



CHECKLIST FOR TELECOMMUNICATION TOWER CUP APPLICATIONS

Submitted Requirements:

- See the attached copy of Article IX, Telecommunications Regulations (*adopted 05/13/2015*) for detailed submittal information.
- Submit 12 copies (if any portion of the application is on a sheet size larger than 11"x17", an electronic copy is also required)
- Any supplemental information for Atlantic Technology Consultants, Inc.'s review.
- Land Use Amendment Application with all supporting documentation.

Fees: \$3,200 – Review by Atlantic Technology Consultants, Inc.
 \$ 500 – Land Use Amendment Application
 \$ 20 – For Each Adjoining Property Owner
 \$ 50 – Zoning Sign (Refundable when sign is returned)

Once approved by the Planning Commission and Board of Supervisors:

Site Plan Review

A Site Plan conforming to Sec. 86-413 of the Louisa County Zoning Ordinance must be prepared and submitted for review and approval. A Site Plan application and checklist is available at the Community Development Department or online at:
<http://www.louisacounty.com/LCcommdev/SitePlans.htm>

Application for Building Permit

- _____ Development Permit Zoning and Building, completed and signed.
- _____ Copy of the site plan with equipment location indicated (if applicable)
- _____ 2 sets of building plans
- _____ Owner/Contractor Affidavit Signed and Copy of Contractor's State License
- _____ Electrical Permit Application
- _____ Owner/Contractor Affidavit Signed and Copy of Contractor's State License
- _____ Mechanical Permit Application (if applicable)
- _____ Owner/Contractor Affidavit Signed and Copy of Contractor's State License

Submit all information regarding the antenna array, its propagation frequencies, etc., ground equipment, existing tower and tower load.

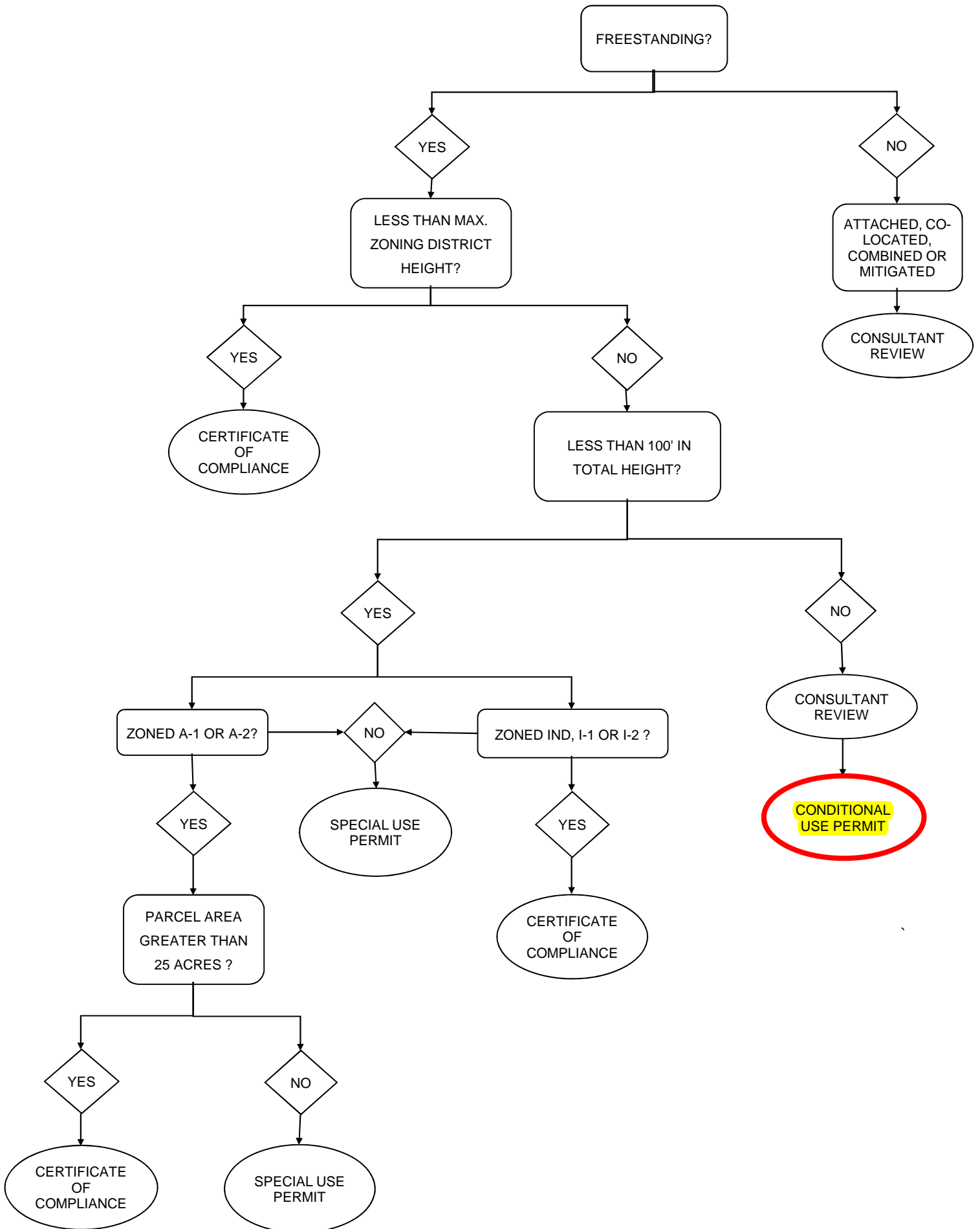
Building Permit Fees:

Estimated Cost of Building: \$ _____
 Estimated Cost of Electrical Work: \$ _____
 Estimated Cost of Mechanical Work: \$ _____
 (See Fee Schedule)

For Office Use Only:

Conditional Use Permit Approved by Board of Supervisors - Date of Approval: _____
 Site Plan Date of Approval: _____

TELECOMMUNICATIONS APPLICATION FLOW CHART



CHECKLIST FOR TELECOMMUNICATION TOWER APPLICATIONS

Conditional Use Permit Approved by Board of Supervisors

Date of approval: _____

Site Plan Approval: Date of approval: _____

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- \$ 500 – Land Use Amendment Application
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Submit all information regarding the antenna array, its propagation frequencies, etc., ground equipment, existing tower and tower load.

Building Permit Fees:

- Estimated Cost of Building: \$ _____
- Estimated Cost of Electrical Work: \$ _____
- Estimated Cost of Mechanical Work: \$ _____
- (See Fee Schedule)

LAND USE AMENDMENT APPLICATION

For the purpose of assuring good arrangement, appearance, function, harmony with surroundings and adjacent uses, and compliance with the requirements of the Louisa County Zoning Ordinance regulations, the following information is required when applications are submitted for the following: Conditional Use Permits, Rezoning, Temporary Conditional Use Permits and Variances. **A pre-application meeting must be scheduled for Conditional Use Permits, Temporary Use Permits and Rezoning.**

Checklist for Land Use Amendment Application

****To be Completed by the Firm or Person(s) Submitting the Application****

_____ COMPLETED APPLICATION

(If the applicant is different from the owner - signatures are required from the applicant and the record owner.)

_____ COPY OF CONTRACT (if applicable)

_____ COUNTY TAX MAP showing the subject property

_____ CERTIFIED PLAT of the subject property (Only the Zoning Administrator can waive this requirement.)

_____ PRELIMINARY SITE PLAN - which includes the following:

-Location of proposed or existing structure(s) - including the dimensions, distance from all property lines and distance from all other structures.

-Parking areas, driveways and entrances - including the number of parking spaces, location of driveway and length and any pertinent information from the Highway Department regarding site distance, type of entrance, etc.

-Location of proposed and/or existing utilities - including well, septic, telephone, power lines, etc. Also include any pertinent information from the Health Department regarding installation or upgrade of well and septic system.

-All building restriction lines, highway setback lines, utility easements, covenants, reservations and rights-of-ways.

-Owner(s), present use and zoning of all contiguous or abutting property - including that in a subdivision, across any highway, railroad right-of-way, creek or river, even if the property lies in another County or Town.

-Recreation and open spaces.

-Any provisions for buffering.

-Any other applicable plans, renderings, elevations or photographs.

Reviewed By _____ Case # _____
Amount of Fee _____ Receipt # _____
Date and Time Received _____
Pre-Application Meeting _____

LAND USE AMENDMENT APPLICATION

County of Louisa, Virginia

The following information shall be typed or printed and completed in full. Attach additional pages where necessary.

1. IDENTIFICATION OF REQUEST:

- A: REZONING: From _____ () to _____ ()
- B: CONDITIONAL USE: _____

- C: TEMPORARY CONDITIONAL USE: _____

- D: VARIANCE: _____

- E: PROFFER AMENDMENT: _____

- F: COMP PLAN AMENDMENT: _____

- G: SPECIAL EXCEPTION: _____

2. APPLICANT, PROPERTY OWNER, AGENT

- A. NAME OF APPLICANT: _____
If a corporation, name of agent: _____
- B: MAILING ADDRESS: _____
_____ Telephone # _____
- C: NAME OF PRESENT OWNER OF PROPERTY ON WHICH THIS REQUEST WILL OCCUR:

- D. MAILING ADDRESS: _____
_____ Telephone # _____

If the applicant is not the owner of the property in question, explain: _____

A copy of pending contract or option agreement shall be attached hereto and made a part of this application.

E. NAME OF PERSON TO BE NOTIFIED IN ADDITION TO THE APPLICANT AND/OR PROPERTY OWNER: _____

F. ADDRESS: _____
Telephone #: _____

3. **LOCATION OF PROPERTY** (Assistance will be given in obtaining the following information upon request).

A. VOTING DISTRICT _____ B. TAX MAP # _____

C. SUBDIVISION NAME _____ D. LOT/PARCEL# _____

E. PROPERTY LOCATION _____

F. IS PARCEL UNDER LAND USE TAXATION PROGRAM? _____ YES _____ NO

4. **EXPLAIN FULLY THE PROPOSED USE, TYPE OF DEVELOPMENT, OPERATION PROGRAM, ETC., AND THE REASON OF THIS REQUEST:**

(Attach applicable plans, renderings, elevations, photographs.)

