

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF MAY, 1998, AT 7:02 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA. 143

**A. ROLL CALL**

Jack D. Edwards, Chairman, Berkeley District  
David L. Sisk, Vice Chairman, Roberts District (absent)

John J. McGlennon, Jamestown District  
Ronald A. Nervitt, Powhatan District  
M. Anderson Bradshaw, Stonehouse District  
Sanford B. Wanner, County Administrator  
Frank M. Morton, III, County Attorney

**B. PRESENTATION**

Mr. Frederick G. Bahr, Vice Chairman, Board of Supervisors, New Kent County, District 5, stated that he had been appointed by his Board to serve as liaison to the localities contiguous to New Kent County.

1. 1997 Historic Preservation Awards, Lewis A. McMurrin, III, and Nan and Ralph Maxwell

Mr. James Dorsey, Chairman, Historical Commission, joined at the podium by Mr. McGlennon, read resolutions for the 1997 Historic Preservation Awards to Mr. Lewis A. McMurrin, III, and Nan and Ralph Maxwell, in absentia.

**C. PUBLIC COMMENT**

1. Mr. Ken Bradley, 127 Northpoint Drive, stated that he had committed to be the pilots' representative as a member of the Williamsburg-Jamestown Airport Community Committee. He spoke in support of the names submitted by the airport owners. He stated those nominees would lay a foundation of mutual respect and cooperation and would work effectively with all parties.

2. Ms. Mary D. Lavin, 108 Anthony Wayne Road, stated that a representative from Kingswood/Druid Hills subdivisions should be nominated to the Williamsburg-Jamestown Airport Community Committee because the end of the runway is 1.2 miles from the subdivisions.

3. Mr. Richard Coakley, 110 Redbud Lane, asked that the Williamsburg-Jamestown Airport Community Committee be expanded to nine members with representatives from the areas adjacent to the airport.

4. Mr. Robert Dunn, 3318 Running Cedar Way, compared County services to that of Fairfax County, and expressed hope that taxes would not be raised to a level that lower income persons could not afford to live here.

5. Mr. Ed Oyer, 139 Indian Circle, stated that taxes could be lowered without losing services. He noted differences between James City and York Counties in the State's 1997 Comparative Financial Analysis Report. Mr. Oyer further noted that Thomas Nelson Community College has a school scholarship for technical studies for James City/Williamsburg residents.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**F. PUBLIC HEARINGS**

**1. Acquisition of Elementary School Site, George M. Hankins**

Mr. Frank M. Morton, III, County Attorney, stated that he had received a sales agreement from the Hankins' attorney. Mr. Morton recommended opening and closing the public hearing thereby removing from agenda.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Morton recommended adding the sales agreement as Item No. 5 under Board Considerations for action.

**2. Outdoor Gathering Application, The Virginia Opera, Williamsburg Winery, Saturday, June 13, 1998, 6:00 - 8:00 p.m.**

Mr. John T. P. Horne, Manager, Development Management, stated that The Virginia Opera had applied to hold an outdoor gathering on Saturday, June 13, 1998, from 6:00 p.m. to 8:00 p.m. at Williamsburg Winery, 5800 Wessex Hundred, Williamsburg. He further stated all required approvals had been received.

Staff recommended approval of the resolution.

Mr. Edwards opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. McGlennon made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlennon, Bradshaw, Nervitt, Edwards (4). NAY: (0).

**RESOLUTION**

**OUTDOOR GATHERING PERMIT**

WHEREAS, James City County has received an application from The Virginia Opera to hold an outdoor gathering on Saturday, June 13, 1998, from 6:00 p.m. to 8:00 p.m., at the Williamsburg Winery, 5800 Wessex Hundred, Williamsburg, Virginia 23185; and

WHEREAS, the application was reviewed and approved with comments by the James City County Police Chief, Fire Chief, Emergency Medical Coordinator, the County Health Department, Building Official, and the Zoning Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County Administrator to issue a permit to The Virginia Opera to hold an outdoor gathering as proposed on the Outdoor Gathering Permit Application and the written comments made thereto.

**G. BOARD CONSIDERATIONS**

1. Case No. SUP-37-97. PrimeCo Personal Communication Systems - Route 5 Facility (Deferred from May 12, 1998)

Mr. Paul D. Holt, III, Senior Planner, stated that the case was deferred at the May 12, 1998, Board of Supervisors meeting to allow staff to prepare a resolution of denial for the application submitted by Vernon Geddy, III, Esq., on behalf of PrimeCo Personal Communications, for a special use permit to construct a 185-foot tall wireless communication facility at 4315 John Tyler Highway, zoned R-8, Rural Residential, further identified as Parcel No. (1-21) on James City County Real Estate Tax Map No. (46-2).

Mr. Edwards made a motion to approve the resolution of denial for Case No. SUP-37-97.

On a roll call, the vote was: AYE: McGlennon, Nervitt, Edwards (3). NAY: Bradshaw (1).

**RESOLUTION**

**CASE NO. SUP-37-97. PRIMECO PERSONAL COMMUNICATIONS SYSTEMS -**

**ROUTE 5 FACILITY**

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance certain land uses requiring a special use permit; and
- WHEREAS, James City County has developed certain policies for the placement of personal wireless telecommunications facilities; and
- WHEREAS, PrimeCo Personal Communications, L.P. ("PrimeCo") is licensed by the Federal Communications Commission to provide digital wireless telecommunications service in James City County and is an established provider of such service in the County; and
- WHEREAS, in certain areas of the County and regardless of provider, the Board of Supervisors finds there must be a cohabitable relationship between the infrastructure of the telecommunications industry, the industry's desire to provide service in the most economically efficient ways possible, and the needs of the community as a whole; and
- WHEREAS, Mr. Vernon Geddy, III, on behalf of PrimeCo, has applied for a special use permit to construct a 185-foot tall wireless telecommunications facility at 4315 John Tyler Highway (Route 5) on property further identified as Parcel No. (1-21) on the James City County Real Estate Tax Map No. (46-2); and
- WHEREAS, the property is zoned R-8, Rural Residential, and is designated Low Density Residential on the 1997 Comprehensive Plan; and
- WHEREAS, the Planning Commission conducted a duly noticed public hearing on SUP-37-97 on January 5, 1998, whereafter a recommendation for approval failed by a vote of 2 to 5; and

WHEREAS, the Board conducted a duly noticed public hearing on SUP-37-97 on February 10, 1998, whereafter, with the applicant's concurrence, the Board deferred consideration of the case and remanded the application back to the Planning Commission for further consideration. The case was deferred pending further development of a tower ordinance and update of the wireless telecommunications facility placement policy. The case was also deferred so the Board could gain a greater understanding of the long-term build-out needs of the wireless telecommunications industry and alternatives to a 185-foot tall tower in the Route 5/Jamestown Roads area. These issues were discussed at a March 25, 1998, work session and the April 14, 1998, regular Board meeting; and

WHEREAS, The County's consultant has verified that adequate service can be provided through a series of much lower towers that will have little to no impact on surrounding areas.

