

AN ORDINANCE TO AMEND THE
CODE OF THE COUNTY OF DINWIDDIE, 1985, AS AMENDED,

BY AMENDING ARTICLE IX, WIRELESS TELECOMMUNICATIONS FACILITIES

CHAPTER 22, ZONING

BE IT RECOMMENDED by the Planning Commission of Dinwiddie County:

(1) That Chapter 22 of the Code of the County of Dinwiddie, 1985, as amended, is amended by inserting the following language shown underlined and deleting the following language marked as strikethrough:

ARTICLE IX. - WIRELESS TELECOMMUNICATION FACILITIES

Sec. 22-268. - Definitions.

For the purpose of interpreting this article, the following definitions shall apply: ~~except where a different definition is provided by section 22-274.1 for section 22-274.1 only:~~

- (1) *Abandonment*. Any component of a wireless telecommunication facility (e.g., antenna support structure, antenna, cable, equipment shelter, etc.) is deemed abandoned when not utilized for the provision of wireless service for a period of 12 consecutive months.
- (2) *Above ground level (AGL)*. Refers to the distance measured from ground level at the base of a structure to the highest point or an object on the structure.
- (3) "Administrative review-eligible project" means a project that provides for:

1. The installation or construction of a new structure that is not more than 50¹ feet above ground level, provided that the structure with attached wireless facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35 percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on undergrounding projects since 1980; and (iv) designed to support small cell facilities; or

2. The co-location on any existing structure of a wireless facility that is not a small cell facility.

- ~~(3)(4) *Antenna*. Any exterior electronic device used for the transmission or reception of radio frequency signals designed for telephonic, radio, satellite, or television communications.~~

Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

¹ Va Code §15.2-2316.3 defines an administrative review-eligible project as not more than 50 ft. AGL. Can be increased if desired policy.

- (4) (5) *Antenna support structure.* Any structure designed for the primary purpose of supporting one or more antennas including but not limited to self-supporting lattice towers, guyed towers, and monopoles.
- (5)(6) *Applicant.* Any entity requesting approval to construct/install wireless telecommunication facilities through the county's permitting process.
- (6) (7) *Balloon test.* A technique utilizing a balloon to demonstrate the height above ground of a proposed antenna support structure.
- (8) *Base station.* A station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.
- (7) (9) *Co-location.* The shared use of an antenna support structure by two or more wireless service providers or other entities operating antennas.
Co-locate. To install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.
- (8) (10) *Entity.* Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
- (9) *Existing facility.* Any existing or proposed wireless telecommunication facility for which a valid county permit has been issued.
- (11) *Existing structure or facility.* Any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to the county of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" 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, signs, and water towers.
- (10) (12) *Fall zone.* An area within a radius equal to the height of the antenna support structure within which there is a potential hazard from falling debris or collapsing material. A fall zone is distinct from a setback.
- (11) (13) *Federal Aviation Administration (FAA).* An agency of the federal government that regulates all activities affecting air navigation.
- (12) (14) *Federal Communications Commission (FCC).* An agency of the federal government that regulates all intrastate, interstate, and international wire, wireless, satellite, and cable communications.
- (15) *Micro-wireless facility.* A small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, of not larger than 11 inches.
- (13) *Mini/micro-cell.* An antenna support structure not exceeding 80 feet in height.
- (14) (16) *Mitigate.* To reduce or eliminate adverse impacts.
- (15) (17) *Property owner.* Any entity with fee simple title to any plot of land within the county.
- (16) (18) *Secondary support structure.* Any structure designed primarily for other purposes that can be utilized to support antennas including but not limited to buildings, power transmission towers, church steeples, light poles, water storage tanks, smoke stacks, and silos.
- (19) *Small cell facility.* A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six 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 cubic feet and (ii) all other wireless

equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

- (20) Standard process project. Means any project other than an administrative review-eligible project.²
- (17) ~~(21)~~ Stealth technique. Any technique designed to conceal or disguise wireless telecommunication facilities.
- (18)~~(22)~~ Structural engineer. An individual or firm licensed to practice structural engineering by the Commonwealth of Virginia.
- (19) ~~(23)~~ Tower developer. Any entity that develops structures for the purpose of leasing space to entities operating antennas.
- (24) Utility pole. A structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.
- (25) Water tower. A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.
- (26) Wireless broadband support structure. A pole or support structure 60 ³feet and under in height utilized to support a broadband amplifier to provide broadband internet to residences on same or adjoining parcel.
- (27) Wireless facility. Equipment at a fixed location that enables wireless communications between user equipment and a communication network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
- (28) Wireless infrastructure provider. Any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.
- (29) Wireless services means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.
- (20) ~~(30)~~ Wireless service provider. Any entity providing commercial mobile radio services.
A provider of wireless services.
- (31) Wireless support structure. A freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any

² Standard process projects will require a cup under this ordinance.