5. **STATE HOW THIS REQUEST WILL NOT BE MATERIALLY DETRIMENTAL TO ADJACENT PROPERTY, THE SURROUNDING NEIGHBORHOOD OR THE COUNTY IN GENERAL. INCLUDE, WHERE APPLICABLE, INFORMATION CONCERNING: USE OF PUBLIC UTILITIES; EFFECT OF REQUEST ON PUBLIC SCHOOLS; EFFECT ON TRAFFIC--INCLUDE MEANS OF ACCESS TO THE NEAREST PUBLIC ROAD; EFFECT ON EXISTING AND FUTURE AREA DEVELOPMENT, ETC.**

6. **EXPLAIN ANY EXISTING USE PERMIT, SPECIAL EXCEPTION, (Prior) CONDITIONAL USE PERMIT, TEMPORARY CONDITIONAL USE PERMIT OR VARIANCE PREVIOUSLY GRANTED ON THE PARCEL IN QUESTION:**

7. INDICATE THE FOLLOWING WITH RESPECT TO THE SUBJECT PARCEL:

- A. EXISTING LAND USE(S): _____
- B. EXISTING STRUCTURE(S): _____
- C. EXISTING ZONING: _____
- D. ACREAGE OF REQUEST: _____
- E. UTILITIES: _____
(Intended use, example: public water and/or sewer; individual well and/or septic tank; other source.)
- F. IS THIS PROJECT IN OR NEAR A PINE PLANTATION? _____
- G. IS THIS PROJECT IN AN AG/FORESTAL DISTRICT? _____

8. IF REQUESTING A VARIANCE, EXPLAIN THE UNIQUE PHYSICAL HARDSHIP OR EXTRAORDINARY SITUATION THAT IS THE JUSTIFICATION FOR THE VARIANCE:

9. GIVE COMPLETE NAMES AND ADDRESSES (INCLUDING ZIP CODES) OF ALL OWNERS ADJACENT, ACROSS THE ROAD OR HIGHWAY FACING THE PROPERTY AND ACROSS ANY RAILROAD RIGHT-OF-WAY, CREEK, OR RIVER FROM SUCH PROPERTY, EVEN IF SUCH PROPERTY LIES IN ANOTHER COUNTY OR TOWN. (THIS INFORMATION MUST BE OBTAINED BY THE APPLICANT).

* PROPERTY OWNER'S NAME: _____
MAILING ADDRESS: _____

TAX MAP # _____
SUBDIVISION NAME _____ LOT/PARCEL# _____
ACREAGE _____ ZONING _____

* PROPERTY OWNER'S NAME: _____
MAILING ADDRESS: _____

TAX MAP # _____
SUBDIVISION NAME: _____ LOT/PARCEL# _____
ACREAGE _____ ZONING _____

* PROPERTY OWNER'S NAME: _____
MAILING ADDRESS: _____
_____ TAX MAP # _____
SUBDIVISION NAME: _____ LOT/PARCEL# _____
ACREAGE _____ ZONING _____

* PROPERTY OWNER'S NAME: _____
MAILING ADDRESS: _____
_____ TAX MAP # _____
SUBDIVISION NAME: _____ LOT/PARCEL# _____
ACREAGE _____ ZONING _____

* PROPERTY OWNER'S NAME: _____
MAILING ADDRESS: _____
_____ TAX MAP # _____
SUBDIVISION NAME: _____ LOT/PARCEL# _____
ACREAGE _____ ZONING _____

* PROPERTY OWNER'S NAME: _____
MAILING ADDRESS: _____
_____ TAX MAP # _____
SUBDIVISION NAME: _____ LOT/PARCEL# _____
ACREAGE _____ ZONING _____

**10. HERewith IS DEPOSITED THE FEE REQUIRED. CHECKS OR MONEY ORDERS
MADE PAYABLE TO TREASURER, COUNTY OF LOUISA.**

A. REZONING	\$1000 + \$10/Acre*
B. CONDITIONAL USE PERMIT	\$500.00*
C. TEMPORARY CONDITIONAL USE PERMIT	\$250.00*
Temporary Housing*	
Extension or Amendment*	
Other*	
D. VARIANCE	\$500.00*
E. PROFFER AMENDMENT	\$500.00*
F. COMP PLAN AMENDMENT	\$500.00*

*IN ADDITION TO THE STANDARD FEE, AN ADDITIONAL \$50.00 WILL BE CHARGED FOR EACH REQUEST AS A DEPOSIT ON A ZONING SIGN AND WILL BE REFUNDED UPON THE RETURN OF THE SIGN BY THE APPLICANT ONCE THE REQUEST HAS BEEN ACTED UPON.

*THERE WILL BE A \$20.00 FEE CHARGED PER ADJACENT/ADJOINING PROPERTY OWNER FOR NOTIFICATION AND ADVERTISEMENT. THERE WILL ALSO BE AN ADDITIONAL \$250.00, PLUS A \$20.00 FEE CHARGED PER ADJACENT/ADJOINING PROPERTY OWNER FOR RENOTIFICATION AND RE-ADVERTISEMENT EACH TIME AN APPLICATION IS DELAYED OR POSTPONED AT THE REQUEST OF THE APPLICANT OR NECESSARY DUE TO SOME FAILURE TO ACT ON THE PART OF THE APPLICANT.