WHEREAS, the Planning Commission reconsidered this application on May 4, 1998, after a duly noticed public hearing, whereafter a motion for denial passed by a vote of 6 to 1; and

WHEREAS, the Board conducted a duly noticed public hearing on SUP-37-97 on May 12, 1998, at which time oral and written evidence was presented, both in support of and in opposition to SUP-37-97; and

WHEREAS, having considered the written and oral evidence presented at the May 12, 1998, public hearing and other evidence which is part of the written record for SUP-37-97, the Board has determined that it is unable to make all of the findings which must be made pursuant to Section 24-9 of the Zoning Ordinance in order to approve SUP-37-97, and that this decision complies with the applicable requirements of the Telecommunications Act of 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, based upon the written record, hereby denies the PrimeCo application for SUP-37-97 for the reasons set forth below:

1. The structures' height of 185 feet above ground level is incompatible next to the existing residential subdivisions in the area; therefore, the Board of Supervisors of James City County finds the proposed use inconsistent with the surrounding land uses.
2. Surrounding areas are primarily residential and rural in character. The Board of Supervisors does not believe the commercial/industrial nature of a 185-foot tall monopole design tower such as the one proposed here is consistent with structures that are generally located in residential or rural areas in terms of scale, height, use, and character. No such similar structure is currently located in the area. Where such structures are necessary near residential and rural areas, the Board believes they should be sited and designed in a manner that increases their compatibility to the maximum extent possible.
3. The application, as proposed, conflicts with several significant comprehensive plan goals and objectives. An objective for retaining community character states that development should be "compatible in scale, size, and location to surrounding existing and planned development." A general land use standard and objective listed in the Plan states that the County should "permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, land uses, etc."

In addition, a goal for retaining community character states that projects should "enhance and preserve the integrity of the historic and unique areas of the County." An objective for retaining community character states the County should "ensure that development along

Community Character Corridors and Areas (i.e., Ironbound Road and Route 5) protects the natural views of the area, promotes the historic or unique character of the area, maintains greenbelt networks, and establishes attractive County entrance corridors." Efforts to protect viewsheds from historic properties (i.e., Route 5 and Mainland Farm) are also prominently listed in the general land use standards. The county should "protect environmentally sensitive resources including historic and archaeological resources, designated Community Character Corridors and Areas, and other sensitive resource by locating conflicting uses away from such resources and utilize design features, including building and site design, buffers, and screening to adequately protect the resource." The comprehensive plan recognizes the need to protect the character of the Jamestown Road area in order to maintain an appropriate setting for the numerous historic resources in the area. One of these resources is the Mainland Farm, which is part of the Governor's Land Archaeological District which is listed on the National Register. The County recently purchased the farm to protect its historic character and that of the surrounding area from incompatible development. The County has also designated Greensprings Road as a Community Character Corridor as it is considered one of the oldest surveyed roads in the United States. Greensprings road has also been designated a Virginia Byway. The proposed tower would be clearly visible from both Mainland Farm and Greensprings Road. The Board finds the scale, height, design and location of the 185-foot tall monopole design tower inconsistent with the stated goals, and existing and planned development.

4. Recent developments approved in the area are of a much lower height and scale, and the vegetative buffering required as a condition of approval of these developments does, or will, extend above the heights of the structures. With the acquisition of the farm, steps are now in place to protect Mainland Farm and Greensprings Road from further encroachment, and existing incompatible development can easily be mitigated with conventional buffering techniques and improvements. Given the proposed location of the wireless telecommunications facility, a 185-foot tall monopole tower cannot be adequately screened in a manner that protects the historic and scenic resources in the area.
5. The Board of Supervisors finds the application does not meet two of the components of the County's currently adopted wireless telecommunications facility siting policy:

**Policy 1.2 - Require verifiable evidence that the service coverage cannot be provided by an existing tower, or other tall structure within two miles of the proposed site, or through the use of an innovative antenna design.**

**Policy 2.2 - Allow new facilities within areas designated for residential development on the Comprehensive Plan and other sensitive areas only where innovative or "stealth" antenna designs can be employed. The policy states that tower-mounted antennas should be allowed in residential areas by SUP only where the elected body finds that such locations are not logical extensions of existing or future residential developments; in areas that are transitional or buffer zones between residential and other uses; and where impacts to adjacent residential areas can be demonstrated to be minimal.**

The applicant is proposing to use a "standard" monopole tower design at 185 feet. The site is designated residential on the Comprehensive Plan and a 185-foot monopole tower on the site would impact residential areas as well as Ironbound Road, a community character corridor, and Mainland Farm, a National Register Historic property. The Board finds that given the proposed location of the facility, the results of the balloon test, and the fact that a "standard" monopole will be constructed, the impacts to surrounding residential subdivisions and historically sensitive areas have not been demonstrated to be minimal and have not been minimized to the greatest extent possible.

Since the policy states that innovative designs (such as "stealth" antenna) be used where possible, and innovative or stealth designs be used in residentially designated areas or areas of historic significance, the Board finds that the proposal does not adequately meet this policy. For the Jamestown Road/Route 5 area of the County, the Board finds additional towers with little to no impact more acceptable than fewer towers with large impacts on the community as a whole. The County's consultant has verified that adequate service can be provided through a series of much lower towers that will have little to no impact on surrounding areas.

- 6. The Board has considered the applicable provisions of the Telecommunications Act of 1996, and finds that the denial of SUP-37-97 is in compliance with the requirements of the Act, based upon the following findings:
  - a. The Zoning Ordinance and currently adopted wireless telecommunications facilities placement policy does not unreasonably discriminate against wireless telecommunications providers of functionally equivalent services.
  - b. The Zoning Ordinance and currently adopted wireless telecommunications facilities placement policy does not prohibit or have the effect of prohibiting the provision of wireless telecommunications service. To date, the Board has previously approved other wireless telecommunication facility cases under the currently applicable ordinances and policies. In the instance of this particular application, a series of wireless telecommunication facilities with lower heights are acceptable from a land use perspective and the County's consultant has verified that adequate service coverage can still be achieved.
  - c. The Board acted on PrimeCo's application for SUP-37-97 within a reasonable period of time. The application for SUP-37-97 was submitted on December 1, 1997. The Planning Commission conducted its public hearing and made its recommendation to the Board of Supervisors on January 5, 1998, well within the 90 day period provided by the Zoning Ordinance. The Board's decision on SUP-37-97 is well within the 12 month period to act on the application, as provided in Section 15.1-491(g) of the Code of Virginia.
  - d. The Board does not base its decision to deny SUP-37-97 on health or environmental facts.

BE IT FURTHER RESOLVED that this decision is based on the written record of the proceedings of PrimeCo's application for SUP-37-97 which is on file in the Planning Department of James City County.

2. Case No. ZO-3-97. Wireless Communication Facilities (WCF) Ordinance Amendment, Chapter 24, Zoning (Deferred from May 12, 1998)

Mr. O. Marvin Sowers, Director of Planning, stated that the case had been deferred at the May 12, 1998, Board of Supervisors meeting to allow staff to clarify the definition of minimal intrusion. Mr. Sowers further stated that staff had revised the ordinance with additional provisions to require a radiation study, an engineer's certification on capacity and design, and evidence of good faith of negotiations with other providers on co-location.

Staff recommended approval of the wireless communications ordinance and performance standards.

Mr. Anderson asked whether there was any information in the ordinance stating that visibility impact was more important than co-location, mutual tower sites, or guy wires.

Mr. Sowers responded that staff would determine and advise the Board on a case-by-case basis.

Board and staff discussed the intent of the ordinance; performance standards not binding; visibility impacts important criteria; tower put only on golf course with approval of golf course owner; by right height of 120 feet, rather than 100 feet, because it allowed two co-locators; evidence required of provider's negotiation to allow co-location; and performance standards incorporated by reference, with any future changes brought back to the Board for approval.

Mr. McGlennon made a motion to approve the Ordinance.

On a roll call the vote was: AYE: McGlennon, Bradshaw, Nervitt, Edwards (4). NAY: (0).

3. Mainland Farm Greenway Pedestrian Boardwalks

Mr. Wayland N. Bass, County Engineer, stated that the County had constructed approximately four miles of nature trail on land donated to the County for conservation purpose, and beaver ponds currently block the trail in two locations.

