

April 16, 2024
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 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 Warrenton Planning Commission held a work session on November 28, 2023 and held a public hearing on December 19, 2023, where the applicant's representative requested a deferral so as to revise the text amendment language to apply to all Zoning Districts within the Town, so as to conform to the advice of the Town's telecommunications consultant City Scape LLC; 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 work session on this revised text amendment language on March 19, 2024 and considered testimony from the applicant's representative and the public; and

WHEREAS, the Warrenton Planning Commission held a public hearing on this matter on April 16, 2024; 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.

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.