

**ADOPTION OF AN AMENDMENT TO CHAPTER 112  
(ZONING) OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, (June 20, 2017, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 112 (Zoning) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,  
VIRGINIA:**

Amend Chapter 112 (Zoning Ordinance), as follows:

**Amend Article 2, General Regulations, Part 5, Qualifying Use, Structure Regulations, as follows:**

- **Add a new Sect. 2-520 to read as follows:**

**2-520 Modifications to Existing Wireless Towers or Base Stations**

Once wireless facilities are approved in accordance with this Ordinance, any eligible facilities request for a modification of a wireless tower or base station that does not substantially change the physical dimensions of such tower or base station must be submitted to the Zoning Administrator for review and decision under Sect. 6409 of the Spectrum Act (47 U.S.C. § 1455). An eligible facilities request for a modification that would substantially change the physical dimensions of a wireless tower or base station is subject to Planning Commission review under Sect. 15.2-2232 of the Code of Virginia. Any application for Sect. 6409 review or 15.2-2232 review is subject to the fee provided for in Sect. 18-106.

An eligible facilities request includes any request for modification of an existing tower or base station that involves: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

A base station is a structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

- **Add a new Sect. 2-521 to read as follows:**

**2-521 Public Facilities**

A public facility is any use, facility, or other feature that is subject to Planning Commission review under Sect. 15.2-2232 of the Code of Virginia. Any application for such review is subject to the fee provided for in Sect. 18-106.

**Amend Article 18, Administration, Amendments, Violations and Penalties, Part 1, Administration, Sect. 18-106, Application and Zoning Compliance Letter Fees, by adding new Paragraphs 12 and 13 to read as follows:**

All appeals and applications as provided for in this Ordinance and requests for zoning compliance letters shall be accompanied by a filing fee in the amount to be determined by the following paragraphs unless otherwise waived by the Board for good cause shown; except that no fee shall

be required where the applicant is the County of Fairfax or any agency, authority, commission or other body specifically created by the County, State or Federal Government. All fees shall be made payable to the County of Fairfax. Receipts therefore shall be issued in duplicate, one (1) copy of which receipt shall be maintained on file with the Department of Planning and Zoning.

12. Reviews required to comply with Sect. 15.2-2232 of the Code of Virginia, as provided for in this Ordinance:

2232 Review with public hearing:	\$1500
2232 Feature Shown without public hearing:	\$750
2232 Review with other rezoning, special permit or special exception:	\$0
2232 Feature Shown for Distributed Antenna Systems (DAS):	\$750

**Note:** For purposes of computing fees for DAS, there shall be a \$750 fee for the first node, a \$100 fee for each node thereafter, and a maximum of 20 nodes per single application.

13. Reviews required to determine compliance with Sect. 6409 of the Spectrum Act \$500

**This amendment shall become effective on July 1, 2017 at 12:01 a.m. subject to the following:**

- **Applications for public facilities under Section 15.2-2232 of the *Code of Virginia* and applications for modifications to existing wireless facilities submitted under Section 6409 of the Spectrum Act, which were filed prior to the effective date of this amendment and are in compliance with the applicable submission requirements, shall be grandfathered from this amendment.**

**GIVEN under my hand this 20<sup>th</sup> day of June, 2017.**



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**CATHERINE A. CHIANESE**  
Clerk to the Board of Supervisors

