

**ADOPTED**

**MAY 26 1998**

ORDINANCE NO. 31A-176

**BOARD OF SUPERVISORS  
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,

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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,

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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:*

- (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
e. <i>Wireless communications facilities under division 6</i> .....	<i>1,500.00</i>

**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.*

**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.*

(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.*

(d) *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

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.**

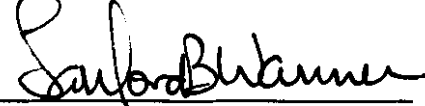
(a) Structures may be erected up to 60 feet in height from grade to the top of the structure, including all church spires, belfries, cupolas, monuments, flagpoles, penthouse, electrical, plumbing, elevator, water tank or other accessory functions which are part of the structure *and accessory and nonaccessory 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

<u>SUPERVISOR</u>	<u>VOTE</u>
SISK	ABSENT
MCGLENNON	AYE
BRADSHAW	AYE
NERVITT	AYE
EDWARDS	AYE

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