

REVISED

ZO-19-480

**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, April 9, 2019, 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, as follows:

- **Amend Part 5, Qualifying Use, Structure Regulations, as follows:**
- **Amend Part 1, Scope of Regulations, by revising the introductory paragraph and Par. 1A of Sect. 2-104, Exemptions, to read as follows:**

1. The following structures and uses are exempt from the regulations of this Ordinance:

- A. Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of gas, or water, or the collection of sewage or surface water operated or maintained by a government entity or a public utility including customary meter pedestals, distribution transformers and temporary utility facilities required during building construction, whether any such facility is located underground or aboveground; but only when such facilities are located in a street right-of-way or in an easement less than 25 feet in width. This exemption does not include any substation located on or above the surface of the ground or any such distribution facility located in an easement of 25 feet or more in width which shall be regulated by the provisions of Part 1 of Article 9.

- **Amend Sect. 2-501, Limitation on the Number of Dwelling Units on a Lot, to read as follows:**

There must not be more than one dwelling unit on any one lot, nor may a dwelling unit be located on the same lot with any other principal building. This provision does not preclude multiple family dwelling units as permitted by the provisions of this Ordinance; an accessory use or accessory service use as may be permitted by the provisions of Article 10; an accessory dwelling unit as may be approved by the BZA in accordance with the provisions of Part 9 of Article 8; single family attached dwellings in a rental development; or a condominium development as provided for in Sect. 518 below; or wireless facilities and associated support structures, but only in accordance with the provisions of Sections 2-514, 2-519, 2-520, and 2-522 below.

In addition, in all districts, the Board or BZA, in conjunction with the approval of a special exception or special permit use, may allow dwelling units for a proprietor, owner and/or employee and his/her family whose business or employment is directly related to the special exception or special permit use. Such dwelling units may either be located within the same structure as the special exception or special permit use or in separate detached structures on the same lot. If located in separate detached structures, such dwelling units must meet the applicable bulk regulations for a principal structure set forth in the specific district in which located, and any locational requirements set forth as additional standards for a special exception or special permit use are not applicable to detached structures occupied by dwelling units.

- **Repeal Sect. 2-514, Limitations on Mobile and Land Based Telecommunication Facilities,**

in its entirety and replace it with a new Sect. 2-514, Limitations on Wireless Facilities and Their Associated Support Structures, to read as follows:

2-514 Limitations on Wireless Facilities and Their Associated Support Structures

Wireless facilities and their associated support structures include, without limitation, wireless support structures, existing structures, and replacement structures (except as otherwise specified below). Such structures are permitted on any lot in any zoning districts when such facilities meet the following limitations, unless any applicable proffered condition, development condition, special permit or special exception condition expressly prohibits such facilities, regardless of whether they are on any list of permitted uses. In addition, wireless facilities and support structures, including those located within the right-of-way, are subject to Sect. 15.2-2232 of the Code of Virginia and to the application fees as provided for in Sect. 18-106. Wireless facilities and their associated support structures that do not meet the following limitations or the limitations in Sect. 2-519, Sect. 2-520, or Sect. 2-522 require special exception approval.

1. Co-locations: The proposed co-location of wireless facilities, including small cell facilities, on any existing structure and on certain replacement structures that do not fall under Sect. 6409 of the Spectrum Act are subject to compliance with the provisions below.
 - A. The antennas and associated mounting must be fully enclosed in a canister or other enclosure, be flush mounted, be screened by a wall, vegetation, or other existing structure, or provide other means of mitigating visual impacts.
 - B. Related equipment cabinets or structures are subject to the following:
 - (1) When located on an existing utility pole or light pole, the equipment structures must not exceed 32 cubic feet in volume and must be designed to match or blend with the pole on which located, or provide other means of mitigating visual impacts.
 - (2) When located on all other existing structures, the equipment cabinets must be fully enclosed within the existing structure, designed to match or blend with the structure on which they are located, or provide other means of mitigating visual impacts.
 - (3) Any ground-mounted equipment that supports a co-location under this section on a light or utility pole is subject to the provisions of Par. 2 of Sect. 2-522.
 - (4) All other ground-mounted equipment associated with an existing structure:

- (a) May not exceed 12 feet in height or 500 square feet of gross floor area.
 - (b) Must meet the minimum yard requirements of the zoning district in which located, or when located in a road right-of-way or utility easement, must be located a minimum of 10 feet from the right-of-way or easement line.
 - (c) Notwithstanding the fence/wall height limitations of Sect. 10-104, the equipment must be screened by a solid fence, wall or berm 8 feet in height, an evergreen hedge with an ultimate height of 8 feet and a planted height of 48 inches, or an 8-foot-tall fence, wall, berm and/or landscaping combination. However, if a new equipment cabinet or structure is added to an existing fenced or screened area, the screening requirements for the new equipment cabinet or structure may be satisfied with the existing screening, provided that such screening meets the requirements listed above.
- C. Routine maintenance or the replacement of existing wireless facilities or associated support structures, including light poles, within a six-foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller is permitted, and eligible facilities requests are permitted in accordance with Sect. 2-520, and a co-location may occur on such a replacement structure, on a replacement structure that meets the criteria below, or as may otherwise be reviewed and approved under Sect. 2-520.
- (1) When located in zoning districts that are zoned for single family dwellings and are residentially developed, vacant, or common open space and not located on a major thoroughfare, the replacement pole or standard cannot be more than 15 feet higher than the existing pole. The diameter of such replacement pole or standard must not exceed 30 inches.
 - (2) When located in zoning districts that are zoned for single family dwellings and are residentially developed, vacant, or common open space and located on a major thoroughfare, the height of a replacement pole or standard, including antennas, must not exceed 80 feet. However, if the height of the existing pole exceeds 80 feet, the replacement pole or standard cannot be more than 15 feet higher. The diameter of such replacement pole or standard must not exceed 30 inches.
 - (3) When located in zoning districts that are zoned for multiple family dwellings and are residentially developed with buildings that are 35 feet or less in height, vacant, or common open space, the height of a replacement pole or standard, including antennas, must not exceed 100 feet. However, if the height of the existing pole exceeds 100 feet, the replacement pole or

standard cannot be more than 15 feet higher. The diameter of such replacement pole or standard must not exceed 42 inches.

- (4) The height of a replacement pole or standard on property used for athletic fields, must not exceed 125 feet, including antennas. The diameter of such replacement pole or standard cannot exceed 60 inches.
- (5) In all other instances, the height of a replacement pole or standard, including antennas, must not exceed 100 feet. However, if the height of the existing pole exceeds 100 feet, the replacement pole or standard cannot be more than 15 feet higher. The diameter of such replacement pole or standards must not exceed 60 inches.

2. Wireless telecommunication hub sites are subject to the following:

A. Hub sites are permitted:

- (1) In all C Districts, I-1, I-2, I-3, I-4, I-5 and I-6 Districts, and in the commercial areas of P districts.
- (2) In all R districts on lots that are not vacant, open space, or residentially developed.

B. The hub site must not exceed 12 feet in height or 750 square feet of gross floor area.

C. The maximum permitted floor area ratio for the zoning district must not be exceeded.

D. The hub site must meet the minimum yard requirements of the district in which it is located, except that hub sites located in a utility transmission easement or street right-of-way may be located a minimum of 20 feet from the utility transmission easement or street right-of-way line.

E. Hub sites are not subject to the fence/wall height limitations of Sect. 10-104. Hub sites located within a utility easement must be screened by a solid fence, wall or berm 8 feet in height, an evergreen hedge with an ultimate height of at least 8 feet and a planted height of at least 48 inches, or an 8 foot tall fence, wall, berm and or landscaping combination. Hub sites located outside of a utility transmission easement are subject to the transitional screening requirements of Article 13 for a light public utility use. If a hub site is added to an existing fenced or screened enclosure that contains wireless equipment structures, the screening requirement for the hub site may be satisfied with the existing screening, provided that the screening meets the requirements listed above.

- F. A wireless telecommunication hub site that is located within an existing or principal or accessory structure is not subject to Paragraphs 2B through 2E above.
- 3. Commercial advertising is not allowed on any portion of a wireless facility or its associated support structure.
- 4. Except for co-location on a light pole, signals, lights, or illumination are not permitted on wireless facilities or their support structures unless required by federal, state, or local law.
- 5. All applications involving wireless facilities, including without limitation small cell facilities, standard process projects, administrative review-eligible projects, and eligible facility requests under the Spectrum Act, that are submitted electronically outside of the Department of Planning and Zoning's regular business hours will be deemed received by the Department on the next business day.
- 6. All antennas, associated equipment, and structures must be removed within 120 days after such antennas or related equipment are no longer in use, at which point they will be deemed abandoned.

- **Amend Sect. 2-519, Small Cell Facilities, to read as follows:**

Sect. 2-519 Small Cell Facilities on New Structures

An application proposing the installation of a small cell facility on a new structure is subject to the requirements of this Section, the requirements of Sect. 2-522, as applicable, and approval by the Zoning Administrator of an Administrative Review-Eligible Project permit.

- 1. Small Cell Facilities on New Structures:
 - A. Must comply with the following provisions, as well as the provisions of Sect. 2-522.
 - B. May locate on any property, provided that any such structure with attached wireless facilities is:
 - (1) Not more than 50 feet in height; and
 - (2) Designed to support small cell facilities.
 - C. New structures that meet the requirements of this section will be processed as a type of administrative review-eligible project (AREP) under Sect. 15.2-2316.3 of the Code of Virginia and subject to Zoning Administrator approval of an AREP permit and the AREP fee under Sect. 18-106.

2. Any application that meets all other requirements of this Section but proposes its location in a historic district is subject to Architectural Review Board review under Article 7.

- **Add new Sect. 2-522 to read as follows:**

Sect. 2-522 Requirements for New Utility Distribution or Transmission Poles Not More than 50 Feet in Height and their Associated Facilities, Including Small Cell Facilities

New utility distribution or transmission poles not more than 50-feet in height with attached facilities are subject to the following:

1. Wiring, Cables, and Conduit Requirements

- A. All wiring and cables must be firmly secured to the utility distribution or transmission pole (referred to in this section as "new structure").
- B. All mounting brackets and wiring, cables, and conduits that are not located in a fully enclosed structure must be the same color as, or otherwise demonstrated to match or blend with, the new structure on which they are mounted.
- C. Spools or coils of excess fiber optic or cables or any other wires may not be stored on the new structure except completely within approved enclosures or cabinets.

2. Equipment and Facilities

- A. All equipment and support structures located on the new structure:

- (1) Must be the same color or material as the new structure and covered by rust-proof treatment or materials.
- (2) Must be flush mounted to the new structure or supported by mounting brackets.
- (3) The support brackets may not extend beyond the new structure by more than eight inches.
- (4) Must not exceed 32 cubic feet in volume.

- B. Ground-mounted equipment associated with a new structure is subject to the following:

- (1) In non-major-thoroughfare rights-of-way in districts zoned for single family detached or attached dwellings, each provider is limited to one cabinet or structure which does not exceed 4 feet in height and a total of 50 cubic feet in volume.

Ground-mounted equipment cabinets or structures must be located adjacent to the pole.

- (2) In all other street rights-of ways, and on property located outside of the right-of-way and in districts that are zoned for single family detached or attached dwellings and are residentially developed, vacant, or common open space:
 - (a) When located on the ground in a front yard or street right-of-way, each provider is limited to one cabinet or structure which does not exceed 5 feet in height or a total of 70 cubic feet in volume and the cabinet or structure must be located a minimum of 10 feet from all lot lines when located outside of a street right-of-way. Notwithstanding the fence/wall height limitations of Sect. 10-104, ground-mounted equipment cabinets or structures must be screened by a solid fence, wall or berm 5 feet in height, an evergreen hedge with an ultimate height of five 5 feet and a planted height of 48 inches, or a 5 foot tall fence, wall, berm and/or landscaping combination.
 - (b) When the related equipment cabinet or structure is located on the ground in a side or rear yard, each provider is limited to a cabinet or structure which does not exceed 12 feet in height or to allow equipment cabinets greater than 300 square feet in gross floor area, and the cabinet or structure is located a minimum of 10 feet from all lot lines. Notwithstanding the fence/wall height limitations of Sect. 10-104, ground-mounted related equipment cabinets or structures must be screened by a solid fence, wall or berm 8 feet in height, an evergreen hedge with an ultimate height of eight 8 feet and a planted height of 48 inches, or an 8 foot tall fence, wall, berm and/or landscaping combination.
- (3) When the related ground-mounted equipment cabinet or structure is located on property that does not meet Paragraphs (1) or (2) above, each provider is limited to a cabinet or structure which does not exceed 12 feet in height or to allow equipment cabinets greater than 500 square feet in gross floor area,. The cabinet or structure must be adjacent to the pole if located within the utility easement, and when located outside of a utility easement, must meet the minimum yard requirements of the district in which located. Notwithstanding the fence/wall height limitations of Sect. 10-104, ground-mounted related equipment cabinets or structures must be screened by a solid fence, wall or berm 8 feet in height, an evergreen hedge with an ultimate height of eight 8 feet and a planted height of 48 inches, or an 8 foot tall fence, wall, berm and/or landscaping combination.
- (4) Equipment cabinets or structures must not obstruct any sight distance or visibility standards required by Fairfax County or the Virginia Department of Transportation, or be located in any sidewalk or trail.
- (5) Equipment located within an existing principal or accessory structure, or equipment designed as a bench, mailbox, light pole, or other structure exempt from the

