

ORDINANCE NO. 7533-19

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY DELETING THE DEFINITION OF COMMUNICATION TOWER/ANTENNA, AMENDING THE DEFINITION OF LOCAL UTILITIES AND ADDING THE DEFINITIONS OF COMMUNICATION TOWERS FIFTY (50) FEET IN HEIGHT OR GREATER, COMMUNICATION TOWERS LESS THAN FIFTY (50) FEET IN HEIGHT, SMALL CELL FACILITY AND WIRELESS FACILITY.

WHEREAS, Section 45-201 of the Code of the City of Newport News, Virginia, contains the definition of certain words and terms used in the Zoning Ordinance of the City of Newport News, Virginia; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would delete the definition of communication tower/antenna, amend the definition of local utilities and add the definitions of communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the deletion of the definition communication tower/antenna, approve the amendment of the definition local utilities and approve the addition of the definitions of communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility in Section 45-201.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article II., Definitions, Section 45-201, Definition of certain words and terms, be, and the same hereby is, amended and reordained by deleting the definition of the term communication tower/antenna, amending the definition of local utilities and adding the definition of the terms communication towers fifty (50) feet in height or greater, communication towers less than fifty (50) feet in height, small cell facility and wireless facility, as follows:

Communication towers greater than fifty (50) feet in height .

A freestanding structure erected on real property, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure designed to support or capable of supporting wireless facilities and/or small cell facilities, not located within the boundaries of a local, state, or federal historic district. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers under

this definition. The term communication towers greater than fifty (50) feet in height shall not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service. The term under this definition shall also not include any structure fifty (50) feet in height, or less, measured from the top of the closest adjacent curb or edge of pavement where no curb exists.

Communication towers not greater than fifty (50) feet in height. A freestanding structure, not greater than fifty (50) feet in height, measured from the top of the closest adjacent curb or edge of pavement where no curb exists, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities and/or small cell facilities, not located within the boundaries of a local, state, or federal historic district. The term communication towers not greater than fifty (50) feet in height shall not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers under this definition.

Local utilities. Electrical power, telephone, gas, water, sewer, cable TV and storm drainage lines, stormwater management systems, air pollution monitoring stations, inline facilities such as gas regulating stations and water wells or pumping stations, sewage pumping stations, telephone exchanges, switching, and transmitting equipment underground or ground level water storage tanks, underground electrical transmission lines, communication towers not greater than fifty (50) feet in height located in the public right-of-way, wireless facilities located in the public right-of-way, and small cell facilities located in the public right-of-way. This use does not include elevated water storage tanks.

Micro-wireless facility. A small cell facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width and twelve (12) inches in height and that has an exterior antenna, if any, not longer than eleven (11) inches.

Small cell facility. A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its

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

Wireless facility. Equipment at a fixed location that enables wireless communication between user equipment and a communications network.

2. That the rest and remainder of Section 45-201 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein, and shall be deemed reordained hereby.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON FEBRUARY 26, 2019

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk