



# COUNTY OF PRINCE WILLIAM

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PLANNING  
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March 9, 2018

**TO:** Planning Commission

**FROM:** Benjamin J. Ziskal, AICP, CEcD  
Assistant Planning Director

**RE:** Zoning Text Amendment #DPA2017-00024  
Telecommunications and Small Cell Facilities (**Countywide**)

**I. Background** – is as follows:

- A. Purpose of the Zoning Ordinance – Section 15.2-2283 of the Code of Virginia states that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public.
- B. Current Zoning Ordinance Language – Part 201 of the Zoning Ordinance provides land use standards for public uses, such as streets, parks, and public utilities. This Part includes the County's regulations for compliance with Code of Virginia § 15.2-2232. This statute requires the location, character, and extent of public facilities to be substantially in accord with the County's Comprehensive Plan. Mobile and land-based telecommunications facilities are considered public facilities.

Part 240 of the Zoning Ordinance establishes parameters for the siting of mobile and land-based telecommunications facilities. These regulations govern the height and size of telecommunications antennas, as well as the height, setback, and associated characteristics of monopoles and telecommunications towers. In addition, Part 240 contains the County's regulations for compliance with Section 6409a of the Middle Class Tax Relief and Job Creation Act of 2012, otherwise known as the Spectrum Act, which requires local governments to approve certain requests for modifications of existing towers and base stations that are not considered substantial changes as defined by Federal regulations.

- C. Current Language Impacts – The General Assembly adopted changes to the Code of Virginia in 2016 and 2017, requiring changes to local regulations pertaining to telecommunications facilities:

1. Exception from Planning Commission Review – Chapter 613 of the 2016 Virginia Acts of Assembly deemed telecommunications monopoles and towers to be substantially in accord with the Comprehensive Plan if constructed to the by-right standards of the

underlying zoning district. Prior to this change to § 15.2-2232, monopoles and telecommunications towers that met the County's zoning requirements for by-right development would be required to receive a Public Facilities Review Determination from the Planning Commission that the proposed facility's location, character, and extent were substantially in accord with the Comprehensive Plan.

2. No Special Use Permits for Small Cell Facility – Chapter 835 of the 2017 Virginia Acts of Assembly mandated certain zoning standards for the review and approval of small cell facilities, which are enclosed telecommunications antennas of approximately six cubic feet intended for installation on existing utility poles, water towers, buildings, flag poles, and similar structures. The state statute prevents local governments from requiring Special Use Permit approval for small cell facilities, and standardizes the application process for approval or denial across all Virginia localities.

- D. Proposed Remedy – The proposed text incorporates changes to comply with current state statute. In addition, staff conducted an audit of the current ordinance for clarity, usability, and organization as part of the legislative update. The current Ordinance was adopted in 1998; obsolete terminology and processes were removed, and performance standards were reformatted for easier administration of the County's telecommunications regulations. This reformatting does not result in changes to current standards for height, setback, and similar requirements for antennas, monopoles, and telecommunications towers. Attachment A summarizes the new section numbers for these key standards.

To clarify the need to separate County-owned telecommunications facilities, which serve emergency management communications systems, an exemption for County-owned facilities from Part 240's standards has been added to §32-240.02. Similarly, staff has retained three submission requirements currently listed in §32-240.20 to ensure site plan applications have the necessary information for review by the Department of Information Technology to identify conflicts with the County's emergency management communications system.

## II. Current Situation – is as follows:

- A. Zoning Text Amendment Initiated – On May 16, 2017, the Board of County Supervisors initiated a zoning text amendment to incorporate the aforementioned mandatory zoning provisions pertaining to telecommunications facilities (see Attachment C for Initiating Resolution).
- B. Development Ordinance Review Advisory Committee (DORAC) – The committee reviewed the proposed zoning text amendment on January 19, 2018, and raised no issues with the proposed text. Representatives of Crown Castle, a

wireless infrastructure provider, attended the meeting and provided comment. The representatives confirmed that the proposed text aligned with state statute and with similar zoning text amendments they had reviewed from other jurisdictions.

- C. Planning Office Recommendation – The Planning Office recommends approval of Zoning Text Amendment #DPA2017-00024, Telecommunications and Small Cell Facilities in Attachment B, for the following reasons:
1. The proposed changes will bring the County’s telecommunications regulations into compliance with the Code of Virginia.
  2. The proposed changes will make the telecommunications standards easier for staff to administer and for the public to understand.
  3. The proposed changes will remove regulations which are not enforced due to limited instances when such regulations would be applicable.
- D. Planning Commission Public Hearing – A public hearing before the Planning Commission has been properly advertised for March 21, 2018.

**III. Issues** in the order of importance are:

- A. Policy – Does the amendment further the purposes of the Zoning Ordinance?
- B. Community Input – Have members of the community raised any concerns?
- C. Legal – Are there any legal implications associated with this zoning text amendment?
- D. Timing – What are the timing considerations of the zoning text amendment?

**IV. Alternatives** beginning with the staff recommendation are as follows:

- A. Recommend Adoption of Zoning Text Amendment #DPA2017-00024, Telecommunications and Small Cell Facilities, to the Prince William County Zoning Ordinance.
1. Policy – The proposed text will bring the County’s Zoning Ordinance into compliance with recent changes to the Code of Virginia. The General Assembly’s intent in making these changes is to reduce barriers to the expansion of wireless infrastructure capacity to meet wireless service demands in Virginia.
  2. Community Input – The Planning Office has created a web page which centralizes information for this text amendment<sup>1</sup>. The page contains the

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<sup>1</sup> <http://www.pwcgov.org/government/dept/planning/zoning/pages/small-cell-facilities.aspx>

aforementioned Acts of Assembly, the Board of County Supervisors' initiating resolution, and information on public meetings where the proposed text was reviewed.

The Planning Office held a public information meeting on Wednesday, January 24, 2018. The meeting had eight attendees in addition to two County staff representatives.

The Planning Office received public comment from industry representatives associated with Crown Castle and T-Mobile. Crown Castle recommended changes to definitions pertaining to existing structures that would allow an increased number of utility poles to be candidates for small cell facility installation. T-Mobile's comments focused on the draft text's standards for antennas, recommending increases in the permitted dimensions for cylinder antennas and panel antennas as well as allowing multibeam antennas of up to four feet in height and six feet in width.

After reviewing these comments, staff determined that these items were not within the scope of work initiated by the Board of County Supervisors for this text amendment. These items can be addressed by staff should the Board of County Supervisors initiate a supplementary zoning text amendment for the review and study of these items.

3. Legal – Legal issues, if any, may be addressed through the County Attorney's Office.
4. Timing – The Planning Commission has until June 19, 2018, 90 days from the first public hearing, to take action on this proposal. A recommendation to adopt the zoning text amendment would meet the 90-day requirement.

B. Do Not Recommend Adoption of Zoning Text Amendment #DPA2017-00024, Telecommunications and Small Cell Facilities, to the Prince William County Zoning Ordinance.

1. Policy – There would be no change to the existing Zoning Ordinance, which would be in conflict with recently enacted state statutes. Staff would default to the Code of Virginia instead of the Zoning Ordinance in determining whether a Public Facilities Review would be required for a proposed monopole or telecommunications tower. Likewise, staff would rely upon Code of Virginia § 15.2-2316.3, 2316.4, and 2316.5 for the review of applications for small cell facilities.

2. Community Input – The Planning Office has created a web page which centralizes information for this text amendment<sup>2</sup>. The page contains the aforementioned Acts of Assembly, the Board of County Supervisors’ initiating resolution, and information on public meetings where the proposed text was reviewed.
3. Legal – Legal issues, if any, may be addressed through the County Attorney’s Office.
4. Timing – The Planning Commission has until June 19, 2018, 90 days from the first public hearing, to take action on this proposal. A recommendation to not adopt the zoning text amendment would meet the 90-day requirement.

V. **Recommendation** is that the Planning Commission accept Alternative A and recommend adoption of Zoning Text Amendment #DPA2017-00024, Telecommunications and Small Cell Facilities.

