

1 **Proposed Wireless Telecommunications Facilities Ordinance Amendments as**  
 2 **Required by Amendments to the Virginia Code from the 2017 General**  
 3 **Assembly Article 7.2 Zoning for Wireless Communications Infrastructure and**  
 4 **other Minor Amendments.**  
 5

6 The actions for each Section are described under the section heading. Many sections are not  
 7 being amended but are included below for context of how wireless telecommunications are  
 8 regulated by the Zoning Ordinance. (Underlined text represents proposed additions and  
 9 “stricken” text is proposed for deletion.)  
 10

11 **Section 10-3-24. Definitions.**

12 **(Add and amend definitions as shown:)**  
 13

14 *Alternative support structure:* With regard to wireless telecommunications, any structure  
 15 currently used primarily for something other than supporting a wireless telecommunications  
 16 facility.  
 17

18 *Antenna:* A whip, panel, disc, rod, dish, or similar device used for transmission or reception of  
 19 telecommunications.  
 20

21 *Base station:* A wireless telecommunications facility; such facility may consist of radio  
 22 transceivers; antennas; coaxial, fiber optic, or other cables; a regular and back-up power  
 23 supply; and other associated electronics and technology. Such facilities are sometimes referred  
 24 to as base transceiver stations. Base stations may also be structures that currently support or  
 25 house any of the technology listed in this definition or other associated equipment that  
 26 constitutes part of a base station in any technological configuration, including distributed  
 27 antenna systems and industrial microcells.  
 28

29 *Camouflage:* With regard to wireless telecommunications facilities, a way of painting,  
 30 mounting, or locating related equipment so it is not readily apparent to the casual observer.  
 31 Camouflaged wireless telecommunications facilities are often collocated, utilize flush mounted  
 32 antennas and related equipment, are painted to match the color of the support structure, or  
 33 hidden from view by things like parapet walls. Camouflaging equipment is not equivalent to  
 34 concealing equipment.  
 35

36 *Collocate:* With regard to wireless telecommunications facilities, the act of locating wireless  
 37 telecommunications facilities on any existing support structure.  
 38

39 *Concealed wireless telecommunications facility:* Any wireless telecommunications facility that  
 40 is integrated as an architectural feature of an existing structure or any new support structure  
 41 designed so that the purpose of the facility or support structure for providing wireless  
 42 telecommunications services is not readily apparent to a casual observer. Examples include but  
 43 are not limited to: bell towers, clock towers, faux trees, flag poles, minarets, monuments,  
 44 parapets, religious symbols, smoke stacks, steeples, or structures intended as art.  
 45

46 *Consumer microcell*: With regard to wireless telecommunications, a signal booster that is  
47 marketed and sold to the general public for use without modification. These types of devices  
48 do not require professional installation and are used for personal use by individuals to improve  
49 coverage in a home, car, boat, recreational vehicle and other related areas.  
50

51 *Distributed antenna systems (DAS)*: A wireless telecommunications facility; a system or  
52 network of spatially separated antennas connected to a common transport medium (i.e. coaxial,  
53 fiber optic, or other cable) to a signal source, such as a base station or an external antenna  
54 capable of connecting to a base station wirelessly. Such systems/networks commonly have  
55 three primary components: remote communications nodes, each having at least one antenna for  
56 transmission and/or reception; a high capacity signal transport medium, which is either  
57 underground or aerial; and a central communications hub to propagate and/or convert, process  
58 or control signals transmitted and received through the nodes. DAS may also include additional  
59 equipment such as amplifiers, remote radio heads, signal converters, power supplies, and other  
60 related equipment.  
61

62 *Equipment cabinet*: With regard to wireless telecommunications, a cabinet, shed, shelter, or  
63 other structure, where equipment is housed to support wireless telecommunications services.  
64

65 *Industrial microcell*: A wireless telecommunications facility; a ~~stand-alone~~ standalone, short  
66 range radio transceiver located in specific locations, either indoors or outdoors, where there is  
67 often low signal quality and high demand for a wireless telecommunications signal. Examples  
68 include but are not limited to industrial signal boosters, repeaters, bi-directional amplifiers, and  
69 devices specifically identified as microcells. Consumer microcells, such as femtocells, for  
70 residential or household use or mobile use (i.e. vehicular, boat, etc.), and equipment meeting  
71 the thresholds to be considered small cell facilities, are excluded from this definition.  
72

73 *Macrocell*: Any wireless telecommunications facility not considered a concealed wireless  
74 telecommunications facility, a consumer microcell, a small cell facility, an industrial microcell,  
75 or a distributed antenna system.  
76

77 *Micro-wireless facility*: A small cell facility that is not larger in dimension than twenty-four  
78 (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that has  
79 an exterior antenna, if any, not longer than eleven (11) inches.  
80

81 *Small cell facility*: A wireless telecommunications facility that meets both of the following  
82 qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in  
83 volume, or, in the case of an antenna that has exposed elements, the antenna and all of its  
84 exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii)  
85 all other wireless equipment associated with the facility has a cumulative volume of no more  
86 than 28 cubic feet, or such higher limit as is established by the Federal Communications  
87 Commission. The following types of associated equipment are not included in the calculation of  
88 equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-  
89 up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical  
90 cable runs for the connection of power and other services.  
91

92 *Support structure:* With regard to wireless telecommunications, any structure that may support  
93 a wireless telecommunications facility including but not limited to telecommunications towers,  
94 alternative support structures, and structures that may be attached to or on top of buildings and  
95 other structures.