minimum yard requirements under Par. 2 of Sect. 2-104, is not subject to the provisions of Par. B.

- C. Any antennas and associated mounting must be enclosed in a canister or other enclosure or provide other means of mitigating visual impacts.
3. All new structures under this section must be constructed of materials and colors designed to match or closely replicate existing utility poles within the same right-of-way or line of poles.
 4. The minimum horizontal distance between any new structure under this section and any other existing, or permitted but unconstructed, utility distribution or transmission pole is:
 - A. When located in zoning districts that are zoned for single family dwellings and are residentially developed, vacant, or common open space and not located on a major thoroughfare, not less than 300 feet.
 - B. When located in all other areas, not less than 100 feet.
 5. The Zoning Administrator may disapprove an application for a new structure if it is proposed to be located in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning application proceeding as set forth in the Comprehensive Plan objectives and:
 - A. The undergrounding requirement or objective existed at least three months before submission of the application for the new structure;
 - B. Co-location of wireless facilities is still permitted on existing utility poles, government-owned structures with government consent, existing wireless support structures, or buildings within that area;
 - C. Replacement of existing utility poles and wireless support structures with poles or support structures of the same or smaller size within that area is permitted; and
 - D. Disapproval does not unreasonably discriminate between the applicant and other wireless service providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services.
 6. Any application for a new structure that is proposed to be located in a Historic District is subject to review by the Architectural Review Board in accordance with Article 7 of this Ordinance.

7. All poles and associated equipment and structures must be removed within 120 days after such structures or related equipment are no longer in use.

- **Add new Sect. 2-523 to read as follows:**

Sect. 2-523 Wireless Facilities Definitions and Height Measurements

1. The following terms contained in Sections 2-514, 2-519, 2-520, and 2-522 and elsewhere in the Ordinance are defined in Sect. 15.2-2316.3 of the Code of Virginia: administrative review-eligible project, co-locate, existing structure, new structure (except as otherwise specified in Sect. 2-522), project, small cell facility, wireless facility, wireless infrastructure provider, wireless services provider, and wireless support structure; however, the term small cell facility as used in this Ordinance is expanded to include the placement of such facilities on certain new structures under Sect. 2-519, above. Except as otherwise specified, the term associated support structures includes wireless support structures, existing structures, new structures, and administrative review-eligible project structures; however, the term does not include any monopoles that exceed 50 feet in height.
2. For the purposes of Sections 2-514, 2-519 and 2-522, the height of equipment structures, hub sites, new structures, and replacement light or utility poles will be measured as follows:
 - A. Hub site and equipment cabinet or structure height is the vertical distance between the lowest point of finished ground level adjacent to the structure and the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge for gable, hip and gambrel roofs.
 - B. New structure and replacement pole height is the vertical distance between the lowest point of finished ground level adjacent to the structure and the highest point of the structure, including antennas.

Amend Article 3, Residential District Regulations, as follows:

- **Amend Part A, R-A Rural Agricultural District, Sect. 3-A04, Special Exception Uses, by deleting Par. 1A, adding new Par. 1C to read as follows, and re-lettering all affected paragraphs accordingly.**

For specific Category uses, regulations and standards, refer to Article 9.

1. Category 1 – Light Public Utility Uses, limited to:
 - C. Wireless facilities and associated support structures that are not permitted by right under Sections 2-514, 2-519, 2-520, or 2-522.

