PART 11 8-1100 TELECOMMUNICATIONS ORDINANCE

8-1101 The purpose of this ordinance is to establish the general guidelines for the site of personal wireless facilities, towers and antennas. The goals are:

(1) Establish a hierarchy in the type, location and procedures for personal wireless facilities, telecommunication towers and facilities;

(2) The locations of personal wireless facilities and telecommunication towers, in excess of 80 feet, are permissible only when it is technically justified due to unique environmental and terrain features and technological constraints, which preclude personal wireless service within the height standards;

(3) The joint use of new and existing telecommunication towers and facilities should be encouraged;

(4) The location of personal wireless facilities, with the exception of lattice towers and guyed towers, will be allowed in all zoning district categories, subject to specific siting and design guidelines;

(5) The users of telecommunications towers and antennas should locate them, to the extent possible, in areas where the adverse impacts on the community are minimal;

(6) The users of personal wireless facilities, telecommunication towers and antennas should configure them in a way that minimizes the adverse-impacts and visibility of these facilities;

(7) To promote and maintain the following order of preference for location, siting and design:

- Location. The most preferred areas for personal wireless service facilities are those that have concentrations of employment and mature tree stands. The least preferred areas for personal wireless service facilities are in existing residential areas or natural resource areas.

- Siting. The most preferred siting for personal wireless service facilities are on existing structures where the facilities would not be highly visible and within trees with only the antenna arrays above the tree tops. The least preferred sitings are in open fields or areas, or on highly visible rooftops.

- The most preferred design for personal wireless service facilities will be on the shortest possible mount with dual-polarization or omnidirectional antennas. Monopoles with triangular platforms are next in preference, while guyed towers and lattice towers are strongly discouraged.

Definition. Telecommunication Use and/or Structure: A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services.

A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings. Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Amateur radio towers are not "existing structures" for the purposes of Section 11-102.1.a. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business.

a. Antenna: any structure or devise used to collect or radiate electromagnetic waves, including both directional antennas, such as panels and microwave dishes, and omnidirectional antennas, such as whips and satellite dishes, but not including satellite earth stations.

b. Monopole: a single, self-supporting pole type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. A monopole shall not be deemed a transmission tower.

c. Transmission Tower. A lattice type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio. New construction of lattice towers and guyed towers is strongly discouraged for personal wireless service facilities.

d. Commercial Mobile Services. These will include the following five services:

- Cellular;
- Personal Communications Services (PCS);
- Paging;
- Specialized Mobile Radio (SMR); and

- Enhanced Specialized Mobile Radio (ESMR).

e. Personal Wireless Service Facilities. These are facilities that support personal wireless services and shall include:

- A mount, often a pole, a roof or a wall.
- A base station, including equipment shelter or equipment cabinets.
- Antenna(s), usually in an array, but also possible as a single unit.

f. Mounts. The following are mounts for personal wireless facilities:

- Poles, including monopoles, utility poles and masts.
- Roofs, either of a building or a roofed structure, such as a water tank.
- Wall, either of a building or some other structure.

g. Height. When referring to a tower or other structure, the distance measured from the ground level to the highest point on the tower or other structure, even if the highest point is an antenna.

8-1102 **<u>Telecommunications Use And/Or Structures</u>. The following performance standards shall be applied to telecommunication uses and/or structures, including amateur radio antennas.**

1. **Antennas**. Structure mounted and roof top mounted antennas and related unmanned equipment may be developed subject to the performance standards below to the extent permitted by right in the specified zoning district.

a. Antennas and related unmanned equipment are permitted by-right on an existing telecommunication monopole, tower or structure, with no increase in height, in all zoning districts subject to the performance standards outlined in this section. Increasing the height of an existing structure for a telecommunication facility must comply with the special exception process and zoning district locational requirements outlined in Section 11-102.2.a.

b. Notwithstanding the height requirements in Sections 11-102.2.c and 11-102.3, antennas and related unmanned equipment are permitted in all zoning districts on buildings

and structures owned or controlled by a public or quasi-public use, e.g., a water tower, or fire and/or rescue company.

c. Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.

d. When a personal wireless service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public views. Personal wireless facilities which are side-mounted on a wall of a building or a structure shall blend with the existing building's architecture, and the panels shall be painted or shielded with material consistent with the design features and materials of the building.

e. Directional or panel antennas shall be of a material or color, which matches the exterior of the building or structure.

f. No commercial advertising shall be allowed on any antenna.

g. Signals or lights or illumination shall not be permitted on any antenna, unless required by Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County.

h. The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per user on each site. Structures shall not exceed 12 feet in height. The structure shall be of a material or color, which matches the exterior of the building or structure.

i. If the equipment structure is located on the roof of a building, the area of the equipment and structures shall not occupy more than twenty-five (25) percent of the roof area.

2. **Personal Wireless Facilities**. These facilities are allowed in all zoning district categories by right, subject to meeting the following performance criteria. The applicant shall file a site plan with

supporting documentation adequate to demonstrate that the following standards have been met:

a. Location. Any new personal wireless facility shall be located in areas that are:

(1) 1,000 feet or more from an adjoining property's existing residential unit; or

(2) 300 feet or more from an adjoining property's existing residential unit, when the facility is centered and surrounded by preserved woodland with a minimum radius depth of 100 feet;

(3) 100 feet from the public highway, street or road, when the facility is centered and surrounded by preserved woodland with a minimum radius depth of 100 feet;

(4) 5,000 feet from a federal, state or county park or wildlife management area. For purposes of this section, the term "wildlife management area" shall mean the Chester Phelps Wildlife Management Area and the G. Richard Thompson Wildlife Management Area, or any other geographical area within the county designated by the Commonwealth of Virginia as a wildlife management area; or

(5) On a County, Fauquier County Water and Sanitation Authority or fire and rescue company site:

- The personal wireless facility shall not interfere with any signal from existing equipment of the primary user; and
- The setback provisions of this ordinance shall not apply.

(6) Poles shall not be located along ridgelines, but downslope from the top of ridgelines, to protect views of the County mountains.

b. Siting. Any new personal wireless communications facility shall be placed in sites that are:

(1) Surrounded by wooded areas for at least 100 feet on all sides; or

(2) On existing buildings when concealed within or behind existing architectural features, or shall be

located so that they are not visible from public roads; or

(3) On existing structures, including already constructed or permitted guyed towers and lattice towers; and

(4) Existing trees within 200 feet of any facility shall not be removed, except as may be authorized to permit construction of the facility and installation of vehicular access.

c. Design. New facilities shall meet the following criteria:

(1) Constructed no higher than eighty (80) feet from ground level to the highest part of the personal wireless facility, including all antennas;

(2) Equipped with dual-polarization or omnidirectional antennas, or another antenna alternative identified at site plan, which would be more efficient at the proposed location;

(3) Co-location is permitted on existing structures and telecommunication towers;

(4) Surrounded by a six (6) foot or higher security barrier, including a locked gate, for a ground-mounted pole and/or base station. For camouflaged facilities (e.g., a silo, with all components located inside the structure), an applicant can request this requirement be waived if all components are secured internally within the structure;

(5) Antennas: All antennas shall be of a material or color that matches the exterior of the building or structure;

(6) No commercial advertising shall be allowed on any portion of the facility;

(7) Signals or lights or illumination shall not be permitted on any portion of the facility, unless required by the Federal Communications Commission (FCC), the Federal Aviation

Administration (FAA), State or Federal authorities, or the County, except for security lighting at the base station (100-watt);

(8) Fall zone criteria contained herein shall be met.

(9) Equipment shelters and cabinets:

- Shall be designed to be architecturally consistent, with respect to materials and appearance, to the buildings within the area of the facility;
- If mounted on a rooftop, the equipment shall be concealed or camouflaged so that the shelter or cabinet either is not visible at grade or appears to be part of the structure.

(10) Any personal wireless facility located on, within or near a historic site, shall not alter the character defining features, distinctive construction methods, or original materials of the site.

3. **Transmission Towers**. New lattice towers and guyed towers are excluded from the following districts: RR-2, R-1, R-2, R-3, R-4, TH, GA, MDP, PRD, PDMU and V categories.

Lattice and guyed towers are discouraged, but are permissible uses at heights greater than 80 feet as a special exception and only under the circumstances outlined in Section 11-101(2) and this section. Lattice towers, guyed towers, monopoles and related unmanned equipment structure(s) may be developed as a special exception use, subject to the following criteria and guidelines:

a. Zoning Application Category. New personal wireless facilities which cannot achieve the standards in Section 11-102.2 shall require special exception approval, subject to findings of fact based on the following criteria:

- Location: Due to topography, forested areas, and floodplain barriers, environmental factors provide, to an equal degree, adequate buffer and camouflaging to reduce the 1,000 foot setback from a residential unit;

- Siting: A new personal wireless service facility may be a pole that is sited outside of existing trees, or in an area surrounded by less than 100 feet of trees in all directions, if the design is mitigated or camouflaged in such a way to be less visible than if it were in the trees;

- Design: A new personal wireless service facility may be higher than 80 feet, provided that the omni-directional or dual-polarization antennas are no higher than 10 feet above the average tree top height; or

- Special Circumstances: A telecommunication tower facility up to 120 feet in height is permissable upon technical demonstration that environmental and topographical constraints, as well as available technology used, cannot provide acceptable service at a lower height. Such a facility needs to be designed to accommodate co-location; or

  With the exception of emergency communication tower facilities, a personal wireless or telecommunication facility proposed in excess of 120 feet in height is an application of last resort. The applicant/carrier must technically justify that: (a) all existing structures, site and height alternatives have been exhausted; and (b) the facility proposed is at the minimum height, based on the best available technology, to adjust to the identified environmental and topographical constraints, for the established service carrier, and without the site at the requested height, service cannot be provided.

  The applicant must submit, prior to special exception application, any telecommunication facility proposal, greater than 120 feet in height, to the Architectural Review Board (ARB) for review and recommendation. Its application review will focus on Sections 11-102.3.a (location and siting) and 11-102.3.b.14 (assessment of historic resources and Scenic Byways impacts), as well as the Comprehensive Plan. ARB recommendations shall be transmitted to the Community Development

Director no later than 30 days after its scheduled meeting; otherwise, it will be deemed as a recommendation for approval.

Proposed monopole, lattice and guyed towers greater than 80 feet in height shall be located only in the RA, RC, C-1, C-2, C-3, I-1, I-2, CV or the PCID Zoning Districts. The performance standards are listed in Sections 11-102.2, 11-102.2.b and 11-102.2.c.

b. General Performance Criteria: All personal wireless or telecommunication facilities, whether permitted by right or permissible with the approval of a special exception or special permit application, shall be subject to the following submittal standards and criteria:

(1) Before proceeding to the zoning/building permit phase, new telecommunications towers and facilities are subject to the County site plan review and approval process.

(2) The proposed telecommunication tower or monopole, and associated uses and equipment shelters, shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility should be located in the interior of the property, and areas of existing vegetation, if applicable, shall be used to screen the facility.

(3) New telecommunication facilities greater than 80 feet in height shall be designed to accommodate co-location, complete with the engineering report attesting to that capacity, unless the Applicant is able to certify:

(a) Doing so would create an unnecessary visual impact on the surrounding area; or

(b) No additional need is anticipated for any other potential user in the vicinity; or

(c) There is some valid economic, technological or physical justification as to why collocation is not possible.

The applicant shall identify the conditions under which future collocation by other service providers is permitted.

(4) The height of new towers shall be limited based on technological need, type of facility location, and/or required permit approval.

(5) Satellite and microwave dishes attached to towers and monopoles shall not exceed six (6) feet in diameter.

(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 monpole 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.

(7) Unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.

(8) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, towers and monopoles shall blend with the background.

(9) No signals or lights or illumination shall be

permitted on a tower or monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County. These structures must either maintain a galvanized steel finish, subject to any applicable standards of the FAA, or be painted a neutral color to reduce visual impact.

(10) No commercial advertising or signs shall be allowed on a tower or associated structures.

(11) No tower or monopole shall be located within a County designated historic district.

(12) Special exception conditions for approval, established by the Board of Supervisors, may include reasonable limitations on the time period upon which the commercial telecommunications use(s) cease, before the tower or monopole will be required to be removed. Removal is subject to the terms identified in 11-107.2. The site shall be restored as closely as possible to its original condition.

(13) Applicants for any commercial public telecommunication facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA.

A finding from the FAA that the proposed facility is not a hazard or obstruction to public and private aviation fields is necessary prior to the issuance of a zoning permit. Such a finding is required, if a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of the Warrenton-Fauquier Airport.