96  
97 *Telecommunications:* Any transmission, emission or reception of signs, signals, sounds, voice,  
98 text, images, video, data, information or intelligence of any nature by wire, radio, optical or  
99 other electromagnetic systems.

100  
101 *Telecommunications tower:* Any structure, except concealed wireless telecommunications  
102 facilities, designed, constructed, erected, repurposed or re-used for the sole or primary purpose  
103 of providing and supporting wireless telecommunications services. Such structures include but  
104 are not limited to guyed structures, monopole structures, lattice-type structures, and other  
105 freestanding self-supporting structures as well as decommissioned water towers and tanks, feed  
106 mills, utility towers, towers erected primarily for the use of the Harrisonburg-Rockingham  
107 Emergency Communications Center, and other decommissioned structures that were erected  
108 primarily for something other than providing and supporting wireless telecommunications  
109 services.

110  
111 *Temporary wireless telecommunications facility:* A readily movable self-contained wireless  
112 telecommunications facility used to provide provisional wireless telecommunications services.  
113 An example is a cell on wheels (COW).

114  
115 *Wireless telecommunications facility:* Any unmanned facility established for the purpose of  
116 providing wireless telecommunications services. Such facilities can consist of one or more  
117 antennas and accessory equipment, equipment cabinets, telecommunications towers, concealed  
118 wireless telecommunications facilities, distributed antenna systems, industrial microcells, base  
119 stations, small cell facilities, or any combinations thereof. This definition does not apply to  
120 equipment for radio or television studios, facilities designed for amateur radio use, or for  
121 residential or household uses (i.e. consumer microcells, etc.).

122  
123 **Section 10-3-33. Uses permitted by right within the R-1, Single Family Residential District.**  
124 **(Add subsection (9) as shown:)**

125  
126 (9) Small cell facilities. Wireless telecommunications facilities are further regulated  
127 by Article CC.

128  
129 **Section 10-3-34. Uses permitted only by special use permit within the R-1, Single Family**  
130 **Residential District**  
131 **(Maintain subsection (8) as shown:)**

132  
133 (8) Concealed wireless telecommunications facilities, industrial microcells,  
134 distributed antenna systems, and macrocells. Telecommunications towers are  
135 not permitted, except towers primarily erected for the use of the Harrisonburg-  
136 Rockingham Emergency Communications Center up to two hundred (200) feet

137 in height. Wireless telecommunications facilities are further regulated by Article  
138 CC.

139  
140 **Section 10-3-35. Area and dimensional regulations of the R-1, Single Family Residential**  
141 **District.**

142 (Maintain the opening statement as shown:)

143  
144 Except as provided in Article T, and as required in Article CC for wireless telecommunications  
145 facilities, the following area and dimensional regulations shall apply:

146  
147 **Section 10-3-39. Uses permitted by right within the R-2, Residential District.**

148 (Add subsection (5) as shown:)

149  
150 (5) Small cell facilities. Wireless telecommunications facilities are further regulated  
151 by Article CC.

152  
153 **Section 10-3-40. Uses permitted only by special use permit within the R-2, Residential**  
154 **District.**

155 (Maintain subsection (9) as shown:)

156  
157 (9) Concealed wireless telecommunications facilities, industrial microcells,  
158 distributed antenna systems, and macrocells. Telecommunications towers are  
159 not permitted, except towers primarily erected for the use of the Harrisonburg-  
160 Rockingham Emergency Communications Center up to two hundred (200) feet  
161 in height. Wireless telecommunications facilities are further regulated by Article  
162 CC.

163  
164 **Section 10-3-41. Area and dimensional regulations within the R-2, Residential District.**

165 (Maintain the opening statement as shown:)

166  
167 Except as provided in Article T, and as required in Article CC for wireless telecommunications  
168 facilities, the following area and dimensional regulations shall apply:

169  
170 **Section 10-3-45. Uses permitted by right within the R-3, Multiple Dwelling Residential**  
171 **District.**

172 (Add subsection (13) as shown:)

173  
174 (13) Small cell facilities. Wireless telecommunications facilities are further regulated  
175 by Article CC.

176  
177 **Section 10-3-46. Uses permitted only by special use permit within the R-3, Multiple**  
178 **Dwelling Residential District.**

179 (Maintain subsection (4) as shown:)

180  
181 (4) Concealed wireless telecommunications facilities, industrial microcells,  
182 distributed antenna systems, and macrocells. Telecommunications towers are

183 not permitted, except towers primarily erected for the use of the Harrisonburg-  
184 Rockingham Emergency Communications Center up to two hundred (200) feet  
185 in height. Wireless telecommunications facilities are further regulated by Article  
186 CC.