11. ENCLOSED WITH THIS APPLICATION IS A SITE PLAN OR TENTATIVE PLAN.

12. ENCLOSED WITH THIS APPLICATION IS THE APPROPRIATE COUNTY TAX MAP WITH THE PROPERTY MARKED AND A SURVEYED PLAT OF THE ENTIRE PARCEL.

13. I/WE HEREBY CERTIFY THAT TO THE BEST OF MY/OUR KNOWLEDGE ALL OF THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ANY EXHIBITS TRANSMITTED ARE TRUE AND THAT THE ADJACENT PROPERTY OWNERS LIST HEREWITH ARE THE OWNERS OF RECORD AS OF THE DATE OF APPLICATION.

NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED. ANY REQUEST WHICH REQUIRES PLANS MUST BE ACCOMPANIED BY THOSE PLANS AT THE TIME OF SUBMISSION OF THE APPLICATION.

DATE: _____, 20_____.

SIGNATURE OF APPLICANT
(Same Name as Used in Item 2-A, Page 1)

APPLICANT'S NAME
(Typed or Printed)

SIGNATURE OF OWNER
(Same Name as Used in Item 2-C, Page 1)

OWNER'S NAME
(Typed or Printed)

SIGNATURE OF AGENT
(Name of Person Other Than, but Acting for the Applicant, Responsible for this Application)

AGENT'S NAME
(Typed or Printed)

NOTICE TO TEMPORARY CONDITIONAL USE PERMIT APPLICANTS

In accordance with Section 86-22. of the Louisa County Zoning Ordinance, any Temporary Conditional Use Permit granted shall be considered canceled if the applicant does not avail himself/herself of the privilege within ninety (90) days from the date of issuance of the Temporary Conditional Use Permit.

ARTICLE IX. TELECOMMUNICATIONS REGULATIONS.

Sec. 86-480. In general.

This article may be cited and referred to as the “Louisa County Telecommunications Ordinance.” In any case in which this article conflicts with any other requirement of Chapters 66 or 86 of this Code, the more specific provision shall control, notwithstanding the provisions of § 1-6 or § 86-23 of this Code, unless expressly so stated. Nothing herein shall be construed to relieve any person of any other requirement of local, state, or federal law.

(A) Nothing in this article shall be construed to impair any vested right.

(Statutory Reference: Va. Code § 15.2-2307.)

Sec. 86-481. Applicability.

(A) This article shall apply to the development activities including installation, construction, or modification of all wireless communications facilities.

(B) Wireless communication facilities (WCF’s) are utility facilities subject to the provisions of Article X of Chapter 86 of this Code, and must be in substantial accord with the relevant provisions of the Louisa County Comprehensive Plan or applicable element thereof. Notwithstanding this provision, facilities that are by-right uses or approved by a special use permit process shall be deemed substantially in accord with the Comprehensive Plan.

(Statutory Reference: Va. Code §§ 15.2-2232, 15.2-2281.)

Sec. 86-482. Permitted uses.

WCF	Agricultural (A-1, A-2)	Residential (R-1, R-2)	Commercial (C-1, C-2)	Industrial (IND, I-1, I-2)	Resort Development	Planned Unit Development ¹
Freestanding WCFs Less than Maximum Height in District	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
Freestanding WCFs Between Maximum District Height and 100’ (Parcel <25 Acres)	Special Use Permit	Special Use Permit	Special Use Permit	Certificate of Compliance	Special Use Permit	Master Plan
Freestanding WCFs Between Maximum District Height and 100’ (Parcel >25 Acres)	Certificate of Compliance	Special Use Permit	Special Use Permit	Certificate of Compliance	Special Use Permit	Master Plan

¹ See Louisa County. Code §§ 86-177 and 86-190. A freestanding WCF is permitted in the PUD district subject to the conditions of an approved master plan.

WCF	Agricultural (A-1, A-2)	Residential (R-1, R-2)	Commercial (C-1, C-2)	Industrial (IND, I-1, I-2)	Resort Development	Planned Unit Development ²
Freestanding WCFs >100' in Height	Conditional Use Permit	Conditional Use Permit	Conditional Use Permit	Conditional Use Permit	Conditional Use Permit	Master Plan
Attached, Collocated, Combined and Mitigated Un-Licensed Frequency WCF's	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance	Certificate of Compliance
Attached, Collocated, Combined and Mitigated Licensed Frequency WCFs	Consultant Review	Consultant Review	Consultant Review	Consultant Review	Consultant Review	Consultant Review

(Statutory References: Va. Code §§ 15.2-2286(A)(1) and (3).)

Sec. 86-483. Application requirements for WCFs for which a Conditional Use Permit is required.

Where a use requires a Conditional Use Permit or master plan approval pursuant to § 86-482, in addition to meeting any application requirements contained in § 86-9 of this Code, such application must include:

- (A) *Statement of Justification.* No new freestanding WCF shall be permitted unless the applicant submits a statement of justification addressing the following considerations:
 - (1) A justification of the geographic search area chosen.
 - (2) A report and supporting technical data demonstrating that all antenna attachments and collocations, including all potentially useable electric utility distribution towers and other elevated structures within the proposed service area and alternative antenna configurations have been examined and found unacceptable. The report should include reasons existing facilities such as utility distribution systems and other elevated structures are not acceptable alternatives to a new freestanding WCF. The report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of service providers indicating that no existing wireless communications facility could accommodate the applicant's proposed facility.
 - (3) Why no existing wireless communications facilities located within the geographic search area meet the applicant's engineering requirements.

