

The following ordinance proposed by the Board of Supervisors of Patrick County at a regular meeting on May 11, 2009 and after public discussion thereof this day, Monday, June 8, 2009, on motion by Lock Boyce, seconded by Ron Knight and carried, is hereby adopted:

**AN ORDINANCE ENTITLED**  
**“THE COMMUNICATION TOWER ORDINANCE”**

This Ordinance shall be known as the Communication Tower ordinance of Patrick County, Virginia.

The purpose of this article is to regulate the siting of communication towers in Patrick County to:

1. Protect the health, safety and general welfare of residents and visitors in Patrick County.
2. Avoid potential damage to adjacent properties from tower failure due to ice, wind, and falling structural components and minimize hazards to aircraft.
3. Maximize the use of existing and new communication towers to reduce the collective number of towers required in Patrick County for all types of wireless communication.
4. Regulate the placement of towers that adversely detract from the scenic mountain and Blue Ridge Parkway vistas of the County that may negatively impact tourism.

**Definitions:**

**Communication Tower:** Any guyed, monopole, or self-supporting (lattice) tower or structure, erected and/or proposed to support one (1) or more antennas intended for transmitting and receiving forms of electronic communication. This definition does not include amateur radio operator antennas or other antennas which are accessories to residential use. Any tower less than eighty (80) feet in height is exempt from this Ordinance.

**Tower Height:** The vertical distance from the finished grade to the uppermost point of a communication tower including any antenna, beacon, light or other fixture attached to the communication tower.

**Viewshed:** The unobstructed sight or range of one's sight from a scenic road.

**Scenic road:** The US Parkway and any other roadway designated as a scenic road or byway by the Commonwealth of Virginia or the County of Patrick.

**Designated Agent:** The Patrick County Administrator or someone designated in writing by the Administrator.

**Process for approval of Communication Towers:**

All communication towers with a height equal to eighty feet (80') or higher are subject to the following provisions:

- a. All site plans shall be submitted to the Patrick County Erosion and Sediment Control Office. Construction plans shall be submitted to the Patrick County Building Department for review and permit application. This application shall include a submittal of facilities location, latitude, and longitude, along with documentation detailing proposed coverage area, clearly demonstrating that the communication tower site will provide service for Patrick County.
- b. Owner and/or applicant shall secure necessary easements of right of way concerning location of access roads and tower site.
- c. All site plans for communication towers within the viewshed of the Blue Ridge Parkway must first be submitted to the Blue Ridge Parkway Community Planner (BRP), in writing, at 400 BB&T Building, Asheville, North Carolina 28801. Comments from BRP may be submitted with the site plan review application or sent directly to the County Administrator. The County is not bound to adopt or comply with BRP comments.
- d. Site proximity: Communication towers cannot be within two miles of an existing tower or within 500 feet of an existing habitable dwelling. The Board of Supervisors may reduce the two mile limitation on site proximity if it finds that it promotes the health, safety, and welfare of the residents and visitors of the County.
- e. The owner of the tower shall provide Patrick County antenna space on the tower, at no cost to the County, at a minimum of 150 feet above ground level or lower with the approval and consent of the Patrick County designated agent, for the accommodation of Emergency Services and other County communication needs.

- f. To further encourage co-location, applicants shall provide for additional users in the design and construction of towers under this provision. Demonstration of the ability to co-locate must be submitted with this application. An engineering report certifying that the proposed tower is compatible for a minimum of four communication providers must be submitted by the applicant.
- g. The owner of the tower shall supply the County with a Coverage Area Map by the individual carriers.
- h. The tower owner shall notify the county within 30 days of any changes in carriers or positions that are located on the tower.
- i. The applicant shall provide evidence that adjoining property owners and other residents of the community have been contacted to discuss specific proposals prior to public hearings before the Planning Commission and the Board of Supervisors. Prior to the initial public hearing on any application, the applicant shall conduct a "balloon" or other demonstration to show the location and height of the tower to be constructed with notice of the date and time of such demonstration provided to the adjoining property owners, members of the planning commission, members of the Board of Supervisors, and the County Administrator. Additionally, such notice of the demonstration shall be advertised for at least one (1) week prior the demonstration in a newspaper of general circulation.
- j. All tower structures must be dismantled by the owner of the structure if it is unused for a period exceeding 24 consecutive months or poses a threat to safety, as determined by the building official.
- k. Preservation of natural vegetation must be preserved to the extent possible. An evergreen buffer shall be planted and maintained around the perimeter of the tower where there is no existing vegetation. A section of fence at least six feet (6') in height shall be provided completely around the base of the tower and any associated equipment.
- l. Owners of tower structures shall annually (on or before January 30<sup>th</sup> of each year) provide in writing to the County Commissioner of Revenue the name and address of the owner of all antenna or other structures located on any tower as of January 1<sup>st</sup> of that year.
- m. Any permit issued hereunder shall expire if the tower is not constructed or has no service provider located thereon within 180 days from approval of the permit. The Board of Supervisors may grant an extension of up to 180 days for completion of work.
- n. No cell tower shall be constructed within one-half mile from the center line of the US Parkway roadway.

This ordinance shall become effective on Monday, June 8, 2009.

Voting Aye: 5

Voting Nay: 0