187  
188 **Section 10-3-47. Area and dimensional regulations within the R-3, Multiple Dwelling**  
189 **Residential District.**

190 **(Maintain the opening statement as shown:)**

191  
192 Except as provided in Article T, and as required in Article CC for wireless telecommunications  
193 facilities, the following area and dimensional regulations shall apply:

194  
195 **Section 10-3-48.3. Uses permitted by right within the R-3, Medium Density Residential**  
196 **District.**

197 **(Add subsection (19) as shown:)**

198  
199 (19) Small cell facilities. Wireless telecommunications facilities are further regulated  
200 by Article CC.

201  
202 **Section 10-3-48.4. Uses permitted only by special use permit within the R-3, Medium**  
203 **Density Residential District.**

204 **(Maintain subsection (4) as shown:)**

- 205  
206 (4) Concealed wireless telecommunications facilities, industrial microcells,  
207 distributed antenna systems, and macrocells. Telecommunications towers are  
208 not permitted, except towers primarily erected for the use of the Harrisonburg-  
209 Rockingham Emergency Communications Center up to two hundred (200) feet  
210 in height. Wireless telecommunications facilities are further regulated by Article  
211 CC.

212  
213 **Section 10-3-48.5. Area and dimensional regulations within the R-3, Medium Density**  
214 **Residential District.**

215 **(Maintain the opening statement as shown:)**

216  
217 Except as provided in Article T, and as required in Article CC for wireless telecommunications  
218 facilities, the following area and dimensional regulations shall apply:

219  
220 **Section 10-3-51. Uses permitted by right within the R-4, Planned Unit Residential District.**

221 **(Add subsection (11) as shown:)**

222  
223 (11) Small cell facilities. Wireless telecommunications facilities are further regulated  
224 by Article CC.

225  
226 **Section 10-3-52. Uses permitted only by special use permit within the R-4, Planned Unit**  
227 **Residential District.**

228 **(Maintain subsection (3) as shown:)**

229  
230 (3) Concealed wireless telecommunications facilities, industrial microcells,  
231 distributed antenna systems, and macrocells. Telecommunications towers are  
232 not permitted, except towers primarily erected for the use of the Harrisonburg-  
233 Rockingham Emergency Communications Center up to two hundred (200) feet  
234 in height. Wireless telecommunications facilities are further regulated by Article  
235 CC.

236  
237 **Section 10-3-53. Area and dimensional regulations within the R-4, Planned Unit Residential**  
238 **District.**

239 (Maintain the opening statement as shown:)

240  
241 Except as provided in Article T, and as required in Article CC for wireless telecommunications  
242 facilities, the following area and dimensional regulations shall apply:

243  
244 **Section 10-3-55.3. Uses permitted by right within the R-5, High Density Residential**  
245 **District.**

246 (Add subsection (13) as shown:)

247  
248 (13) Small cell facilities. Wireless telecommunications facilities are further regulated  
249 by Article CC.

250  
251 **Section 10-3-55.4. Uses permitted only by special use permit within the R-5, High Density**  
252 **Residential District.**

253 (Maintain subsection (8) as shown:)

254  
255 (8) Concealed wireless telecommunications facilities, industrial microcells,  
256 distributed antenna systems, and macrocells. Telecommunications towers are  
257 not permitted, except for towers primarily erected for the use of the  
258 Harrisonburg-Rockingham Emergency Communications Center up to two  
259 hundred (200) feet in height. Wireless telecommunications facilities are further  
260 regulated by Article CC.

261  
262 **Section 10-3-55.5. Area and dimensional regulations within the R-5, High Density**  
263 **Residential District.**

264 (Maintain the opening statement as shown:)

265  
266 Except as provided in Article T, and as required in Article CC for wireless telecommunications  
267 facilities, the following area and dimensional regulations shall apply:

268  
269 **Section 10-3-56.3. Uses permitted by right within the R-6, Low Density Mixed Residential**  
270 **Planned Community District.**

271 (Add subsection (9) as shown:)

272  
273 (9) Small cell facilities. Wireless telecommunications facilities are further regulated  
274 by Article CC.

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**Section 10-3-56.4. Uses permitted only by special use permit within the R-6, Low Density Mixed Residential Planned Community District.**

**(Maintain subsection (i) as shown:)**

- (i) Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are not permitted, except towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center up to two hundred (200) feet in height. Wireless telecommunications facilities are further regulated by Article CC.

**Section 10-3-56.5. Area, density and dimensional regulations within the R-6, Low Density Mixed Residential Planned Community.**

**(Maintain subsection (f) as shown:)**

- (f) Unless otherwise specified within the master development plan, the provisions of Article T, and the regulations in Article CC for wireless telecommunications facilities, shall apply to the R-6 zoning district.

**Section 10-3-57.3. Uses permitted by right within the R-7, Medium Density Mixed Residential Planned Community District.**

**(Add subsection (r) as shown:)**

- (r) Small cell facilities. Wireless telecommunications facilities are further regulated by Article CC.

**Section 10-3-57.4. Uses permitted only by special use permit within the R-7, Medium Density Mixed Residential Planned Community District.**

**(Maintain subsection (i) as shown:)**

- (i) Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are not permitted, except towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center up to two hundred (200) feet in height. Wireless telecommunications facilities are further regulated by Article CC.

**Section 10-3-57.5. Area, density and dimensional regulations within the R-7, Medium Density Mixed Residential Planned Community District.**

**(Maintain subsection (f) as shown:)**

- (f) Unless otherwise specified within the master development plan, the provisions of Article T, and the regulations in Article CC for wireless telecommunications facilities, shall apply to the R-7 zoning district.

