

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 11 TO PROVIDE FLEXIBILITY IN TELECOMMUNICATION FACILITY SETBACKS

WHEREAS, Article 11 of the Fauquier County Zoning Ordinance establishes setback requirements for telecommunication facilities; and

WHEREAS, these setback requirements do not take into consideration break-point technology, which creates a smaller fall-zone for a facility; and

WHEREAS, Fauquier County seeks to provide additional flexibility in setbacks to reduce obstacles to tower approvals; and

WHEREAS, the County has determined that the public necessity, convenience, general welfare and good zoning practice warrant this amendment; and

WHEREAS, on October 13, 2016, the Fauquier County Board of Supervisors initiated an amendment to the Zoning Ordinance to allow lesser setbacks when break-point technology is utilized; and

WHEREAS, on October 20, 2016, the Fauquier County Planning Commission held a public hearing on the proposed amendment and voted 4 – 0, with one member absent, to recommend approval of the amendment, with revisions; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 3rd day of November 2016, That the Fauquier County Zoning Ordinance be amended as follows:

11-102.3 (b)(6)

Any telecommunication facility and antenna located in a district or immediately adjacent to a district permitting residences shall be located to a height that is equal to or less than the distance from the base of the antenna, tower or monopole to the closest property line, (1) one foot setback for each (1) one foot of facility height. Within and adjacent to districts not allowing residences, telecommunication towers or monopoles shall not be located any closer than one (1) foot for every five (5) feet in height to any property line. Associated structures and buildings, in both instances, may be constructed within the setback areas of the tower or monopole, however, they must meet all setback requirements for primary structures for the specific zoning district in which they are located. The Board of Supervisors may reduce these additional setback requirements in conjunction with Special Exception approval to a setback equal to no less than the “fall zone” where an applicant proposes to utilize break-point technology to reduce the “fall zone,” the area in which a tower is designed to collapse. When such a waiver is approved, prior to construction the applicant shall provide a certification of the “fall zone” by a registered professional engineer in Virginia. In determining whether to approve a reduction in setback, the Board shall consider not only the technical “fall zone” requirement, but also any other potential impacts to an adjoining property that might arise from placing a facility closer to the property line.