(14) When locating on Fauquier County Water and Sanitation Authority, or fire and/or rescue company site: 1) the telecommunication equipment shall not interfere with the existing equipment of the primary use; and 2) the setback provisions of Section 11-102.2.b(6) shall not apply.

In addition, the landscaping/buffering provisions of the ordinance may be reduced or waived if the site

has been developed in accordance with Sections 11-103 and 11-104.

Applicants proposing a new telecommunication tower or monopole within one (1) mile of a County designated historic district, historic resources designated within the Comprehensive Plan, or a Virginia Byway if a telecommunication facility is proposed on a property listed on the National Register of Historic Places, shall submit a minimum of three (3) visual simulations and written justification as to why the facility could not be sited elsewhere.

(15) Telecommunication towers or monopoles shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the County mountains.

(16) Applicants shall submit documentation, in written and graphic form regarding the service area to be provided by the proposed telecommunication tower or monopole. This includes propagation maps demonstrating that these facilities, with collocation capabilities, are no higher in elevation than necessary.

(17) An application must include a licensed carrier either as an applicant or co-applicant.

c. Additional Submission Requirements. In addition to Section 5-011.II, The following additional information shall be submitted by applicants for towers or monopoles which require special exception or special permit approval:

(1) A map showing the telecommunication system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed facility use to the utility system.

(2) A statement, prepared by a certified engineer, giving the basic reasons for selecting the particular site as the location of the proposed facility and certifying that the proposed use will meet the

performance standards of the district in which located.

(3) Photo imagery or other visual simulation of the proposed telecommunication tower or monopole must be shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads.

More specifically, a sight line presentation must be presented. A sight line shall be drawn from the three closest residential units included in the vicinity plan to the highest visible point on the personal wireless facility. If there are no residential units in the mandatory setback distance, reference 11-102.2a (1) and (b), the public rights-of-way will be used.

Each sight line shall be depicted in profile, drawn at 1 inch equals 40 feet. The profiles shall show all intervening tree masses and buildings. In the event there is only 1 or 2 residential buildings on the vicinity plan, there shall be at least two sight lines from the closest habitable structures if any.

Photographs: (1) 4 x 6 inch photograph from three perspectives demonstrating existing conditions, one sight line from each residential unit; (2) photosimulation from the same three perspectives with the proposed personal wireless facility included. If there are no residential units in the project area, then views shall be from the public rights-of-way.

(4) Except for areas where permitted by right, an applicant for the proposed telecommunication facility must demonstrate that an antenna location on an existing facility is not feasible.

The County's objective is that no new tower/monopole shall be permitted unless the

applicant demonstrates to the reasonable satisfaction of the Board of Supervisors that no existing tower, monopole or structure can accommodate the applicant's proposed antenna.

The applicant shall evaluate through an engineering report the existing telecommunication facilities and structures 80 feet or greater in height within a one (1) mile radius of the proposed facility when located in a designated Service District of the Comprehensive Plan.

Elsewhere in the County, the applicant shall evaluate through an engineering report the facility and structure locations, 80 feet of greater in height, within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining site feasibility.

Collocation may be determined not to be feasible in the following situations:

(a) The planned equipment would exceed the structural capability of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;

(b) The planned equipment will cause interference with other existing or planned equipment for that telecommunication facility, and that interference cannot be prevented at a reasonable cost;

(c) Existing or approved telecommunication facilities do not have space on which planned equipment can be placed so as to provide adequate service; and

(d) Existing and approved telecommunication facilities will not provide adequate signal coverage.

(5) In addition to those entitled to notice under the provisions of the Zoning Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 13-111, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowner associations and groups in the area.

(6) The carrier shall provide a copy of Form 600 on file with the FCC, and its FCC license (Radio Authorization Form).

(7) The application shall show relationship to other personal wireless service facilities, including those existing and proposed by the carrier/applicant. The nearest existing sites for other carriers in at least four directions (north, south, east and west), as well as those proposed by other carriers on file in Fauquier County and with VDOT.

8-1103 Landscaping and Buffer Requirements

The following landscaping and buffering requirements shall apply to all telecommunication facilities.

1. Security Fencing. Facilities shall be enclosed by security fencing not less than six (6) feet in height.

2. Landscaping. The telecommunications facility shall be landscaped with a mix of hedge and trees to screen internal communications buildings from adjacent properties. The standard buffer should consist of an area 10 feet in width outside of the fenced area. Plantings will comply with Zoning Ordinance landscaping requirements.

3. Existing mature tree growth and natural land forms onsite shall be preserved to the maximum extent possible. In special exception applications, the Board of Supervisors may determine that the natural growth surrounding the property perimeter may be sufficient as the required buffer.

4. Existing trees within 200 feet of the telecommunications tower or monopole shall not be removed, except as may be authorized to

permit construction of the facility and installation of vehicular access.

8-1104 Modifications.

Buffer yard requirements may be waived or modified by the Zoning Administrator in any of the following circumstances, excluding approved special exception and special permit conditions. The Zoning Administrator may attach conditions to any waiver or modification in order to assure that the results of the waiver or modification will be in accordance with the purpose and intent of this Section.

1. The Zoning Administrator may waive, reduce and/or modify buffer yard requirements if demonstrated that the topography of the lot providing buffer yard and the lot being protected is such that the required buffer yard would not be effective.

2. The Zoning Administrator may waive, reduce or modify buffer yard requirements for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.

8-1105 Maintenance.

1. The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials and screening and buffering as may be required by the provisions of this Section.

2. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.

3. Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

8-1105 Bond/Cash Deposit Requirements

In lieu of installation of the landscape materials prior to occupancy, the applicant may post a bond acceptable to the County, conditioned upon satisfactory installation of the landscaping proposed in the landscape plan.

8-1107 Removal of Abandoned Antennas and Towers

1. Annual Report. The owner of each antenna or tower shall

submit a report to the Zoning Administrator once a year, no later than July 1. The report shall state the current user status of the tower.

2. Antenna and Tower Removal. Any antenna or tower shall be disassembled and removed from the site within ninety (90) days of the discontinuance of the use of the tower for wireless telecommunications purposes. Removal includes the removal of the antennas, telecommunications towers, fence footers, underground cables and support buildings. The buildings and foundation may remain with the landowner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

8-1108 Appeals

Any person aggrieved by a decision of the Zoning Administrator may appeal such decision in accordance with the provisions of Section 13-300.