³ Tyler communicated that the broadband project amplifiers would likely be under 60 ft. This will exempt these towers from review.

telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

- (24) ~~(32)~~ *Wireless telecommunication facility.* All infrastructure and equipment including but not limited to antenna support structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground systems, fencing, signage and other ancillary equipment associated with the transmission or reception of wireless transmissions.

(Ord. of 10-2-02; Ord. of 9-19-17 [A-17-11], § (1))

Sec. 22-269. - Purpose and intent.

The purpose of this article is to establish general guidelines for the siting and design of wireless telecommunication facilities. The goals of this article are to:

1. Accommodate the provision of wireless telecommunication services to county residents, businesses, visitors, and travelers;
2. Facilitate the location of wireless telecommunication facilities in areas where the adverse impact on the community is minimal;
3. Maximize the use of existing structures;
4. Make available public property to facilitate the deployment of wireless telecommunication facilities;
5. Minimize adverse visual effects of wireless telecommunication facilities through careful siting and design; and
6. Minimize adverse impacts on the natural, scenic, environmental, historic, cultural, and recreational resources of the county.

(Ord. of 10-2-02)

Sec. 22-270. - Conditional use permit required.

- (1) Except as provided below in paragraphs ~~(2)~~ ~~(3)~~ and ~~(4)~~, all standard process project wireless telecommunication facilities require a conditional use permit, obtained in accordance with the provisions of this chapter.
- ~~(2)~~ —A conditional use permit shall not be required for the placement of antennas on an existing secondary support structure provided that the antenna does not increase the overall height of the structure by more than ten feet.
- ~~(3)~~ ~~(2)~~ Extensions to an existing antenna support structure to accommodate the placement of antennas will require a conditional use permit.
- ~~(2)~~ ~~(3)~~ A conditional use permit shall not be required for the placement of antennas on an existing secondary support structure provided that the antenna does not increase the overall height of the structure by more than ten feet.
- (4) The regulations set forth herein shall govern the siting and design of all wireless telecommunication facilities unless specifically excluded as follows:
 - (a) *Amateur radio.* The requirements set forth in this ordinance shall govern amateur radio station operations in accordance with § 15.2-2293.1 of the Code of Virginia, 1950, as amended.
 - (b) *Television reception antennas.* The requirements set forth in this article shall not govern television reception antennas that are less than 35 feet AGL and used exclusively for noncommercial purposes.

- (c) *Satellite earth station antennas.* The requirements set forth in this article shall not govern ground-mounted satellite earth station antennas that are less than ten feet AGL, are less than six feet in diameter, and used exclusively for noncommercial purposes.
- (d) *Public safety/service radio.* County owned or operated wireless facilities are exempt from the requirements of this article but are expected to adhere, to the extent reasonably possible, to the goals described herein.
- (e) Wireless broadband support structure. The requirements set forth in this article shall not govern wireless broadband support structures that are 60 feet or less AGL.

The board of supervisors, shall consider as a minimum, the following factors in determining whether to issue a conditional use permit:

1. Structure height;
2. Structure design;
3. RF coverage objectives;
4. Compatibility with surrounding land uses;
5. Surrounding topography;
6. Surrounding tree cover and foliage;
7. Design of wireless facilities (Design characteristics that have the effect of reducing or eliminating adverse visual effects are preferred.);
8. Site access;
9. Utilization of existing structures;
10. Co-location policy;
11. Proximity to airports, airfields, or landing strips;
12. Impact on natural, scenic, environmental, historic, cultural, and recreational resources; and
13. Consistency with the comprehensive plan and the purposes to be served by zoning.

(Ord. of 10-2-02)

Sec. 22-271. - ~~Administrative review process.~~ Standard process project review.

The applicant for a standard process review project, shall submit a preliminary site plan to the department of planning for ~~administrative review~~. Scaled drawings showing plan and elevation view, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, equipment, utilities, grounding, topography, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed necessary to assess the siting and design shall be included.

