

December 19, 2023
Planning Commission
Public Hearing

A RESOLUTION TO RECOMMEND APPROVAL OF TEXT AMENDMENT ZOTA-23-1 PURSUANT TO SECTION 11-3.9.2 OF THE ZONING ORDINANCE OF THE TOWN OF WARRENTON FOR 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 THE PSP – PUBLIC-SEMI-PUBLIC DISTRICT 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, Section 3-4.9 PSP Public-Semi-Public Institutional District allows communications towers as a Permissible Use with the approval of a Special Use Permit by Town Council; 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 in the PSP Public-Semi-Public Institutional District 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; and

WHEREAS, the Warrenton Planning Commission held a work session to discuss amending Zoning Ordinance Section 9-18.10 Setbacks on November 28, 2023 and heard testimony from the Applicant and Representative; and

WHEREAS, the Warrenton Planning Commission held a public hearing on this matter on December 19, 2023; and

WHEREAS, the Warrenton Planning Commission finds that per the Code of Virginia Section 15.2-2286.A.7, the text amendment is for the good of public necessity, convenience, general welfare, and good zoning practice; and

NOW THEREFORE BE IT RESOLVED, that the Warrenton Planning Commission recommends to the Warrenton Town Council for their review and decision proposed ordinance language as set forth herein.

Recommendation of Approval – Staff Proposed Language

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. On properties located in a PSP District (Public-Semi-Public Institutional District), towers shall only be required to may be setback a distance of at least one hundred (100) percent of the certified fall zone, as certified-upon certification by a Virginia Professional Engineer in a letter which includes the Professional Engineer's signature and seal, and where Town Council makes a finding that a setback of less than one hundred (100) percent of the tower height is appropriate for the location of the facility