8-1109 Planning Commission

On any application for a telecommunication facility pursuant to Section 15.2-2232(F) of the Code of Virginia, the Planning Commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the Commission to act on any such application for a telecommunications facility under Subsection A submitted on or after July 1, 1998, within ninety days of such submission, shall be deemed approval of the application by the Commission, unless the Board of Supervisors has authorized an extension of time for consideration or the applicant has agreed to an extension of time.

The Board may extend the time required for action by the local Commission by no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the Commission.

PART 12 8-1200 TREE CANOPY, LANDSCAPING AND BUFFERING REQUIREMENTS

8-1201 Purpose and Intent

1. The Tree preservation and landscaping plans shall be provided as part of the site plan and subdivision plat stages. The section's intent is to improve the appearance of areas reserved for parking, property abutting public rights-of-way, to require buffering between land use activities, and to protect, preserve and promote the environmental benefits including shade, temperature reduction, air purification, protection of soils, water quality, as well as scenic beauty, character and quality of life within the service districts and villages designated within the comprehensive plan.

2. Landscaping may include plant materials such as trees, shrubs, ground covers, and other materials such as rocks, water, walls, berms and fences.

8-1202 General Standards

1. All trees to be planted shall meet the specifications of the American Landscape and Nursery Association.

2. The planting trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers, and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation. The County shall maintain current copies of these specifications available to the public.

3. The minimum caliper of all deciduous trees planted shall be 2¼ inch, and the minimum height of all evergreen trees shall be six (6) feet.

8-1203 Tree Canopy Requirements

1. **Site Planning.** Clearcutting of trees for non-residential and residential projects requiring site plans shall be limited to only those essential areas necessary for required loading, parking,

public and private streets, stormwater management facilities, and buildings. Preservation of existing tree stands is a priority, with planting credits provided herein. All Major and Minor site plans shall include the planting and replacement of trees to the extent that, at maturity of twenty (20) years, a minimum tree canopy shall be provided as follows:

a. Ten (10) percent tree canopy for properties zoned commercial or industrial in the C-1, C-2, C-3, CV, I-1, I-2, PCID, PRD, PDMU or any subsequent zoning district established with these associated use categories.

b. Fifteen (15) percent tree canopy for nonresidential uses allowable in RC, RA, RR-2, V, R-1, R-2, R-3, R-4, TH, GA and MDP districts, as well as for garden apartments (GA), townhouses (TH), manufactured dwelling park (MDP), PRD, PDMU or any other planned unit development including these latter use categories.

2. **Residential Subdivision.** Clearcutting of existing trees for parcels planned for residential development shall be limited to those areas necessary for the planned house pad, yard, drainfields, if applicable, new streets, stormwater management facilities, and recreation areas and associated facilities. The requirements contained herein apply to residential subdivision proposals not requiring site plans in any zoning district, excluding Administrative and Family Subdivisions.

A landscape plan shall be included at the Record Plat or construction drawings phase, whichever occurs first. The landscape plan shall provide for the planting or replacement of trees on site to the extent that, at maturity of twenty years, a minimum tree canopy will be provided as follows:

a. The plan shall provide for the preservation, or planting and replacement of trees on site to result in a tree canopy of at least 15%, calculated at 20 years maturity.

b. Special attention is encouraged for plantings at the project entry points and street tree plantings along areas abutting and planned for public street dedication or as private streets. Trees shall be planted at a density of one tree per 50 linear feet along all areas dedicated for use for vehicular access. Such trees shall have a minimum 2¼ inch caliper at planting and a height at maturity of 15 feet or more. Such

trees shall be counted toward meeting the minimum canopy requirements.

c. The Zoning Administrator may grant a waiver or modification for those parcels eligible under Section 15.2-961 of the Code of Virginia for reasonable exceptions or deviations for reasonable development of farm land or other areas devoid of woody material, preservation of wetlands or when the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer. The Zoning Administrator may attach conditions to any waiver or modification to assure the results of the waiver or modification will be in accord with the intent of this ordinance.

3. **Calculation Exclusions.** In calculating the area of a site for the purpose of determining tree canopy coverage requirements, the following areas shall be excluded: areas reserved or dedicated for future street construction or other public improvements; ponds and wetlands which are not wooded; properties reserved or dedicated for schools, playing fields and other non-wooded recreation areas, and other facilities and areas similar in nature.

4. **Credits for Existing Conditions.** Existing trees can be counted as part of the tree canopy calculation under specific conditions. The number, type and location of trees to be preserved are identified in the landscape plan. The site plan or construction plans also identify the tree to be preserved on site and the methods of protection to be used during site development to assure survival. If the protected trees are part of a wooded preserve, then an easement must be provided with the applicable record plan and/or site plan. Note that trees planted pursuant to the Landscape and Buffering Requirements also qualify toward meeting the tree canopy coverage standards.

8-1204 Landscape and Buffering Requirements

1. **Landscape Plan.** A landscaping plan, including a building, parking lot landscape and screening plan, shall be submitted as part of every minor and major site plan application. This plan shall be drawn to scale (1”=20’), or other more appropriate scale as approved by the Director, include dimensions and distances, and shall delineate existing and proposed buildings, parking spaces or other vehicle areas, access aisles, driveways,

include the applicable tree canopy and planting calculations (e.g., required and provided) and the locations, size and description of all landscaping materials (e.g., tree and shrubs) the installation schedule if materials are to be installed in phases extending beyond 90 days from the date of occupancy of the building or structure to which they are appurtenant.

2. **Bonding.** The landscaping measures, as required by this section, shall be shown on the initial plan and shall be completed or bonded in accordance with the current County policy according to specifications prior to approval of any Certificate of Occupancy.

3. **Planting and Installation Standards.** The following standards shall apply to the planting, installation and maintenance of all trees and shrubs required by the provisions of this ordinance.

   a. The planting and maintenance of all trees and shrubs shall be done in accordance with the procedures established by the American Landscape and Nursery Association.

   b. At the time of planting, all deciduous trees shall have a minimum caliper of 2¼ inch dbh, while all evergreen trees shall have a minimum height of 6 feet. Evergreen shrubs shall have a minimum height of thirty inches, while dwarf deciduous shrubs shall have a minimum height of eighteen inches.

   c. Existing vegetation may and should be used as required planting to provide buffering and screening in accord with the purpose and intent of this ordinance.

   d. The Board of Supervisors or the Board of Zoning Appeals may require more stringent requirements as part of special exception, special permit, variance, or as part of a rezoning application.

   e. All landscaping shall permit sight distances consistent with current code requirements of Fauquier County and VDOT.

   f. When non-residential parking lots, loading areas, alleys, travelways and similar use adjoin land zoned or planned for residential use, there shall be an opaque barrier constructed to provide a separation between the two uses. The

objective is to screen cars from offsite view. This referenced separation can be achieved by the provision of a:

(1) Solid type of fence no less than 6 feet in height. The fence option is encouraged only when space limitations do not allow a landscape option; or
(2) Berm, serving as a visual barrier, with densely planted shrubs. The berm shall not exceed a slope of 2:1.

g. Interior Parking Lot Landscape Standards.

