

**June 11, 2024
Town Council
Public Hearing**

AN ORDINANCE TO APPROVE ZOTA-23-1 A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 9, SECTION 9-18 TELECOMMUNICATIONS FACILITIES, SECTION 9-18.10 SETBACKS TO PERMIT A SETBACK LESS THAN ONE HUNDRED (100) PERCENT OF THE TOWER HEIGHT IN ALL ZONING DISTRICTS WITH THE CERTIFICATION OF A PROFESSIONAL ENGINEER

WHEREAS, Warrenton, VA (Hereinafter "the Town") is a municipal corporation located within the County of Fauquier; and

WHEREAS, the Warrenton Town Council may, by ordinance, amend, supplement, or change the regulations of the Zoning Ordinance of the Town whenever the public necessity, convenience, general welfare or good zoning practice may require such an amendment; and

WHEREAS, Zoning Ordinance Article 3 allows communications towers as a Permissible Use with the approval of a Special Use Permit by Town Council within all Zoning Districts; and

WHEREAS, Zoning Ordinance Article 9, Section 9-18 Telecommunications Facilities, Section 9-18.10 Setbacks, requires that all telecommunications towers be set back from property lines a distance equal to one hundred (100) percent of the tower height; and

WHEREAS, the Applicant, Arcola Towers, LLC and their Representative Mr. James Downey, submitted an application to initiate a Text Amendment to the Zoning Ordinance in accordance with the procedures set forth in Article 11, Section 11-3.9 Zoning Amendments on June 7, 2023; and

WHEREAS, the Applicant is requesting that the setback requirement for telecommunications towers may be reduced to less than one hundred (100) percent of the tower height, to equal the height of the certified fall zone as attested by a Virginia licensed Professional Engineer in all Zoning Districts as a part of the Special Use Permit process; and

WHEREAS, the Warrenton Planning Commission held a public hearing on this matter on April 16, 2024, and issued a recommendation of approval; and

WHEREAS, on June 11, 2024, the Warrenton Town Council conducted a public hearing on this matter and considered oral and written testimony; and

WHEREAS, the Warrenton Town Council finds that per the Code of Virginia Section 15.2-2286.A.7, this text amendment is in the best interest of public necessity, convenience, general welfare, and good zoning practice; now, therefore, be it

ORDAINED, by the Warrenton Town Council this 11th day of June 2024, that the Town Council hereby adopts the following text amendment to Article 9, Section 9-18.10 of the Town of Warrenton Zoning Ordinance as set forth herein.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

Community Development Director,

Town Attorney

ATTEST: _____
Town Recorder

Article 9 Supplemental Use Regulations

9-18 Telecommunications Facilities

9-18.10. Setbacks.

Towers shall be set back a distance of at least one hundred (100) percent of the height of the tower from the boundaries of the property on which the tower is located. The required setback distance may be reduced to a distance of at least one hundred (100) percent of the certified fall zone, as certified by a Virginia Professional Engineer in a letter which includes the Professional Engineer's signature and seal.