

ORDINANCE NUMBER 13-O-068**AN ORDINANCE TO AMEND CHAPTER 31, UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF THE CITY OF SUFFOLK BY AMENDING SECTION 31-104, APPLICABILITY AND SECTION 31-716, TELECOMMUNICATIONS FACILITIES WITH REGARD TO TELECOMMUNICATION TOWERS FOR GOVERNMENTAL AGENCIES FOR PUBLIC SAFETY COMMUNICATIONS AND EMERGENCY SERVICES - OA1-13**

BE IT ORDAINED, by the Council of the City of Suffolk, Virginia, that Chapter 31, Article 1, General Provisions, Section 31-104, Applicability, subsection (b) Certain Utilities and Services Exempt and Article 7, Supplemental Use Regulations, Section 31-716, Telecommunications Facilities, subsection (b)(2) Exceptions, of the Unified Development Ordinance of the Code of the City of Suffolk, Virginia, be and are hereby amended to read as follows:

SEC. 31-104. APPLICABILITY.

- a) **GENERALLY.** The Ordinance shall apply to all public land(s) and building(s) and private land(s) and building(s), and use(s) thereon over which the City has jurisdiction under the constitution(s) and law(s) of the State of Virginia and of the United States.
- b) **CERTAIN UTILITIES AND SERVICES EXEMPT.** Except as specifically noted below, certain utilities and services shall be exempt from the regulations of this Ordinance. Specifically, the following facilities and equipment shall be exempted:
 - 1) Traffic signals, fire hydrants, alarm or emergency devices, telephone booths and pedestals, mailboxes;
 - 2) Wires, poles, towers, pipes, meters and similar facilities which provide service connections between primary distribution lines or mains and individual residential, commercial or industrial customers, or which are an integral and accessory part of a subdivision or development excluding any telecommunications facilities regulated by the Telecommunications Facilities Standards of this Ordinance.
 - 3) Sewage pump and lift stations, water storage and pumping facilities, communication switching and relay facilities, and similar utilities when approved by the Director as a necessary and integral component of a public utility system. Such facilities shall be subject to the terms of Article 6.
 - 4) Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.
 - 5) Towers or antennas used primarily by governmental agencies for public safety communications and emergency services.

- c) Any utility substation, treatment plant, generating plant, or similar facility which is not within the normal scope of distribution facilities referred to above shall be authorized only by conditional use permit.

SEC. 31-716. TELECOMMUNICATIONS FACILITIES.

- a) **PURPOSE.** The purpose of this Ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Ordinance are to:

- 1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- 2) Encourage the location of towers in non-residential areas;
- 3) Minimize the total number of towers throughout the community;
- 4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- 5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- 6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- 7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;
- 8) Consider the public health and safety of communication towers; and
- 9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, the City shall give due consideration to the Comprehensive Plan, the zoning Ordinance (Article 4 of this Ordinance), existing land use, and environmentally sensitive areas in approving sites for the location of towers and antennas. It is the policy of the City of Suffolk that new telecommunications towers be built at the lowest height possible that will still allow for co-location opportunities.

- b) **APPLICABILITY.**

- 1) **NEW TOWERS AND ANTENNAS.** All new towers or antennas in the City shall be subject to these regulations.

2) EXCEPTIONS.

- A. Amateur radio station operators and receive only operations. This Section shall not govern any tower, or the installation of any antenna, that is under the maximum building height of the zoning district in which such structure is located and which is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only operations.
- B. Preexisting towers or antennas. Legally established preexisting towers and preexisting antennas shall not be required to meet the requirements of this Section.
- C. AM array. For purposes of implementing this Section, an AM array, consisting of one (1) or more tower units and supporting ground system which functions as one (1) AM broadcasting antenna, shall be considered one (1) tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
- D. Towers or antennas used primarily by governmental agencies for public safety communications and emergency services.
- c) **MONOPOLE STRUCTURES** shall be permitted in any zoning district in which telecommunications towers are permitted. Guyed towers or lattice towers shall be permitted only in the M-1 or M-2 zoning districts. Except where permitted, in residential areas, towers shall be located only where co-location on a Virginia Power transmission line tower or other suitable co-location opportunities are utilized.
- d) **NOTWITHSTANDING** any provision to the contrary in Section 31-407, towers shall be set back not less than one hundred (100) feet from the edge of the public right-of-way.
- e) **WHERE LIGHTING IS REQUIRED** and permitted by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto surrounding property at ground level. In lieu of stripping, alternate lighting shall be identified per FAA requirements. The use of strobe lighting on towers is prohibited, unless required by the Federal Aviation Administration (FAA).
- f) **CO-LOCATION AND CAMOUFLAGING.**
 - (1) No telecommunication facility that is readily visible outside of the parcel on which it is located shall be installed closer than one-half (½) mile from another readily visible telecommunication facility that is not camouflaged unless:
 - A. It is a co-located facility;
 - B. It is situated on a multiple-user site; or

- C. It blends with the surrounding existing natural and man-made environment in such a manner that not more than twenty (20) feet of the facility is visible from outside of the boundaries of the parcel; or
 - D. Technical evidence is submitted showing a clear need for this facility and the infeasibility of co-locating it on one of these former sites.
- (2) If co-location on an existing tower is not possible due to tower height, the applicant is encouraged to rebuild the tower to the height needed for co-location. Space shall be provided for at least two (2) or more additional users on the tower.
- (3) For purposes of this Subsection:
- A. "Camouflaged" means a telecommunications facility that is disguised, hidden, or integrated with an existing structure that is not a monopole or tower, or a personal wireless service facility that is placed within an existing or proposed structure or, new structure, tower, or mount within trees so as to be screened from view or camouflaged to appear as a non-antenna structure (i.e., a tree, flagpole with flag, or similar items.)
 - B. "Multi-user site" means a site or parcel comprised of multiple telecommunication towers or buildings supporting one (1) or more antennas owned or used by more than one public or private entity, excluding research and development industries with antennas to serve internal uses only.
 - C. "Readily visible" means an object that stands out as a prominent feature of the landscape when viewed with the naked eye.
- g) **SHOULD THE TOWER** and associated equipment building(s) no longer be used for wireless communications for a period in excess of one (1) year, they shall be dismantled and removed from the site.
- h) **EQUIPMENT BUILDINGS** and associated structures shall be screened from view in accordance with the landscaping standards.
- i) **A PERFORMANCE SURETY**, in a form approved by the City Attorney, shall be submitted by the applicant prior to the issuance of a building permit in order to ensure removal of the tower when it is no longer to be used for wireless communications.

This ordinance shall be effective upon passage and shall not be published.

READ AND PASSED: JULY 17, 2013

A TRUE COPY

Tracey L. Sanford
Deputy City Clerk

TESTE:

Erika S. Dawley
Erika S. Dawley, City Clerk