**Staff:** Benjamin J. Ziskal, AICP, CEcD x7615

**Attachments:**

- A. Comparison Table for Telecommunications Performance Standards
- B. Proposed Text Amendment
- C. BOCS Initiation Resolution

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<sup>2</sup> <http://www.pwcgov.org/government/dept/planning/zoning/pages/small-cell-facilities.aspx>

## Attachment A – Comparison Table for Telecommunications Performance Standards

The following table can be used for finding specific zoning standards which are located in a new section. These standards have been reformatted and reorganized for greater clarity and for easier use by County staff and members of the public. Standards for height, setback, and landscaping remain functionally identical to those found in the current ordinance.

<b>Performance Standards</b>	<b>Current Ordinance</b>	<b>Proposed Ordinance</b>
Removal of telecommunications facilities	§32-240.03	§32-240.03, Subsection 1
Definitions associated with Spectrum Act	§32-240.04, Subsection 2(a-i)	Article 1 - Part 100. - Definitions
Compliance with Spectrum Act	§32-240.04	§32-240.08
Prohibition of signs	§32-240.10, Subsection 3	§32-240.03, Subsection 7
Noninterference with County communications systems	§32-240.10, Subsection 4	§32-240.03, Subsection 8
Setbacks for monopoles and towers	§32-240.10, Subsection 5	§32-240.07, Subsection 4
Structural standards for monopoles and towers	§32-240.10, Subsection 6	§32-240.07, Subsection 5
Landscaping at base of monopoles and towers	§32-240.10, Subsection 7	§32-240.07, Subsection 6
Accessory structures associated with telecommunications facilities	§32-240.10, Subsections 8, 9	§32-240.03, Subsection 5
Collapsibility of monopoles and towers	§32-240.10, Subsection 11	§32-240.07, Subsection 8
Amateur radio service	§32-240.11 §32-240.19, Subsection 3	§32-240.06
Dimensional standards for antennas	§32-240.12 §32-240.13	§32-240.04
Monopoles - Minimum lot size	§32-240.14, Subsection 1	§32-240.07, Subsection 2
Monopoles - Maximum height	§32-240.14, Subsection 2 §32-240.15, Subsection 1 §32-240.16, Subsection 1	§32-240.07, Subsection 2
Monopoles - Unobtrusive finish	§32-240.14, Subsection 5	§32-240.07, Subsection 11
Towers - Minimum lot size	§32-240.17, Subsection 1	§32-240.07, Subsection 2
Towers - Maximum height	§32-240.17, Subsection 2 §32-240.18 §32-240.18, Subsection 1	§32-240.07, Subsection 2
Towers - Unobtrusive finish	§32-240.17, Subsection 4	§32-240.07, Subsection 11
Requests for Special Use Permit when performance standards for monopoles and towers cannot be met	§32-240.16, Subsection 2 §32-240.17 §32-240.19, Subsection 2	§32-240.07, Subsection 3

## Attachment B – Proposed Text Amendment

### ARTICLE I. – TERMS DEFINED

#### PART 100. – DEFINITIONS

The Zoning Administrator shall strictly construe the following terms and definitions. In the event a term is not defined in this section, the Administrator shall refer to other chapters of the Prince William County Code and to the building code for guidance. If ambiguity remains, the Zoning Administrator shall then rely upon the conventional, recognized meaning of the word or phrase (e.g., current edition, Merriam-Webster's Dictionary). In determining what activities comprise components of any use defined herein, the Zoning Administrator may consult the current edition of the North American Industrial Classification Standards. The definitions provided herein shall not be deemed, nor shall they be construed to be, a listing of the uses permitted in the zoning districts created by this chapter.

*Amateur radio service* shall mean a radio communication service for the purpose of self-training, intercommunication, and technical investigations carried out by amateurs licensed by the ~~federal government~~ Federal Communications Commission, that is, duly authorized persons interested in radio technique solely with a personal aim and without financial interest.

*Antenna* shall mean any device used to collect or radiate electromagnetic waves or radio signals, particularly when used in the provision of any type of wireless communications services. ~~An antenna shall include, but shall not be limited to, including both~~ directional antennas, (such as yagi and, panel parabolic), and omnidirectional antennas, (such as wire, whip, and dipole). An "antenna" does not include any structure to which it is affixed.

*Antenna, cylinder-type* shall mean an antenna enclosed within a cylinder-shaped encasement.

*Antenna, directional or antenna, panel* shall mean an antenna consisting of one or more dipoles and a flat-panel reflector that can send and receive electromagnetic waves or radio signals from a single direction.

*Antenna, omnidirectional or antenna, whip* shall mean an antenna consisting of a straight flexible wire or rod that radiates electromagnetic waves or radio signals uniformly in all directions in one plane.

*Antenna, satellite dish or antenna, microwave dish* shall mean an antenna with a parabolic shape and curved surface which sends and receives electromagnetic waves or radio signals from a single direction.

*Base station* shall mean, for the purpose of compliance with the Spectrum Act as referenced in Section 32-240.08 of this chapter, a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. Base stations may include, without limitation, the following:

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(1) Equipment associated with wireless communication services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.

(2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (DAS) and small-cell networks).

(3) Any structure other than a tower that, at the time a relevant application is filed under Section 32 240.04 of this chapter, supports or houses equipment described in Paragraphs (1) and (2) of this definition that has been reviewed and approved under the applicable zoning or siting process, or under another Virginia state government or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

A base station does not include any structure that, at the time the relevant application is filed under Section 32-240.08 of this chapter, does not support or house equipment described in Paragraphs (1) and (2) of this definition. In addition, as used in § 15.2-2316.4 of the Code of Virginia and Section 32 240.05 of this chapter, a base station shall also mean a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

Collocation shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. In addition, as used in § 15.2-2316.4 of the Code of Virginia and Section 32 240.05 of this chapter, collocation shall also mean to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure.

Eligible facilities request shall mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving the following (see “Substantial Change”):

- (1) Collocation of new transmission equipment;
- (2) Removal of transmission equipment, or;
- (3) Replacement of transmission equipment.

Eligible support structure, as used in Section 32-240.08 of this chapter, shall mean any tower or base station as defined in this part, provided that it is existing at the time a relevant application is filed under Section 32 240.08 of this chapter.

Existing tower or existing base station, as used in Section 32-240.08 of this chapter and as referred to in the definition of eligible support structure, shall mean a constructed tower or base station if it has been reviewed and approved under the applicable zoning or siting process, or under another Virginia state government or local regulatory review process, provided that a



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tower that has not been reviewed or approved because it was not in a zoned area where it was built, but was lawfully constructed, is existing for the purposes of Section 32-240.08.

Existing structure shall mean, as used in § 15.2-2316.4 of the Code of Virginia and Section 32 240.05 of this chapter, any wireless support structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to Prince William County or the Virginia Department of Transportation of an agreement with the owner of the structure to collocate equipment on that structure. Existing structures shall include any wireless support structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

*Height* (other than "building height") shall mean the vertical distance from the lowest exposed point of the structure being measured to its highest point, but not including accessory fixtures part of the structure being measured.

*Height, monopole/tower* shall mean the total distance measured from the finished grade to the highest point on the monopole or tower, including antennas and all other appurtenances.

Micro-wireless facility shall mean a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

*Monopole* shall mean a single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas.

Small cell facility shall mean a wireless facility which meets the criteria specified in Section 32 240.05 of this chapter. Wireless facilities which do not meet all of the criteria specified in Section 32 240.05 of this chapter shall be deemed mobile and land-based telecommunications facilities.

Substantial change shall mean a modification that changes the physical dimensions of an eligible support structure if it meets any of the criteria found in Section 32-240.08 of this chapter.

*Telecommunications* shall mean a process that permits the passage of information from a sender to one or more receivers in a usable form, such as printed copy, fixed or moving pictures, and/or visible or audible signals, by means of any electromagnetic system, such as electrical transmission by wire or radio. This includes such uses as telegraph and telephone.