- **Amend Part 12, R-12 Residential District, Twelve Dwelling Units/Acre, Sect. 3-1202, Permitted Uses, by deleting Par. 7, adding new Par. 8 to read as follows, and re-numbering the affected paragraph accordingly.**
 - 8. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.
- **Amend Part 16, R-16 Residential District, Sixteen Dwelling Units/Acre, Sect. 3-1602, Permitted Uses, by deleting Par. 7, adding new Par. 8 to read as follows, and re-numbering the affected paragraph accordingly.**
 - 8. Wireless Facilities and associated support structures, subject to the provisions of Sections. 2-514, 2-519, 2-520, or 2-522.
- **Amend Part 20, R-20 Residential District, Twenty Dwelling Units/Acre, Sect. 3-2002, Permitted Uses, by deleting Par. 7, adding new Par. 8 to read as follows, and re-numbering the affected paragraph accordingly.**
 - 8. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.
- **Amend Part 30, R-30 Residential District, Thirty Dwelling Units/Acre, Sect. 3-3002, Permitted Uses, by deleting Par. 5, adding new Par. 6 to read as follows, and re-numbering the affected paragraph accordingly.**
 - 6. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

Amend Article 4, Commercial District Regulations, as follows:

- **Amend Part 1, C-1 Low-Rise Office Transitional District, Sect. 4-102, Permitted Uses, by deleting Par. 4, adding new Par. 10 to read as follows, and re-numbering all affected paragraphs accordingly.**
 - 10. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.
- **Amend Part 2, C-2 Limited Office District, Sect. 4-202, Permitted Uses, by deleting Par. 4, adding new Par. 10 to read as follows, and re-numbering all affected paragraphs accordingly.**
 - 10. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

- **Amend Part 3, C-3 Office District, Sect. 4-302, Permitted Uses, by deleting Par. 9, adding new Par. 18 to read as follows, and re-numbering all affected paragraphs accordingly.**

18. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

- **Amend Part 4, C-4 High Intensity Office District, Sect. 4-402, Permitted Uses, by deleting Par. 10, adding new Par. 20 to read as follows, and re-numbering all affected paragraphs accordingly.**

20. Wireless Facilities and associated support structures, subject to the provisions of Section 2-514, 2-519, 2-520, or 2-522.

- **Amend Part 5, C-5 Neighborhood Retail Commercial District, Sect. 4-502, Permitted Uses, by deleting Par. 17, adding new Par. 31 to read as follows, and re-numbering all affected paragraphs accordingly.**

31. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

- **Amend Part 6, C-6 Community Retail Commercial District, Sect. 4-602, Permitted Uses, by deleting Par. 18, adding new Par. 37 to read as follows, and re-numbering all affected paragraphs accordingly.**

37. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

- **Amend Part 7, C-7 Regional Retail Commercial District, Sect. 4-702, Permitted Uses, by deleting Par. 23 adding new Par. 43 to read as follows, and re-numbering all affected paragraphs accordingly.**

43. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

- **Amend Part 8, C-8 Highway Commercial District, Sect. 4-802, Permitted Uses, by deleting Par. 24, adding new Par. 45 to read as follows, and re-numbering all affected paragraphs accordingly.**

45. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

Amend Article 5, Industrial District Regulations, as follows:

- **Amend Part 1, I-1 Light Industrial Research District, Sect. 5-102, Permitted Uses, by deleting Par. 6, adding new Par. 12 to read as follows, and re-numbering all affected paragraphs accordingly.**
 - 12. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.
- **Amend Part 2, I-2 Industrial Research District, Sect. 5-202, Permitted Uses, by deleting Par. 7, adding new Par. 13 to read as follows, and re-numbering all affected paragraphs accordingly.**
 - 13. Wireless Facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.
- **Amend Part 3, I-3 Light Intensity Industrial District, as follows:**
 - **Amend Sect. 5-302, Permitted Uses, by revising Par. 10, deleting Par. 11, renumbering all affected paragraphs accordingly, and to read as follows:**
 - 10. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, satellite earth stations, and wireless facilities, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.
 - **Amend Sect. 5-304, Special Exception Uses, by revising Par. 1 to read as follows:**
 - 1. Category 1 – Light Public Utility Uses, limited to:
 - A. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations
 - B. Wireless facilities and associated support structures that are not subject to Sections 2-515, 2-519, 2-520, or 2-522.
- **Amend Part 4, I-4 Medium Intensity Industrial District, as follows:**
 - **Amend Sect. 5-402, Permitted Uses, by revising Par. 12, deleting Par. 13, renumbering all affected paragraphs accordingly, and to read as follows:**
 - 12. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, satellite earth stations, and wireless facilities and associated support structures subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

- **Amend Sect. 5-404, Special Exception Uses, by revising Par. 1 to read as follows:**
 - 1. Category 1 – Light Public Utility Uses, limited to:
 - A. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations
 - B. Wireless facilities and associated support structures that are not subject to Sections 2-514, 2-519, 2-520, or 2-522.