- (1) The site plan shall be approved only if the following minimum standards are met:
 - a. Antennas attached to a secondary support structure shall not increase the overall height of the structure by more than ten feet.
 - b. Antennas and mounting brackets shall be of a color and/or screened to blend with the structure or surrounding environment, as determined by the director of planning or his/her designee.
 - c. A statement from an electrical engineer licensed by the Commonwealth of Virginia that the cumulative effect of all existing and proposed antennas will not result in a ground level exposure of non-ionizing electromagnetic radiation (NIER) which exceeds the lowest applicable exposure standards established by the FCC.

- d. Structural analysis performed by a structural engineer licensed engineer by the Commonwealth of Virginia certifying the structural capacity to support the proposed loading in accordance with the latest revision of ANSI EIA/TIA-222.
- (2) ~~Replacement or modification of an existing antenna support structure shall be approved through the administrative review process provided that:~~
- a. ~~The antenna support structure, as replaced, does not exceed the height of the existing structure.~~
 - b. ~~All landscaping requirements in this article are met.~~
 - c. ~~All new structures and buildings installed in conjunction with the replacement of the tower meet all applicable standards for this chapter.~~
 - d. ~~The application for approval of the site plan contains all applicable information, reports, and evidence required under section 22-273.~~
- (3) ~~Co-location of antenna by a telecommunications service provider on an existing antenna support structure shall be an administrative review eligible project and approved provided that:~~
- a. ~~There is no increase in height of the existing tower.~~
 - b. ~~The number of service providers on the tower does not exceed the number permitted by this article.~~
 - c. ~~The structural design of the tower and site is adequate to support the additional antenna.~~
 - d. ~~A co-location technical services fee shall be paid in the amount specified in section 22-8.~~

(Ord. of 10-2-02; Ord. of 8-15-06, § 1)

Sec. 22-272. - Preapplication meeting required.

Prior to submitting an application under the provisions of section 22-270 or 22-271, the applicant shall meet with the director of planning or his/her designee to discuss all aspects of their proposal. Failure to schedule and attend a pre-application meeting shall preclude the acceptance and processing of an application for administrative review or conditional use permit.

(Ord. of 10-2-02)

Sec. 22-273. - Required information.

In addition to other information required for a conditional use permit, any standard process review application for wireless telecommunication facilities shall include the following:

- (1) Scaled drawings showing plan and elevation view, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, equipment, utilities, grounding, topography, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed necessary to assess the siting and design.
- (2) Photographs of the site from a minimum of five points surrounding the site as designated by the director of planning or his/her designee that include a simulated photographic image to scale of the proposed wireless telecommunication facility. The photograph with the simulated image shall include the foreground, mid-ground, and the background of the site. A map shall be provided indicating the location and distance from the point at which the photograph was taken to the proposed site.

- (3) A statement from an electrical engineer licensed by the Commonwealth of Virginia that the cumulative effect of all existing and proposed antennas will not result in a ground level exposure of non-ionizing electromagnetic radiation (NIER) which exceeds the lowest applicable exposure standards established by the FCC.
- (4) An inventory of the applicant's (structure owner and wireless service provider) existing facilities that are either within the jurisdiction of Dinwiddie County or within five miles of the border thereof, including specific information about the location and height of each antenna and/or antenna support structure.
- (5) A radio frequency engineer's statement which specifically describes the coverage area objective, the "hand-off" sites, equipment specifications, methodology, assumptions, constraints and other factors used in the design. The engineer's statement shall be supported by propagation maps, which include a legend identifying signal strength. At a minimum, the following coverage maps shall be presented:
 - a. Existing network coverage (minimum ten mile radius surrounding the proposed site).
 - b. Estimated coverage from the proposed site.
 - c. Composite network coverage (existing and proposed sites).
 - d. Composite network coverage (existing and proposed sites) demonstrating the effect on coverage as the height of the proposed structure is reduced at twenty-foot increments to a minimum height of 80 feet AGL.
- (6) Verifiable evidence in written form demonstrating the inadequacy or unavailability of other structures within a three mile radius of the proposed site capable of achieving the coverage objective. In assessing the adequacy of existing structures, the applicant should consider the use of one or more existing structures or a combination of an existing structure and a new structure at a lower height as a means to achieve coverage objectives.
- (7) Certified mailing of verification forms provided by the county, known as "Standard Letter of Contact with Existing Tower Owners," to the owner or operator of all existing antenna support structures or secondary support structures in excess of 80 feet within a three-mile radius of the proposed site. The owner or operator of said structures shall be given a minimum of 14 days after certification of delivery to respond.
- (8) An engineering report by a structural engineer licensed by the Commonwealth of Virginia describing the structure height, design, and capacity of the proposed antenna support structure including the number and type of antenna which could be accommodated in accordance with the requirements set forth in the latest revision to ANSI EIA/TIE-222.
- (9) Applications proposing antenna support structures shall include a copy of their co-location policy.
- (10) An FAA air navigation hazard determination report. A consultant study will not be accepted as a substitute to this requirement.
- (11) FCC environmental compliance report identifying the impact on environmental resources, prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).
- (12) Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the state historic preservation office.
- (13) A copy of the FCC license for each wireless service provider included in the application.
- (14) An engineering report certifying that the proposed structure is capable of supporting similar users, including the primary user, in accordance with the table below.