*Telecommunications facilities, mobile and land-based* shall mean any land area, structure, and equipment affixed to land or structures (singly or in any combination) used in telephone, broadcast, cable television, microwave relay, two-way radio, and private amateur radio, or other operations involving the transmitting, receiving or exchanging of information over wires, cables, fibers, light beams or by electromagnetic energy through the atmosphere. For the purpose of this chapter, mobile and land-based telecommunications facilities shall not include small cell facilities.

*Telecommunications facilities, temporary* shall mean a ~~temporary~~ mobile and land-based telecommunications facility that is erected for a limited period of time by a licensed

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~~telecommunications enterprise wireless infrastructure provider or wireless services provider for the purpose of testing the location of a possible permanent telecommunications facility.~~

*Telecommunications tower* shall mean a structure used to support one or more antennas. Such a structure is typically of skeletal lattice-type framework or solid construction. Guy wires, framework, or other stabilizing devices are considered part of the structure of the tower. For the purpose of this chapter, a monopole shall be considered a telecommunications tower.

Tower, as referred to in the definition of eligible support structure and existing tower or existing base station and as used in Section 32-240.08 of this chapter, shall mean any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated tower site.

Tower site, as referred to in the definition of tower and as used in Section 32 240.08 of this chapter, for towers other than towers in the public rights-of-way, shall mean the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Transmission equipment, as used in Section 32-240.08 of this chapter, shall mean equipment that facilitates transmission for any FCC-licensed or an authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Utility distribution structure* shall mean a ground mounted self-supporting vertical structure used to elevate electrical and communication distribution lines to a suitable height, whose primary function is to support wires, conductors, and associated equipment used for distribution of electrical energy and/or land-line communication signals.

*Utility distribution structure, replacement* shall mean the same as a utility distribution structure, however, it is a new structure built in the same location or in conjunction with an existing structure used for all of the same functions, except it allows antennas, support structures, and equipment to be mounted on the structure for use in mobile and land-based telecommunications services.

Utility pole, as used in § 15.2-2316.4 of the Code of Virginia and Section 32-240.05 of this chapter, shall mean a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth of Virginia that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

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Water tower, as used in § 15.2-2316.4 of the Code of Virginia and Section 32-240.05 of this chapter, shall mean a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

Wireless facility shall mean equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

Wireless infrastructure provider shall mean any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

Wireless services shall mean (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

Wireless services provider shall mean a provider of wireless services.

Wireless support structure, as used in § 15.2-2316.4 of the Code of Virginia and Section 32 240.05 of this chapter, shall mean a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. For the purpose of this chapter, a telephone or electrical utility pole or a tower used for the distribution or transmission of electrical service shall not be deemed a wireless support structure.

### ARTICLE II. – ADMINISTRATION, PUBLIC USES AND USES OF A PUBLIC NATURE, GENERAL STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS

#### PART 201. – PUBLIC USES AND USES OF A PUBLIC NATURE

##### Sec. 32-201.10. – Public uses and facilities.

Public facilities, structures, and uses, as those terms are used herein, shall include but not be limited to streets, connections to existing streets, parks or other public areas public buildings or public structures, public utility facilities, or public service corporation facilities, whether publicly or privately owned, but shall not include railroad facilities, high power electrical transmission lines in excess of 150 kilovolts which are subject to review and approval by the Virginia State

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Corporation Commission, or a public ~~telecommunications~~ facility associated with a public broadcasting station (not including television and radio towers and structures not necessary to house electronic apparatus) that has received approval and funding by the ~~Virginia Public Broadcasting Board~~ Board of Education pursuant to Code of Virginia, § ~~2.2-2426~~ 22.1-20.1. For purposes of this section, the foregoing facilities, structures, and uses shall be referred to as public facilities. The term "public facility" or "public use" shall not, however, include the business office of any of the foregoing unless owned and operated by a governmental body.

### **Sec. 32-201.12. – Exceptions and special provisions for public facility determinations under Code of Virginia, § 15.2-2232~~C.~~ and ~~D.~~**

- (a) The Planning Director shall deem public areas, facilities, or uses as features already shown in the Comprehensive Plan when they are identified within, but are not the entire subject of, a subdivision plan submitted in accordance with section 110 of the Design and Construction Standards Manual, or of a site plan for development submitted in accordance with section 32-800.10, and:
  - (1) When the general or approximate location, character, and extent of those facilities is consistent with the provisions of the Comprehensive Plan or a part thereof and the Design and Construction Standards Manual contains standards for such construction, or that the ~~the~~ Board of County Supervisors has, by ordinance or resolution, defined standards governing the construction, establishment, or authorization of such public area.
  - (2) The public areas, facilities, or uses are the subject of a proffer accepted under the County's conditional zoning system.
  - (3) Notwithstanding the provisions of subsection (1), above, construction plans which relate solely to the construction of such public facilities may be accepted and reviewed if those facilities are shown on the approved preliminary subdivision plan of which the construction plans are an integral part.
- (b) Paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporation facilities shall not require a public facility determination. For purposes of this section, widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall be subject to the requirement of a public facility determination.
- (c) In accordance with Code of Virginia §15.2-2232 (G), Telecommunications facilities which meet the performance standards specified in Part 240 for by right approval shall be deemed to be substantially in accord with the Comprehensive Plan. As a result, such facilities shall not be required to obtain approval by the Planning Commission., other than County-owned or County leased telecommunications facilities, shall also comply with sections 32-240.00 et seq., including yard and setback requirements therein.

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### Sec. 32-201.18. - Lots for public use; restrictions on use.

- (a) Lots for any public use, except public buildings, may be developed and used even if not meeting the minimum area or other regulatory requirements of the applicable zoning district. Except where otherwise required in accordance with table 8-1 of the Design and Construction Standards Manual, a minimum 15-foot peripheral landscape area shall be established and maintained that meets type A buffer standards in accordance with section 800 of the Design and Construction Standards Manual where such lot contains a permanent structure above the height of three feet.
- (1) Notwithstanding the peripheral landscape requirement in subsection (a) of this section, mobile and land-based telecommunications facilities determined to be monopoles and telecommunications towers shall be subject to the landscape provisions listed in Section 32-240.07 (subsection 4). Small cell facilities shall not be required to meet the landscaping requirement in subsection (a) of this section.
- (b) Lots upon which public buildings are constructed shall meet all setback and yard requirements of the district in which they are located, but shall otherwise be treated the same as other public facilities.
- (c) The following language shall be contained on the subdivision plat and deed conveying the property, or any site plan submitted in connection with the establishment of a public use:
- "This lot is being created solely for use as a public use facility, and cannot be used for any other purpose. If the public use of this lot shall cease, no further use of the lot may commence until such time as all the requirements of the zoning ordinance are met, whether by aggregation with other properties, or otherwise".

## PART 240. – MOBILE AND LAND-BASED TELECOMMUNICATIONS FACILITIES

### Sec. 32-240.01. – Purpose and intent.

This part, ~~as adopted and amended, is for the general purpose of~~ establishing parameters for the siting of mobile and land-based telecommunications facilities, including monopoles, towers, antennas, amateur radio service, satellite dish antennas, and related equipment. This part also establishes parameters for the location of small cell facilities in accordance with Code of Virginia § 15.2-2316.3 and 2316.4.

The intent of this ordinance is to:

1. Encourage the location of monopoles and towers in nonresidential areas;
2. Minimize the total number of monopoles and towers throughout the County;
3. Encourage the use of public properties for new monopoles, towers, antennas, and related equipment;

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4. Strongly encourage the joint use of new and existing monopole and tower sites;
5. Encourage users of monopoles and towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
6. Encourage users of monopoles and towers to configure them in a way that minimizes the adverse visual impacts through careful design and siting;
7. Ensure public health, safety, welfare, and convenience; and
8. Conform with federal and state laws that allow certain antennas to be exempt from local regulations; and
9. Encourage collocation of mobile and land-based telecommunications facilities and small cell facilities on existing structures and/or among such facilities. Locate monopoles and towers in accordance with the Comprehensive Plan map.