- **Amend Part 5, I-5 General Intensity Industrial District, as follows:**
 - **Amend Sect. 5-502, Permitted Uses, by revising Par. 13, deleting Par. 15, renumbering all affected paragraphs accordingly, and to read as follows:**
 - 13. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, satellite earth stations, and wireless facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

 - **Amend Sect. 5-504, Special Exception Uses, by revising Par. 1 to read as follows:**
 - 1. Category 1 – Light Public Utility Uses, limited to:
 - A. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations
 - B. Wireless facilities and associated support structures that are not subject to Sections 2-514, 2-519, 2-520, or 2-522.

- **Amend Part 6, I-6 Heavy Industrial District, as follows:**
 - **Amend Sect. 5-602, Permitted Uses, by revising Par. 16, deleting Par. 18, renumbering all affected paragraphs accordingly, and to read as follows:**
 - 16. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, satellite earth stations, and wireless facilities and associated support structures, subject to the provisions of Sections 2-514, 2-519, 2-520, or 2-522.

 - **Amend Sect. 5-604, Special Exception Uses, by revising Par. 1 to read as follows:**
 - 1. Category 1 – Light Public Utility Uses, limited to:

- A. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations
- B. Wireless facilities and associated support structures that are not subject to Sections 2-514, 2-519, 2-520, or 2-522.

Amend Article 7, Overlay and Commercial Revitalization District Regulations, Part 2, Historic Overlay Districts, Sect. 7-204, Administration of Historic Overlay District Regulations, by revising the introductory paragraph, Par. 1; introductory paragraph to Par. 3; Par. 3D; introductory paragraph to Par. 5; Paragraphs 5A, 5C and 5F; Par. 6K, introductory paragraph to Par. 7, and Par. 8 to read as follows:

Once established, Historic Overlay Districts are subject to administrative procedures for the enforcement of such regulations as provided in this section.

1. All applications for rezoning, special exception, special permit, variance, sign permits, building permits, as qualified below, and all site plans, subdivision plats, grading plans, and applications for any new utility distribution or transmission poles 50-feet or lower in height ("new utility or transmission poles") and their associated facilities, as qualified below, must be referred to the ARB for its review and recommendation or decision in accordance with the provisions of this Part.
3. ARB approval is required before the issuance of Building Permits by the Director and approval of sign permits by the Zoning Administrator, and the ARB may review and provide a recommendation regarding applications for new utility or transmission poles or their associated facilities, in accordance with the following:
 - D. Zoning Permits or Zoning Approvals for the installation of any new utility or transmission poles or their associated facilities located on, adjacent to, or visible from a major thoroughfare, historic byway, road listed or determined to be eligible for listing in the National Register, or a contributing or historic property in a Historic Overlay District. The ARB will recommend approval or denial of any permit application no later than 45 days after a complete application is filed with the Department of Planning and Zoning. If such recommendation is not rendered within that time, the Zoning Administrator may consider the recommendation of the ARB in making the final decision on the permit, provided that the recommendation is made within any applicable deadline under local, state, or federal law for action on such permit application.
5. ARB procedures for the review of Building Permits, sign permits, applications for new utility or transmission poles or their associated facilities ("utility facility application"), as required by Par. 3 above, must be in accordance with the following:

- A. The applicant must forward to the ARB copies of the Building Permit, sign permit utility facility application, including any accompanying materials filed with such application;
 - C. In reviewing applications, the ARB must not make any requirements except for the purpose of preventing developments architecturally incompatible with the historic aspects of the Historic Overlay District. The ARB will consider the following in determining the appropriateness of architectural features:
 - (1) The exterior architectural features, including all signs, which are visible from a public right-of-way or contributing or historic property;
 - (2) The general design, size, arrangement, texture, material, color and fenestration of the proposed building, structure, or utility facility and the relation of such factors to similar features of historic or contributing buildings or structures within the Historic Overlay District;
 - (3) The extent to which the building, structure, utility facility, or sign would be harmonious with or architecturally incompatible with historic or contributing buildings or structures within the district;
 - (4) The extent to which the building or structure will preserve or protect historic places and areas of historic significance in the County;
 - (5) The extent to which the building or structure will promote the general welfare of the County and all citizens by the preservation and protection of historic places and areas of historic interest in the County.
 - F. The ARB, on the basis of the information received from the applicant and from its general background and knowledge, and upon application of the appropriate criteria set forth in this Par. 5 and Par. 7 below shall approve, approve with modifications, or disapprove the application. If the ARB approves or approves with modification the application, it shall authorize the Director to issue the Building Permit or the Zoning Administrator to approve the sign permit. If the ARB disapproves the application, it shall so notify the applicant and the Director or the Zoning Administrator. With respect to utility facility permit applications, the ARB will make its recommendation of approval or disapproval to the Zoning Administrator, who will then decide whether to issue the permit based on the application as a whole and including the ARB's recommendation.
6. For all applications and plans subject to ARB review, the ARB may require the submission of any or all of the following information and any other materials as may be deemed necessary for its review.

