



## Nelson County Department of Planning & Zoning

(P.O. Box 558) 80 Front Street, Lovingsston, Virginia 22949

(434)-263-7090 | (434)-263-7086 (fax)

# Application Guidelines and Checklist for Class B & Class C Communication Tower Permits

*This document is intended to provide pre-application informational guidance; see Zoning Ordinance Article 20 "Communication Tower Ordinance" for all provisions, regulations, application requirements, and review process.*

### **Communication Tower Classifications:** (see Z.O. 20-4 "Definitions")

*Class A Personal Wireless Services:* As defined in Section 20-6 of this Article.

*Class B Communication Tower:* A communication tower which is equal to or greater than forty (40) feet in tower height and which is less than or equal to one hundred (100) feet in tower height located in a Conservation District, C-1; Agricultural District, A-1; Service Enterprise District, SE-1; Business, B-1; Business, B-2; Industrial, M-1; or Industrial, M-2 zoning districts.

*Class C Communication Tower:* Any communication tower located in a Residential, R-1; Residential, R-2; or Residential Planned Community, (RPC) District; or any communication tower in any district that is greater than one hundred (100) feet in tower height, to a maximum allowed height of 130 feet; or any communication tower within three hundred (300) feet of an occupied dwelling, provided however, if the owners of all such occupied dwellings affirm in writing to the applicant that they have no objection to the proposed tower, then this final clause shall not, standing alone, cause the proposed communication tower to proceed as a Class C communication tower application. A communication tower greater than one hundred (100) feet in tower height is a telecommunications facility for purposes of state law.

*Tower Height:* The vertical distance from the finished grade to the uppermost point of a communication tower including any antenna, beacon, light, lightning rod, or other fixtures attached to the communication tower. In the event an antenna is attached to a structure, the height of the structure shall be included in the tower height.

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**Permit Requirements:** (see Z.O. 20-5 “Telecommunication Facility Categories”)

- Class A Personal Wireless Services must comply with Z.O. 20-6 (“Class A Personal Wireless Service Facilities”), Z.O. 20-6-1 (“Design Standards”), and Z.O. 20-6-2 (“Compliance”).
  - No application fee or permit requirements.
- Class B Communication Tower requires approval by the Planning and Zoning Director and the issuance of a Class B Communication Tower Permit. For such applications, the Planning and Zoning Director shall be the Final Approving Authority.
  - \$1,000 application fee (per Z.O. 20-18)
  - No public hearing required (per Z.O. 20-5-B and Z.O. 20-12-F)
- Class C Communication Tower requires approval by the Board of Supervisors and the issuance of a Class C Communication Tower Permit. For such applications, the Board of Supervisors shall be the Final Approving Authority.
  - \$2,000 application fee (per Z.O. 20-18)
  - Requires BOS public hearing (per Z.O. 20-5-C and Z.O. 20-13-C)
  - PC public hearing optional unless directed by BOS (per Z.O. 20-13-B)
- Tower Permit Amendments and Temporary Tower Permits (as may be eligible) require approval by the Planning and Zoning Director.
  - \$100 application fee for tower permit amendment (per Z.O. 20-18)
  - \$500 application fee for temporary tower permit (per Z.O. 20-18)
- Any antenna used exclusively for non-profit, non-broadcast, and non-commercial applications including, but not limited to, residential broadcast reception, amateur radio, citizens band radio, and public safety, local government, fire, rescue, police, and non-profit medical radio services is exempt from the requirements of this Article.

**Provisions and Regulations Applicable to all Tower Permits:**

- Building Permits are required from the Nelson County Building Inspections Department per Z.O. 20-8 (“Building Permits”) as may be applicable; some exemptions may apply.
- Co-location capability and allowance is required, with some limitations, per Z.O. 20-11 (“Co-location”).
- A one-year completion deadline for the construction of approved Class B and Class C Communication Towers is required per Z.O. 20-14 (“Completion Requirement”). Extensions may be provided. Incomplete structures shall be removed within ninety days of the completion deadline and the associated tower permit shall become void.
- The discontinued use of any facility requires disassembly and removal per Z.O. 20-15 (“Removal and Reporting”).
- The change of ownership of any facility requires County notification per Z.O. 20-15 (“Removal and Reporting”).
- Communication Tower sites must be accessible to County staff per Z.O. 20-16 (“Access to Site”).

## Tower Permit Application Checklist

### ***Requirements for All Permit Applications:***

1	Provide "Certificate of Insurance" (see Z.O. 20-7)
2	Comply with "Standards for Location" (see Z.O. 20-9):
2-A	A. If proposed location is within the viewshed of the Blue Ridge Parkway or Appalachian Trail, applicant must complete notification requirements (20-9-A)
2-B	B. Proposed location must meet required minimum setbacks from Scenic Byways, Blue Ridge Parkway, and Appalachian Trail (20-9-B)