Mr. Bass stated that bids were received for 900 lineal feet of six-foot wide boardwalk with the lowest, responsive bidder being Crofton Diving Corporation in the amount of \$115,277. He further stated that that amount would be supplemented by a grant of \$30,000 from the State Department of Conservation and Recreation Trail Access.

Staff recommended approval of the resolution.

Board and staff discussed reason for boardwalk was to better view the wildlife and wetlands system, the trails were readily accessible from Jamestown High School, security had not been a problem, there would be no environmental impact, and maintenance would be approximately \$5,000 yearly, done by County staff.

Mr. Nervitt made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlennon, Bradshaw, Nervitt, Edwards (4). NAY: (0).

RESOLUTION

MAINLAND FARM GREENWAY

PEDESTRIAN BOARDWALKS

AWARD OF CONSTRUCTION CONTRACT

WHEREAS, nature trails including boardwalks facilitate public recreational and educational access to the Mainland Farm Greenway; and

WHEREAS, funds are available in the FY 98 Capital Improvement Budget and from a Department of Conservation and Recreation Trail Access grant.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a construction contract for pedestrian boardwalks with the firm of Crofton Diving Corporation in the amount of \$115,277.

4. Williamsburg-Jamestown Airport Committee

Mr. Wanner stated on December 9, 1997, the Board of Supervisors, approved Special Use Permit 23-97 with Condition 6 stipulating that a Community Airport Committee shall be established of no fewer than five persons and no more than ten persons, with the airport owners submitting a list of members for approval within six months after the approved date of the special use permit.

Mr. McGlennon stated that the committee would not function as a policy making body but a committee holding discussions and making recommendations. He emphasized that the list should be reviewed and an opportunity given for neighborhoods/residents to communicate with owners to encourage a broader membership to the committee. He suggested deferral of the item until the June 9, 1998, Board of Supervisors meeting.

Board discussion followed regarding the role of the committee, length of term, and advantage to the community of conversation by committee and airport owners.

Mr. Edwards deferred the item until the June 9, 1998, Board of Supervisors meeting.

5. Acquisition of Elementary School Site - George M. Hankins

Mr. Morton stated that agreement had been reached on the sales contract with the Hankins' family, owners of the proposed elementary school site on Route 60, with closing on or before August 1, 1998.

Board and staff discussed that agreement on access by an old roadway would allow engineer and architectural work to begin.

Board and staff thanked the Hankins' family and all other participants for their cooperation in the matter.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: McGlennon, Bradshaw, Nervitt, Edwards (4). NAY: (0).

## RESOLUTION

### ACQUISITION OF ELEMENTARY SCHOOL SITE - HANKINS PROPERTY

WHEREAS, it is important that the County acquire property to construct a new elementary school.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs Jack D. Edwards, Chairman, to execute that certain Real Estate Sales Agreement dated May 22, 1998, for purposes of acquiring a 26.897-acre parcel for use as an elementary school site.

#### H. PUBLIC COMMENT

1. Ms. Bobbie McLane, Jamestown District, asked whether the Board had authority to have airport owners recommend other names for the membership of the committee.

Mr. Wanner responded that Special Use Permit 23-97 established that the committee would be made up of no fewer than five, nor more than ten members, and the Board of Supervisors would approve the list of individuals submitted by the airport owners.



2. Mr. Rick Lobo, 605 Beechwood Drive, read an article that he had written about neighborhoods in Williamsburg, and that was published in a magazine, Community Links, in Spring 1998.

3. Ms. Peggy Miller, 105 Dogwood Drive, stated several communities were not represented by names on the airport committee list and the School Board member listed was not the representative for Jamestown District. She asked about the composition, terms of service and committee rules.

4. Mr. Jeff Cattell, 2805 Sassafras, asked about the low bid for the Mainland Farm Greenway Pedestrian Boardwalk, and where were the funds coming from.

Mr. Wanner responded that the low bid was \$115,277. He stated that funds were available in the current FY 98 Capital Improvement Budget and further supplemented by a \$30,000 State Department of Conservation and Recreation Trail Access grant.

#### I. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner asked that action be taken at the appropriate time to nominate Ms. Kelly Fly to replace Mr. Al Trevarthen on the Greater Peninsula Private Industry Council.

Mr. Wanner announced a retreat with Williamsburg/James City County Schools, City Council of Williamsburg, and the Board of Supervisors had been scheduled for Saturday, June 27, 1998, 8:00 a.m. to 12 noon, place to be announced later.

Mr. Wanner stated that an economic development announcement would be in Wednesday's newspaper relating to expansion of an existing County firm.

Mr. Wanner stated a James City Service Authority Board of Directors' meeting would be held following the adjournment of this meeting.

#### J. BOARD REQUESTS AND DIRECTIVES - None

Mr. Edwards made a motion to nominate Ms. Kelly Fly to Greater Peninsula Private Industry Council to serve the unexpired term of Mr. Al Trevarthen.

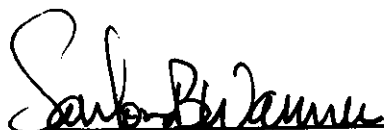
On a roll call, the vote was: AYE: McGlennon, Bradshaw, Nervitt, Edwards (4). NAY: (0).

Mr. Edwards stated the Transportation Improvement District Commission meeting would be held Wednesday, May 27, 1998, 2:00 p.m.

Mr. Edwards made a motion to adjourn.

On a roll call, the vote was: AYE: McGlennon, Bradshaw, Nervitt, Edwards (4). NAY: (0).

The Board adjourned at 9:02 p.m.

  
Sanford B. Wanner  
Clerk to the Board



### ADDITIONS FORM SR-5(A) - Proposed Additions to the Secondary System of State Highways

Attachment to (check one)  Board of Supervisors Resolution  Surety Date

Attachment 1 of 1

Name of Subdivision: Holly Ridge

James City (47) County

Ref. No.	Name of Street (Required Data Field)	Street Addition Termini	R-O-W Width (ft)	Miscellaneous Notes	Centerline Length (mi)	
1	Holly Ridge Lane	From: Route 31 To: 0.17 mi south to terminus Plat Recorded Date: 06/28/96 Plat Book: 64 Page: 46-47	50	#Occupied Dwl.: 3 Other Service: Description: Bit. conc. surface, curb and gutter	0.17	
2	Taber Park	From: Holly Ridge Lane, 0.07 mi south of Route 31 To: 0.08 mi east, loop to Holly Ridge Lane Plat Recorded Date: 06/28/96 Plat Book: 64 Page: 46-47	40	#Occupied Dwl.: 3 Other Service: Description: Bit. conc. surface, curb and gutter	0.08	
3		From: To: Plat Recorded Date: Plat Book: Page:		#Occupied Dwl.: Other Service: Description:		
4		From: To: Plat Recorded Date: Plat Book: Page:		#Occupied Dwl.: Other Service: Description:		
5		From: To: Plat Recorded Date: Plat Book: Page:		#Occupied Dwl.: Other Service: Description:		
6		From: To: Plat Recorded Date: Plat Book: Page:		#Occupied Dwl.: Other Service: Description:		
7		From: To: Plat Recorded Date: Plat Book: Page:		#Occupied Dwl.: Other Service: Description:		
Notes: Guaranteed width of right of way exclusive of any necessary easements for cuts, fills, and drainage.					Total Mileage	0.25

Magisterial District: Jamestown

<p><b>CERTIFICATION OF ATTACHMENT</b> (by county clerk or surety agent)</p> <p>This attachment is certified a part of the document above.</p> <p><i>Sanford Brannan</i> <b>CLERK TO THE BOARD</b></p> <p>(Name and Title)</p>
---