² See Louisa County. Code §§ 86-177 and 86-190. A freestanding WCF is permitted in the PUD district subject to the conditions of an approved master plan.

- (4) Technical data included in the report shall include certification by a registered professional engineer licensed in the Commonwealth of Virginia or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed WCF, and accompanying maps and calculations demonstrating the need for the proposed WCF.
 - (5) At least one letter of commitment from a wireless communications provider committing to locate on the new freestanding WCF.
- (B) *Location and geographic search area.* A vicinity map delineating the location and classification of all major public or private streets and rights-of-way, driveways, public parking areas, pedestrian ways, trails and bikeways within 500 feet of the subject property's boundary, including zoning district boundaries and the geographic search area overlaid on the map, together with a list of property owners within 1,000 feet in agriculturally zoned (A-1 and A-2 districts) and 500 feet in all other districts of the subject property and keyed to the map. The map shall be prepared at a scale sufficient to clearly identify the required features. A list compiled from Louisa County tax assessment records shall be sufficient compliance with this requirement.
- (C) *Visual impact.* The applicant shall provide simulated photographic evidence of the proposed WCF's appearance from any and all residential dwellings or lots within 1,000 feet or vantage points approved by the community development department including the facility types the applicant has considered and the impact on adjacent properties including:
- (1) Overall height.
 - (2) Configuration.
 - (3) Physical location.
 - (4) Mass and scale.
 - (5) Materials and color.
 - (6) Illumination.
 - (7) Architectural design.

The applicant shall provide a statement as to the potential visual and aesthetic impacts of the proposed WCF on all adjacent residential zoning districts. Concealed and monopole-type structures are preferred.

- (D) *Height.* It is intended that all new WCFs be 199 feet or less in height. Under no circumstance shall any WCF exceed 300 feet. All new WCFs in excess of 199 feet shall be subject to the following additional requirements:
- (1) Evidence that the WCF service area will be so substantially compromised that there would be a requirement of additional WCFs within a distance of two miles.
 - (2) The WCF shall be designed to allow for a future reduction of elevation to no more than 199 feet, or the replacement of the WCF with a monopole-type structure at such time as the wireless network had developed to the point that such heights can be justified.

- (E) *Design for collocation.* All freestanding WCFs should be engineered and constructed to accommodate collocation.
- (F) *Certificate of conformance with FAA regulations.* Proof of compliance and documentation of the manner of compliance with 14 C.F.R. Part 77, subpart C, "Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities."
- (G) *Conformance with comprehensive plan.* All applications must show conformance with the Louisa County Comprehensive Plan.
- (H) *Site plan required.* WCFs greater than 100 feet in height must comply with Article VII, Division 2 of this Ordinance.

(Va. Code §§ 15.2-2232, 15.2-2280, 15.2-2286(A)(1) and (3); 47 U.S.C. § 332(c)(7).)

Sec. 86-484. Conditional Use Permit requirements.

Where a Conditional Use Permit is required under the provisions of § 86-482, the following provisions shall apply. To the extent necessary to comply with the policies of the Louisa County Comprehensive Plan, an application pursuant to Article X of Chapter 86 of this Code may be processed and acted upon simultaneously with the process set forth below. The Conditional Use Permit approval process shall generally follow the process set forth in § 86-9 of this Code, with the following additional procedures:

- (A) *Preapplication meeting.* Prior to submitting a Conditional Use Permit application, the applicant shall meet with County staff to discuss the process and requirements of the County Code and the Comprehensive Plan. At the time of the preapplication meeting, the applicant shall demonstrate that the following notice was mailed via certified U.S. Mail, postage prepaid, to all other wireless service providers licensed to provide service within the county:

"Pursuant to the Louisa County Zoning Ordinance, Article IX, we are hereby providing you with notice of our intent to meet with county staff in a preapplication meeting to discuss the location of a freestanding wireless communications facility that would be located at _____ (physical address, latitude and longitude, Louisa County tax map number). In general, we plan to construct a support structure ___ feet in height for the purpose of providing _____ (type of service). Please inform county staff if you have any desire to place additional wireless facilities or equipment within a two-mile radius of the proposed facility. Please provide both us and county staff with such information within 20 business days of receipt of this letter. Your cooperation is sincerely appreciated. Sincerely, _____ (name of applicant)."

- (B) *Balloon Test* For WCF's proposed to be greater than 100 feet in height; the applicant shall carry out a balloon test prior to submittal of a Conditional Use Permit application. The applicant shall arrange to raise a colored balloon no less than three feet in diameter to the maximum height of the proposed WCF and within 50 horizontal feet of the proposed antenna support structure. The applicant shall inform county staff and abutting property owners of the date and time of

balloon test in writing at least 14 days in advance. The applicant shall cause the date, time, and location of the balloon test to be advertised in a newspaper of general circulation at least seven but no more than 14 days prior to the test date. The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.

