherwise waived by the Board for good cause shown; except that no fee ~~shall~~
41 is be required where the applicant is the County of Fairfax or any agency, authority, commission
42 or other body specifically created by the County, State or Federal Government. All fees ~~shall~~ must
43 be made payable to the County of Fairfax. Receipts therefore ~~shall~~ will be issued in duplicate, one
44 (1) copy of which receipt ~~will~~ shall be maintained on file with the Department of Planning and
45 Zoning.
46

1 1. Application for a variance, appeal, special permit or special exception:

2
3 Application for a:

4
5 Category 1 special exception \$16375

6
7 **Note:** Category 1 uses that are standard process projects under Sect. 15.2-2316.4:1 of the
8 Code of Virginia are subject to Par. 14 below.

9
10 12. Reviews required to comply with Sect. 15.2-2232 of the Code of Virginia, as provided for
11 in this Ordinance:

12
13 2232 Review with public hearing: \$1500

14
15 2232 Feature Shown without public hearing: \$750

16
17 2232 Review with other rezoning, special permit or special exception: \$0

18
19 2232 Feature Shown for Distributed Antenna Systems (DAS): \$750

20
21 **Note:** For purposes of computing fees for DAS, there ~~shall~~ will be a \$750 fee for the first
22 node, a \$100 fee for each node thereafter, and a maximum of 20 nodes per single
23 application.

24
25 For public facilities requiring review under Sect. 15.2-2232 that are also subject to
26 Sect. 15.2-2316.4:1 of the Code of Virginia, only Par. 14 below applies.

27
28 14. Reviews required to comply with Sect. 15.2-2316.4:1 of the Code of Virginia, as provided
29 for in this Ordinance, and Sect. 15.2-2232 of the Code of Virginia:

30
31 Administrative Review-Eligible Project: \$500

32
33 Standard Process Project: \$6200

34
35
36 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3 Definitions,**
37 **by deleting the Mobile and Land Based Telecommunication Facility and Small Cell Facility**
38 **definitions; by revising the Telecommunication Facility and the Utility Distribution or**
39 **Transmission Pole definitions; renaming and revising the Mobile and Land Based**
40 **Telecommunication Hub Site definition to be a Wireless Telecommunication Hub; and by**
41 **placing all definitions in correct alphabetical sequence, all to read as follows:**

42
43 ~~MOBILE AND LAND BASED TELECOMMUNICATION FACILITY: Omnidirectional and~~
44 ~~directional antennas such as whip antennas, panel antennas, cylinder antennas, microwave dishes,~~
45 ~~and receive only satellite dishes and related equipment for wireless transmission with low wattage~~
46 ~~transmitters not to exceed 500 watts, from a sender to one or more receivers, such as for mobile~~

1 cellular telephones and mobile radio system facilities. Such antennas and equipment, due to
 2 cumulative volume on a single structure or in a single location, exceed the limits set forth in Sect.
 3 2-519. For the purposes of this Ordinance, a mobile and land-based telecommunication facility
 4 shall include those facilities subject to the provisions of Sect. 2-514 of this Ordinance and/or Sect.
 5 15.2-2232 of the *Code of Virginia*, including, monopoles and telecommunication towers. A mobile
 6 and land-based telecommunication facility does not include a SMALL CELL FACILITY.

7
 8 ~~MOBILE AND LAND-BASED WIRELESS TELECOMMUNICATION HUB SITE:~~ An
 9 equipment cabinet or structure that serves a ~~mobile and land-based telecommunication~~ wireless
 10 facility system when there are no antennas located on the same lot as the equipment cabinet or
 11 structure.

12
 13 ~~SMALL CELL FACILITY:~~ A type of ~~WIRELESS FACILITY~~, as defined in Sect. 15.2-2316.3
 14 of the *Code of Virginia*, that includes antennas and associated equipment installed on an existing
 15 structure. The antennas and equipment associated with a small cell facility may be of the same
 16 type as a Mobile and Land-Based Telecommunication Facility under this Ordinance, but must meet
 17 all cumulative volume and other requirements of Sect. 2-519. Any wireless facility that does not
 18 meet all of the provisions contained in Sect. 2-519 will not be deemed a small cell facility, but will
 19 be deemed a MOBILE AND LAND-BASED TELECOMMUNICATION WIRELESS FACILITY
 20 and subject to Sect. 2-514.

21
 22 TELECOMMUNICATION FACILITY: Facilities that process information through the use of
 23 TELECOMMUNICATION, including telephone or telegraph central offices and repeat stations.
 24 For the purposes of this Ordinance, a ~~MOBILE AND LAND-BASED TELECOMMUNICATION~~
 25 FACILITY, WIRELESS FACILITY, a SMALL CELL FACILITY, a radio and television
 26 broadcasting tower facility, microwave facility, or a SATELLITE EARTH STATION will not be
 27 deemed a telecommunication facility.

28
 29 UTILITY DISTRIBUTION OR TRANSMISSION POLE: A utility distribution or transmission
 30 pole is a ground-mounted self-supporting vertical structure made of fabricated metal, treated wood
 31 or concrete used to elevate electrical and communication distribution lines, and antennas, and
 32 related facilities and equipment to a suitable height, whose primary function is the support of wires,
 33 conductors, and associated apparatus used for the distribution of electrical energy, ~~and/or land line~~
 34 communication signals, or other similar utilities.