MAY 26 1998

ORDINANCE NO. 31A-176

BOARD OF SUPERVISOR  
JAMES CITY COUNTY  
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE I, IN GENERAL, SECTION 24-2, DEFINITIONS; SECTION 24-7, ADMINISTRATIVE FEES; BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION I, IN GENERAL, SECTION 24-34, SPECIAL REQUIREMENTS FOR ANTENNAE; BY ADDING DIVISION 6, WIRELESS COMMUNICATIONS FACILITIES, SECTION 24-121, STATEMENT OF INTENT; SECTION 24-122, WHERE PERMITTED, TYPES; SECTION 24-123, GENERAL REQUIREMENTS; SECTION 24-124, PERFORMANCE STANDARDS; SECTION 24-125, RADIO FREQUENCY STANDARDS; SECTION 24-126, PUBLIC SAFETY CONSIDERATIONS; SECTION 24-127, PERMIT LIMITATIONS; AND SECTION 24-128, PROCESSING AND SUBMITTAL REQUIREMENTS; BY AMENDING ARTICLE V, DISTRICTS, DIVISION 2, GENERAL AGRICULTURAL DISTRICT, A-1, SECTION 24-212, PERMITTED USES; SECTION 24-213, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 24-218, HEIGHT LIMITS; BY AMENDING DIVISION 3, LIMITED RESIDENTIAL DISTRICT, R-1, SECTION 24-232, PERMITTED USES; SECTION 24-238, HEIGHT LIMITS; BY AMENDING DIVISION 4, GENERAL RESIDENTIAL DISTRICT, R-2, SECTION 24-252, PERMITTED USES; AND SECTION 24-261, HEIGHT LIMITS; BY AMENDING DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4; SECTION 24-287, PERMITTED USES; AND SECTION 24-293, HEIGHT LIMITS; BY AMENDING DIVISION 6, MULTIFAMILY RESIDENTIAL DISTRICT, R-5; SECTION 24-305, PERMITTED USES; AND SECTION 24-314, REQUIREMENTS FOR IMPROVEMENTS AND DESIGN; BY AMENDING DIVISION 7, LOW DENSITY RESIDENTIAL DISTRICT, R-6; SECTION 24-328, PERMITTED USES; AND SECTION 24-335, HEIGHT LIMITS; BY AMENDING DIVISION 8, RURAL RESIDENTIAL DISTRICT, R-8; SECTION 24-348, PERMITTED USES; SECTION 24-349, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 24-354,

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 2

HEIGHT LIMITS; BY AMENDING DIVISION 9, LIMITED BUSINESS DISTRICT, LB; SECTION 24-368, PERMITTED USES; AND SECTION 24-375, HEIGHT AND BULK LIMITS; BY AMENDING DIVISION 10, GENERAL BUSINESS DISTRICT, B-1; SECTION 24-390, PERMITTED USES; SECTION 24-391, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 24-397, HEIGHT AND BULK LIMITS AND HEIGHT LIMITATION WAIVERS; BY AMENDING DIVISION 11, LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1; SECTION 24-411, PERMITTED USES; SECTION 24-412, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 24-419, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; BY AMENDING DIVISION 12, GENERAL INDUSTRIAL DISTRICT, M-2; SECTION 24-436, PERMITTED USES; SECTION 24-437, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 24-444, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; BY AMENDING DIVISION 13, LIMITED INDUSTRIAL DISTRICTS, M-3; SECTION 24-461, PERMITTED USES; SECTION 24-462, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 24-468, HEIGHT LIMITS AND HEIGHT LIMITATION WAIVERS; BY AMENDING DIVISION 14, PLANNED UNIT DEVELOPMENT DISTRICTS; SECTION 24-496, HEIGHT AND SPACING OF STRUCTURES; AND SECTION 24-499, PERMITTED USES; BY AMENDING DIVISION 15, MIXED USE, MU; SECTION 24-521, PERMITTED USES; SECTION 24-522, USES PERMITTED BY SPECIAL USE PERMIT ONLY; AND SECTION 24-525, HEIGHT OF STRUCTURES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Article I, In general, Section 24-2, Definitions; Section 24-7, Administrative fees; by Amending Article II, Special regulations, Division I, In general, Section 24-34, Special requirements for antennae; by adding Division 6, Wireless Communications Facilities, Section 24-121, Statement of intent; Section 24-122, Where permitted, types; Section 24-123, General requirements; Section 24-124,

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 3

Performance standards; Section 24-125, Radio frequency standards; Section 24-126, Public safety considerations; Section 24-127, Permit limitations; and Section 24-128, Processing and submittal requirements; by amending Article V, Districts, Division 2, General agricultural district, A-1, Section 24-212, Permitted uses; Section 24-213, Uses permitted by special use permit only; and Section 24-218, Height limits; by amending Division 3, Limited residential district, R-1, Section 24-232, Permitted uses; Section 24-238, Height limits; by amending Division 4, General residential district, R-2, Section 24-252, Permitted uses; and Section 24-261, Height limits; by amending Division 5, Residential planned community district, R-4; Section 24-287, Permitted uses; and Section 24-293, Height limits; by amending Division 6, Multifamily residential district, R-5; Section 24-305, Permitted uses; and Section 24-314, Requirements for improvements and design; by amending Division 7, Low density residential district, R-6; Section 24-328, Permitted uses; and Section 24-335, Height limits; by amending Division 8, Rural residential district, R-8; Section 24-348, Permitted uses; Section 24-349, Uses permitted by special use permit only; and Section 24-354, Height limits; by amending Division 9, Limited business district, LB; Section 24-368, Permitted uses; and Section 24-375, Height and bulk limits; by amending Division 10, General business district, B-1; Section 24-390, Permitted uses; Section 24-391, Uses permitted by special use permit only; and Section 24-397, Height and bulk limits and height limitation waivers; by amending Division 11, Limited business/industrial district, M-1; Section 24-411, Permitted uses; Section 24-412, Uses permitted by special use permit only; and Section 24-419, Height limits and height limitation waivers; by amending Division 12, General industrial district, M-2; Section 24-436, Permitted uses; Section 24-437, Uses permitted by special use permit only; and Section 24-444, Height limits and height limitation waivers; by amending Division 13, Limited industrial districts, M-3; Section 24-461, Permitted uses; Section 24-462, Uses permitted by special use permit only; and Section 24-468, Height limits and height limitation waivers; by amending Division 14, Planned unit development districts; Section 24-496, Height and spacing of structures; and

Section 24-499, Permitted uses; by amending Division 15, Mixed use, MU; Section 24-521, Permitted uses; Section 24-522, Uses permitted by special use permit only; and Section 24-525, Height of structures.

