

**10B. PUBLIC HEARING
ORDINANCE AMENDMENT
TELECOMMUNICATIONS TOWERS**

This public hearing is held pursuant to § 15.2-1427, Code of Virginia, 1950, as amended to receive public comment on an ordinance amending Sec. 18-427(f) of the Southampton County Code, as it relates to the General Standards for wireless telecommunication facilities, and in particular, the height limits of antennae support structures.

The notice of public hearing was published in the Tidewater News on February 9, and February 16, 2014 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening and will proceed to approve, deny or defer action on the proposed ordinance.

MOTION REQUIRED:

If the Board is so inclined, a motion is required to accept the Planning Commission recommendation and approve the attached ordinance.

AN ORDINANCE TO AMEND SECTION 18-427 OF
THE SOUTHAMPTON COUNTY CODE
AS IT RELATES TO THE MAXIMUM HEIGHT
OF ANTENNA SUPPORT STRUCTURES

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BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, as illustrated herein below:

Sec. 18-427. Wireless telecommunication facility regulations.

(e) *Conditional use permit review process.* Applications requiring a conditional use permit require approval by the board of supervisors in order to permit construction. The following information shall be supplied as a minimum requirement for application not requiring a conditional use permit:

- (1) Scaled drawings, 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 proposal.
- (2) Photographs of the site from a minimum of five (5) 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 attesting that the cumulative effect of all existing and proposed antennas will not result in a ground level exposure of non-ionizing electromagnetic radiation (NIER) that exceeds the lowest applicable exposure standards established by the FCC.
- (4) An inventory of the existing wireless telecommunication facilities owned and/or operated by the applicant and other entities associated with the application that are located within the jurisdiction of Southampton County or within five (5) 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 technician's statement that specifically describes the coverage area objective, the "hand-off" sites, equipment specifications, methodology, assumptions, constraints and other factors used in the design. The technician's statement shall be supported by propagation maps that include a legend referencing 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. Proposed coverage from the proposed site
 - c. Composite network coverage (existing and proposed coverage)

37 d. Composite network coverage (existing and proposed coverage) demonstrating the effect on coverage as the
38 height of the proposed structure is reduced at 20-foot increments to a minimum height of eighty (80) feet AGL.
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40 (6) Evidence demonstrating the inadequacy or unavailability of other structures within a three-mile radius of the
41 proposed site. In assessing the adequacy of existing structures, the applicant should consider the use of one or more
42 existing structures or a combination of an existing structure and a new structure at a lower height than proposed as
43 a means to achieve coverage objective.
44

45 (7) An engineering report by a structural engineer describing the structure height, design, and capacity of the proposed
46 antenna support structure including the number and type of antenna which could be accommodated in accordance
47 with the requirements set forth in the latest revision to ANSI EIA/TIE 222.
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49 (8) Applicants proposing new structures shall include a statement regarding their co-location policy.
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51 (9) FAA Air Navigation Hazard Determination report. A consultant study will not be accepted as a substitute to this
52 requirement.
53

54 (10) FCC Environmental Compliance report identifying the impact on environmental resources, prepared in accordance
55 with the National Environmental Policy Act of 1969 (NEPA).
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57 (11) Report describing the impact on historic resources prepared in accordance with Section 106 of the National
58 Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the State
59 Historic Preservation Office (SHPO).
60

61 (12) FCC license for each wireless service provider associated with the application.
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63 (13) A report prepared by a structural engineer certifying that the proposed structure is capable of supporting similar
64 users, including the primary user, in accordance with the table below.
65

Structure Height (AGL)	Minimum Number of Antenna Positions
= 80 ft.	1
> 80 ft. to < 100 ft.	2
= 100 ft. to < 120 ft.	3
= 120 ft	5

66 ~~This requirement shall not apply to applications to extend structures.~~
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68
69 (f) *General standards.* ~~The following general standards shall apply to all applications proposing wireless~~
70 ~~telecommunication facilities:~~ *The maximum height above ground level (AGL) of a proposed wireless telecommunications*
71 *facility support structure shall be determined through the conditional use permit process.*
72

73 *Should the owners of an existing wireless telecommunications facility support structure desire to increase the support*
74 *structure height beyond that which was originally approved, the owners shall be required to apply for a new conditional use*
75 *permit in accordance with the conditional use permit application process as set out herein and as amended from time to time.*

76
77 *Such application shall include, inter alia, proof that the increased setback, as required by a support structure of the requested*
78 *increased height, shall be met in accordance with the provisions of Section 18-427 (f) (1).*

79
80 (1) ~~Antenna support structure shall not exceed the maximum height above ground level (AGL) established in the~~
81 ~~following table:~~

Zoning District	Maximum Height AGL
Residential	80 ft.
Business	199 ft.
Industrial	199 ft.
Agricultural	199 ft.
PUD	80 ft.