- K. With respect to permit applications for new utility or transmission poles or their associated facilities, the ARB may request submission of photographic simulations of the proposed facility as it would appear on the existing structure; schematic drawings showing the color, proposed material, and scale of the proposed facility relative to the existing structure; or other similar materials that will assist the ARB in timely reviewing such permit applications.
7. To facilitate the review of applications, the ARB will formulate and adopt guidelines for the new construction and the exterior alteration of existing buildings, structures, and sites located within Historic Overlay Districts based on the standards below. The ARB may also formulate and adopt recommendations for the installation of new utility or transmission poles or their associated facilities based solely on the standards below.
8. Approval authorizing issuance of a Building Permit or a sign permit by the ARB, or Board of Supervisors on appeal as provided for below, will be valid for 2 years or for such longer period as may be deemed appropriate by the approving body from the date of approval or from December 6, 1994 whichever occurs later, and shall continue for the life of the Building Permit or sign permit. Approval of new utility or transmission poles or their associated facilities will remain valid unless it is subject to removal under Sect. 2-519 or is otherwise required to be removed by state or federal law.

However, if no Building Permit or sign permit has been issued within the initial approval period, the ARB may grant an extension of the approval for a period not to exceed one year provided the applicant requests an extension prior to the original expiration date and the ARB finds that the proposed project and conditions within the Historic Overlay District are essentially the same as when the approval was first granted.

Amend Article 9, Special Exceptions, Part 1, Light Public Utility Uses, as follows:

- **Amend Sect. 9-101 Category 1 Special Exception Uses, by revising Paragraphs 5 and 6, deleting Par. 8, and adding a new Par. 9 to read as follows:**

5. Telecommunication facilities, including central offices and repeat stations, but not including telephone or telegraph transmission poles and lines that comply with Sect. 2-522.
6. Utility transmission facilities, including but not limited to vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of telephone or other communication, electricity, gas or water, but not including poles, wires, cables, and conduits that comply with Sect. 2-522.

For the purpose of this Part, utility transmission facilities do not include: Transmission lines approved by the State Corporation Commission pursuant to Sect. 56-46.1 of the Code of Virginia, as amended.

7. Water storage, control, and pumping facilities
 8. (Deleted by Amendment #ZO-19-480, Adopted April 9, 2019, Effective April 10, 2019)
 9. Wireless facilities and associated support structures.
- **Amend Sect. 9-102 Districts in Which Category 1 Uses May be Located, to read as follows:**
1. Category 1 uses may be permitted by right in the following districts:

R-12, R-16, R-20, R-30 Districts: Limited to use 9

All P Districts: All uses when represented on an approved development plan or as permitted by Sect. 2-514

All C Districts: Limited to uses 5 and 9

I-1, I-2 Districts: Limited to uses 5 and 9
I-3, I-4, I-5, I-6 Districts: Limited to uses 1, 2, 4, 5, 6, 7 and 9
 2. Category 1 uses may be allowed by special exception in the following districts:

R-A District: Limited to uses 5, 6, 7 and 9
All other R Districts: All uses

All C Districts: All uses
I-I District: Limited to use 4
I-1, I-2 Districts: All uses
I-3, I-4, I-5, I-6 Districts: Limited to uses 3 and 9
- **Amend Sect. 9-105 to read as follows:**

9-105 Additional Standards for Wireless Facilities

Wireless facilities and their associated support structures that do not meet the provisions of Sect. 2-514, Sect. 2-519, 2-520, or Sect. 2-522 are Standard Process Projects under Sect. 15.2-2316.3 of the *Code of Virginia* and are subject to the following standards:

1. Except for antennas completely enclosed within a structure, all antennas and their supporting mounts must be designed to match or blend with the structure on which it is mounted or provide other means of visual mitigation.