- (C) *Planning Commission.* The Planning Commission shall hold a public hearing following notice and advertisement as set forth in Va. Code § 15.2-2204 and make a recommendation to the Board of Supervisors within 90 days of the date of application, unless the applicant agrees in writing to an extension of the time for a recommendation. Failure to make a recommendation will be construed to be a recommendation of approval to the Board of Supervisors.
- (D) *Board of Supervisors.* Following recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing following notice and advertisement as set forth in Va. Code § 15.2-2204 and approve or disapprove the application.
- (E) *Final Site Plan Approval.*

(Statutory Reference: Va. Code §§ 15.2-2204, 15.2-2285(B); 47 U.S.C. § 332(c)(7)(B)(ii).)

Sec. 86-485. Certificate of Compliance or Special Use Permit requirements.

WCFs subject to a certificate of compliance or special use permit requirement under § 86-482 will be processed as follows:

- (A) *Conceptual plan required.* The applicant must submit an application and conceptual sketch plan prepared at a scale sufficient to clearly identify the required features and includes the following:
 - (1) Location of the proposed structure by GPS coordinates.
 - (2) Location and size of existing or proposed buildings and structures.
 - (3) Setbacks from property lines, right-of-ways, and existing structures.
 - (4) Street, driveway, and parking layout.
 - (5) Exterior lighting, if any. If illumination is desired, all attached light structures shall be mounted no higher than 20 feet measured from ground level, and be in compliance with dark sky lighting standards as approved by Louisa County.
 - (6) Name of owner, developer and individual who prepared the plan.
 - (7) Tax map and parcel number.
 - (8) Zoning district.
 - (9) Description of any variances or zoning proffers applicable to the site.
 - (10) Magisterial district.
 - (11) Voting district.
 - (12) County and state.
 - (13) North point.
 - (14) Date of drawing.
 - (15) Minimum setback lines.
 - (16) Departing lot lines.

- (17) Approximate boundary dimensions.
 - (18) Vicinity map.
 - (19) Location of existing and proposed utilities.
 - (20) Any application requirements of this subsection may be waived by the Zoning Administrator if the applicant provides satisfactory explanation in writing.
 - (21) Copy of the recorded plat or survey.
 - (22) A certification of structural integrity from a professional engineer licensed to practice in the Commonwealth of Virginia, or a certification of testing and design from the manufacturer of the pole structure and that the antennas meet or exceed FCC emissions and interference requirements.
- (B) *Other application requirements (Special Use Permits only).*
- (1) Although not required, an endorsement from any applicable property owners' association, architectural review board, or neighbors may be taken into consideration.
 - (2) Any other matter the applicant believes relevant to the Board's consideration.
 - (3) The Board may waive the application requirements of this section if requested by the applicant.
- (C) *Board of Supervisors public hearing (Special Use Permits only).* The Board hereby reserves to itself the right to issue special use permits pursuant to this Article. The Board may impose reasonable conditions to mitigate impacts of the proposed WCF. In determining whether or under what conditions to issue a special use permit, the Board shall hold at least one public hearing following notice and advertisement as set forth in Va. Code § 15.2-2204. The Board may consider the following criteria, without limitation, in granting, denying, or granting with conditions a special use permit under this Article:
- (1) Impacts on the light and views of the public and neighboring properties;
 - (2) Whether a need exists for such infrastructure in the area;
 - (3) Whether any applicable property owners' association favors or opposes the application;
 - (4) Whether the application serves Comprehensive Plan goals; and
 - (5) Any other reasonable consideration.

Sec. 86-486. Uses for which no Conditional Use Permit or Special Use Permit required.

- (A) WCFs of less than the maximum height allowed in the general regulations for the underlying zoning district.
- (B) WCFs greater than the maximum height allowed in the general regulations for the underlying zoning district, but less than 100 feet tall, provided:
 - (1) The parcel on which the WCF is located is zoned Agricultural or Industrial and at least 25 acres in area.
 - (2) Setbacks from all lot lines, including from roads, are at least 200 feet.
 - (3) Not more than one WCF per parcel.
 - (4) The applicant provides certification by a registered professional engineer licensed in the Commonwealth of Virginia that the antenna support structure has sufficient structural

integrity to support the proposed antenna and feed lines, in addition to any other equipment located or mounted on the structure.

Sec. 86-487. Exempt installations.

The following installations are exempt from the provisions of this article:

- (A) Noncommercial, FCC-licensed amateur radio antennas.
- (B) Satellite earth stations that are one meter (39.37 inches) or less in diameter in all residential districts and two meters or less in all other zoning districts and which are not greater than twenty feet above grade in all zoning districts. A waiver may be granted by the Zoning Administrator to these size specifications when it is demonstrated by the applicant that the satellite earth station is used exclusively by the land owner and is not regulated by the FCC.
- (C) A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the county Board of Supervisors or designee; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this article beyond the duration of the state of emergency.
- (D) A temporary, commercial wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the county Board of Supervisors or designee and approved by the county Board of Supervisors or designee; except that such facility must comply with all federal and state requirements. The wireless communications facility may be exempt from the provisions of this article up to three months after the duration of the state of emergency.
- (E) A temporary, commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the county Board of Supervisors or designee, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt from the provisions of this article for up to one week after the duration of the special event.
- (F) Non-commercial, government-owned WCFs.
- (G) Non-commercial WCFs, such as home receivers and wireless access points attached to an existing structure, intended only for onsite, in-home use.