Structure Height (AGL)	Minimum Number of Antenna Positions
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80 ft. or less	1
81 ft. to 100 ft.	2
101 ft. to 120 ft.	3
121 ft. or greater	5

This requirement shall not apply to applications to extend structures.

(Ord. of 10-2-02)

Sec. 22-274. - General standards.

(a) The following are general standards for ~~standard review process projects:~~telecommunications-
antennas and towers:-

- (1) The site shall be a minimum of 2,000 square feet excluding vehicular access areas.
- (2) Setbacks: The following setback requirements shall apply to all towers and antennas for which a conditional use permit is required, however, the board of supervisors may reduce the standard setback requirements if the goals of this article would be better served thereby.
- (3) All antenna support structures must be setback 200 percent of the height of the structure to the nearest residential structure, and in no case less than 400 feet.
- (4) All antenna support structures shall be setback 110 percent of the height of the structure from all property lines.
- (5) All wireless telecommunication facilities must satisfy the minimum zoning district setback requirements for primary structures.
- ~~(6) —Speculative structures are not permitted. Applications to construct new antenna support structures will not be considered unless evidence is presented of a legally binding commitment by at least one wireless service provider agreeing to install his equipment on the proposed structure upon its construction for a minimum period of one year.—~~
- ~~(7)~~ (6) All antenna support structures shall be enclosed by security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device.
- ~~(8)~~ (7) Landscaping: The following requirements shall govern the landscaping surrounding wireless telecommunications facilities:
 - a. Any combination of landscaped vegetative buffers, landscaped earthen berms, or preservation of existing vegetation shall be provided around the perimeter of the site of any wireless telecommunications facilities to effectively screen the view of the equipment compound from adjacent parcels. The standard buffer shall consist of a mix of native trees and shrubs planted in a landscaped area at least 15 feet wide outside the perimeter of the compound.
 - b. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as wireless telecommunication facilities

sited on large, wooded lots, the board of supervisors may determine that the natural growth around the perimeter may be sufficient buffer.

- c. All living and diseased-free trees eight inches or larger in diameter, measured four and one-half feet from the base shall be preserved and protected during construction of wireless telecommunication facilities, except where clearing is required to accommodate the proposed facilities and vehicular access.
 - d. The wireless telecommunication facility owner is responsible for maintaining all plant material in a healthy condition. Dead plants shall be removed and replaced in-kind.
- (9) (8) The treatment, color, and lighting system for wireless telecommunication facilities shall be as follows:
- a. Antennas or antenna support structures shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be a neutral, nonreflective color with no logos.
 - b. At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and the built environment.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - d. Antenna support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the board of supervisors may review the lighting alternatives and approve the design, in accordance with applicable requirements, that would cause the least disturbance to the surrounding views.
- (10) ~~Commercial advertising is not permitted on any component of the wireless telecommunication facility.~~
- (11) (9) ~~The county shall be provided~~ The Applicant may provide co-location opportunities without compensation as a community benefit to improve radio communication for county departments and emergency services. ~~The county shall be granted~~ The Applicant may provide the County the right of first refusal on any available position on the structure. If co-location opportunity is provided prior ~~Prior~~ to submitting an application for co-location, the structure owner shall provide written notice of their intent to co-locate to the department of public safety and the department of planning. The department of public safety shall inform the structure owner within 14 days upon receipt of written notice of their intention to locate county-owned equipment on the structure.
- (12) ~~Wireless telecommunication facilities shall be designed and installed so as not to interfere with the Dinwiddie County Public Safety Communications System. Any entity operating wireless facilities determined to interfere with the public safety communications system shall take corrective action immediately upon notification.~~
- (13) ~~All wireless telecommunication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate their operation. If such standards [and] regulations are changed, then the owners of the facilities shall bring such facilities into compliance with such revised standards and regulations as required. Failure to comply shall constitute grounds for the removal of the facility at the owner's expense.~~
- (14) ~~At such time that any component of the wireless telecommunication facility ceases to be operated for a continuous period of 12 months, it shall be considered abandoned, and the owner of such facility shall remove same within 90 days of receipt of notice from the department of planning of the removal requirement.~~