321 **Section 10-3-58.3. Uses permitted by right within the MX-U, Mixed Use Planned**  
322 **Community District.**

323 (Add subsection (21) as shown:)

324

325 (21) Small cell facilities. Wireless telecommunications facilities are further regulated  
326 by Article CC.

327

328 **Section 10-3-58.4. Uses permitted only by special use permit within the MX-U, Mixed Use**  
329 **Planned Community District.**

330 (Maintain subsection (8) as shown:)

331

332 (8) Concealed wireless telecommunications facilities, industrial microcells,  
333 distributed antenna systems, and macrocells. Telecommunications towers are  
334 not permitted, except towers primarily erected for the use of the Harrisonburg-  
335 Rockingham Emergency Communications Center up to two hundred (200) feet  
336 in height. Wireless telecommunications facilities are further regulated by Article  
337 CC.

338

339 **Section 10-3-58.5. Area, density and dimensional regulations within the MX-U, Mixed Use**  
340 **Planned Community District.**

341 (Maintain subsection (5) as shown:)

342

343 (5) Unless otherwise specified within the master development plan, the provisions  
344 of Article T, and the regulations in Article CC for wireless telecommunications  
345 facilities, shall apply to the MX-U zoning district.

346

347 **Section 10-3-84. Uses permitted by right within the B-1, Central Business District.**

348 (Add to and amend subsection (8) as shown:)

349

350 (8) Small cell facilities. ~~C~~oncealed wireless telecommunications facilities,  
351 industrial microcells, distributed antenna systems, and macrocells.  
352 Telecommunications towers are permitted only by special use permit. Wireless  
353 telecommunications facilities are further regulated by Article CC.

354

355 **Section 10-3-85. Uses permitted only by special use permit within the B-1, Central Business**  
356 **District.**

357 (Maintain subsections (2) and (5) as shown:)

358

359 (2) Wireless telecommunications facilities not permitted by Section 10-3-84(8) or  
360 those not meeting the requirements of Section 10-3-197(1). Wireless  
361 telecommunications facilities are further regulated by Article CC.

362

363 (5) Structures, except wireless telecommunications facilities, in excess of seventy-  
364 five (75) feet in height.

365

366 **Section 10-3-86. Area and dimensional regulations within the B-1, Central Business**  
367 **District.**

368 **(Maintain the opening statement as shown:)**  
369

370 Except as provided in Article T, and as required in Article CC for wireless telecommunications  
371 facilities, the following area and dimensional regulations shall apply:  
372

373 **Section 10-3-90. Uses permitted by right within the B-2, General Business District.**

374 **(Add to and amend subsection (20) as shown:)**

375 (20) Small cell facilities, ~~C~~concealed wireless telecommunications facilities,  
376 industrial microcells, distributed antenna systems, and macrocells.  
377 Telecommunications towers are permitted only by special use permit. Wireless  
378 telecommunications facilities are further regulated by Article CC.  
379

380 **Section 10-3-91. Uses permitted only by special use permit within the B-2, General Business**  
381 **District.**

382 **(Maintain subsections (4) and (12) as shown:)**  
383

384 (4) Wireless telecommunications facilities not permitted by Section 10-3-90(20) or  
385 those not meeting the requirements of Section 10-3-197(1). Wireless  
386 telecommunications facilities are further regulated by Article CC.  
387

388 (12) Structures, except wireless telecommunications facilities, in excess of seventy-  
389 five (75) feet in height.  
390

391 **Section 10-3-92. Area and dimensional regulations within the B-2, General Business**  
392 **District.**

393 **(Maintain the opening statement as shown:)**  
394

395 Except as provided in Article T, and as required in Article CC for wireless telecommunications  
396 facilities, the following area and dimensional regulations shall apply:  
397

398 **Section 10-3-96. Uses permitted by right within the M-1, General Industrial District.**

399 **(Maintain subsection (15) as shown:)**  
400

401 (15) Wireless telecommunications facilities no more than one hundred twenty-five  
402 (125) feet in height. Wireless telecommunications facilities are further regulated  
403 by Article CC.  
404

405 **Section 10-3-97. Uses permitted only by special use permit within the M-1, General**  
406 **Industrial District.**

407 **(Maintain subsection (6) as shown:)**  
408

409 (6) Wireless telecommunications facilities not permitted by Section 10-3-96(15) or  
410 those not meeting the requirements of Section 10-3-198(1). Wireless  
411 telecommunications facilities are further regulated by Article CC.