### Sec. 32-240.02. – Exemptions~~Applicability~~.

Mobile and land-based telecommunications facilities owned or leased by Prince William County are exempt from the regulations set forth in this part.

1. ~~The requirements set forth in this part shall govern the location of commercial monopoles and towers that are 50 feet in height or greater, amateur radio towers, and satellite dish antennas, and shall establish performance standards for antennas and related equipment used in association with existing structures, roof tops, utility distribution structures, and replacement utility distribution structures that are designed to accommodate antennas and associated equipment. Commercial monopoles and towers that are less than 50 feet in height, and amateur radio towers less than 75 feet in height shall be permitted by right in all zoning districts, subject to the provisions of this part. The requirements set forth in this part shall also govern the use and location of individual commercial satellite dish antennas greater than 50 feet in height and/or greater than three feet in diameter and commercial satellite dish antenna earthstation installations with two or more dishes.~~
2. ~~Telecommunications equipment for private residential use, including amateur radio service and satellite dishes shall be permitted in all districts as an accessory use. Other than the provisions of sections 32-240.10.2 through 32-240.10.4 and 32-240.11, the requirements set forth in this part shall not govern the use and location of amateur radio service towers that are 75 feet or less in height.~~

### Sec. 32-240.03. – General standards for mobile and land-based telecommunications facilities~~Removal of telecommunications facilities~~.

1. Removal of telecommunications facilities. Mobile and land-based telecommunications facilities shall be removed from the property upon which installed within 1 year after the date its use for telecommunications or any service facilitated by the facility's transmission

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equipment is discontinued. The former location of the facility shall be stabilized with pegged sod or other vegetation in accordance with the Design and Construction Standards Manual.

2. Permitted in any district. Mobile and land-based telecommunications facilities shall be a permitted as a use in any zoning district, subject to the provisions of this part.
3. Permitted in right-of-way. Mobile and land-based telecommunications facilities shall be permitted as a use within any right-of-way, subject to the provisions of this part.
4. Conformance with § 15.2-2232. Mobile and land-based telecommunications facilities which can not meet the performance standards of this part for by right approval shall be subject to the requirements of Code of Virginia, § 15.2-2232.
5. Accessory structures. Equipment buildings and other accessory structures used in association with mobile and land-based telecommunications facilities shall be subject to the following provisions:
  - (a) Such structures shall meet the yard and setback requirements of the zoning district within which they are located;
  - (b) The maximum gross floor area for such structures shall be 360 square feet.
  - (c) The maximum height for such structures shall be 12 feet.
6. Lighting. The illumination of mobile and land-based telecommunications facilities shall be subject to the following provisions:
  - (a) Signals, lighting, or illumination shall be permitted as required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), other federal authorities, state authorities, or Prince William County.
  - (b) If given the option by the FCC and/or FAA, red incandescent lights shall be used at night in lieu of white lights.
  - (c) Signals, lights, or illumination shall be maintained in a functional condition by the property owner.
7. Signs. Signs attached to mobile and land-based telecommunications facilities shall be subject to the standards specified in Part 250, Division 2.
8. Interference prevention. Mobile and land-based telecommunications facilities shall not interfere with or obstruct any Prince William County emergency management communications systems.
9. Location of associated equipment. All transmission equipment, and all equipment buildings and other accessory structures used in association with a mobile and land-based telecommunications facility, shall be located within the boundaries of the lot upon which the mobile and land-based telecommunications facility is installed.

All unused equipment and facilities at a telecommunications facility shall be removed by the property owner within 12 months of cessation of use, or the expiration of the land lease,

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whichever occurs first, and the site shall be restored as closely as possible to the condition before the facilities were constructed.

### **Sec. 32-240.04. – Additional standards for antennas associated with mobile and land-based telecommunications facilities**~~Minor Modifications to Existing Telecommunications Facilities.~~

1. Permitted in any district. Antennas shall be a permitted use in any zoning district.
2. Can exceed height of structure. Antennas may exceed the maximum height for structures for the zoning district within which it is located.
3. Maximum height. The maximum height for antennas shall be as follows:
  - (a) Omnidirectional or whip antennas: 20 feet.
  - (b) Directional or panel antennas: 10 feet.
  - (c) Cylinder-type antennas: 6 feet.
  - (d) Satellite and microwave dish antennas: No maximum height.
4. Maximum diameter or width. The maximum diameter or width for antennas shall be as follows:
  - (a) Omnidirectional or whip antennas: 7 inches in diameter.
  - (b) Directional or panel antennas: 2 feet in width.
  - (c) Cylinder-type antennas: 12 inches in diameter.
  - (d) Satellite and microwave dish antennas: 10 feet in diameter.
5. Color and materials. The following types of antennas shall be constructed of an industry standard material, and subject to the review and approval of the Zoning Administrator or his/her designee, shall have a color which is identical to or closely compatible with the color of the structure upon which they are installed:
  - (a) Omnidirectional or whip antennas.
  - (b) Directional or panel antennas.
6. Screening. Satellite and microwave dish antennas, greater than three feet in diameter, shall be screened in accordance with Section 800 of the Design and Construction Standards Manual.
7. Antennas on utility distribution structures and similar structures. Antennas installed on utility distribution structures, utility poles, and overhead highway signs shall be subject to the following provisions in addition to those specified in this section:
  - (a) Satellite and microwave dish antennas shall not be permitted.



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(b) Antennas to be installed on structures listed in subsection 7 of this section, which are located in agricultural and residential districts, or in any residential subdistrict or open space subdistrict of a mixed-use district, shall meet the following requirements:

(1) Omnidirectional or whip antennas:

(i) Maximum height of 12 feet.

(ii) Maximum diameter of 2 inches.

(iii) No more than 9 omnidirectional or whip antennas may be mounted on a pole or standard.

(2) Directional or panel antennas:

(i) Maximum height of 9 feet.

(ii) Maximum width of 2 feet.

(3) Equipment buildings and other accessory structures, when mounted on a pole or standard, shall not exceed 4 cubic feet.

~~1. This section implements Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC" or "Commission") Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve an Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.~~

~~2. For the purpose of this section, the terms used have the following meanings:~~

~~(a) *Base Station.* A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:~~

~~(1) Equipment associated with wireless communication services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as a microwave backhaul.~~

~~(2) Radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).~~

~~(3) Any structure other than a tower that, at the time the relevant application is filed under this section, supports or houses equipment described in paragraphs (a)(1)–(a)(2) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.~~

~~The term does not include any structure that, at the time the relevant application is filed under this section, does not support or house equipment described in (a)(1)–(2) of this section.~~

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- ~~(b) *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.~~
- ~~(c) *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
  - ~~(1) Collocation of new transmission equipment;~~
  - ~~(2) Removal of transmission equipment;~~
  - ~~(3) Or Replacement of transmission equipment.~~~~
- ~~(d) *Eligible support structure.* Any tower or base station as defined in this section, provided that is existing at the time the relevant application is filed under this section.~~
- ~~(e) *Existing.* A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area where it was built, but was lawfully constructed, is existing for purposes of this section.~~
- ~~(f) *Site.* For towers other than towers in public rights of way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted that area in proximity to the structure and to other transmission equipment already deployed on the ground.~~
- ~~(g) *Substantial Change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
  - ~~(1) For towers other than towers in the public rights of way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for the other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;~~
  - ~~(2) For towers other than towers in the public rights of way, it involves adding appurtenance to the body of the tower that would protrude from the edge of tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structure that would protrude from the edge of the structure by more than six feet;~~
  - ~~(3) For any eligible supportive structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights of way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;~~
  - ~~(4) It entails any excavation or deployment outside the current site;~~~~