## ARTICLE I. IN GENERAL

### Sec. 24-2. Definitions.

*Antenna. A device of which the surface is used to capture an incoming and/or to transmit an outgoing radio-frequency signal. Antennas shall include the following types:*

- (1) *Omnidirectional (or 'whip') antenna. An antenna that receives and transmits signals in a 360-degree pattern.*
- (2) *Directional (or 'panel') antenna. An antenna that receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.*
- (3) *Dish (or parabolic) antenna. A bowl shaped device, less than two meters in diameter, that receives and transmits signals in a specific directional pattern.*

*Co-location. The use of a single support structure and/or site by more than one wireless communications service provider.*

*Equipment enclosure. A small building, cabinet, or vault used to house and protect the electronic equipment necessary to process wireless communications signals. Associated equipment may include air conditioners and emergency generators.*

*Historic and scenic resource area. Land managed by Colonial Williamsburg, the Jamestown-Yorktown Foundation, the National Park Service, York River State Park, the Virginia Association for Preservation of Antiquities, the Williamsburg Land Conservancy, or properties listed in the National Register, Virginia*

*Historic Landmarks Register, or locally designated historic structures or districts, or Community Character Areas as defined in the Comprehensive Plan.*

*Scenic resource corridor. Community Character Corridors as defined in the Comprehensive Plan; Virginia Byways.*

*Support structure. The structure to which antenna and other necessary hardware is mounted. Support structures shall include the following:*

- (1) Tower. A pole or latticed structure designed for the attachment of one or more antenna as the primary use of the structure.*
- (2) Alternative mounting structure. Light poles, utility transmission structures, water towers, and other structures other than building exteriors, towers, or camouflaged WCFs which are not primarily designed to support antenna nor are designed taller in order to accommodate antenna.*
- (3) Camouflaged structure. Any WCF disguised or hidden so that all of its components are unnoticeable to the casual observer, or otherwise not have the appearance of an antenna or a tower, and which meets at least one of the following: (1) the structure has the appearance, scale and height of other structures that are generally permitted in the district in which it is to be located; (2) the structure has the appearance of vegetation native to eastern Virginia; or (3) the structure is completely surrounded by a minimum of a 100-foot, undisturbed buffer of mature trees, or a buffer consisting of other elements such as evergreen trees, other structures or topography that provide at least the equivalent visual effect of a 100-foot undisturbed buffer of mature deciduous trees, that in combination with the design and color of the structure, renders the structure unnoticeable to the casual observer.*

*Wireless communications facility (WCF). A facility for the transmission or reception of low power radio signals used for two-way communications provided by a FCC licensee. WCFs shall not include facilities for broadcasting or receiving commercial or public radio or television programming, or facilities for transmitting or receiving signals by governmental agencies or amateur radio, citizens band, or similar users. WCFs are composed of two or more of the following components:*

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 6

- (1) *Antenna;*
- (2) *Support structure;*
- (3) *Equipment enclosure; or*
- (4) *Security barrier*

Sec. 24-7. Administrative fees.

<u>Procedure</u>	<u>Fee</u>
(2) Applications for special use permits:	
a. Generally .....	400.00
b. Manufactured home on an individual lot .....	100.00
c. Family subdivision under section 24-214. ....	100.00
<del>d. Reservoir Protection Overlay District .....</del>	<del>100.00</del>
e d. Amendment to a special use permit .....	200.00
<del>e. <i>Wireless communications facilities under division 6</i> .....</del>	<del>1,500.00</del>

ARTICLE II. SPECIAL REGULATIONS

DIVISION 1. IN GENERAL

Sec. 24-34. Special requirements for antennae.

In order to protect the health, safety, and welfare of the citizens of James City County and to insure that the unique aesthetic characteristics of the area are maintained, the following shall apply to the installation, maintenance and location of satellite earth station antennae and other types of *incidental* antenna located in the county *except antenna associated with wireless communications facilities in accordance with division 6.*



*Wireless Communications Facilities.* Any satellite dish antennae more than one meter in diameter or any other antennae in a residential district with more than ten square feet of surface area on any one side shall be permitted only after the issuance of a special use permit by the board of supervisors. In all other districts, antennae shall be permitted as accessory uses upon the issuance of a building permit. Provided that transmission and reception signals are not materially limited for satellite dish antennae one meter or less in diameter, or two meters in diameter in commercial or industrial zoned property, all antennae shall be subject to the following requirements:

#### *DIVISION 6. WIRELESS COMMUNICATIONS FACILITIES*

##### *Sec. 24-121. Statement of intent.*

*The purpose of this article is to regulate personal wireless communications facilities (WCF) so as to protect the health, safety, and general welfare of the community; to preserve the aesthetic quality of the community and its landscape; to protect property values; to protect the historic, scenic, rural, and natural character of the community; to minimize the presence of structures that depart from existing and future patterns of development, especially in terms of use, scale, height, site design, character, and lighting; to provide for adequate public safety communications; and to allow the providers of wireless communications facilities to implement their facilities in a manner that will fulfill these purposes, encourage their co-location, and allow them to fulfill their Federal Communications Commission (FCC) licenses.*

*The above objectives will be realized through the implementation of regulatory procedures which seek to:*

- (a) Keep the number of wireless communication facility sites to a minimum;*
- (b) Minimize the impacts of newly approved wireless communication facilities;*
- (c) Expedite the approval process for new wireless communication facility applications which, due to their location or design, aid in the achievement of items (a) and (b) above.*

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 8

**Sec. 24-122. Where permitted, types.**

(a) **Tower-mounted wireless communication facilities.** Tower-mounted WCFs shall be allowed as shown on Table 1.

**Table 1. Tower Mounted Wireless Communications facilities:**

Zoning District	By Right	S.U.P. Required
General Agriculture, A-1	≤ 35'	>35 feet
Rural Residential, R-8	≤ 35'	>35 feet
R-1, R-2, R-4, R-5, R-6	Not Permitted	Not Permitted
Limited Business, LB	Not Permitted	Not Permitted
General Business, B-1	≤ 60'	>60 feet
Industrial (M-1, M-2, M-3)	≤ 60'	>60 feet
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use, MU	Not Permitted	All Towers

(b) **Wireless communications facilities using alternative mounting structures.** WCFs determined by the planning director to be utilizing alternative mounting structures shall be permitted in all zoning districts and shall conform to the following requirements except where such WCFs are located in M-2 districts:

- (1) The principal use of the structure to be used for the placement of the antenna shall be for a use not associated with the wireless communications facility as determined by the planning director.
- (2) In addition to the height limitations of the underlying zoning district, the antennas mounted on alternative mounting structures shall conform to the following requirements:
  - a) All panel antenna shall be no more than five feet measured to the outermost point of the panel antenna from any surface of the existing structure at the point of attachment.

- b) *All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the mounting surface of the existing structure at the point of attachment.*
  - c) *All parabolic or dish antenna shall be no more than five feet measured to the outermost point of the dish from any surface of the existing structure at the point of attachment.*
- (3) *Equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence.*
- (c) *Building mounted wireless communications facilities. WCFs mounted on the exterior of buildings shall be permitted in all zoning districts and, with the exception of such WCFs located in M-2 districts, shall meet the following requirements:*
- (1) *The principal use of the building to be used for the placement of the antenna shall be for a use not associated with the wireless communications facility as determined by the planning director.*
  - (2) *In addition to the height limitations of the underlying zoning district, building mounted antennas shall conform to the following height restrictions:*
    - (a) *All panel antenna shall be no more than five feet measured to the top of the panel antenna above the roof proper of the existing building at the point of attachment.*
    - (b) *All whip antenna shall be no more than ten feet measured to the tip of the whip antenna above the roof proper of the existing building at the point of attachment.*
    - (c) *All parabolic or dish antenna shall be no more than five feet measured to the top of the dish above the roof proper of the existing building at the point of attachment.*
  - (3) *Whip antennas shall be designed and located to minimize views from residences and public rights-of-way.*

Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 10

(4) *Panel and parabolic dish antennas shall be completely screened or camouflaged from views from residentially zoned areas and public rights-of-way in a manner that is architecturally compatible with the building in which they are located.*

(5) *Equipment enclosures shall be located within the building on which the WCF is placed or located underground if site conditions permit and if technically feasible. Otherwise, equipment enclosures shall be camouflaged or screened from view by landscaping or a wall or fence matching the color, material, and design of the building.*

(a) *Camouflaged wireless communications facilities. WCFs determined by the planning director to be camouflaged as defined by this ordinance shall be permitted in all zoning districts. Any appeal of this determination shall be made to the development review committee and written notice of the appeal must be received by the planning division within 30 days of the date of the planning directors determination. Camouflaged WCFs shall meet the following:*

(1) *Where a buffer is provided to camouflage the WCFs, the following requirements shall be met:*

a) *The buffer shall remain undisturbed until the WCF is removed except for any access drives and utilities necessary for the WCF and other improvements or timbering activities that do not alter the visual effect of the buffer as determined by the planning director; and*

b) *The buffer shall be located in an on-site or off-site area that: 1) the planning director determines is not likely to be altered such that the visual effect of the buffer would be diminished while the WCF would be in existence, such as lands protected by the Chesapeake Bay Ordinance or other environmental regulations or conservation areas or community character corridors or areas depicted on the Comprehensive Plan; or, 2) such areas where the WCF owner has guaranteed the buffer will remain undisturbed while the WCF is in existence by way of ownership, lease agreement, recorded easement or other means acceptable to the planning director. Such leases and easements shall be in effect until such time as the WCF is removed; and*

- c) *Access drives shall be designed and located in a manner that provides no view of the WCF's base or related facilities from the road.*
- (2) *Where the camouflaged WCF is intended to have the appearance of vegetation native to eastern Virginia, the following requirements shall be met:*
  - a) *The WCF shall be located and designed so as to appear to be a naturally occurring tree which is not noticeably dissimilar to nearby vegetation in terms of height, scale, texture, or color, and*
  - b) *Should the WCF be taller than nearby trees, it shall be buffered with existing mature trees in a manner such that it will not appear out of scale with existing natural vegetation to an off-site viewer. Such buffer shall meet the buffer requirements stated above.*

***Sec. 24-123. General requirements***

*Except where otherwise noted in this section, the following requirements shall apply to all wireless communications facilities:*

*(a) Setbacks. In addition to meeting the requirements of the underlying zoning district, tower mounted WCFs shall conform to the following setback requirements:*

- (1) *All towers shall be set back from any off site existing residential structure no less than 400 feet.*
- (2) *All WCFs not meeting the structural requirements set forth in EIA-222-F, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," or its successors, shall be set back from all property lines and public rights-of-way a minimum of 110 percent of the tower height. When the above structural standards are met, the setback from any property line or public rights-of-way shall be no less than 110 percent of the documented collapse radius. All setbacks from a*

*public right-of-way shall exclude any planned public right-of-way designated on the Six-Year Primary and Secondary Road Plans or the Comprehensive Plan.*

*(b) Appearance. Towers, all WCFs equipment enclosures, and security fences shall conform to the following requirements:*

- (1) Lighting installed at all WCFs, other than low-intensity lighting installed for the purpose of site security, shall be only that required to meet the minimum requirements set forth in the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors. If lighting is required, the planning director shall review the available lighting alternatives and approve the lighting design. Such lighting shall minimize impacts on adjacent property and be located and designed to minimize visibility of the light source from the ground.*
- (2) Towers shall be gray in color unless otherwise required by the Federal Aviation Administration Advisory Circular AC 70/7460-1J, or its successors.*
- (3) No signage of any kind shall be displayed at or on a tower that advertises a product, service or business activity or institution.*
- (4) All equipment enclosures shall be screened from public view with fencing and landscaping unless the enclosure is of a similar design and material to that used for a single-family residence and approved by the planning director.*
- (c) Security. Except where otherwise noted, the following security requirements shall apply to all WCFs:*
  - (1) All towers, WCFs using alternative mounting structures, and camouflaged WCFs shall be equipped with an anti-climbing device, or be designed in a manner that precludes climbing without the use of additional equipment.*
  - (2) Security fencing, if used, shall conform to the following:*

- a) *Security fencing shall be screened from view with landscaping.*
- b) *Chain-link fences shall be of a black or green color.*
- c) *No fence shall exceed six feet in height and it shall contain no barb wire or similar barrier.*
- d) *Special requirements for certain antenna. Installation of any antenna on a tower shall require a special use permit if all of the following conditions apply:*
  - (1) *The tower on which it is to be placed was constructed after the effective date of this ordinance, and*
  - (2) *The tower on which it is to be placed is higher than the thresholds for towers requiring a special use permit identified on Table 1; and*
  - (3) *A special use permit does not already exist which would permit the construction of that tower or the installation of additional antenna on that tower.*

***Sec. 24-124. Performance standards.***

*In considering an application for a special use permit for a WCF, the planning director shall prepare a report identifying the extent to which the application takes into account the "Performance Standards for Wireless Communication Facilities" dated May 26, 1998, and endorsed by the board of supervisors. Such report shall be submitted to the planning commission and board of supervisors prior to the date of the public hearing on the special use permit application. In general, it is expected that all facilities shall substantially meet the provisions of the above performance standards.*

**Sec. 24-125. Radio frequency standards.**

(a) **Federal communications commission emissions standards.** The WCF shall comply with Federal Communications Commission (FCC) standards for non-ionizing electromagnetic emissions.

(b) **Non-interference with local broadcasts.** The applicant shall ensure that the wireless communication facility will not cause localized interference with the reception of area television or radio broadcasts. Prior to preliminary site plan approval of the WCF, an intermodulation study shall be submitted to and approved by the planning director indicating that no interference with county communications equipment will take place. If such interference is detected at any time, and is not corrected within 60 days, the special use permit or any other permits may be modified or revoked.

**Sec. 24-126. Public safety considerations.**

(a) **Noninterference with public safety communications.** The applicant shall ensure that the WCF will not interfere with public safety communications. Should such interference be detected, and is not corrected or ceased within 24 hours, operation of the WCF shall be terminated and the special use permit or any other permits may be modified or revoked.

(b) **Antenna mountings for public safety communications.** Applicants shall be required to negotiate in good faith, and provide evidence of these negotiations acceptable to the planning director prior to preliminary site plan approval, with public safety agencies regarding vacant antenna locations on WCFs prior to making these locations available to other providers. In instances where a potential need for the antenna location is identified by a public safety agency, said agency shall have the right of first refusal for said antenna location for a period of 90 days after the date of final site plan approval.



**Sec. 24-127. Permit limitations.**

(a) *Guarantee of removal.* Prior to final site plan approval, the owner of the property on which a WCF is located shall post a performance bond, cash surety, or letter of credit in an amount sufficient to fund removal of a disused WCF or any disused portion thereof, and site restoration. This bond or other financial mechanism shall remain in effect throughout the life of the WCF. A wireless communication facility shall be considered disused if it is not being utilized for the purpose of providing personal wireless communications services for a period of six months. At such time the WCF shall be removed, except where the WCF is used by the county or deemed necessary by the county for placement of its communications equipment.

(b) *Right of access.* The county shall be granted access to the WCF for the purposes of inspection and, in the event a WCF is disused, removal for the life of the facility.

(c) *Site restoration.* The site of a removed WCF shall be restored to its original state, except that any installed landscaping shall remain in place.

**Sec. 24-128. Processing and submittal requirements.**

(a) *In addition to meeting all other processing and submittal requirements for site plans and special use permits for tower mounted WCFs, applicants shall also comply with the following:*

(1) *Preapplication meeting.* Prior to formal application submittal, the prospective permittee or its representative shall attend a pre-application meeting with the planning director or his representative. The purpose of this meeting will be to discuss future service plans of the provider, the proposed WCF location, the configuration of the proposed WCF, the feasibility of co-location, the feasibility of alternative tower locations, and the feasibility of a building mounted WCF, utilizing an alternative mounting structure or a camouflaged WCF.