412  
413 **Section 10-3-98. Area and dimensional regulations within the M-1, General Industrial**  
414 **District.**

415 **(Maintain the opening statement as shown:)**

416  
417 Except as provided in Article T, and as required in Article CC for wireless telecommunications  
418 facilities, the following area and dimensional regulations shall apply:  
419

420 **Section 10-3-129. Expansion or enlargement of a special use.**

421 **(Maintain as shown:)**

422  
423 A special use may not be enlarged or expanded unless approved by city council through the  
424 approval procedure outlined in this article, or unless the expansion or enlargement was  
425 specifically authorized in the original approval or as otherwise permitted.  
426

427 **Section 10-3-179. Uses permitted by right within the U-R, Urban Residential District.**

428 **(Add subsection (6) as shown:)**

429  
430 (6) Small cell facilities. Wireless telecommunications facilities are further regulated  
431 by Article CC.  
432

433 **Section 10-3-180. Uses permitted only by special use permit within the U-R, Urban**  
434 **Residential District.**

435 **(Maintain subsection (7) as shown:)**

436  
437 (7) Concealed wireless telecommunications facilities, industrial microcells,  
438 distributed antenna systems, and macrocells. Telecommunications towers are  
439 not permitted, except towers primarily erected for the use of the Harrisonburg-  
440 Rockingham Emergency Communications Center up to two hundred (200) feet  
441 in height. Wireless telecommunications facilities are further regulated by Article  
442 CC.  
443

444 **Section 10-3-181. Area and dimensional regulations within the U-R, Urban Residential**  
445 **District.**

446 **(Maintain the opening statement as shown:)**

447  
448 Except as provided in Article T, and as required in Article CC for wireless telecommunications  
449 facilities, the following area and dimensional regulations shall apply:  
450

451

452

452 **Article CC. Wireless Telecommunications Facilities**

453

454 **Section 10-3-195. Purpose.**

455 **(Add as shown:)**

456

457 The regulations set forth in this article are to regulate wireless telecommunications facilities as  
458 defined in Section 10-3-24, Definitions. They are to provide opportunities to supply wireless  
459 telecommunications services in the city with minimal negative impact to the community while  
460 respecting both residential and commercial neighborhoods.

461  
462 With the exception of telecommunications towers primarily erected for the use of the  
463 Harrisonburg-Rockingham Emergency Communications Center as regulated by this article,  
464 wireless telecommunications facilities considered public uses and temporary facilities needed  
465 for government-declared emergencies and disasters shall be permitted in all zoning districts at  
466 appropriate locations and heights necessary to adequately provide the service. No minimum  
467 setback requirements or maximum height regulations shall apply to such facilities, but  
468 reasonable efforts shall be made to be sensitive to the surrounding neighborhood and  
469 environment in which they are located.

470  
471 Furthermore, the installation, placement, maintenance or replacement of equipment meeting  
472 the specifications to be considered micro-wireless facilities that are suspended on cables or  
473 lines that are strung between existing utility poles in compliance with national safety codes,  
474 and so long as permission is granted by the owners of the cables or lines on which the facilities  
475 are located, shall be exempt from the City's permitting requirements and fees.

476  
477 **Section 10-3-196. Wireless telecommunications facilities within residential districts and the**  
478 **MX-U, Mixed Use Planned Community District.**

479 **(Add and amend as shown:)**

480  
481 The requirements within this section apply to all wireless telecommunications facilities, except  
482 facilities as specified in Section 10-3-195, as identified in all residential districts and the MX-  
483 U district.

- 484 (1) Uses permitted by right.
- 485 a. ~~Small cell facilities. There are no wireless telecommunications facilities~~  
486 ~~allowed by right within any residential district or the MX-U district.~~
    - 487 i. Other than associated equipment cabinets and other equipment  
488 that may be located on the ground, such facilities shall be  
489 collocated.
    - 490
    - 491 ii. The height of such equipment shall not increase the height of the  
492 utilized support structure by more than five (5) feet.
    - 493
    - 494 iii. All collocated equipment shall be camouflaged.
    - 495
    - 496 iv. Equipment cabinets and related structures or equipment not  
497 located within central communications hubs shall be screened or  
498 camouflaged and if not collocated shall meet the requirements for  
499 accessory buildings per Section 10-3-114. Central  
500 communications hubs shall be considered principal buildings and  
501 shall meet the minimum setback regulations and maximum height  
502 restrictions of the district in which they are located.

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v. Unless otherwise required, artificial lighting is prohibited.

vi. No advertising of any type may be placed on the facility.

- (2) Uses permitted only by special use permit.
- a. Concealed wireless telecommunications facilities.
    - i. The height of such facilities may exceed the maximum height regulation of the district in which it is located but shall be limited to the height specified in the special use permit application or as may be more strictly conditioned and approved by city council.
    - ii. Unless collocated, minimum setback regulations shall be controlled by the district in which it is located or as may be more strictly conditioned and approved by city council.
    - iii. Equipment cabinets and related structures or equipment shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per Section 10-3-114 or as may be more strictly conditioned and approved by city council.
    - iv. Unless otherwise required, or as part of the intent of the facility, artificial lighting is prohibited.
    - v. No advertising of any type may be placed on the facility.
  - b. Industrial microcells, distributed antenna systems (DAS), macrocells, and similar facilities.
    - i. Other than associated equipment cabinets and other equipment that may be located on the ground, such facilities shall be collocated.
    - ii. The height of such equipment shall not increase the height of the utilized support structure by more than five (5) feet.
    - iii. All collocated equipment shall be camouflaged.
    - iv. Equipment cabinets and related structures or equipment not located within central communications hubs shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per Section 10-3-114 or as may be more strictly conditioned and approved by city council. Central communications hubs shall be considered principal buildings and shall meet the minimum setback regulations and maximum height restrictions of the district in which they are located or as may be more strictly conditioned and approved by city council.