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- ~~(5) It would defeat the concealment elements of the eligible support structure; or~~
  - ~~(6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds of identified in paragraphs (g)(1)–(g)(4) of this section.~~
  - ~~(h) *Transmission Equipment.* Equipment that facilitates transmission for any FCC-licensed or an Authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.~~
  - ~~(i) *Tower.* Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.~~
- ~~3. Applications for an Eligible Facilities Request shall be processed in accordance with the following:~~
- ~~(a) The Planning Director or his designee shall prepare and make publically available an application form which shall be limited to the information necessary to consider whether and application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.~~
  - ~~(b) Upon receipt of an application for an Eligible Facilities Request pursuant to this section, the Planning Director or his designee shall review such application to determine whether the application so qualifies.~~
  - ~~(c) Within 60 days of the date on which an applicant submits an application seeking approval under this section, the Planning Director or his designee shall approve the application unless it determines that the application is not covered by this section.~~
  - ~~(d) The 60 day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Planning Director or his designee and the applicant, or in cases where Planning Director or his designee determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.~~
    - ~~(1) To toll the time frame for incompleteness, the Planning Director or his designee must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.~~
    - ~~(2) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Planning Director or his designee's notice of incompleteness.~~

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- ~~(3) Following a supplemental submission, the Planning Director or his designee will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.~~
- ~~(e) Interaction with the Federal Telecommunications Act of 1997 (Telecommunications Act). If the Planning Director or his designee determines that the applicant's request is not covered by the Spectrum Act as delineated under this section, the presumptively reasonable timeframe under the Telecommunications Act, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the Planning Director or his designee's decision that the application is not a covered request. To the extent such information is necessary; the Planning Director or his designee may request additional information from the applicant to evaluate the application under the Telecommunications Act, pursuant to the limitations applicable to other Telecommunications Act reviews.~~
- ~~(f) In the event the Planning Director or his designee fails to approve or deny a request seeking Approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Planning Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.~~
- ~~(g) Applicants and the County may bring claims related to the Spectrum Act to any court of competent jurisdiction.~~

~~Secs. 32-240.05 – 32-240.09. Reserved.~~

### **Sec. 32-240.05. – Small cell facilities.**

#### 1. A wireless facility shall be deemed a small cell facility if it meets the following criteria:

- (a) Each of the facility's antennas are located inside an enclosure of no more than 6 cubic feet in volume, or, in the case of antennas that have exposed elements, the antennas and all of the facility's exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet.
- (b) All other wireless equipment associated with the facility have a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission.
- (c) The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

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2. Small cell facilities shall be permitted by right in all zoning districts subject to the following general performance standards.
  - (a) The small cell facility shall be installed by a wireless services provider or wireless infrastructure provider on an existing structure.
  - (b) The wireless services provider or wireless infrastructure provider has obtained permission from the owner of the existing structure to collocate the small cell facility on the existing structure and to collocate the associated transmission equipment on or proximate to the existing structure.
3. Wireless facilities which do not meet the criteria to be deemed a small cell facility shall be deemed mobile and land-based telecommunications facilities. Such facilities may be permitted pursuant to the applicable provisions of this part.
4. A wireless services provider or wireless infrastructure provider may submit up to 35 permit requests for small cell facilities on a single application. Permit application fees shall be in accordance with § 15.2-2316.4(B)(2) of the Code of Virginia.
5. Permit applications for small cell facilities shall be reviewed and approved as follows:
  - (a) Permit applications for the installation of small cell facilities shall be approved or disapproved within 60 days of receipt of the complete application. The 60-day period may be extended by staff upon written notification to the applicant, for a period not to exceed an additional 30 days.
  - (b) Within 10 days of receipt of an application submission and a valid electronic mail address for the applicant, the applicant shall receive an electronic mail notification if the application is incomplete. If the application is determined to be incomplete, the notification shall specify the missing information which needs to be included in a resubmission in order to be determined complete.
  - (c) Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval. The disapproval may be based only on any of the following reasons:
    - (1) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities.
    - (2) Public safety or other critical public service needs.
    - (3) In instances where the installation is to be located on or in publicly owned or publicly controlled property (excluding privately owned structures where the applicant has an agreement for attachment to the structure), aesthetic impact, or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property.

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- (4) Conflict with an approved Historic Overlay District adopted pursuant to Code of Virginia § 15.2-2306 and Sec. 32-502.
- (d) A permit application approval shall not be unreasonably conditioned, withheld, or delayed.
- (e) An applicant may voluntarily submit, and staff may accept, any conditions that address potential visual or aesthetic effects resulting from the placement of small cell facilities.
- (f) The submission of a permit application shall represent a wireless services provider's or wireless infrastructure provider's notification to the County as required by § 15.2-2316.4(A).
6. *Micro-Wireless Facilities.* Notwithstanding anything to the contrary in this section, the installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from locality-imposed permitting requirements and fees.

### **Sec. 32-240.06. – Amateur radio service.**

1. *Permitted by-right in any residential zoning district.* Amateur radio service shall be a permitted accessory use in any agricultural and residential zoning district, or in any residential subdistrict of a mixed-use zoning district.
2. *Permitted by special use permit.* Amateur radio service supported by a telecommunications tower greater than 75 feet tall shall be permitted with the approval of a special use permit.
3. *Location.* For lots less than or equal to three acres in size, telecommunications towers and other structures associated with amateur radio service shall only be located in either a side yard or a rear yard.
4. *Setback.* Telecommunications towers and other structures associated with amateur radio service shall be subject to the following setbacks:
- (a) Less than or equal to 20 feet in height.
- (1) Minimum 5 foot setback from any side lot line or rear lot line.
- (2) For corner lots, minimum 20 foot setback from the side lot line adjacent to the public street.
- (b) Greater than 20 feet in height.
- (1) The tower shall be subject to the yard and setback requirements of the zoning district of the lot where the tower is located.

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5. Antennas. Antennas associated with amateur radio service that are attached to a single-family dwelling or a multifamily dwelling shall be subject to the standards specified in Section 32-240.04 of this chapter.

### **Sec. 32-240.07. – Additional standards for monopoles and telecommunications towers.**

1. Submission requirements. Site plan applications proposing a new monopole or telecommunications tower shall include the following information to ensure conflicts with emergency management systems can be addressed:
  - (a) Ground elevation at the base of the monopole or telecommunications tower.
  - (b) Proposed height of the monopole or telecommunications tower.
  - (c) Latitude and longitude coordinates of the monopole or telecommunications tower's proposed location
2. Permitted by-right. Monopoles and telecommunications towers shall be permitted by-right as follows:
  - (a) Agricultural or residential zoning districts, residential subdistricts of a mixed-use zoning district, or open space subdistricts.
    - (1) Maximum height: 50 feet.
    - (2) Minimum lot size: 1 acre.
  - (b) Commercial, office, and industrial zoning districts.
    - (1) Maximum height: 199 feet.
    - (2) Minimum lot size: None.
3. Permitted by Special Use Permit. Monopoles and telecommunications towers shall be permitted with a Special Use Permit when the monopole or telecommunications tower does not meet one or more of the standards specified in this section.
  - (a) Within the right-of-way. Monopoles and telecommunications towers shall be permitted with a Special Use Permit when the monopole or telecommunications tower is to be located within any right-of-way.
  - (b) Submission requirements. In accordance with Section 32-700.50, an application for a Special Use Permit shall include additional information as may be reasonably required by the County in order for the Planning Office, the planning commission, or the Board of County Supervisors to make a proper evaluation of the proposal.
4. Setbacks. Monopoles and telecommunication towers shall be subject to the following setbacks:
  - (a) For every 1 foot of height, 2 feet from an abutting/adjoining property located in an agricultural or residential zoning district, residential subdistrict of a mixed-used zoning district, or open space subdistrict.