(2) *Professional certification.* The applicant shall provide certification by a Virginia-registered engineer specifying the following information prior to preliminary site plan approval:

- a. Antenna height, design, structure and capacity, including the number, type, and mounting elevations of antenna that could be accommodated.
- b. Compliance with all structural and safety requirements of the Virginia Uniform Statewide Building Code, including the BOCA Basic Building Code and section 222(F) of the standards adopted by the Electronics Industry Association, and all amendments thereto.
- c. A statement from a registered engineer that the nonionizing electromagnetic radiation emitted from the WCF, including all facilities that may already be attached, does not result in an exposure level on or outside the WCF that exceeds relevant FCC standards.

(3) Collocation efforts. The applicant shall allow other users to locate on the tower and site and shall provide the County, upon request, verifiable evidence of having made good faith efforts to allow such locations. To this end, the applicant shall execute a letter of intent prior to final site plan approval stating that the applicant will make every reasonable effort to accommodate all future requests to share space and that the applicant will negotiate in good faith with any party requesting space on the tower or site, and copies of said letters shall be sent to all wireless communication facilities service providers licensed to serve the county and a copy of their response, if any, shall be provided to the planning director. The planning director may waive this requirement for camouflaged WCFs where collocation would preclude the wireless communications facility from meeting ordinance requirements for such facilities, and for wireless communications facilities that utilize alternative mounting structures, or are building mounted.

(b) Any application for a special use permit for the installation of a WCF shall not be deemed complete until accompanied by the following materials, which shall be submitted six weeks prior to the planning commission meeting:

- (1) Conceptual site plan. A site plan, drawn to scale, shall be submitted that depicts the location of support structure(s), equipment enclosures, landscaped/vegetative buffer areas, the potential location of additional towers on the site, fences, access, and ownership and use of adjacent properties.

- (2) *Search and service area mapping. The applicant shall provide mapping, deemed suitable by the planning director, depicting the following:*
- a) *The search area for the proposed WCF along with underlying property lines and divisions. The map shall be of a clearly indicated scale and municipal boundaries and all primary and secondary highways within the search area shall be delineated.*
  - b) *The intended service area of the proposed WCF with a radio signal propagation plot, or other suitable graphic, depicting the level of signal coverage with and without the proposed WCF. At least one other graphic shall also be provided that shows the relationship of this coverage to that of existing and proposed WCFs operated by the same provider and future service plans, within the county and within five miles of the border thereof.*
- (3) *Evidence of attempts at co-location and using alternative locations, designs, and operating procedures. An applicant shall provide a copy of its co-location policy and the following evidence of attempts to co-locate and attempts to utilize alternative locations, designs, and operating procedures in a manner acceptable to the planning director:*
- (a) *The applicant shall indicate on a map provided by the planning department all existing tower and building mounted WCFs, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the proposed new location. The planning director may reduce the radius of this study area where the intended coverage of the proposed WCF is less than three miles.*
  - (b) *Applicants shall provide evidence acceptable to the planning director, including radio signal propagation plottings, that all existing towers, and alternative mounting structures and buildings more than 60 feet tall within a three-mile radius of the site of a proposed WCF have been evaluated with respect to their ability to provide adequate service coverage and antenna-mounting opportunity, and evidence acceptable to the planning director that adequate service coverage cannot be provided through an increase in transmission power, or through the use of camouflaged wireless communication facilities, alternative mounting*

structures, building mounted WCFs, or a system that uses lower antenna heights than proposed. The planning director may waive these requirements where documented evidence, satisfactory to the planning director is available that indicates alternative locations and designs are not feasible, and where the intended coverage of the proposed WCF is less than three miles.

(c) The applicant shall provide evidence deemed suitable by the planning director that good faith negotiations have taken place to use existing WCFs, and existing alternative mounting structures and buildings, including copies of letters sent to other service providers and their response, if any, on a request to co-locate on their facility.

(d) The applicant shall provide verifiable written evidence, deemed suitable by the planning director, of the feasibility of replacing all existing WCFs within a three mile radius of the site of the proposed WCF in order to accommodate the proposed WCF.

(4) Public safety communications antenna requirements. The applicant shall provide written evidence, deemed suitable by the planning director, of consultation with the relevant public safety agencies regarding their need for antenna space at any newly proposed WCF support structure.

(5) Intermodulation study. An intermodulation study indicating no potential interference with public safety communications shall be provided in a manner acceptable to the planning director.

(c) Balloon test. At least three weeks prior to the planning commission meeting, the applicant shall conduct a balloon test that simulates the height of the proposed WCF. The planning director may also require the balloon to be flown at other altitudes to determine impacts. The planning director shall give notice of the balloon test at least seven days prior to the day of the test in a newspaper having a general circulation in the county. The results of the balloon test, providing representative photographic evidence of the views of a proposed WCF from residential areas, public rights-of-way, and other sensitive areas identified by the planning director or his representative shall be provided to the planning director at least two weeks prior to the planning commission meeting. Other scaled graphical simulations of potential views encompassing a

*proposed WCF may be substituted for the balloon test results or required in addition to the balloon test results at the discretion of the planning director.*

## ARTICLE V. DISTRICTS

### DIVISION 2. GENERAL AGRICULTURAL DISTRICT, A-1

#### Sec. 24-212. Permitted uses.

Communication towers *and tower mounted wireless communications facilities*, up to a height of 35 feet.

*Wireless communication facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.*

#### Sec. 24-213. Uses permitted by special use permit only.

Communication towers over 35 feet in height.

*Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.*

#### Sec. 24-218. Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations ~~and accessory or nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities~~; may be erected to a total height of 60 feet from grade. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, ~~and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed 120 feet in grade to the top of the structure~~, upon finding that:

- (4) Communication towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height.

### DIVISION 3. LIMITED RESIDENTIAL DISTRICT, R-1

#### Sec. 24-232. Permitted uses.

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

#### Sec. 24-238. Height limits.

Buildings may be erected up to two stories and shall not exceed 35 feet in height from grade, provided, that:

- (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, home television antennae and home radio aerials *and wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities*, may be erected to a total height of 60 feet from grade. *Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.* Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, *and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed 120 feet in grade to the top of the structure*, upon finding that:

#### DIVISION 4. GENERAL RESIDENTIAL DISTRICT, R-2

##### Sec. 24-252. Permitted uses.

*Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.*

##### Sec. 24-261. Height limits.

Buildings may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (3) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, home television antennas and home radio aerials *and wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities*, may be erected to a total height of 60 feet from grade. *Camouflaged*

*wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed 120 feet in grade to the top of the structure, upon finding that:*

DIVISION 5. RESIDENTIAL PLANNED COMMUNITY  
 DISTRICT, R-4

**Sec. 24-287. Permitted uses.**

*Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.*

**Sec. 24-293. Height limits.**

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions, which are part of the structure. *Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.* A structure in excess of 60 feet in height but not in excess of 100 feet, from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank, radio, television and microwave antennas and towers or other accessory functions, *and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of 120 feet in grade to the top of the structure,* may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon



Ordinance to Amend and Reordain  
Chapter 24. Zoning  
Page 23

application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

#### DIVISION 6. MULTIFAMILY RESIDENTIAL DISTRICT, R-5

##### Sec. 24-305. Permitted uses.

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

##### Sec. 24-314. Requirements for improvements and design.

(j) *Structure height.* Structures may be erected up to 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures, or are building mounted in accordance with division 6, Wireless Communications Facilities. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ A structure in excess of 35 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, penthouse, electrical, plumbing, elevator, water tank, radio, television and microwave antennas and towers or other accessory functions, may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

DIVISION 7. LOW-DENSITY RESIDENTIAL DISTRICT, R-6

Sec. 24-328. Permitted uses.

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

Sec. 24-335. Height limits.

