



STAFF REPORT

CAROLINE COUNTY PLANNING COMMISSION DECEMBER 16, 2020 REGULAR MEETING

CASE NAME/NUMBER: TXT-25-2020 ARTICLE XV, SECTION 8, DEVELOPMENT STANDARDS
FOR COMMUNICATION FACILITIES

REQUEST:

STAFF IS BRINGING FORWARD FOR PUBLIC HEARING A TEXT AMENDMENT TO MODIFY THE DEVELOPMENT STANDARDS FOR COMMUNICATION FACILITIES FOUND IN ARTICLE XV, SECTION 8.B OF THE ZONING ORDINANCE.

DISCUSSION

STAFF IS PRESENTING AN AMENDED ORDINANCE FOR COMMUNICATION FACILITY STANDARDS. AFTER A CHANGE IN THE VIRGINIA STATE CODE §15.2.2316-3, THE STANDARDS FOR A COMMUNICATION FACILITY IN THE CAROLINE COUNTY ZONING ORDINANCE CONTAINED SECTIONS THAT WERE NO LONGER VALID OR NEEDED MODIFICATION.

STAFF WORKED WITH THE COUNTY ATTORNEY TO CRAFT AN AMENDED ORDINANCE THAT IS CONSISTENT WITH THE APPLICABLE STATE CODE.

A BLACKLINE AND CLEAN VERSION OF THE PROPOSED AMENDMENT IS ATTACHED.

BLACKLINE VERSION

TXT-25-2020: An Ordinance to amend the Zoning Ordinance of Caroline County by amending Article XV, Section 8.B as follows

B. Standards for Communication Facilities

(Adopted _____)

1. Each applicant for a tower shall provide the Department of Planning and Community Development with an inventory of its existing facilities that are either within the jurisdiction of the governing authority or within five miles of the border thereof, including specific information about the location, height, and design of each tower. The Planning Department may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Planning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for use by others.
- ~~2. Verifiable evidence of the lack of antenna space on existing towers, buildings, or other structures suitable for antenna location or evidence of the unsuitability of existing tower locations for co-location must be provided by the applicant. Such evidence shall also include an affidavit executed by a radio frequency engineer that such existing tower or structure is unsuitable for the applicant's needs. Such evidence may also include any of the following items:~~
 - ~~a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.~~
 - ~~b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.~~
 - ~~c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.~~
 - ~~d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.~~
 - ~~e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.~~
 - ~~f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.~~
3. An engineering report certifying that the proposed tower is compatible for a minimum of four (4) users, must be submitted by the applicant. The applicant shall also permit collocation by additional users without

requiring any form of reciprocal location agreement from subsequent users. The provision may be modified by the Board of Supervisors in conjunction with paragraph 14, when a lower height is approved by the Board of Supervisors and collocation of four (4) users is not possible.

4. A preliminary site plan of the proposed facility shall be submitted to the Department of Planning and Community Development as a part of the submittal. The applicant must provide Caroline County with detailed information regarding the proposed facility's location, latitude and longitude. ~~and service area~~
5. The facility shall not interfere with the radio, television or communications reception of nearby residents at the time of construction. The applicant shall take steps to successfully eliminate any such interference.
6. All towers and other structures shall meet all safety requirements of all applicable building codes.
- ~~7. All towers shall set back from any property line a distance equal to one hundred twenty percent (120%) of the tower height, and in no event shall any such tower be constructed or erected nearer than one hundred twenty percent (120%) of the tower height to a residential dwelling unit on the subject parcel, and 500 feet to a residential dwelling unit located on an adjacent parcel except for the following:~~

All towers shall be set back from any property line per the zoning district requirements set forth in Article XII of the Caroline County Zoning Ordinance. The entirety of the collapse zone shall be contained on the parcel of request.

- a. Setbacks from residential dwelling units shall not apply to the property owners' construction of a residential dwelling subsequent to erection of the tower.
- b. No setback shall be required adjacent to VDOT right-of-way for an interstate highway. Setback requirements from residential dwelling units, however, shall supersede this provision.

This provision may be modified by the Board of Supervisors during the special exception process.

