

# City Code Amendments – Wireless Telecommunications Facilities

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## 2017 Session of the Virginia General Assembly

### Title 15.2, Chapter 22

#### Article 7.2. Zoning for Wireless Communications Infrastructure

- § 15.2-2316.3 Definitions
- § 15.2-2316.4 Zoning; small cell facilities
- § 15.2-2316.5 Moratorium prohibited

# Article CC. – Wireless Telecommunications Facilities

Sec. 10-3-195. - Purpose.

Sec. 10-3-196. - Wireless telecommunications facilities within residential districts and the MX-U

Sec. 10-3-197. - Wireless telecommunications facilities within the B-1 and B-2

Sec. 10-3-198. - Wireless telecommunications facilities within the M-1

Sec. 10-3-199. - Submittal requirements and other application requirements.

Sec. 10-3-200. - Reporting of wireless telecommunications facilities.

Sec. 10-3-201. - Maintenance of wireless telecommunication facility sites; enforcement.

Sec. 10-3-202. - Removal of defective or abandoned wireless telecommunications facilities.

Sec. 10-3-203. - Utilization of Section 6409 of the Spectrum Act.

## **Article 7.2. Zoning for Wireless Communications Infrastructure**

§ 15.2-2316.3      Definitions

§ 15.2-2316.4      Zoning; small cell facilities

§ 15.2-2316.5      Moratorium prohibited

- **Defined small cell facility and micro-wireless facility.**
- **Identified that a locality shall not require a special exception, special use permit, or variance be obtained for any small cell facility installed by a wireless services provider or wireless infrastructure provider (“Provider”) on an existing structure, provided that the “Provider” (i) has permission from the owner of the structure to co-locate and (ii) notifies the locality in which the permitting process occurs.**
- **Allowed localities to require administrative review for the issuance of any required zoning permits for the installation of a small cell facility by a “Provider” on an existing structure.**
- **Required localities to allow applicants to submit up to 35 permit requests on a single application.**
- **Allowed localities to charge a reasonable fee for processing the application.**
- **Required that localities allow exemptions for micro-wireless facilities that are suspended on cables or lines in specific situations.**
- **Set parameters for a locality to disapprove a proposed location or installation of a small cell facility.**

***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 6 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 6 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.

***Micro-wireless facility:*** A small cell facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that has an exterior antenna, if any, not longer than eleven (11) inches.

- Amending the existing definitions of “Industrial microcell,” “Macrocell,” and “Wireless telecommunications facility.”
- Adding definitions for “Micro-wireless facilities” and “Small cell facilities”.
- Exempt Micro-wireless facilities from our regulations.
- Adding small cell facilities as a use permitted by right in all zoning districts.
- Creating collocation, height, camouflaging, and other regulations for small cell facilities.
- Amending existing application fees for wireless facilities and adding review fees for small cell facilities.
- Adding a clarifying statement to the code that exempts existing “eligible facilities” from annual reporting purposes.
- In all, the following Sections would be modified:
  - 10-3-24, 10-3-51, 10-3-84, 10-3-197,
  - 10-3-33, 10-3-55.3, 10-3-90, 10-3-199, and
  - 10-3-39, 10-3-56.3, 10-3-179, 10-3-200.
  - 10-3-45, 10-3-57.3, 10-3-195,
  - 10-3-48.3, 10-3-58.3, 10-3-196,

# **Recommendation**

**Staff and Planning Commission (5-1)  
recommended to approve the Zoning  
Ordinance amendments.**

