




King William County  
Est. 1702 in Virginia

DIVISION OF COMMUNITY  
DEVELOPMENT

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MEMORANDUM

**To:** King William County Planning Commission  
**From:** Scott Lucchesi, Director of Community Development   
**Date:** June 15, 2010  
**Re:** TXT-02-10 Proposed Cell Tower Ordinance

The following is a draft of the proposed Cell Tower Ordinance.

This ordinance is the result of recent tower applications and citizen input.

The draft has been circulated for comments and was included in the April Planning Commission packet. The draft can be amended to address any concerns.

A specific Tower Ordinance will allow for the creation of guidelines that will be followed when proposing a new tower in King William.

Staff therefore recommends that the Planning Commission forward this matter to the Board of Supervisors with a recommendation of approval.

## Definitions:

**Height** --When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lighting rod.

**Telecommunications towers and related facilities:** Towers and other structures designed or used for the provision of supporting one or more antennas, including self-supporting lattice towers, or monopole towers. The term includes television transmission towers, microwave towers, common-carrier towers, wireless communications towers, alternative tower structures, and the like. This does not include home use of radio and television antennas and support structures, satellite dishes, or antennas and support structures, satellite dishes, or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission

**Fall-zone** – the distance from the base of the tower equal to 120% of the tower height.

**Table of Uses**

	A/C	R-R	R-1	B-1	B-2	M	R/C
<i>Telecommunications tower</i>	C					C	

**86-456 Specific guides and standards****(g) Telecommunication Towers and related Facilities**

(1) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area are of sufficient height to meet the applicant's engineering.
- b. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- c. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures,

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or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

d. The applicant demonstrated that there are other limiting factors that render existing towers and structures unsuitable.

(Ord. of 4-14-2003(2))

e. A letter of intent must accompany the conditional use application

## Development Requirements

1 Telecommunications towers shall be constructed with a galvanized steel finish or similar material and shall, to the extent practicable, use materials, colors and textures so as to reduce visual obtrusiveness. Whenever practicable, telecommunications towers shall include features that will camouflage the telecommunications tower so as to blend in with the natural setting and the built environment. Camouflaging includes, but is not limited to, design and construction so that the telecommunications tower appears to be a flag pole, silo or other agricultural building or other landscape feature. 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. If painting is required by the FAA, documentary evidence from the FAA requiring such painting must be provided to the County by the applicant

2 The minimum setback from the boundary of the property on which the telecommunications tower or facility is located shall be equal to one hundred twenty (120) percent of the height of the tower commonly called the "fall-zone" and 500 feet to a residential dwelling unit located on an adjacent parcel. In no case shall the setback from the property line be less than 100 feet. This dimension will be certified by a licensed engineer

3. Maximum tower height (including appurtenances) shall not exceed 199-feet; however, the Board of Supervisors may approve a greater height based upon the applicant demonstrating 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 The County than a 199-foot tower. However, at no time shall such a tower exceed a maximum height of 300-feet. 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;

4. Owners of towers shall provide the County co-location opportunities on each or any tower without compensation as a community benefit to

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improve radio communication for County departments and emergency services provided it does not conflict with the collocation requirements

5. 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. In addition, all towers and other structures shall meet all safety requirements of all applicable building codes

6. No advertising of any type may be placed on the tower or accompanying facility.

7. A vegetative screen consisting of a 100-foot buffer easement shall be maintained around the leased site area. The 100-foot buffer shall consist of existing woods or a planted buffer approved via a landscape plan submitted with the case and approved by the Board of Supervisors. An easement for the vegetative buffer shall be recorded in the land records of the Circuit Court prior to site plan approval. Such easement shall retain the vegetative 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.

8. 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.

9. 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.

10. Removal of abandoned, unsafe, or unused telecommunications towers and related facilities.

a. Any telecommunications tower or related facility found to be defective or unsafe shall be repaired to meet federal, state, and local safety standards or removed within six (6) months at the expense of the owner of the property or the telecommunications tower or related facility.

b. 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

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to cover the costs of dismantling. Surety shall be submitted to and approved by the County prior to site plan approval.

c. If there are two (2) or more users of a single telecommunication's tower or related facility, then this provision shall not become effective until all users cease using the telecommunications tower