8. Documentary evidence of compliance with all Federal Aviation Administration and Federal Communication Commission requirements shall be submitted by the applicant at the time of application for the special exception. **If any approval for the wireless facility or structure has been granted by a federal agency, provide a copy of that approval, including any conditions imposed by that agency.**

9. Unless otherwise allowed under the conditions of a special use permit, or as a requirement of the Federal Aviation Administration, all structures shall have a galvanized steel finish. If painting is required by the FAA, documentary evidence from the FAA requiring such painting must be provided to the County by the applicant.

Should the applicant request to construct the tower from materials other than galvanized steel, the applicant shall state the reasons for the request in the application, and the applicant shall also furnish the County with photographs, videos, or some other visual sample of the proposed finish.

10. All applicants must provide documentary evidence that the facility will meet or exceed applicable health standards established by the Federal Government and/or American National Standards Institute.
11. No advertising of any type may be placed on the tower or accompanying facility.
12. All tower structures must be dismantled by the owner of the structure if not utilized by a service provider or properly maintained for a period exceeding twenty-four (24) consecutive months. The applicant shall post surety in an amount sufficient to cover the **direct** costs of **dismantling removing the facility**. Surety shall be submitted to and approved by the County prior to site plan approval.

~~13. Owners of towers shall provide the County co-location opportunities on each or any tower without compensation as a community benefit to improve radio communication for County departments and emergency services provided it does not conflict with the collocation requirements of subparagraph 3.~~

14. Maximum tower height (including appurtenances **such as lightning rods**) shall be 199-feet, however, the Board of Supervisors may approve a greater height based upon the following criteria:
(Amended 2/20/2007)
 - a. The tower shall generally support the County's policy of maintaining the County's rural and historic characteristics by not creating a visually adverse impact on residences (other than a residence on the subject parcel), historic sites or scenic roadways;
 - b. The tower shall be located in areas designated in the Zoning Ordinance as Rural/Agricultural Preservation where existing topographical features provide significant visual buffer between the tower and nearby residences and/or businesses located on adjacent or surrounding parcels.

- c. It shall be demonstrated to the Board's satisfaction that the additional height will provide more effective coverage and more effectively meet the communication needs of the residents of Caroline County than a 199-foot tower. However, at no time shall such a tower exceed a maximum height of 300-feet.
 - d. It shall be demonstrated to the Board's satisfaction that the additional height will decrease the overall number of towers in the County.
 - e. Only those areas of the County designated as Permitted Commercial Tower Development Areas (PCTDAs) as set forth in the Caroline County Communications Tower Master Plan, prepared by Atlantic Technologies, dated December 21, 2006, are eligible to have a maximum tower height in excess of 199-feet.
- ~~15. A 100-foot wooded buffer easement shall be maintained around the site, except for ingress/egress unless otherwise approved by the Board of Supervisors. An easement for the wooded buffer shall be recorded in the land records of the Circuit Court prior to site plan approval. Such easement shall retain the wooded buffer for the life of the tower. A section of fence at least six (6) feet in height shall be provided completely around the base of the tower and any associated equipment.~~
16. The tower owner shall annually provide the Planning Department and the Commissioner of Revenue a report with the names, addresses, contacts, structures and equipment for all providers utilizing the tower.
17. The tower shall be constructed and at least one PCS/cellular user located on the tower within twelve (12) months of the date of issuance of the special exception or approval shall be null and void. The applicant shall post surety in an amount sufficient to cover the costs of dismantling. Surety shall be submitted to and approved by the County prior to site plan approval.
18. The applicant shall be responsible for any costs incurred by the County for review of the application.

CLEAN – ALL CHANGES INCORPORATED

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2. An engineering report certifying that the proposed tower is compatible for a minimum of four (4) users, must be submitted by the applicant. The applicant shall also permit collocation by additional users without requiring any form of reciprocal location agreement from subsequent users. The provision may be modified by the Board of Supervisors in conjunction with paragraph 14, when a lower height is approved by the Board of Supervisors and collocation of four (4) users is not possible.
3. A preliminary site plan of the proposed facility shall be submitted to the Department of Planning and Community Development as a part of the submittal. The applicant must provide Caroline County with detailed information regarding the proposed facility's location, latitude and longitude.
4. The facility shall not interfere with the radio, television or communications reception of nearby residents at the time of construction. The applicant shall take steps to successfully eliminate any such interference.
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