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- v. Unless otherwise required, artificial lighting is prohibited.
- vi. No advertising of any type may be placed on the facility.
- c. Telecommunications towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center, which may include rental of space for private wireless telecommunications providers.
  - i. The facility shall be no taller than two hundred (200) feet in height.
  - ii. Minimum setback regulations shall be controlled by the district in which it is located or as may be more strictly conditioned and approved by city council.
  - iii. Equipment cabinets and related structures or equipment shall be screened or camouflaged and shall meet the requirements for accessory buildings per Section 10-3-114 or as may be more strictly conditioned and approved by city council.
  - iv. Unless otherwise required, artificial lighting is prohibited.
  - v. No advertising of any type may be placed on the facility.

**Section 10-3-197. Wireless telecommunications facilities within the B-1, Central Business District and the B-2, General Business District.**  
**(Add and amend as shown:)**

The requirements within this section apply to all wireless telecommunications facilities, except facilities as specified in Section 10-3-195, as identified in the B-1 and B-2 districts.

- (1) Uses permitted by right.
  - a. Concealed wireless telecommunications facilities.
    - i. The height of such facilities shall be controlled by the maximum height regulation of the district in which they are located.
    - ii. Unless collocated, minimum setback regulations shall be controlled by the district in which they are located.
    - iii. Equipment cabinets and related structures or equipment shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per Section 10-3-114.
    - iv. Unless otherwise required, or as part of the intent of facilities, artificial lighting is prohibited.

- 595 v. No advertising of any type may be placed on the facility.
- 596
- 597 b. Small cell facilities, Industrial microcells, distributed antenna systems
- 598 (DAS), macrocells, and similar facilities.
- 599
- 600 i. Other than associated equipment cabinets and other structures or
- 601 equipment that may be located on the ground, such facilities shall
- 602 be collocated.
- 603
- 604 ii. The height of such facilities shall not increase the height of the
- 605 utilized support structure by more than five (5) feet.
- 606
- 607 iii. All collocated equipment shall be camouflaged.
- 608
- 609 iv. Equipment cabinets and related structures or equipment not
- 610 located within central communications hubs shall be screened or
- 611 camouflaged and if not collocated shall meet the requirements for
- 612 accessory buildings per Section 10-3-114. Central
- 613 communications hubs shall be considered principal buildings and
- 614 shall meet the minimum setback regulations and maximum height
- 615 restrictions of the district in which they are located or as may be
- 616 more strictly conditioned and approved by city council.
- 617
- 618 v. Unless otherwise required, artificial lighting is prohibited.
- 619
- 620 vi. No advertising of any type may be placed on the facility.
- 621
- 622 (2) Uses permitted only by special use permit.
- 623 a. Wireless telecommunications facilities not permitted by, or not meeting
- 624 the requirements within, Section 10-3-197(1), including minimum
- 625 setback regulations and maximum height restrictions. (Wireless
- 626 telecommunications facilities exceeding seventy-five (75) feet in height
- 627 do not need a separate special use permit as allowed by Section 10-3-
- 628 85 (5) of the B-1 district or Section 10-3-91(12) of the B-2 district.)
- 629
- 630 i. All regulating details of the facility (i.e. type, height, setbacks,
- 631 etc.) shall be as specified in the special use permit application or
- 632 as may be more strictly conditioned and approved by city council.
- 633
- 634 ii. If installing a telecommunications tower, it shall be designed for
- 635 more than one (1) accommodation. (This rule does not apply to
- 636 telecommunications towers primarily erected for the use of the
- 637 Harrisonburg-Rockingham Emergency Communications Center.)
- 638
- 639 vii. Support structures shall be designed to collapse upon themselves
- 640 or to collapse within the smallest possible area should structural

641 failure occur. The applicant shall submit written certification and  
642 supporting documentation from a structural engineer to this  
643 effect.  
644

645 **Section 10-3-198. Wireless telecommunications facilities within the M-1, General Industrial**  
646 **District.**  
647 **(Maintain as shown:)**  
648

649 The requirements within this section apply to all wireless telecommunications facilities, except  
650 facilities as specified in Section 10-3-195, as identified in the M-1 district.

- 651 (1) Uses permitted by right.
  - 652 a. Any wireless telecommunications facility.
    - 653 i. Facilities shall not exceed one hundred twenty-five (125) feet in  
654 height.  
655
    - 656 ii. Support structures shall meet the minimum setback regulations of  
657 the M-1 district.  
658
    - 659 iii. Telecommunications towers shall be designed for more than one  
660 (1) accommodation. (This rule does not apply to  
661 telecommunications towers primarily erected for the use of the  
662 Harrisonburg-Rockingham Emergency Communications Center.)  
663
    - 664 iv. Support structures shall be designed to collapse upon themselves  
665 or to collapse within the smallest possible area should structural  
666 failure occur. The applicant shall submit written certification and  
667 supporting documentation from a structural engineer to this  
668 effect.  
669
    - 670 v. Equipment cabinets and related structures or equipment not  
671 located within central communications hubs shall be screened or  
672 camouflaged and shall meet the requirements for accessory  
673 buildings per Section 10-3-114. Central communications hubs  
674 shall meet the minimum setback regulations and maximum height  
675 restrictions of the M-1 district.  
676
    - 677 vi. Unless otherwise required, or as part of the intent of a concealed  
678 wireless telecommunications facility, artificial lighting is  
679 prohibited.  
680
    - 681 vii. No advertising of any type may be placed on the facility.  
682
  - 683 (2) Uses permitted only by special use permit.
    - 684 a. Wireless telecommunications facilities not permitted by, or not meeting  
685 the requirements within, Section 10-3-198(1), including minimum  
686 setback regulations and maximum height restrictions. (Wireless

687 telecommunications facilities exceeding seventy-five (75) feet in height  
688 do not need a separate special use permit as allowed by Section 10-3-  
689 97(11) of the M-1 district.)

- 690 i. All regulating details of the facility (i.e. type, height, setbacks,  
691 etc.) shall be as specified in the special use permit application or  
692 as may be more strictly conditioned and approved by city council.  
693
- 694 ii. Support structures shall be designed to collapse upon themselves  
695 or to collapse within the smallest possible area should structural  
696 failure occur. The applicant shall submit written certification and  
697 supporting documentation from a structural engineer to this  
698 effect.  
699

700 **Section 10-3-199. Submittal requirements and other application requirements.**

701 **(Add and amend as shown:)**

- 702
- 703 (1) Applications for wireless telecommunications facilities, including small cell  
704 facilities, allowed by right shall be accompanied with one hundred ~~seventy-five~~  
705 dollars (\$175100.00) for each facility up to the first five (5) facilities, and fifty  
706 dollars (\$50.00) for each additional facility on the same application. Applicants  
707 may request up to thirty-five (35) facilities on one application. and The  
708 following information and, if necessary, the information as required by Section  
709 10-3-10 of this chapter ~~shall be submitted as well as the following~~. Note that  
710 building permits and sub-trade permits may be required.
    - 711 a. Name, address, telephone numbers, and email addresses of the property  
712 owner, the applicant, and the ultimate owner of the facility.  
713
    - 714 b. Documentation from the property owner consenting to both the  
715 installation of the facility and the terms of Sections 10-3-200, 10-3-201,  
716 and 10-3-202.  
717
    - 718 c. If erecting a new telecommunications tower or concealed wireless  
719 telecommunications facility, a physical survey of the property must be  
720 submitted.  
721
    - 722 d. Location map and elevation drawings of the proposed facility prepared  
723 and certified by a professional engineer indicating:
      - 724 i. Location, type, and height of all structures associated with the  
725 facility,  
726
      - 727 ii. Facility's planned capacity (i.e. collocation potential/number of  
728 accommodations),  
729
      - 730 iii. On-site and abutting land uses,  
731
      - 732 iv. Means of access,

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- v. Support structure's setbacks from property lines, and
  - vi. All applicable American National Standards Institute (ANSI) technical and structural codes.
  - e. Screening plan (i.e. fence type and/or vegetation to be planted). See definition of "screening" within Section 10-3-24.
  - f. Photo simulations of the proposed facility.
  - g. If camouflaging, an explanation of how the facility will be camouflaged.
  - h. Evidence that the applicant has contacted the Emergency Communications Center (ECC) and verified the installation of the proposed equipment will not interfere with the ECC's operations.
- (2) Applicants desiring to install wireless telecommunications facilities allowed only by special use permit shall reference the requirements for special use permits per Article V of this title. Applicants shall submit as part of their special use permit application all information as described in 10-3-199 (1) as well as the following:
- a. A listing of all property owners within one quarter (¼) mile from the subject property. These property owners shall be notified along with the property owners notified as required by Section 15.2-2204 of the Code of Virginia. (Staff may assist in supplying this list.)
  - b. A description of how the proposed facility fits into the applicant's telecommunications network.
  - c. An explanation as to why the particularly proposed wireless telecommunications facility is needed to meet the desired results as opposed to installing a facility allowed by right that may provide the same results.
  - d. An explanation or evidence demonstrating that no existing support structure or building can accommodate the applicant's proposed facility or evidence that the applicant has made diligent good faith efforts to negotiate collocation on an existing support structure or building in the area needing service or improved service.
  - e. If requesting to install a new telecommunications tower, concealed wireless telecommunications facility, or to increase the allowable height of a facility above that permitted by right, a balloon test shall be performed. The special use permit application shall not be considered complete until the test is performed and staff has visually witnessed the

779 test. The applicant shall contact the Department of Planning and  
780 Community Development to schedule a date and time when the balloon  
781 test will be conducted. If inclement weather prevents the scheduled test,  
782 a new schedule shall be established. The test shall consist of raising at  
783 least one (1) balloon from the site to a height equal to the proposed  
784 facility. Proposed collocated facilities which increase the height of  
785 existing support structures shall not be required to perform a balloon  
786 test.

787

788 **Section 10-3-200. Reporting of wireless telecommunications facilities.**

789 **(Add as shown:)**

790

791 For each wireless telecommunications facility, except wireless telecommunications facilities  
792 deemed to be an eligible facility in existence prior to the original enactment of this article, the  
793 property owner on which a facility is located shall be responsible for ensuring a report is  
794 submitted to the zoning administrator once a year, no later than June 30, stating, at minimum,  
795 the following:

796 (1) Name, address, telephone numbers, and email addresses of the property owner  
797 and, if applicable, the owner of the support structure.

798

799 (2) The support structure's (including alternative support structures) location  
800 (latitude and longitude), street address, height; and structure type.

801

802 (3) The current user status of the facility including the name and contact information  
803 of each active tenant/wireless service provider leasing space from the site. If  
804 vacant/collocation space is available, the report shall indicate such information  
805 and explain the facility's available accommodations.

806

807 (4) An explanation or listing of each tenant's/wireless service provider's equipment  
808 identifying at least the type and number of all antennae, equipment cabinets, and  
809 any other supporting equipment. The location of such equipment shall also be  
810 described or illustrated.

811

812

813 **Section 10-3-201. Maintenance of wireless telecommunication facility sites; enforcement.**

814 **(Maintain as shown:)**

815

816 (1) All required screening, landscaping, camouflaging, concealment mechanisms,  
817 and other features shall be maintained, repaired, or replaced.

818

819 (2) Enforcement and penalties due to violations of any section of this article shall be  
820 as otherwise stated in this title.

821

822 **Section 10-3-202. Removal of defective or abandoned wireless telecommunications**  
823 **facilities.**

824 **(Maintain as shown:)**

825

826 (1) Any component of a wireless telecommunications facility that is found to be  
827 defective or unsafe shall be repaired immediately by the owner or operator to  
828 comply with federal, state, and local safety standards or removed within thirty  
829 (30) days upon receipt of written notice.

830  
831 (2) A wireless telecommunications facility that is not operated for a continuous  
832 period of twenty-four (24) months shall be considered abandoned. The owner of  
833 the property on which the facility is located shall be notified in writing and given  
834 ninety (90) days from the receipt of the written notice to remove the facility and  
835 all associated components and equipment and return the site to its condition prior  
836 to construction of the facility or to a seeded or sodded condition.

837  
838 Upon receipt of the notice, the first thirty (30) days of the ninety (90) day rectification period  
839 shall be the amount of time the property owner has to demonstrate the facility has not been  
840 abandoned. If the property owner fails to prove the facility is actively operating, the owner  
841 shall have the remaining sixty (60) days to remove the facility. If the facility is not removed  
842 within the allotted time, the city may cause the facility to be removed at the property owner's  
843 expense.

844  
845 **Section 10-3-203. Utilization of Section 6409 Wireless Facilities Deployment of the**  
846 **Spectrum Act being part of the Middle Class Tax Relief and Job Creation Act of 2012.**  
847 **(Maintain as shown:)**

848  
849 The permissions granted by the Spectrum Act Section 6409 Wireless Facilities Deployment  
850 (Section 6409) shall be applicable only to wireless telecommunications facilities deemed to be  
851 an eligible facility in existence prior to the original enactment of this article. Modifications  
852 shall not substantially change eligible facilities.

853  
854 To make modifications to a wireless telecommunications facility per the permissions of  
855 Section 6409, the property owner shall submit the following information:

856  
857 (1) Name, address, telephone numbers, and email addresses of the property owner,  
858 the applicant, and the owner of the facility proposed for modification.

859  
860 (2) Evidence that the wireless telecommunications facility is an eligible facility that  
861 existed prior to the original enactment of this article.

862  
863 (3) Location map and elevation drawings of the existing facility and the proposed  
864 modifications prepared and certified by a professional engineer. The information  
865 shall include all existing equipment from all providers and, if applicable, all  
866 equipment owned and operated by railroad companies. (The information  
867 provided for the existing eligible facility may be used as the baseline of facts  
868 regarding the site's characteristics if it is the facility's first utilization of Section  
869 6409 and shall be used to prevent abuse of the legislation.)

870

- 871 (4) Submit a letter describing the request. The letter, and additional application  
872 submissions as required above, must clearly demonstrate the proposed  
873 modification would not substantially change the existing eligible facility.  
874 Substantial changes are made if any one of the following occurs:  
875 (a) For towers outside of public rights-of-way, it increases the height by  
876 more than twenty (20) feet or ten (10) percent, whichever is greater; for  
877 those towers in the rights-of-way and for all wireless telecommunication  
878 facilities, it increases the height of the facility by more than ten (10)  
879 percent or ten (10) feet, whichever is greater;  
880 (b) For towers outside of public rights-of-way, it protrudes from the edge of  
881 the tower more than twenty (20) feet, or more than the width of the  
882 tower structure at the level of the appurtenance, whichever is greater;  
883 for those towers in the rights-of-way and for all wireless  
884 telecommunications facilities, it protrudes from the edge of the support  
885 structure more than six (6) feet;  
886  
887 (c) It involves installation of more than the standard number of new  
888 equipment cabinets for the technology involved, but not to exceed four  
889 (4) cabinets;  
890  
891 (d) It entails any excavation or deployment outside the current site of the  
892 wireless telecommunications facility;  
893  
894 (e) It would defeat the existing concealment elements of the wireless  
895 telecommunications facility; or  
896  
897 (f) It does not comply with conditions associated with the prior approval of  
898 the tower or base station unless the non-compliance is due to an  
899 increase in height, increase in width, addition of cabinets, or new  
900 excavation that does not exceed the corresponding "substantial change"  
901 thresholds.  
902