(1) Any parking lot, except a single bay parking lot of 20 spaces or less, shall be provided with a landscaped open space along the perimeter of the parking area (s) with the minimum amount of one (1) canopy/deciduous tree per ten (10) spaces. No parking space may be more than 80 feet from a portion of the landscaped open space or a canopy tree.

(2) The primary landscaping materials used in parking lots will be deciduous/canopy trees. The primary objective is the even distribution of tree planting to encourage and maximize shade. Shrubs and other live planting materials may be used to complement the tree landscaping. Landscape areas between the parking lot and building are not considered interior landscaping.

(3) Landscaping areas within the parking lot shall be reasonably dispersed and shall have a minimum width of 6 feet, measured from the back of curb. There shall be a curbed landscape island at the end of each row of parking, equal in length to the adjoining parking space (6 feet in width, measured from the back of curb to the back of curb).

(4) There shall be 1 canopy tree per required landscape island. Where more than one island is combined in a linear configuration, canopy trees shall be provided at a minimum equal to the number of required landscape islands.

(5) The interior dimensions of any planting area shall be sufficient to protect all landscaping materials; a

landscape island shall be protected with a 6 inch curb minimum.

(6) Areas used principally for the storage of vehicles do not require interior islands if such areas are screened from adjacent properties and public streets in accordance with Section 3.h (1).

h. Property Line Abuts Street Right-of-Way. Except as otherwise stated in this ordinance, a landscaping strip 10 feet in width, exclusive of a required sidewalk or trail, shall be located between the parking lot and right-of-way line. The following requirements will also apply:

(1) Parking and traffic circulation lanes shall be screened with either berming, landscaping, or a combination of both to a minimum height of 30 inches. Options are presented in h (4). Berming shall not have a slope steeper than 2:1, and the berm must be at least 30 inches higher than the finished elevation of the parking lot.

(2) All service and loading areas shall be screened from view through the use of dense evergreen tree screen and plant materials.

(3) All utility equipment (i.e., meters, pedestals, transformers, etc.) not within the screened service area shall have a natural evergreen planting screen provided. Such planting shall be planned and installed so as to not hinder the installation or maintenance of such utility equipment.

(4) Options.

(a) Landscape Strip Option: minimum of 1 canopy tree and 10 shrubs for each 35 linear feet, excluding driveway openings, of land abutting any right-of-way shall be planted in the referenced planting strip, which is 10 feet in width. However, this requirement shall not be construed as requiring the planting of trees on 35-foot centers; flexibility is afforded to the overall project design; or

(b) Berm Option: minimum of 1 canopy tree and 5 shrubs per 35 linear feet, excluding driveway openings. The berm must be at least 30 inches higher than the finished grade of the parking lot; berming shall not have a slope steeper than 2:1; or

(c) Woodlands Preservation Options: preservation of an existing woodlands strip with a minimum of 35 feet in width. No additional tree or shrub plantings will be required. Must be placed in easement, and the landscape plan must demonstrate techniques to be used for removing underbrush, pruning and to protect the existing trees from any damage during site development.

(5) Where the peripheral landscaping required in this Section conflicts with the street planting regulations of VDOT, the more restrictive standards shall apply.

i. Non-Residential Lot Buffer Area Minimum Planting Requirements.

(1) Buffer Yard Location. Buffer yards will be located along the perimeter of a lot or parcel. Where a parcel extends to the center line of an existing road, the buffer yard shall begin at and extend inward from the ultimate right-of-way of that road alignment. Buffer yards shall extend to the lot line, parcel boundary or rights-of-way line, except where easements, covenants or natural features may require the buffer yard to be set back from the property line, in that event the buffer yard shall be in addition to such easements, covenants or natural features.

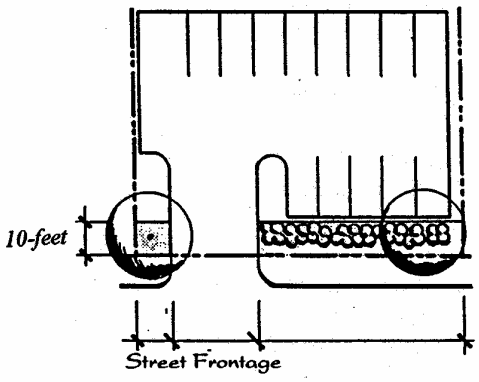
(2) Buffer yards shall be provided within the required minimum yard setback areas. If the minimum buffer width is larger than the yard setback, the minimum buffer width must be provided, with the exception of the parking lot which must meet the requirements identified in 3.g (1)-(6) and h.

(3) Planting Requirements. Existing trees qualifying as canopy and understory trees can be substituted and meet the stated requirements, as long as they are located within the designated buffer yard area.

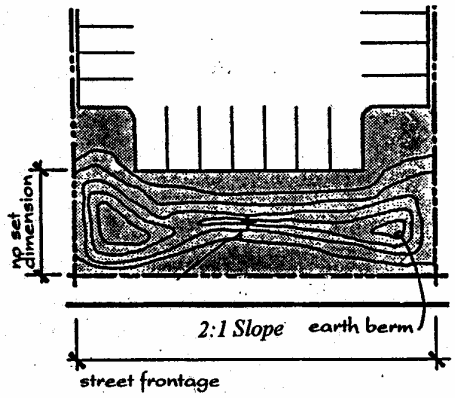
Buffer Yard Width	Number of Plants per 100 Linear Feet
(a) Front Buffer Yard:	
Landscaped Option: 20 feet	3 Canopy Trees 3 Understory Trees 24 Shrubs