### ***Class B Permit Application Requirements:***

3	Application Form signed by owner, or signed by authorized agent with documented evidence of applicant's legal agency (per Z.O. 20-12-A)
4	Property Description such as recorded plat, boundary survey, or deed (per Z.O. 20-12-B)
5	Plans and Drawings signed and sealed by an appropriate licensed professional showing the following (per Z.O. 20-12-C: 1-11):
5-1	1. Scaled "design plan" (20-12-C-1)
5-2	2. Utility connections (20-12-C-2)
5-3	3. Location and dimensions of all existing and proposed improvements within 1,000 feet of proposed tower site, including maximum height of the proposed tower facility (identified above ground level and above sea level) (20-12-C-3)
5-4	4. Benchmarks and datum used for elevations (20-12-C-4)
5-5	5. Topography (shown using contour intervals not to exceed 10 feet) within 300 feet of the proposed tower facility (20-12-C-5)
5-6	6. Streams, wetlands, and floodplains within 1,000 feet of proposed tower facility (20-12-C-6)
5-7	7. Tree survey for all trees which have their dripline within 120 feet of the proposed tower facility and which are relied upon to establish the existing vegetative canopy height and screening of the tower, and for all trees that will be adversely impacted or removed during installation or maintenance of the facility (20-12-C-7)
5-8	8. Fall Area showing minimum distance from the tower's base to the property line(s), which shall be: 100% of tower height for wood poles; 110% of tower height for metal monopoles; and 125% of tower height for lattice towers (20-12-C-8)
5-9	9. All existing and proposed setbacks, parking, fencing, and landscaping (20-12-C-9)
5-10	10. Proposed safety and security measures (20-12-C-10)
5-11	11. FAA hazard determination report and other FAA documentation (20-12-C-11)

6	Demonstrate compliance with all applicable “Design Standards” (per Z.O. 20-12-D: 1-10):
6-1	1. Color(s) of pole, antennas and equipment, and ground equipment (20-12-D-1)
6-2	2. Feed lines, wiring, and similar attachments are located within the tower structure or facing away from public view (20-12-D-2)
6-3	3. No guy wires; lightning rod limited to 1 inch diameter at base (20-12-D-3)
6-4	4. Maximum of three arrays with each array having a maximum of three antennas; no antenna shall project from the structure beyond the minimum required by the mounting equipment; no antenna shall exceed 1,152 square inches (20-12-D-4)
6-5	5. Constructed slopes shall not be steeper than 2:1 slope unless proposed retaining walls or other stabilization measures are accepted (20-12-D-5)
6-6	6. Site shall be adequately screened and shall have Least Visually Obtrusive Profile from adjacent parcels and streets; site visibility from any Scenic River, Scenic Byway, National Park, or National Forest shall be minimized; site shall not be visible from any resource specifically identified for protection in any adjacent conservation easement or adjacent open space easement (20-12-D-6)
6-7	7. Identification sign (6 square feet max.) at entrance to proposed site (20-12-D-7)
6-8	8. Security fencing (min. 8 feet high) with anti-climbing device (20-12-D-8)
6-9	9. Landscaping requirements (20-12-D-9):
6-9-a	a. Support building screened year-round with buffer of plant materials consisting of 4 feet wide landscape strip around perimeter of facilities
6-9-b	b. Existing mature tree growth and natural landforms shall be preserved to maximum extent possible; preserved existing growth may satisfy landscaping buffer requirements
6-9-c	c. Existing trees within 120 feet of tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicles and utilities
6-10	10. Lighting requirements (20-12-D-10):
6-10-a	a. Tower shall be unlit unless lighting is required by a federal agency
6-10-b	b. Ground equipment area shall be lit by manually-operated on-off light switch for use only when service representatives are on-site
6-10-c	c. Equipment cabinet light shall be no more than 1 foot above top of cabinet
7	Application may be referred to a consultant, at the applicant’s cost, for evaluation of proposed site and to locate other alternative sites for consideration (per Z.O. 20-12-E)
8	Planning and Zoning Director shall issue a Class B Communication Tower Permit upon finding that the application is in compliance with all applicable laws (per Z.O. 20-12-F)

**Class C Permit Application Requirements:**

9	Satisfy all Class B Tower Permit requirements (per Z.O. 20-13-A)
10	Satisfy all applicable “Balloon Test” requirements (per Z.O. 20-13-D: 1-4)
10-1-A	1. (A.) Contact Planning and Zoning Director within 10 days after submission of Complete Application to schedule a date and time when the balloon test will be conducted; balloon test shall be conducted within 40 days after submission of Complete Application; applicant shall provide Director with minimum of 7 days prior notice; extension may be given due to inclement weather or mutual agreement of the applicant and Director (20-13-D-1)
10-1-B	1. (B.) Publish a legal notice containing the date and time and place of the balloon test a minimum of 7 days prior to the balloon test; such legal notice shall be in a newspaper having general circulation in the county (20-13-D-1)
10-2	2. Prior to the balloon test, the location of the access road, the lease area, and the tower site of the proposed tower shall be surveyed and staked or flagged in the field. (20-13-D-2)
10-3	3. The test shall consist of raising one or more balloons from the site to a height equal to the proposed tower.
10-4	4. Photographs of the balloon test shall be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as directed by the Director and shall be superimposed to scale onto the photographs. The photographs must be filed with the Director before the application can be reviewed by the Planning Commission.
11	Submit “Alternative Site(s)” documentation (per Z.O. 20-13-E) to demonstrate:
11-1	1. No commercially reasonable or co-location alternatives fulfill the applicant’s desired coverage (20-13-E-1)
11-2	2. Co-location on an existing tower or structure would result in electromagnetic interference (20-13-E-2)
11-3	3. Other limiting factors that render existing towers and structures unsuitable (20-13-E-3)

**Other Considerations for Tower Permit Application Requirements:**

- Z.O. 20-19: A – C (“*Exemption from Regulations Otherwise Applicable*”) contains provisions which may allow proposed tower facilities to be subject to modified requirements involving fall zone setback requirements; area and bulk regulations; and minimum yard requirements, as may be applicable.
- Z.O. 20-20: A – C (“*Modification of Certain Regulations*”) contains provisions which allows the Board of Supervisors to modify location or height restrictions, or both, as may be applicable.