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- (b) From a public street, measured from the property’s lot line adjacent to the right-of-way.
    - (1) Less than or equal to 200 feet in height: 200 feet.
    - (2) Greater than 200 feet in height: 1 foot for each 1 foot of height.
  - (c) In addition, monopoles and telecommunications towers shall meet the yard and setback requirements of the zoning district within which it is located.
- 5. Structural standards. Monopoles and telecommunications towers shall be installed in conformance with ANSI/EIA/TIA-222, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.
- 6. Base landscape area. Monopoles and telecommunications towers shall be screened from public streets and from abutting/adjoining properties as follows:
  - (a) A minimum 15-foot wide base landscape area shall screen the following features:
    - (1) The base of the monopole or telecommunications tower, including anchors.
    - (2) Any accessory building or structure associated with the monopole or telecommunications tower.
  - (b) Base landscape areas shall be planted in accordance with Section 800 of the Design and Construction Standards Manual.
  - (c) Upon written request by a property owner, wireless infrastructure provider, or wireless services provider, the required base landscape area may be waived or modified subject to the review and approval of the Planning Director or designee.
- 7. Verification of federal government standards. Prior to the issuance of a building permit for a monopole or telecommunications tower, the property owner, wireless infrastructure provider, or wireless services provider responsible for the construction of the monopole or telecommunications tower shall provide the following to the Zoning Administrator or designee:
  - (a) Written verification that the applicable regulations of the Federal Communications Commission (FCC); and,
  - (b) Written verification that the applicable regulations of the Federal Aviation Administration (FAA) have been met and that the monopole or telecommunications tower would not be a hazard or obstruction to aviation. At the discretion of the Zoning Administrator or his/her designee, written verification as specified above may be waived when it can be determined that the monopole or telecommunication tower shall not be located in proximity to an airport or similar aviation facility
- 8. Collapsibility. Monopoles and telecommunications towers shall be designed to collapse within confined extent of the lot upon which they are located.
- 9. Accommodation for multiple providers. Monopoles shall accommodate transmission equipment for a minimum of 3 wireless services providers. Telecommunications towers shall accommodate transmission equipment for a minimum of 4 wireless services providers.



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10. Dish antennas on monopoles. Notwithstanding the standards specified in Section 32-240.04, satellite and microwave dish antennas, when attached to a monopole, shall have a maximum diameter of 6 feet.
11. Unobtrusive features. The visibility of monopoles and telecommunications towers shall be minimized using at least one of the following techniques:
  - (a) The monopole or telecommunication tower shall have a galvanized silver or gray finish, or, at the discretion of the Zoning Administrator or his/her designee, another visually unobtrusive finish.
  - (b) The antennas shall be completely enclosed or internally concealed within the monopole or telecommunications tower,
  - (c) The antennas shall be concealed from views in a stealth-like manner, subject to the review and approval of the Zoning Administrator.

Unless otherwise required by the FCC or FAA, monopoles and telecommunications towers shall have a galvanized silver or gray finish or, at the discretion of the Zoning Administrator or his/her designee, another visually unobtrusive finish.

12. Monopoles located within a utility easement. Monopoles to be located within utility easements that are a minimum of 100 feet in width, contain utility distribution structures approved by the State Corporation Commission pursuant to Code of Virginia § 56-46.1 that are a minimum of 80 feet in height, and are located within property owned, controlled, or leased by a governmental agency or utility company, shall be subject to the following standards:
  - (a) Notwithstanding the height maximum set forth in subsection 1 of this section, the monopole may have a maximum height of 199 feet. The monopole's maximum height may exceed 199 feet, so long as the maximum height does not exceed the height of the utility distribution structures within the utility easement by more than 30 feet when the monopole is originally constructed.
  - (b) Monopoles and accessory structures associated with the monopole shall be set back a minimum of 35 feet from all utility easement boundary lines.

### **Sec. 32-240.08. – Minor Modifications to Existing Telecommunications Facilities.**

1. This section implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), as interpreted by the Federal Communications Commission's ("FCC" or "Commission") Acceleration of Broadband Deployment Report & Order, which requires a state or local government to approve an Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.
2. Substantial Change. A modification changing the physical dimensions of an eligible support structure shall be deemed a substantial change if it meets any of the following criteria:
  - (a) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation

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from the nearest existing antenna not to exceed twenty feet, whichever is greater; for the other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

- (b) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
  - (c) For any eligible support structure, the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
  - (d) It entails any excavation or deployment outside the current tower site;
  - (e) It would defeat the concealment elements of the eligible support structure; or
  - (f) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in subsections 2(a)—2(d) of this section.
3. Applications for an Eligible Facilities Request shall be processed in accordance with the following:
- (a) The Planning Director or designee shall prepare and make publically available an application form which shall be limited to the information necessary to consider whether and application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
  - (b) Upon receipt of an application for an Eligible Facilities Request pursuant to this section, the Planning Director or designee shall review such application to determine whether the application so qualifies.
  - (c) Within 60 days of the date on which an applicant submits an application seeking approval under this section, the Planning Director or designee shall approve the application unless it determines that the application is not covered by this section.
  - (d) The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by the Planning Director or designee and the applicant, or in cases where Planning Director or designee determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
    - (1) To toll the time frame for incompleteness, the Planning Director or designee must provide written notice to the applicant within 30 days of receipt of the application,

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- specifically delineating all missing documents or information required in the application.
- (2) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Planning Director or designee's notice of incompleteness.
- (3) Following a supplemental submission, the Planning Director or designee will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- (e) Interaction with the Federal Telecommunications Act of 1997 (Telecommunications Act). If the Planning Director or designee determines that the applicant's request is not covered by the Spectrum Act as delineated under this section, the presumptively reasonable timeframe under the Telecommunications Act, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the Planning Director or designee's decision that the application is not a covered request. To the extent such information is necessary; the Planning Director or designee may request additional information from the applicant to evaluate the application under the Telecommunications Act, pursuant to the limitations applicable to other Telecommunications Act reviews.
- (f) In the event the Planning Director or designee fails to approve or deny a request seeking approval under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Planning Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- (g) Applicants and the County may bring claims related to the Spectrum Act to any court of competent jurisdiction.

### **Sec. 32-240.10. – General performance standards for commercial monopoles and towers.**

- ~~1. Commercial mobile and land-based telecommunications facilities shall be permitted in any zoning district, or within any public right-of-way when such use is in accordance with the provisions of this part. In addition, such uses shall be subject to the requirements of Code of Virginia, § 15.2-2232.~~
- ~~2. Signals, lights, or illumination shall be permitted as required by the Federal Communications Commission, Federal Aviation Administration, or other federal authorities, state authorities, or the County. If given the option by the Federal Communications Commission and/or Federal Aviation Administration red incandescent lights shall be used at night in lieu of white lights. Nonfunctional signals, lights, or illumination shall be repaired by the property owner within 24 hours.~~

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- ~~3. Telecommunications facilities used for mobile and land-based telecommunications shall not display any commercial advertising.~~
- ~~4. Telecommunications facilities shall not interfere with or obstruct any County two-way radio or point to point microwave communications system. Requests for new telecommunications facilities shall be reviewed by and receive determinations from the County's telecommunications engineers that no interference to the public safety radio system shall be caused by the proposed facility.~~
- ~~5. Commercial monopoles and towers shall be set back as follows:
  - ~~(a) Two feet for every foot in height of the monopole or tower from an abutting property zoned residential or agricultural;~~
  - ~~(b) A minimum of 200 feet from a public street. Monopoles and towers greater than 200 feet in height shall be setback one foot for each foot in height;~~
  - ~~(c) Any other yard and setback requirements of the district.~~~~
- ~~6. Monopoles and towers shall be installed in conformance with ANSI/EIA/TIA-222, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, as amended or superseded.~~
- ~~7. The base of monopoles and towers, including anchors, and any accessory facility or building shall be screened from public streets and from adjoining property with a minimum 15-foot wide buffer in accordance with the Design and Construction Standards Manual unless waived or modified by the Planning Director or his designee.~~
- ~~8. Unmanned equipment buildings used in association with monopoles, towers, and antennas shall meet the yard and setback requirements of the zoning district in which they are located, unless otherwise specified herein.~~
- ~~9. Each unmanned equipment building located on the ground shall neither contain more than 360 square feet of gross floor area per user or carrier nor be more than 12 feet in height.~~
- ~~10. Prior to issuance of building permits for a monopole or tower, the applicant shall verify that the applicable regulations of the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) have been met and a finding from the FAA that the proposed facility is not a hazard or obstruction to aviation.~~
- ~~11. Monopoles and towers must be designed to collapse within the lot lines of the property upon which they are constructed.~~