Graphic Examples of Options

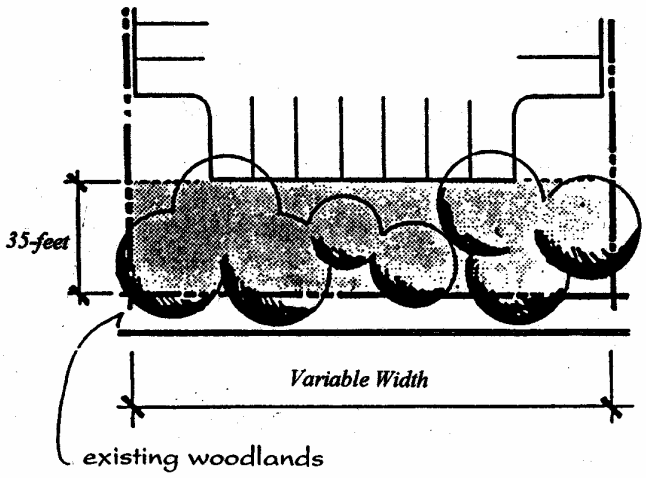
LANDSCAPE STRIP OPTION A
(1 Canopy Tree & 10 Shrubs/35 Linear Feet)



BERM OPTION B
(1 Canopy Tree & 5 Shrubs/35 Linear Feet)



WOODLAND PRESERVATION OPTION C
(Preservation of Existing Trees: No Additional Plantings Required)



	Woodland Option: 35 feet	No Additional Plantings Required; Must Comply with Criteria in 3.h.(4)(c)
	(b) Rear Buffer Yard: 25 feet	4 Canopy Trees 7 Understory Trees 30 Shrubs (75% must be Evergreens)
	(c) Side Buffer Yard: 20 feet	2 Canopy Trees 5 Understory Trees 20 Shrubs
Rear or Side Yard Adjoining Rural or Residential Districts Unless the Property Is Designated for Commercial or Industrial Use in the Comprehensive Plan:	30 Feet Dense Evergreen *Tree Screen; or*	Or Combination Berm 2:1 Slope and Evergreen Tree Screen

(4) Use of Buffer Yards. A buffer yard can include a sidewalk, bike path, as well as utility easements. The latter easements may be included provided that the utility requirements and buffer yard requirements are compatible and canopy or understory trees are not planted within those easements. Vehicular entrances may cross a buffer yard.

4. Buffer Yard Waivers and Modifications.

Buffer yard requirements may be waived or modified by the Zoning Administrator in the following circumstances. The Zoning Administrator may attach conditions to any waiver or modification in order to assure that the results of the waiver or modification will be in accord with the intent of this ordinance.

a. Where the strict provisions of this section would reduce the usable area of a lot configuration or size to a point which would preclude a reasonable use of the lot, buffer yards may be waived, reduced and/or modified by the Zoning Administrator, upon showing that the building and/or yard has been designed to minimize adverse impact through a combination of architectural, landscape and/or other design techniques.

b. The Zoning Administrator may waive, reduce and/or modify buffer yard requirements:

(1) If the topography of the lot providing the buffer yard and the lot being protected is such that the required buffer yard would not be effective; or

(2) For any public use when it has been specifically designed to minimize adverse impacts on adjacent properties.

(3) When a land use is proposed adjacent to a lake, pond, wetland, or other natural area, which is to remain undeveloped, and which is at least 300 feet in width.

5. Maintenance.

The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all required landscape materials, screening and buffering as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences shall be maintained in good repair. Openings within the barriers may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

6. Appeals.

Any person aggrieved by a decision of the Zoning Administrator may appeal such decision before the Board of Zoning Appeals pursuant to the provisions of Section 13-300.

PART 13 8-1300 OUTDOOR LIGHTING CONTROLS

8-1301 Purpose and Intent

The purpose of this section is to regulate the placement, orientation, distribution and fixture type and size of outdoor lighting. The intent of this section is to encourage lighting that provides safety, utility and security, as well as preventing glare on public roadways, and to protect the privacy of adjoining properties.

8-1302 Conformance with Applicable Codes and Ordinances

All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this Article, and applicable provisions of the Zoning Ordinance. Where there is conflict between the provisions of this Article and applicable provisions of the Zoning Ordinance, the most restrictive shall govern.

8-1303 Approved Materials and Methods of Installation

The provisions of this Article are not intended to prevent the use of any equipment, material or method of installation not specifically prescribed by this Article provided the alternative has been approved by the Zoning Administrator. The Zoning Administrator may approve any such alternative provided that the proposed design provides the approximate equivalence to the specific requirements of this Article.

8-1304 Definitions

1. Outdoor Light Fixtures shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:

    a. buildings and structures, including canopies and overhangs
    b. recreational areas
    c. parking lot lighting
    d. landscape lighting
    e. signs, including billboards
    f. display and service areas

2. Installed shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this Article but shall not apply to those outdoor light fixtures installed prior to such date.

3. Shielded, Fully shall mean fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that it allows no direct or internally reflected light to shine above the light fixture.

4. Footcandle. A quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

5. Full Cutoff Angle. The angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted. Refer to example graphics. (Refer to Figure 2)

6. Initial Lumens. The lumens emitted from a lamp, as specified by the manufacturer of the lamp.

7. Lamp. The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

8. Lumen. A standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution.

9. Luminaire. A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

10. Outdoor Luminaire. A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.

11. Photometric Plan. A point by point plan depicting the intensity and location of lighting on the property.

8-1305 Shielding

All outdoor light fixtures except those exempted by Section 9-1007 and those regulated by Section 9-1006.2 shall be fully shielded as identified in Section 9-1006. A fully shielded fixture must be a full cutoff luminaire or a decorative luminaire with full cutoff optics, and is defined as an outdoor lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures. The light source visibility shall be shielded from the adjoining property.

8-1306 General Requirements for all Zoning Districts

1. Public or Private Recreational Facilities:

   a. Primary Playing Areas. Where playing fields or other recreational areas are to be illuminated, lighting fixtures shall be specified in the Lighting Plan, mounted and aimed so that the illumination falls within the primary playing area and immediate surroundings so that no direct light illumination is directed off site.

   b. Recreation Parking Areas. Lighting for these parking areas shall meet the requirements identified in 9-1006.5.

2. Outdoor Illumination of Building, Landscaping and Signs. The unshielded outdoor illumination of any building or landscaping is prohibited. Lighting fixtures used to illuminate an outdoor advertising sign either shall be by directed ground lighting sign or mounted on the top of the sign, and shall comply with shielding requirements.

3. All outdoor lighting fixtures, including display lighting, shall be turned off after the close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.

4. Gasoline Station/Convenience Store Aprons and Canopies.

a. The Lighting fixture bulbs shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to no more than 85 degrees from vertical as shown in Figure 1.

b. As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.

c. Lights shall not be mounted on the top or sides (facial) of the canopy, and the sides of the canopy shall not be illuminated.

d. The lighting for new facilities (pump islands and under canopies) shall have a minimum of 1.0 footcandle at grade, and the average horizontal illumination cannot exceed 10 footcandles at grade level, subject to a uniformity ratio (ratio of average to minimum illuminance) no greater than 4:1. The standards herein are based on the Illuminating Engineering Society of North America (IESNA) RP-33, Lighting for Exterior Environments.

5. All Parking Lots, Loading and Display Areas. This lighting requirement applies to townhouse and multi-family, educational, institutional, commercial recreation, public, commercial business and retail, motor vehicle related, wholesaling, and limited and general industrial use categories identified within the Zoning Ordinance.

a. Lighting for all parking, display and loading areas shall not exceed an average horizontal illumination level of 2.5 footcandles. All lighting fixtures serving these areas shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA);

b. Maximum Mounting Height*

Residential: 20 feet
Non-Residential: 25 feet

* Height is measured from the ground surface to the bottom of the lighting fixture.

6. Mercury Vapor. The installation of mercury vapor fixtures is prohibited, except for agricultural buildings, paddocks and similar use areas in RA and RC zoning districts. For residential structures on agricultural property, lighting must be full cut-off fixtures, or retrofitted with, for example, the Hubble Sky Cap and illumination shielded downward.

7. Spillover light, vertical or horizontal, from parking area luminaires onto public roads and property in residential or rural Rural Agricultural (RA) and Rural Conservation (RC) zoning districts shall not exceed one-half (1/2) footcandle at the property line.

8-1307 Exemptions

1. Nonconforming Fixtures. Outdoor light fixtures installed prior to the effective date of this Article are exempt from the provisions of this Article, provided, however, that no change in use, replacement, and structural alteration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Article.

2. Lighting which is not subject to this chapter by state or federal law.

3. Roadway and Airport lighting and security lighting controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less.

4. Lighting of the United States of America or Commonwealth of Virginia flags and other non-commercial flags expressing constitutionally protected speech.

5. Temporary circus, fair, carnival, or civic uses.

6. Special Conditions. The Zoning Administrator may grant an exemption to the requirements of Section 9-1006 only upon a written finding that there are conditions warranting

the exemption and that there are no conforming fixtures that would suffice.

7. Construction and Emergency Lighting. Lighting necessary for construction or emergencies is exempt from the provisions of this Article provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

8. Lighting associated with agricultural use structures, such as a barn, paddock area. Residential buildings and parking associated with a farm or other agricultural uses are not exempted from the lighting requirements contained herein.

8-1308 Applications

1. Any person submitting a site plan or applying for a building, electrical or sign permit to install outdoor lighting fixtures shall as a part of said application submit evidence that the proposed work will comply with this Article.

2. The lighting plan application shall include at least the following:

   a. A site plan drawn to scale showing building(s), landscaping, parking areas and proposed exterior lighting fixtures;

   b. Location of all post, canopy, supports and light fixtures, including the height of each fixture, for any building, structure, parking, display and loading areas;

   c. Specifications of the illuminating devices, lamps, supports, and other Devices, including designation as Illuminating Engineering Society of North America (IESNA) “cut-off” fixtures. This description may include but is not limited to manufacturers catalog cuts, and drawings including sections where required;

   d. Plan shall show locations of all pole mounted and building mounted fixtures and a numerical 25 foot by 25 foot grid of lighting levels, in footcandles,

that the fixtures will produce on the ground (photometric report). The photometric report will indicate the minimum and maximum footcandle levels within the lighted area of the site. The minimum (lowest number) is usually at the outer edges of the illuminated area or between two fixtures. The average light level is determined by adding the footcandle value of all the points in the grid and dividing by the total number of points.

This information is available from the manufacturer of the specified fixture. (Refer to Figure 3 for an example of this report style)

3. The above required plans and descriptions shall be sufficiently complete to enable the Zoning Administrator to readily determine whether compliance with the requirements of this Article will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

8-1309 Issuance of Permit for Lighting on Private Property

Prior to issuance of a building, electrical or sign permit, the Zoning Administrator shall determine that the submitted plans and details for said permit are in conformance with this Article. The stamping of the plans and the signature of the director or his designated representative and the date of the signature shall indicate that the plans are in conformance.

8-1310 Amendment to Permit for Lighting on Private Property

Should the applicant desire to substitute outdoor light fixtures or lamps to be installed on private property after a permit has been issued, the applicant shall submit all changes to the Zoning Administrator for approval, with adequate information to assure compliance with this Article.

9-1011 Appeals

Except for street lighting within the right-of-way and for temporary exemptions as provided in Section 9-1007.1-5, any

applicant's appeal of the Zoning Administrator's decision shall be made to the Board of Zoning Appeals, and the procedures of the Zoning Ordinance and shall apply.

8-1312 Request for Temporary Exemptions

1. Request. Any person may submit a written request on a form prepared by the Zoning Administrator for a temporary exemption to the requirements of this Article.

   The Request for Temporary Exemption shall contain the following information:

   a. Specific exemptions requested.
   b. Type and use of exterior light involved.
   c. Duration of time for requested exemption.
   d. Type of lamp and calculated lumens.
   e. Total wattage of lamp or lamps.
   f. Proposed location of exterior light.
   g. Previous temporary exemptions, if any.
   h. Physical size of exterior light and type of shielding provided.

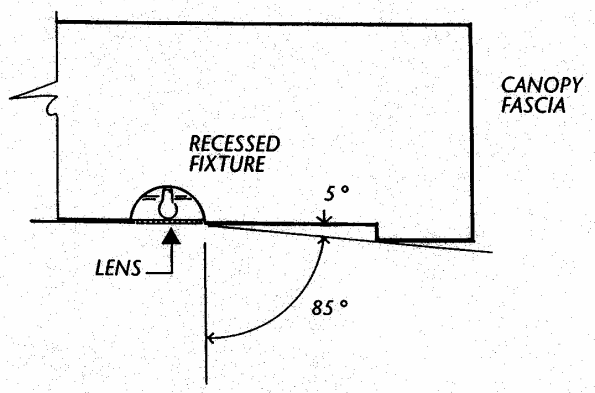
   In addition to the above data, the Zoning Administrator may request any additional information which would enable a reasonable evaluation of the Request for Temporary Exemption.

   The fee for a temporary exemption shall be as required for a variance to the Zoning Ordinance.

2. Appeal. The Zoning Administrator, within five (5) days from the date of the properly completed Request for Temporary Exemption, shall approve or reject in writing the Request. If rejected, the individual making the Request shall have the right of appeal to the Board of Zoning Appeals.

FIGURE 1

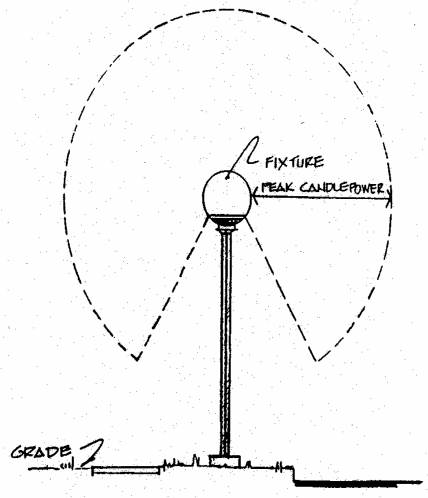
GASOLINE STATION/CONVENIENCE STORE APRONS AND CANOPIES



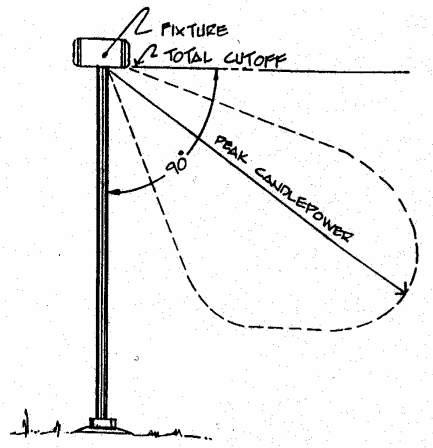
Gas pump canopy.

FIGURE 2

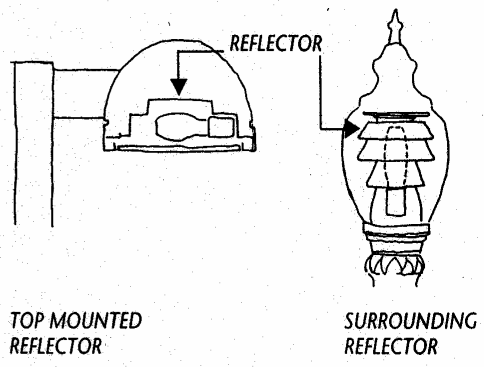
CUTOFF FIXTURES



NO CUTOFF FIXTURE



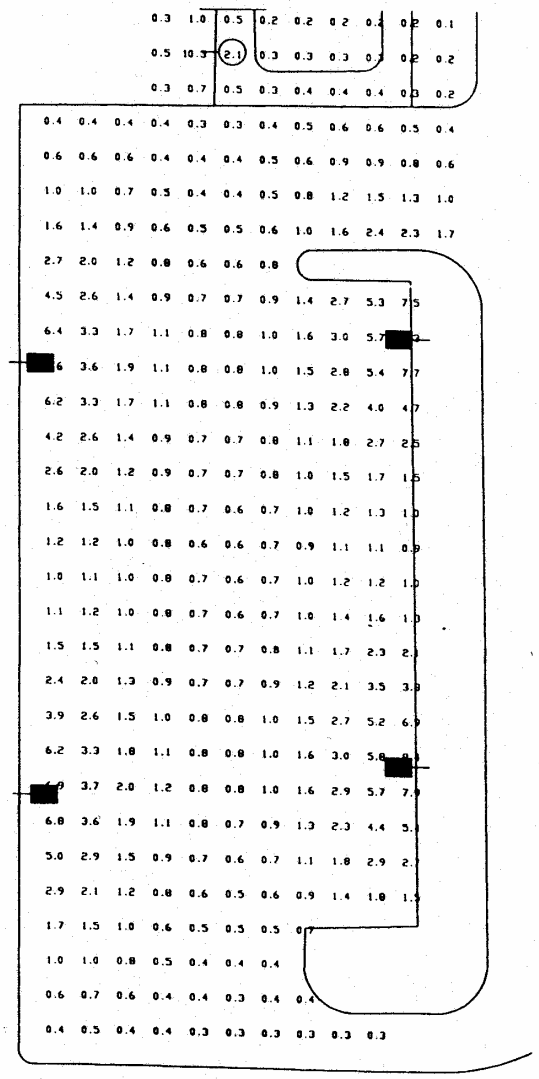
90° CUTOFF FIXTURE



Reflectors shield and distribute light.

FIGURE 3

COMPUTER GENERATED LIGHT LEVEL GRID EXAMPLE FOR PARKING LOT LIGHTING PLANS



Computer generated light level grid, with readings in tenths of footcandles.

PART 14 8-1400 PUBLIC WATER AND SEWER AND CENTRAL WATER SYSTEM REQUIREMENTS

8-1400 Public Water and Sewer Requirements and Central Water System Requirements

8-1401 Public Water Requirements

Public water shall be required for all residential subdivisions, multi-family or townhouse development of 7 or more lots or units under the following circumstances:

A. Within the Bealeton, Marshall, New Baltimore, Opal, Remington and Warrenton and Catlett service districts except in those areas designated as non-sewered and/or non-public water growth areas in the Comprehensive Plan.

B. Outside service districts in the R-1, R-2, RR-2 and V zones.

C. The requirement for a public water system may be removed by special exception pursuant to Section 8-130.

8-1402 Public Sewer Requirements

Public sewer shall be required for all residential subdivisions, multi-family or townhouse development of 25 or more lots or units under the following circumstances:

A. Within the Bealeton, Marshall, New Baltimore, Opal, Remington and Warrenton service districts except in those areas designated as non-sewered and/or non-public water growth areas in the Comprehensive Plan.

B. Outside service districts in the R-1, R-2, RR-2 and V zones.

C. The requirement for a public water system may be removed by special exception pursuant to Section 8-129.

8-1403 Central Water Requirements

Whenever a public water system is not required, a freestanding central water system shall be designed and constructed to serve all lots within a subdivision of seven or more lots, unless a special exception is obtained in accordance with the terms of Section 8-130 of this ordinance.