Buildings may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities,~~ may be erected to a total height of 60 feet from grade. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed sixty feet in height but not to exceed 100 feet, from grade to the top of the structure, ~~and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed 120 feet in grade to the top of the structure,~~ upon finding that:

DIVISION 8. RURAL RESIDENTIAL DISTRICT, R-8

Sec. 24-348. Permitted uses.

Communication towers ~~and tower mounted wireless communication facilities~~, up to a height of 35 feet.

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

Sec. 24-349. Uses permitted by special use permit only.

Communication towers over 35 feet in height.

Radio and television stations or towers.

~~Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, over 35 feet in height.~~

Sec. 24-354. Height limits.

Structures may be erected up to two stories and shall not exceed 35 feet in height from grade, except that:

- (2) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, home television antennas, home radio aerials, silos and other structures normally associated with and accessory to farming operations ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities~~, may be erected to a total height of 60 feet from grade ~~and camouflaged~~

*wireless communications facilities may be erected to a total height of 120 feet from grade.* Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, *and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed 120 feet in grade to the top of the structure,* upon finding that:

- (4) Communication towers permitted by a special use permit by the board of supervisors may be in excess of 35 feet in height.

#### DIVISION 9. LIMITED BUSINESS DISTRICT, LB

##### Sec. 24-368. Permitted uses.

*Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.*

##### Sec. 24-375. Height and bulk limits.

(a) Structures may be erected up to 35 feet in height from grade to the top of the structure, including all penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure. Parapet walls may be up to four feet above the height of the building on which the walls rest.

(b) Church spires, belfries, cupolas, chimneys, flues, monuments, and flagpoles *and wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities* may be erected to a total height of 60 feet from grade.

*Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver for these structures to exceed 60 feet in height but not to exceed 100 feet, from grade to the top of the structure, and for wireless communications facilities that utilize alternative mounting structures or are building mounted to exceed 60 feet in height but not to exceed 120 feet in grade to the top of the structure, upon finding that:*

#### DIVISION 10. GENERAL BUSINESS DISTRICT, B-1

##### Sec. 24-390. Permitted uses.

Radio and television stations and accessory antenna or towers *and tower mounted wireless communication facilities*, which are 60 feet or less in height.

*Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.*

##### Sec. 24-391. Uses permitted by special use permit only.

Antennas and towers in excess of 60 feet in height.

*Tower mounted wireless communications facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.*

**Sec. 24-397. Height and bulk limits and height limitation waivers.**

Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure and *camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade*, in accord with the following criteria:

- (2) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of or on top of the structure *and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of 120 feet in grade to the top of the structure*, may be erected only upon the granting of a height limitation waiver by the board of supervisors. Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

**DIVISION 11. LIMITED BUSINESS/INDUSTRIAL DISTRICT, M-1**

**Sec. 24-411. Permitted uses.**

Antennas and towers, self-supported, (not attached to buildings) *less than and tower mounted wireless communications facilities which are 60 feet or less* in height.

Radio and television stations and accessory antenna or towers, self-supported, (not attached to buildings) which are 60 feet or less in height.

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

**Sec. 24-412. Uses permitted by special use permit only.**

Antennas and towers (not attached to buildings) in excess of 60 feet in height.

~~Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.~~

**Sec. 24-419. Height limits and height limitation waivers.**

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.

(b) Water towers, church spires, belfries, cupolas, monuments, chimneys, flues, flagpoles, communication antennae, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.

(c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

DIVISION 12. GENERAL INDUSTRIAL DISTRICT, M-2

Sec. 24-436. Permitted uses.

Antennas and towers, self-supported, (not attached to buildings) ~~less than and tower mounted wireless communications facilities which are~~ 60 feet or less in height.

Radio and television stations and accessory antenna or towers, self-supported, (not attached to buildings) which are 60 feet or less in height.

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

Sec. 24-437. Uses permitted by special use permit only.

Antennas and towers (not attached to buildings) in excess of 60 feet in height.

~~Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.~~

Sec. 24-444. Height limits and height limitation waivers.

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.



(b) Water towers, chimneys, flues, flagpoles, communication antennae, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.

(c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

### DIVISION 13. LIMITED INDUSTRIAL DISTRICT, M-3.

#### Sec. 24-461. Permitted uses.

Antennas and towers, self-supported, (not attached to buildings) ~~less than and tower mounted wireless communications facilities which are~~ 60 feet ~~or less~~ in height.

Radio and television stations and accessory antenna or towers, self-supported, (not attached to buildings) which are 60 feet or less in height.

~~Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6, Wireless Communications Facilities.~~

#### Sec. 24-462. Uses permitted by special use permit only.

Antennas or towers (not attached to buildings) in excess of 60 feet in height.

~~Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities, in excess of 60 feet in height.~~

**Sec. 24-468. Height limits and height limitation waivers.**

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure. ~~Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~ Structures in excess of 60 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the board of supervisors.

(b) Water towers, chimneys, flues, flagpoles, communication antennae, mechanical penthouse, electrical, plumbing, elevator, parapet walls or other accessory mechanical functions which are part of or on top of a main structure shall be considered part of the structure.

(c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

**DIVISION 14. PLANNED UNIT DEVELOPMENT DISTRICTS**

**Sec. 24-496. Height and spacing of structures.**

(a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure ~~and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.~~

(b) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, flagpoles, penthouse, electrical,

plumbing, elevator, water tank, radio, television, and microwave antennas and towers or other accessory functions, *and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6. Wireless Communications Facilities in excess of 60 feet in height but not in excess of 120 feet in grade to the top of the structure,* may be erected only upon the granting of a height limitation waiver by the board of supervisors.

Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:

**Sec. 24-499. Permitted uses.**

(a) In the planned unit development district, residential (PUD-R), all structures to be erected or land to be used shall be for the following uses:

(2) Commercial uses:

*Wireless communications facilities that utilize alternative mounting structures, or are building mounted, or are camouflaged, and comply with division 6. Wireless Communications Facilities.*

(b) In the planned unit development district, commercial (PUD-C), all structures to be erected or land to be used shall be for one or more of the following uses:

(1) Commercial uses: Same as paragraph (2) of subsection (a) above.

(c) *In the planned unit development district, residential (PUD-R) or commercial (PUD-C), all structures to be erected or land to be used for the following uses shall be permitted only after the issuance of a special use permit by the board of supervisors.*

- (1) *Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities.*

DIVISION 15. MIXED USE, MU

Sec. 24-521. Permitted uses.

- (2) *Nonresidential uses:*

*Wireless communications facilities that utilize alternative mounting structures, or are building mounted or are camouflaged, and comply with division 6, Wireless Communications Facilities.*

Sec. 24-522. Uses permitted by special use permit only.

Radio stations, television stations, transmission relay stations and communication towers.

*Tower mounted wireless communication facilities in accordance with division 6, Wireless Communications Facilities.*

Sec. 24-525. Height of structures.

- (a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure *and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities. Camouflaged wireless communications facilities may be erected to a total height of 120 feet from grade.*


(b) A structure in excess of 60 feet in height but not in excess of 100 feet from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank, radio, television and microwave antennas, and towers or other accessory functions, *and accessory and nonaccessory wireless communications facilities that utilize alternative mounting structures or are building mounted in accordance with division 6, Wireless Communications Facilities in excess of 60 feet in height but not in excess of 120 feet in grade to the top of the structure,* may be erected only upon the granting of a height limitation waiver by the board of supervisors.

(c) Upon application for a height limitation waiver, the payment of appropriate fees, notification of adjacent property owners and following a public hearing, the board of supervisors may grant a height limitation waiver upon finding that:



Jack D. Edwards  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

SUPERVISOR	VOTE
SISK	ABSENT
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 26th day of May, 1998.