- ~~(15)~~(10) The applicant shall post a bond, equivalent to the cost of removal of the antenna support structure with the director of planning.
- ~~(16)~~ (11) The owner of each antenna support structure shall have a safety inspection conducted annually by a registered professional engineer licensed by the Commonwealth of Virginia and a copy of the inspection report shall be filed with the department of planning by March 30. The report shall state the current user status of the antenna and/or tower, and the structural condition of the facility.
- ~~(17)~~ (12) The owner of the antenna support structure shall provide in writing to the planning department the name, address and telephone number of a contact person during the approval process and shall notify the department of planning of any changes during this process. Upon issuance of the conditional use permit, the owner of the antenna support structure shall provide in writing to the planning department and the commissioner of the revenue the name, address and telephone number of a contact person for the tower owner and the name and address of each registered agent for each lessee of tower space. This list shall be kept current and a revised list submitted to the county departments noted above each time a change is made.
- ~~(18)~~(13) Application review fees shall be paid at the time that the application is submitted. Any additional costs relating to additional reviews, errors, omissions, discrepancies, delays, extensions, as the result of actions or requests by the applicant, shall be reimbursed by the applicant in order to recover all use of an outside consultant to provide:
- a. Technical review services, a review fee will be charged in the amount specified in section 22-8 at the time an application is filed;
 - b. Construction inspection services, a construction inspection fee shall be charged at the time the building permit is requested. The fee amount shall be established by resolution of the board of supervisors.

(b) The following are general standards for standard review process projects and administrative review-eligible projects:

- (1) Speculative structures are not permitted. Applications to construct new antenna support structures will not be considered unless evidence is presented of a legally binding commitment by at least one wireless service provider agreeing to install his equipment on the proposed structure upon its construction for a minimum period of one year.
- (2) Commercial advertising is not permitted on any component of the wireless telecommunication facility.
- (3) Wireless telecommunication facilities shall be designed and installed so as not to interfere with the Dinwiddie County Public Safety Communications System. Any entity operating wireless facilities determined to interfere with the public safety communications system shall take corrective action immediately upon notification.
- (4) All wireless telecommunication facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate their operation. If such standards [and] regulations are changed, then the owners of the facilities shall bring such facilities into compliance with such revised standards and regulations as required. Failure to comply shall constitute grounds for the removal of the facility at the owner's expense.
- (5) At such time that any component of the wireless telecommunication facility ceases to be operated for a continuous period of 12 months, it shall be considered abandoned, and the owner of such facility shall remove same within 90 days of receipt of notice from the department of planning of the removal requirement.

(Ord. of 10-2-02; Ord. of 8-15-06, § 1)

Sec. 22-274.1. - Regulations for certain small cell facilities, ~~and~~ micro-wireless facilities and administrative review-eligible projects.

- (a) —Notwithstanding anything to the contrary in this article, for the purpose of this section only, the following definitions shall apply:—
- (1) —*Antenna*. Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications service.—
 - (2) *Base station*. A station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.—
 - (3) —*Co-locate*. To install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure.—*Co-location* has a corresponding meaning.—
 - (4) —*Existing structure*. Any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to the county of an agreement with the owner of the structure to co-locate equipment on that structure. *Existing structure* 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, signs, and water towers.—
 - (5) *Micro-wireless facility*. A small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, of not larger than 11 inches.—
 - (6) —*Small cell facility*. A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six 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 cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.—
 - (7) *Utility pole*. A structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.—
 - (8) *Water tower*. A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.—
 - (9) *Wireless facility*. Equipment at a fixed location that enables wireless communications between user equipment and a communication network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.—
 - (10) *Wireless infrastructure provider*. Any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.—
 - (11) *Wireless services* means (i) *personal wireless services* as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) *personal wireless service facilities* as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including *commercial mobile services* as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any

other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

~~(12) *Wireless service provider.* A provider of wireless services.~~

~~(13) *Wireless support structure.* A freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "*Wireless support structure*" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.~~