### **~~Sec. 32-240.11. – Amateur radio service antennas, satellite dishes, and associated supporting structures for private residential use.~~**

~~Amateur radio service antennas, satellite dishes, and associated supporting structures used for private residential use in any zoning district shall be allowed as accessory uses as follows:~~

- ~~1. Located in the rear and side yards only;~~

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- ~~2. If less than 20 feet in height, setback a minimum of five feet from the rear and side property lines, and in the case of a corner lot, a minimum of 20 feet from the side property line adjacent to the street;~~
- ~~3. If greater than 20 feet in height, then subject to the yard and setback requirements of the zoning district in which the facility is located; and~~
- ~~4. If greater than 75 feet in height, then allowed with a Special Use Permit.~~

### **~~Sec. 32-240.12. – Commercial antennas mounted on existing structures and rooftops.~~**

- ~~1. Commercial antennas and related unmanned equipment are permitted in all zoning districts on buildings and structures in accordance with this part.~~
- ~~2. Antennas and related unmanned equipment may exceed the maximum building height limitations, provided the antenna and related unmanned equipment is in accordance with the performance standards of this section.~~
- ~~3. Each antenna mounted on existing structures and rooftops with any related unmanned equipment may be developed subject to the following performance standards:~~
  - ~~(a) Omnidirectional or whip antennas shall not exceed 20 feet in height and not exceed seven inches in diameter and shall be of an industry standard material and color which is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.~~
  - ~~(b) Directional or panel antennas shall not exceed ten feet in height and not exceed two feet in width and shall be of an industry standard material and color which is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.~~
  - ~~(c) Cylinder type antennas shall not exceed six feet in height and shall not exceed 12 inches in diameter.~~
  - ~~(d) Satellite and microwave dish antennas shall not exceed ten feet in diameter and such facilities greater than three feet in diameter shall be screened with an appropriate architectural treatment that is compatible with or integral to the architecture of the building to which they are attached.~~

### **~~Sec. 32-240.13. – Commercial antennas mounted on existing or replacement utility distribution structures and other structures.~~**

~~Commercial antennas mounted on existing and replacement utility distribution structures, light poles, overhead highway signs, and camera standards, with related unmanned equipment buildings, shall be permitted in all zoning districts, except as noted in subsection 5. below. Such~~

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antennas may exceed building height limitations, and shall be subject to the following performance standards:

1. ~~Omnidirectional or whip antennas shall not exceed 20 feet in height or seven inches in diameter.~~
2. ~~Directional or panel antennas shall not exceed ten feet in height or two feet in width.~~
3. ~~Cylinder type antennas shall not exceed six feet in height or 12 inches in diameter.~~
4. ~~Satellite and microwave dish antennas shall not be permitted.~~
5. ~~Antennas in agricultural and residential districts shall be subject to the following performance standards:~~
  - (a) ~~Omnidirectional or whip antennas shall not exceed 12 feet in height or two inches in diameter.~~
  - (b) ~~Directional or panel antennas shall not exceed nine feet in height or two feet in width.~~
  - (c) ~~An equipment building or enclosure, when mounted on a pole or standard, shall not exceed four cubic feet.~~
  - (d) ~~No more than nine whip/omnidirectional antennas shall be mounted on a pole or standard.~~
6. ~~Any other such antennas shall not exceed standards as set forth in subsections 1. through 5. above.~~
7. ~~Unmanned equipment buildings in agricultural and residential districts shall meet the setbacks of the zoning district in which they are located.~~
8. ~~A replacement pole or standard in an agricultural or residential district, may exceed the height and diameter of the existing pole or standard by not more than 25 percent with a maximum finished height of 80 feet, including the antennas, except that if the existing pole or standard exceeds 80 feet and is located in a utility easement, the finished height, including antennas, of the replacement pole or standard shall be no more than 15 feet higher.~~
9. ~~A replacement pole or standard in a commercial or industrial district may exceed the height or diameter of the existing pole or standard by not more than 25 percent with a maximum finished height of 100 feet, including the antennas. If the existing pole or standard exceeds 100 feet in height, the height, including the antennas, of the replacement pole or standard shall be no more than 15 feet higher.~~
10. ~~A replacement pole or standard in an interstate highway right of way may exceed the height or diameter of the existing pole or standard by 25 percent with a maximum finished height of 100 feet. If the existing pole or standard exceeds 100 feet in height, the height, including the antennas, of the replacement pole or standard shall be no more than 15 feet higher.~~
11. ~~Replacement or new cross bars may be permitted on poles and standards, provided that the cross bar is the same color as that of the existing pole or standard, and the width of the cross bar does not exceed 15 feet.~~

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### **Sec. 32-240.14. – Commercial monopoles, general performance standards.**

Commercial monopoles with a related unmanned equipment building shall be subject to the following general performance standards:

1. ~~The minimum lot size in agricultural and residential districts shall be one acre.~~
2. ~~The height of the monopoles, including the antennas, shall not be more than 199 feet, as measured from the ground elevation at the base of the structure.~~
3. ~~The monopole shall be designed to accommodate at least three telecommunications providers.~~
4. ~~Commercial satellite and microwave dish antennas attached to a monopole shall not exceed six feet in diameter.~~
5. ~~Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall have a galvanized silver or gray finish or other visually unobtrusive finish.~~

### **Sec. 32-240.15. – Commercial monopoles, permitted by right.**

1. ~~Commercial monopoles not exceeding 199 feet in height, including the antennas and related unmanned equipment buildings shall be permitted by right, subject to a public facilities determination by the Planning Director, in nonresidential districts in accordance with the general performance standards of sections 32-240.10 and 32-240.14.~~
2. ~~Commercial monopoles shall be permitted within utility easements, subject to the following:~~
  - (a) ~~A public facility determination shall be required.~~
  - (b) ~~The utility easement shall be a minimum of 100 feet in width.~~
  - (c) ~~The easement shall contain overhead utility distribution structures that are 80 feet and greater in height.~~
  - (d) ~~The easement shall be located within property owned, controlled, or leased by a governmental agency or utility company.~~
  - (e) ~~The height of the monopole located within a utility easement containing overhead utility distribution structures, as approved by the state corporation commission pursuant to Code of Virginia, § 56-46.1, may exceed 199 feet provided the height of the monopole does not exceed the height of the utility distribution structures by more than 30 feet in any circumstance. Monopoles and equipment buildings located within a utility easement shall be set back a minimum of 35 feet from all utility easement lines.~~
  - (f) ~~The performance standards of sections 32-240.10 and 32-240.14.2. through 32-240.14.4. shall be met.~~

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### **Sec. ~~32-240.16.~~ – Commercial monopoles, permitted with a Special Use Permit.**

- ~~1. Commercial monopoles that are 50 feet or greater in the agricultural and residential districts.~~
- ~~2. Commercial monopoles not meeting one or more of the performance standards of sections 32-240.10, 32-240.14 and 32-240.15.~~

### **Sec. ~~32-240.17.~~ – Commercial towers, general performance standards.**

~~Commercial towers with a related unmanned equipment building, where permitted by right, shall be subject to the following general performance standards. If any of these standards are not met they still require a Special Use Permit pursuant to section 32-240.19.~~

- ~~1. Minimum lot size in agricultural and residential districts shall be one acre.~~
- ~~2. The tower shall be designed to accommodate at least four telecommunications providers.~~
- ~~3. Satellite and microwave dish antennas attached to a tower shall not exceed ten feet in diameter.~~
- ~~4. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, towers shall have a galvanized silver or gray finish or other visually unobtrusive finish.~~

### **Sec. ~~32-240.18.~~ – Commercial towers, permitted by right.**

~~Commercial towers not exceeding 199 feet in height, including the antennas, shall be permitted in all nonresidential districts, subject to a public facility determination by the Planning Director, in accordance with the general performance standards of sections 32-240.10 and 32-240.16.~~

### **Sec. ~~32-240.19.~~ – Commercial towers, permitted with a Special Use Permit.**

- ~~1. Commercial towers that are 50 feet or greater in the agricultural and residential districts.~~
- ~~2. Commercial towers not meeting one or more of the performance standards of sections 32-240.10, 32-240.17 and 32-240.18.~~
- ~~3. Amateur radio towers greater than 75 feet in height in the agricultural and residential districts.~~



## Attachment B – Proposed Text Amendment

### ~~Sec. 32-240.20. – Application and submission requirements for telecommunications monopoles, towers and secondary buildings and facilities.~~

~~All monopole and tower applications shall include the following requirements. Applications for Special Use Permits shall also conform to the general application and submission requirements contained in sections 32-700.50 et seq.~~

- ~~1. Address, site geographic parcel identification number (GPIN), geographic coordinates (latitude and longitude), datum reference, and site ground elevation above mean sea level.~~
- ~~2. Written description and scaled drawings of the proposed antenna support structure, including structure height, ground and structure design, proposed materials, proposed buildings and fences on site, adjacent forested areas, and uses and buildings on adjacent properties.~~
- ~~3. Number and type of antennas and their height above ground level, including the proposed placement of antennas on the support structure.~~
- ~~4. A statement that there will be no conflict with other licensed telecommunications facilities.~~
- ~~5. Details of the facility design capacity for additional antennas and other associated equipment.~~
- ~~6. An inventory of other telecommunications facilities in the County owned by the applicant.~~
- ~~7. Propagation maps and a statement of the technical and operational requirements for the proposed facility, the service area to be covered, evaluation of the existing telecommunications facilities, water tanks, utility distribution structures, and tall buildings within one mile of the proposed facility in the development area identified in the Comprehensive Plan and within two miles of the proposed facility in the rural areas.~~
- ~~8. When locating within a residential area, a written technical and operational analysis of why a monopole or similar structure at a height less than 100 feet cannot be used.~~
- ~~9. Line of sight diagram or photo montage, showing the proposed monopole or tower set against the skyline and viewed in at least four directions within the surrounding areas.~~
- ~~10. A statement clearly justifying why collocation of proposed facilities with existing facilities or other structures is not feasible. A certified statement from a licensed professional engineer must be provided if radio frequency interference or signal quality is used as the rationale for ruling out collocation on an existing facility. Propagation maps or certified engineering statements must be submitted to demonstrate the existing telecommunications facilities, buildings, or structures are not suitable for the proposed facility. In addition, verifiable evidence must be submitted of the applicant's attempt to collocate on existing facilities.~~
- ~~11. A statement that the proposed monopole will be able to accommodate at least three providers of telecommunications services and the proposed tower will be able to accommodate at least four providers of telecommunications services.~~

## Attachment B – Proposed Text Amendment

- ~~12. A statement that other providers will be allowed to use the monopole or tower at fair market value such that all of the excess capacity of the facility is used. The statement must be signed by an officer of the company or individual duly authorized to commit the company to this requirement.~~
- ~~13. A color drawing or sample of the materials to be used on the monopole, towers, antennas, and unmanned equipment buildings.~~
- ~~14. If the telecommunications facility is to be located in an area which is not designated as the highest priority/order of preference, pursuant to tele policy 2 of the telecommunications chapter of the Comprehensive Plan, the applicant shall provide a justification statement supporting their choice of location.~~
- ~~15. If a telecommunications monopole or tower over 150 feet in height is proposed to be built for the purpose of leasing space for wireless services, the applicant or builder of the monopole or tower must submit at least one letter from another entity stating their intent to lease the facility.~~

## Attachment C – Initiating Resolution

**MOTION:** LAWSON

May 16, 2017  
Regular Meeting  
Res. No. 17-239

**SECOND:** CADDIGAN

**RE:** AUTHORIZE PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE COUNTY CODE TO BE EFFECTIVE JULY 1, 2017, MANDATED BY CHANGES TO STATE LAW MADE BY THE GOVERNOR AND THE 2017 GENERAL ASSEMBLY: PROPOSED AMENDMENTS TO CHAPTERS 2 (ADMINISTRATION), 4 (ANIMAL AND FOWL), 4.5 (BAD CHECKS), 5 (BUILDINGS AND BUILDING REGULATIONS), 13 (MOTOR VEHICLES AND TRAFFIC), 16 (MISCELLANEOUS OFFENSES), 22 (REFUSE), 26 (TAXATION), 27 (TAXICABS), AND 31 (WEAPONS); AND INITIATE ZONING TEXT AMENDMENT

**ACTION:** APPROVED

**WHEREAS**, the Board of County Supervisors of Prince William County, Virginia, pursuant to both general and specific authority granted by the Code of Virginia, has enacted certain provisions of Chapters 2 (Administration), 4 (Animal And Fowl), 4.5 (Bad Checks), 5 (Buildings And Building Regulations), 13 (Motor Vehicles And Traffic), 16 (Miscellaneous Offenses), 22 (Refuse), 26 (Taxation), 27 (Taxicabs), and 31 (Weapons) of the Prince William County Code to parallel certain provisions of the Code of Virginia; and

**WHEREAS**, the parallel provisions of the Code of Virginia have been previously amended or amended by the 2017 General Assembly and the Governor of Virginia; and

**WHEREAS**, it is the Board's desire to conduct a public hearing for the purpose of considering adoption of corresponding amendments to the Prince William County Code; and

**WHEREAS**, the Board has enacted Chapter 32 of the Prince William Code, Zoning, and the Governor and General Assembly have enacted Chapters 665 and 835 of the 2017 Acts of Assembly and Chapter 613 of the 2016 Acts of Assembly, mandating changes to local zoning ordinances including provisions that deem proposed telecommunication towers or facilities constructed pursuant to Chapter 9.1, Title 56 of the Code of Virginia to be substantially in accord with the comprehensive plan and waiving the need for approval by the planning commission, changing when the appeal period commences for a zoning appeal, establishing a rebuttable presumption in a zoning appeal that the property owner's last known address is the address shown on current real estate assessments, and zoning for wireless communications infrastructure; and

**WHEREAS**, the Prince William County Board of Supervises finds that public necessity, convenience, general welfare, and good zoning practices require the initiation of this zoning text amendment;

## Attachment C – Initiating Resolution

May 16, 2017  
Regular Meeting  
Res. No. 17-239  
Page Two

**NOW, THEREFORE, BE IT RESOLVED** that the Prince William Board of County Supervisors does hereby determine that it shall conduct a public hearing to be scheduled on June 20, 2017, by the Clerk to the Board to consider the adoption of the amendments to Chapters 2, 4, 4.5, 5, 13, 16, 22, 26, 27, and 31 of the County Code, shown on the attachment to this Resolution, all to be effective July 1, 2017. The Clerk is further directed to make copies of all proposed amendments available to the public upon request;

**BE IT FURTHER RESOLVED** that the Clerk to the Board properly advertise notice of the public hearing for the stated purpose in a newspaper of general circulation in Prince William County;

**BE IT FURTHER RESOLVED** that the Prince William Board of County Supervisors does hereby direct the Planning Commission and County Staff to initiate appropriate amendments to Chapter 32 of the Prince William Code, which is the Zoning Ordinance to address the Requirements of Chapters 665 and 835 of the 2017 Acts of Assembly and Chapter 613 of the 2016 Acts of Assembly.

**Votes:**

**Ayes:** Anderson, Caddigan, Jenkins, Lawson, Nohe, Principi, Stewart

**Nays:** None

**Absent from Vote:** Candland

**Absent from Meeting:** None

**For Information:**

County Executive  
Police Chief  
Finance Director  
Planning Director  
Development Services Director  
Public Works Director  
Commonwealth's Attorney

ATTEST: \_\_\_\_\_

  
Clerk to the Board