(Statutory References: Va. Code §§ 44-146.17, 44-146.21.)

Sec. 86-488. Mitigation and replacements.

- (A) *Mitigation of existing freestanding WCFs.* An antenna support structure or other WCF will be considered a lawful nonconforming use provided it meets the following criteria:
 - (1) *Height.* The height of a mitigated antenna support structure shall not exceed 115 percent of the height of the antenna support structure that is being mitigated.
 - (2) *Breakpoint technology:* A mitigated WCF shall use breakpoint technology in the design of the replacement facility.

- (3) *Buffers*: At the time of mitigation, the WCF equipment compound shall be brought into compliance with the buffer requirements of § 86-489(C).
 - (4) *Illumination*. If the mitigation of the WCF results in a non-illuminated WCF to require illumination then the mitigated WCF will not be treated as lawfully nonconforming.
- (B) *Antenna element replacements*. Antenna element replacements will require a certification from a professional engineer licensed to practice in the Commonwealth of Virginia that the antenna support structure or structure to which the antenna is attached is structurally able to support the antenna.

Sec. 86-489. Development standards for attached, collocated, and combined licensed frequency WCFs.

- (A) *Attached wireless communication facilities*.
- (1) *Concealed and non-concealed*:
 - (a) *Height*. The top of an attached WCF shall not be more than 20 feet above the existing or proposed building or structure.
 - (b) *Setbacks*. An attached WCF and its equipment compound shall be subject to the setbacks of the underlying zoning district. When an attached WCF is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
 - (c) *Visibility*. Feed lines and antennas shall be designed to architecturally match the façade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture.
 - (2) *Attached non-concealed WCFs*. Allowable locations: Shall only be allowed on electrical transmission towers and existing light stanchions.
 - (3) *Certification*. At the time of application for a building permit, the applicant must provide certification by a registered professional engineer licensed in the Commonwealth of Virginia that the antenna support structure and/or building or structure to which the antenna will be attached has sufficient structural integrity to support the proposed antenna and feed lines in addition to all other equipment located or mounted on the structure.
- (B) *Collocated or combined facilities*.
- (1) *Buffers*. At the time of installation, the WCF equipment compound shall be brought into compliance with any applicable buffer requirements (*see* § 86-489(C)).
 - (2) *Antenna mounting elevations*. A collocated or combined antenna or antenna array shall not exceed the maximum height prescribed in the conditional use permit (if applicable) or increase the height of an existing WCF by more than 20 feet.
 - (3) *Visibility*. New antenna mounts shall be flush-mounted onto existing antenna support structures, or mounted in accordance with an existing CUP or site plan, as applicable.
 - (4) *Certification*. At the time of application for a building permit, the applicant must provide certification by a registered professional engineer licensed in the Commonwealth of Virginia that the antenna support structure and/or building or structure to which the antenna will be attached has sufficient structural integrity to support the proposed

antenna and feed lines in addition to all other equipment located or mounted on the structure.

Sec. 86-490. Setbacks.

New freestanding WCFs and equipment compounds shall be subject to the setbacks prescribed in this section.

- (A) WCFs are subject to the accessory structure setbacks for side and rear yards applicable to the zoning district in which they are located, subject to the provisions contained in this section.
- (B) For freestanding antenna support structures, if the antenna support structure is to be constructed using breakpoint design technology, the minimum distance from the nearest occupied residential structure, whether or not it is located on the same parcel, must be equal to or greater than 110 percent of the distance from the top of the structure to the breakpoint level of the structure.
- (C) Certification by a registered professional engineer licensed by the Commonwealth of Virginia of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. The property owner may request a waiver to this requirement as a part of the conditional use permit or special use permit process.
- (D) For freestanding antenna support structures, if the antenna support structure has not been constructed using breakpoint design technology, the minimum distance from the nearest occupied residential structure must be equal to or greater than 110 percent of the height of the proposed antenna support structure.
- (E) Notwithstanding the provisions of § 86-18 of this Code, the road setback for pole-mounted wireless communication facilities in all districts shall be 25 feet from the edge of the easement or right-of-way line. All roads shall be deemed to have a minimum right-of-way width of 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.
- (F) The setback provisions of § 86-18.1 of this Code are not affected by this subsection.
- (G) An attached, collocated, or combined WCF is subject to the setbacks of the structure to which it is attached. If the structure has a lawfully nonconforming setback, then such lawfully nonconforming setback prevails.

Sec. 86-491. Development standards for freestanding antenna support structures greater than 100 feet in height.

- (A) *Setbacks.* New freestanding WCF's and equipment compounds shall be subject to the setbacks prescribed below:
 - (1) If the antenna support structure has been constructed using breakpoint design technology (section [86-2](#), definitions), the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, plus the minimum side and rear yard requirements.
 - (2) Certification by a registered professional engineer licensed by the State of Virginia of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant.