(b) (a) Notwithstanding anything to the contrary in this article, the county shall not require that a special exception, conditional use permit, or variance be obtained for any small cell facility installed by a wireless services provider or a wireless infrastructure provider on an existing structure, provided that the wireless services provider or wireless infrastructure provider (i) has permission from the owner of the structure to co-locate equipment on that structure and (ii) notifies the county. However, the county requires administrative review for the issuance of any required zoning permits. The applicant may submit up to 35 permit requests on a single application. In addition:

(1) The director of planning shall approve or disapprove the application within 60 days of receipt of the complete application. Within ten days after receipt of an application and a valid electronic mail address for the applicant, the director of planning shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval. The 60-day period may be extended by the director of planning in writing for a period not to exceed an additional 30 days. The application shall be deemed approved if the director of planning fails to act within the initial 60 days or an extended 30-day period.

(2) The fee for processing the application shall be as set forth in section 22-8.

(3) Approval for a permit shall not be unreasonably conditioned, withheld, or delayed.

(4) The director of planning may disapprove a proposed location or installation of a small cell facility only for the following reasons:

a. Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;

b. The public safety or other critical public service needs;

c. Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for the attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property; or

d. Conflict with an applicable local ordinance adopted pursuant to § 15.2-2306, or pursuant to local Charter on a historic property that is not eligible for the review process established under 54 U.S.C. § 306108.

(c) (b) Notwithstanding anything to the contrary in this article, the installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from county-imposed permitting requirements and fees. However, a single use permit may be required by the planning director if such activities (i) involve working within the highway travel lane or require closure of a highway travel lane; (ii) disturb the pavement, shoulder, roadway, or ditch line; (iii) include placement on limited access rights-of-way; or (iv) require any specific precautions to ensure the safety of the traveling public or the protection of public infrastructure or the operation thereof, and either were not authorized in or will be conducted in a time, place, or manner that is inconsistent with terms of the existing permit for that facility or the structure upon which it is attached.

(c) Administrative Review-Eligible Projects.

(1) Notwithstanding anything to the contrary in this article, the county shall not require that a special exception, conditional use permit, or variance be obtained for installation or construction of an administrative review-eligible project. The county does require an administrative review for the issuance of a zoning permit, or acknowledgment that zoning approval is not required.

(2) The processing of any application for an administrative review-eligible project shall be in accordance with Va. Code § 15.2-2316.4:1 which requires:

a. Within 10 business days of receiving an incomplete application, the county shall notify the applicant that the application is incomplete.

b. The county shall approve or disapprove a complete application for a new structure within the lesser of 150 days of receipt of the completed application or the period required by federal law.

c. The county shall approve or disapprove a complete application for the co-location of any wireless facility that is not a small cell facility within the lesser of 90 days of receipt of the completed application or the period required by federal law.

(3) The fee for processing the application shall be as set forth in section 22-8.

(d) Replacement or modification of an existing antenna support structure shall be approved through the administrative review process provided that:

(1) The antenna support structure, as replaced, does not exceed the height of the existing structure.

(2) All landscaping requirements in this article are met.

(3) All new structures and buildings installed in conjunction with the replacement of the tower meet all applicable standards for this chapter.

(4) The application for approval of the site plan contains all applicable information, reports, and evidence required under section 22-273.

(e) Co-location of antenna by a telecommunications service provider on an existing antenna support structure shall be an administrative review-eligible project and approved provided that:

(1) There is no increase in height of the existing tower.

(2) The number of service providers on the tower does not exceed the number permitted by this article.

(3) The structural design of the tower and site is adequate to support the additional antenna.

(4) A co-location technical services fee shall be paid in the amount specified in section 22-8.

(Ord. of 9-19-17 [A-17-11], § (1))

State Law reference— Similar provisions, Code of Virginia, §§ 15.2-2316.3, 15.2-2316.4, 56-484.26, 56.484.29.

Sec. 22-275. - Accordance with applicable regulations.

This article shall be interpreted in accordance with all applicable federal, state, and local statutes, ordinances, and regulations. In the event that a court of competent jurisdiction determines that a provision of this article is invalid, the remaining provisions of this article shall be interpreted as if such unenforceable provisions(s) were not included.

(Ord. of 10-2-02)

(2) *That this ordinance shall become effective immediately upon adoption.*