

Town Mayor
Nathaniel O. Fontaine



TOWN
OF
Lovettsville
VIRGINIA

Town Council
Vice Mayor Christopher Hornbaker
Councilmember Buck Smith
Councilmember Joy Pritz
Councilmember David Earl
Councilmember Renee' Edmonston
Councilmember Tony Quintana

**ORDINANCE NO. 2022-10-0001
LVZA 2022-0001 AMENDMENTS TO
ARTICLE 42, ZONING, DIVISION 42-I, IN GENERAL
ARTICLE 42-VIII, GENERAL REGULATIONS, AND
ARTICLE 42-VIII-2, ADDITIONAL STANDARDS,
TO ADD SECTION 42-305, SMALL CELL WIRELESS FACILITIES**

**MOTION: Quintana
SECOND: Pritz**

WHEREAS, the amendment to Zoning Ordinance Article 42, Divisions 42- I, 42-VIII, 42-VIII-2 to add Section 42-305, Small Cell Wireless Facilities was referred to the Planning Commission by the Town Council on April 28, 2022 upon approval of the Planning Commission work program for 2022; and

WHEREAS, on July 8, 2022, the Planning Commission initiated and directed staff to draft an amendment to address additional Broadband internet service; and

WHEREAS, the Planning Commission has deemed it beneficial to adopt standards for small cell wireless facilities to accommodate such uses and ensure compatibility within the community; and

WHEREAS, the Planning Commission on August 2, 2022, after giving public notice in accordance with Section 42-34 of the Zoning Ordinance and §15.2-2204 of the Code of Virginia, conducted a public hearing on Case No. LVZA 2022-0001 and subsequently voted to recommend approval of the amendment to the Town Council; and

WHEREAS, the Town Council conducted a public hearing on Case No. LVZA 2022-0001 on October 13, 2022, such public hearing having been duly advertised as required by Section 42-34 of the Zoning Ordinance and §15.2-2204 of the Code of Virginia; and

WHEREAS, the Town Council has determined that adoption of the ordinance will promote the health, safety, and welfare of the citizens of the Town and is consistent with good zoning practices generally.

NOW, THEREFORE, BE IT ORDAINED that Chapter 42, Zoning, of the Code of the Town of Lovettsville be amended as set forth in the attachment hereto.

BE IT FURTHER ORDAINED that the Zoning Administrator and Town Attorney are hereby authorized to make corrections of misnumbering, grammatical errors or misspellings found in the said attachment without further action by the Council, and that the Town Clerk is authorized to amend the number assigned to this ordinance to reflect the correct order of approval of such ordinances and resolutions by the Council without further action by the Council.

VOTE:

**Ayes: Smith, Pritz, Quintana
Nays: Earl
Abstentions: None
Absent for Vote: Hornbaker, Edmonston**

PASSED this 13th day of October 2022:

ELIZABETH FONTAINE, TOWN CLERK

NATHANIEL O. FONTAINE, MAYOR

LVZA 2022-0001, Small Cell Wireless Facilities

Sec 42-2 Definitions And Rules Of Construction

"Small cell facility" means a wireless facility consisting of a whip antenna, panel antenna, or dish antenna provided by a wireless services provider or wireless infrastructure provider that meets both of the following qualifications:

- (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and**
- (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. 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.**

Sec 42-281 Planning Commission Review Of Public Facilities

The town's comprehensive plan shall control the general or approximate location, character and extent of each feature shown on the plan. Upon adoption of the comprehensive plan by the town council, no public facility or other feature which is not shown in the plan, whether publicly or privately owned, subject to Virginia Code § 15.2-2232 shall be constructed, established, or authorized unless and until the commission has determined whether the location, character, and extent of said public facility is in substantial accord with the comprehensive plan as provided by Virginia Code § 15.2-2232.

Routine maintenance of public facilities and public areas by any department of the town shall be considered exempt from the requirements of this section and shall not require a determination hereunder. Such work shall include paving, repair, reconstruction, and/or other improvement of a public street; and utility, drainage or similar work, including and normal service extensions of public utilities or public service corporation facilities, including **installation of small cell telecommunication facilities**, provided such work does not involve a change in location or extent of a public street or other public area. For purposes of this section, widening, narrowing, extension, enlargement, vacation or change of use of a public street or public area shall be considered a change in the location or extent thereof and shall be subject to the requirement of a public facility determination as provided herein.

42-305, Small Cell Telecommunication Facilities

- (a) Small cell facilities, as defined in Section 42-2, may locate on a building, utility pole, light standard, or other structure in all commercial zoning districts and**

on nonresidential buildings or structures in residential zoning districts subject to zoning permit approval and provided they meet the following standards:

(1) Small cell facility antennas will be limited in size to the following:

(i) Omnidirectional or whip antennas shall not exceed eight and one-half (8 ½) feet in height or three (3) inches in diameter.

(ii) Directional or panel antennas shall not exceed five (5) feet in height or one (1) foot in width.

(iii) Dish antennas shall not exceed three (3) feet in diameter.

(2) Antennas will be located a minimum of ten (10) feet above a public right-of-way, sidewalk, or trail.

(3) Antennas will not extend more than ten (10) feet above the “anchor” wall of a building or 10 feet above a utility pole or light standard.

(4) When located on the side of a building or structure, antennas shall be mounted so that neither the antenna nor any portion of the supporting mount shall extend more than two (2) feet from the building or structure.

(5) Antennas will use a color that matches the “anchor” structure

(6) Advertising on the antenna is prohibited.

(7) Lighting is prohibited unless required for safety purposes.

(8) No more than one (1) related unmanned equipment structure shall be located on an antenna support structure. The equipment structure shall not exceed five (5) feet in height or twenty (20) cubic feet in volume and shall be of a material or color which matches the exterior of the antenna support structure on which it is mounted.

(9) Antennas and related unmanned equipment structures located on the roof of a building shall not exceed the building height of such building by more than 10 feet.

(10) Ground-mounted equipment will be set back a minimum of ten (10) feet from a public street, sidewalk, or access easement.

(11) All antennas and related unmanned equipment shall be removed within ninety (90) days after such antennas or related unmanned equipment are no longer in use.

(b) Antenna Hub Sites. Antenna hub sites linking multiple small cell facilities may be developed provided such sites shall not occupy more than five hundred (500) square feet of gross floor area and shall not exceed twelve (12) feet in height.

(1) Antenna hub sites shall not be in the required front yard of a lot and shall be at least ten (10) feet from a side or rear property line of the lot.