- 83
84 (2) (1) The following setback requirements shall apply:
- 85 a. All antenna support structures must be setback two hundred (200) percent of the height of the
86 structure from the nearest residential structure, and in no case less than four hundred (400) feet.
 - 87 b. All antenna support structures shall be setback one hundred ten (110) percent of the height of the
88 structure from all property lines.
 - 89 c. All wireless telecommunication facilities must satisfy the minimum zoning district setback
90 requirements for primary structures.
- 91

92
93 ~~(3)~~(2) Speculative structures are not permitted. Applications to construct new antenna support structures will not be
94 considered unless evidence is presented of a legally binding commitment by at least one (1) wireless service provider
95 agreeing to install and operate his equipment on the proposed structure upon its construction for a minimum period of
96 one (1) year.

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98 ~~(4)~~(3) All antenna support structures shall be enclosed by security fencing not less than six (6) feet in height in
99 height, equipped with an appropriate anti-climbing device.

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101 ~~(5)~~(4) The following requirements shall govern the landscaping surrounding wireless telecommunications facilities:

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103 a. Any combination of landscaped vegetative buffers, landscaped earthen berms or preservation of
104 existing vegetation shall be provided around the perimeter of the site of any wireless
105 telecommunication facility to effectively screen the view of the equipment compound from adjacent
106 parcels. The standard buffer shall consist of a mix of native trees and shrubs planted in a landscaped
107 area at least fifteen (15) feet wide outside the perimeter of the compound.
108
109 b. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum
110 extent possible. In some cases the Board of Supervisors may determine that the natural growth around
111 the perimeter may be a sufficient buffer and waive the landscape requirements.
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113 c. All trees shall be preserved and protected during construction of wireless telecommunication facilities
114 except where clearing is required to accommodate the proposed facilities and vehicular access.
115
116 d. The wireless telecommunication facility owner is responsible for maintaining all landscape plant
117 material in a healthy condition. Dead plants shall be removed and replaced in-kind.
118

119 ~~(6)~~(5) The treatment, color and lighting system for wireless telecommunication facilities shall be as follows:

- 120
121 a. Antenna support structures shall either maintain a galvanized steel finish, or subject to any applicable
122 standards of the FAA be painted a neutral color so as to reduce visual obtrusiveness. Antennas shall be
123 a neutral, non-reflective color with no logos.
124
125 b. The design of the buildings and related structures shall to the extent possible use materials, colors,
126 textures and screening that will blend the wireless telecommunication facility with the natural setting
127 and the built environment.
128
129 c. Antenna support structures shall not be artificially lighted unless required by the FAA or other
130 applicable authority. If lighting is required, the Board of Supervisors may review the lighting
131 alternatives and approve the design in accordance with applicable requirements that would cause the
132 least disturbance to the surrounding views.
133

134 ~~(7)~~(6) Commercial advertising is not permitted on any component of the wireless telecommunication facility.
135

136 ~~(8)~~(7) Wireless telecommunication facilities shall be designed and installed so as not to interfere with the county's
137 public safety radio system or public safety radio systems operated in other jurisdictions. Any entity operating wireless
138 facilities determined to interfere with the county's or another jurisdiction's public safety radio system shall take
139 corrective action immediately upon notification.

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141 ~~(9)~~(8) All wireless telecommunication facilities must meet or exceed current standards and regulations of the FAA,
142 the FCC and any other agency of the federal government with the authority to regulate their operation. If such standards
143 and regulations are changed, then the owners of the facilities shall bring such facilities into compliance with such
144 revised standards and regulations as required by law. Failure to comply shall constitute grounds for the removal of the
145 facility at the owner's expense.

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147 ~~(10)~~(9) At such time that any component of the wireless telecommunication facility ceases to be operated for a
148 continuous period of twelve (12) months, it shall be considered abandoned, and the owner of such facility shall remove
149 same within ninety (90) days of receipt of notice from the department of planning of the removal requirement. The
150 applicant shall post a bond equivalent to the cost of removal of the antenna support structure with the director of
151 planning prior to issuance of a permit.

152
153 ~~(11)~~(10) The owner of each antenna support structure shall have a safety inspection conducted annually by a registered
154 professional engineer licensed by the Commonwealth of Virginia. A copy of the inspection report shall be filed
155 annually in March with the department of planning. The report shall state the current user status of the antenna and/or
156 support structure and the overall condition of the facility in accordance with the latest revision of ANSI EIA/TIA-222.

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158 ~~(12)~~(11) Any additional costs relating to additional reviews, errors, omissions, discrepancies, delays or extensions as the
159 result of actions or requests by the applicant, shall be reimbursed by the applicant.

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161 ~~(13)~~(12) The owner of the antenna support structure shall provide the name and address of a contact person during the
162 approval process and shall notify the department of planning in writing of any changes. The name and address of a
163 registered agent for each lessee of tower space shall also be provided to the Department of Planning.

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166 This ordinance shall become effective at 12:01 a.m. on February 25, 2014.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted : February 24, 2014