- (3) If the antenna support structure has not been constructed using breakpoint design technology, the minimum setback distance shall be equal to 110 percent of the height of the proposed antenna support structure.
 - (4) However, in all instances, the minimum setback distance from the setback line of any residentially zoned property, with an inhabited residence or proposed residences, shall be at least 200 percent of the height of the entire proposed structure.
- (B) *Equipment cabinets.* Cabinets shall not be visible from the path of travel on the nearest public or private road. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- (C) *Fencing.* All equipment compounds shall be enclosed with a fence, or wall, and gate, at least six feet in height.
- (D) *Screening buffers.* A screening buffer, with a minimum buffer width of 10 feet, shall be provided around all antenna support structures and equipment compounds. Screening shall meet the following standards:
- (1) Landscaping consisting of one evergreen tree every 10 linear feet on average, or an eight-foot tall opaque fence and gate(s), subject to the following standards:
 - (a) No invasive plant species may be planted.
 - (b) Required evergreen trees shall be planted at a minimum height of six feet.
 - (c) More than one species of tree shall be used when planting a landscape screen.
 - (d) Fences shall be constructed of wood, wrought iron, or masonry materials.
 - (e) Fences used to meet the screening requirements of this subsection may be counted towards meeting the requirement of subsection (B).
 - (2) An evergreen hedge row planted adjacent to any road, street, or private lane, subject to the following criteria:
 - (a) No invasive species may be planted.
 - (b) Required shrubs shall be planted at a minimum height of 24 inches tall or minimum container size of three gallons.
 - (c) More than one species of shrub shall be used.
 - (3) When existing site conditions restrict or significantly limit the implementation of the above design standards or substantially comply with the above standards, an alternative design may be accepted by the Zoning Administrator, provided that it substantially complies with this subsection.
- (E) *Signage.* Commercial messages shall not be displayed on any WCF. In addition to the provisions of Article VI of Chapter 86 of this Code, noncommercial signage shall be subject to the following:
- (1) The only signage that is permitted upon an antenna support structure, equipment cabinets, or fence shall be informational, and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility; i.e., the address and telephone number, security or safety signs, and property manager signs (if applicable).
 - (2) If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the antenna support structure, signs located every 20 feet and

attached to the fence or wall shall display in large, bold, high contract letters (minimum height of each letter four inches) the following: "HIGH VOLTAGE – DANGER."

- (F) *Lighting.* Lighting on WCFs shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following requirements:
 - (1) Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding property, consistent with FAA requirements.
 - (2) Any security lighting for on-ground facilities and equipment shall be in compliance with dark sky lighting standards as approved by the County.
- (G) *Equipment compound.* An equipment compound shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a WCF equipment compound, nor shall compound be used as habitation.
- (H) *Compliance with federal standards.* All WCFs must at all times comply with all state and federal standards for interference protection and emissions of electromagnetic radiation.
- (I) *Sounds.* No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Generators shall not be stored or operated at WCFs except during power outages.
- (J) *Parking.* One parking space is required for each antenna support structure or equipment compound. The space must be provided within the leased area, the equipment compound, or the development area shown on the site plan.

Sec. 86-492. Abandoned and nuisance structures.

- (A) *Owner's responsibility.* It is the responsibility of the owner of a wireless communication facility to maintain it in safe and usable condition and remove it once its useful life has ended. The Board of Supervisors finds and declares that wireless communication facilities that fall into disrepair and become unsafe are a danger to the public health, safety, and general welfare.
- (B) *Notice to repair.* If the County determines that a wireless communication facility is in unsafe condition, the County Administrator may issue a written notice to the owner of the wireless communication facility or the property on which it is located, or both, demanding that the nuisance be abated within 30 days or such period of time as the County building official may determine is reasonable.
- (C) *Abatement of nuisance by judicial action.* If a wireless communication facility is in unsafe condition and the owner does not abate the nuisance in accordance with subsection (B) above, the County Attorney may institute action in the appropriate court to enjoin the nuisance. This subsection does not in any way limit other remedies that the County may pursue.
- (D) *Immediate nuisance.* Notwithstanding the provisions of subsections (B) and (C) above, if the County building official determines that a wireless communication facility presents an imminent and immediate threat to life or property, then the County Administrator may cause such facility to be abated, razed, or removed, and the County Attorney may institute action in the

appropriate court to recover necessary costs incurred for the removal and for any public emergency services reasonably required to abate the nuisance.

(Statutory Reference: Va. Code § 15.2-900.)

APPENDIX A SCHEDULE OF FEES

Telecommunications structures

Certificate of Compliance	\$100
Un-licensed Collocation	\$100
Special Use Permit	\$300* ¹
Un-licensed Wireless Communications CUP application/review	\$500* ¹
Licensed Collocation	\$1,200* ¹
Licensed Wireless Communications CUP application/review.....	\$3,700* ¹

*Notification and processing fees, refunds and waived fees

There will be a \$20.00 fee charged per adjacent/adjoining property owner for notification and advertisement. There will also be an additional \$250.00, plus a \$20.00 fee charged per adjacent/adjoining property owner for re-notification and re-advertisement each time an application is delayed or postponed at the request of the applicant or necessary due to some act or failure to act on the part of the applicant.

Any fees for items requiring notice and advertisement may be granted a refund, or partial refund, at the discretion of the Director of Community Development with written request for withdrawal by the applicant if submitted prior to any certified mail notices or advertisements being sent.

¹Any additional engineering fees the County may incur to provide full review of a CUP request are the responsibility of the applicant.