2. Except for a flag mounted on a flagpole as permitted under the provisions of Article 12, commercial advertising or signs are not allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure.
3. If any additions, changes or modifications are to be made to monopoles or towers, the Director has the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modifications conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.
4. Signals, lights or illumination are not permitted unless required by federal, state, or local law.
5. All antennas and related equipment cabinets or structures must be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.
6. Any antennas, equipment, and associated support structures that are clearly depicted on the special exception plat may be approved as part of the wireless facility and would not be subject to separate permit approval that would otherwise be required for such installations.

Amend Article 18, Administration, Amendments, Violations and Penalties, Part 1, Administration, Sect. 18-106, Application and Zoning Compliance Letter Fees, by revising the introductory paragraph, the Category 1 special exception fee in Par. 1, revising Par. 12, and adding a new Par. 15 to read as follows:

All appeals and applications as provided for in this Ordinance and requests for zoning compliance letters must 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 is 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 must be made payable to the County of Fairfax. Receipts therefore will be issued in duplicate, one copy of which receipt will be maintained on file with the Department of Planning and Zoning.

1. Application for a variance, appeal, special permit or special exception:

Application for a:

Category 1 special exception

\$16,375

Note: Category 1 uses that are standard process projects under Sect. 15.2-2316.3 of the Code of Virginia are subject to Par. 15 below.

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 will be a \$750 fee for the first node, a \$100 fee for each node thereafter, and a maximum of 20 nodes per single application.

For public facilities requiring review under Sect. 15.2-2232 that are also subject to Sect. 15.2-2316.4:1 of the Code of Virginia, only Par. 15 below applies.

15. Reviews required to comply with Sect. 15.2-2316.4:1 of the Code of Virginia, as provided for in this Ordinance, and Sect. 15.2-2232 of the Code of Virginia:

Administrative Review-Eligible Project: \$500

Standard Process Project: \$6200

Revise Article 19, Boards, Commissions, Committees, Part 3, Architectural Review Board, Sect. 19-307, Powers and Duties, by revising the introductory paragraph, adding a new Par. 5 to read as follows, and renumbering the subsequent paragraphs accordingly.

The ARB will have the following powers and duties:

5. To assist the Zoning Administrator in the review of applications for new utility distribution or transmission poles 50-feet or lower in height proposed to be constructed within the right-of-way of a Virginia Byway, or on property that is both adjacent to a Virginia Byway and listed on the County Inventory of Historic Sites. To assist the Zoning Administrator, the ARB may provide application specific recommendations or formulate general recommended criteria or design guidelines for the installation of such poles in these areas.

Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3 Definitions,

by deleting the Mobile and Land Based Telecommunication Facility and Small Cell Facility definitions; by revising the Telecommunication Facility and the Utility Distribution or Transmission Pole definitions; renaming and revising the Mobile and Land Based Telecommunication Hub Site definition to be a Wireless Telecommunication Hub; and by placing all definitions in correct alphabetical sequence, all to read as follows:

WIRELESS TELECOMMUNICATION HUB SITE: An equipment cabinet or structure that serves a wireless facility system when there are no antennas located on the same lot as the equipment cabinet or structure.

TELECOMMUNICATION FACILITY: Facilities that process information through the use of TELECOMMUNICATION, including telephone or telegraph central offices and repeat stations. For the purposes of this Ordinance, a wireless facility, a small cell facility, a radio and television broadcasting tower facility, microwave facility, or a SATELLITE EARTH STATION will not be deemed a telecommunication facility.

UTILITY DISTRIBUTION OR TRANSMISSION POLE: A utility distribution or transmission pole is a ground-mounted self-supporting vertical structure made of fabricated metal, treated wood or concrete used to elevate electrical and communication distribution lines, antennas, wireless facilities, small cell facilities, and related facilities and equipment to a suitable height, whose primary function is the support of wires, conductors, and associated apparatus used for the distribution of electrical energy, communication signals, or other similar utilities.

This amendment shall become effective on April 10, 2019, at 12:01 a.m.

GIVEN under my hand this 9th day of April, 2019.



CATHERINE A. CHIANESE
Clerk to the Board of Supervisors