



Amherst County Board of Supervisors  
County Ordinance No. 2012-0001

**AN ORDINANCE, NO. 2012—0001**

Adding Section 919 to the Code of the County of Amherst to establish provisions governing the County's issuance of permits for the placement, construction, and modification of personal wireless service facilities.

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Approved as to form by the County Attorney

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That Section 919.00 be and hereby is added to the Code of the County of Amherst, as follows:**

**919.00. Personal Wireless Service Facilities**

**919.01 Applicability and Purpose**

A. Section 919 establishes provisions governing the County's issuance of permits for the placement, construction, and modification of personal wireless service facilities. To expand accessibility to affordable communication services within the County while minimizing adverse impacts on the County's rural and historic character and its environmentally sensitive areas, the provisions will:

1. Ensure that a non-discriminatory, competitive and broad range of personal wireless service facilities are in place to serve the County's growing needs, including supporting the County's emergency response and law enforcement networks.
2. Establish a process for approving permits for personal wireless service facilities that is fair, consistent with federal requirements, and allows consideration of the County's interests and concerns as expressed through its Comprehensive Plan and its zoning ordinance and regulations.
3. Direct the siting of personal wireless service facilities in certain districts and avoid their being sited in certain protected areas of the County so as to ensure consistency with the County's Comprehensive Plan and zoning ordinance.
4. Encourage co-location of new antennas on existing personal wireless service facilities, and construction of facilities that can accommodate multiple providers.
5. Minimize or eliminate (i) the potential for damages to adjacent properties from tower failure and falling ice, and (ii) hazards to low flying aircraft.

B. Types of developments.

The types of development of personal wireless service facilities subject to this section include:

- a. Attached antenna.
- b. Colocation on new or existing antenna support facilities.
- c. Combined antennas on new or existing antenna support facilities.
- d. Replacement of one or more antenna elements in conjunction with additional changes or expansions to the antenna array on an existing tower or support structure.
- e. Modification or replacement of antennas on an existing tower or support structure.
- f. Replacement of tower or support structure or other components of personal wireless service facility.
- g. Mitigation of an existing personal wireless service facility.
- h. New construction of a personal wireless service facility.

#### **919.02. Exemptions; special requirements for amateur radio towers.**

A. The following facilities shall comply with applicable federal, state, and County requirements but are exempt from the provisions of § 919:

1. Satellite dish antenna stations that are one meter or less in diameter in all residential zoning districts and two meters or less in all other zoning districts.
2. A government-owned personal wireless service facility erected for the purposes of providing telecommunication services for public health and safety upon the declaration of a state of emergency by the federal government, the Commonwealth, or the County.
3. A temporary, commercial tower or support structure erected (i) upon the declaration of a state of emergency by the federal government, the Commonwealth, or the County, or (ii) upon a determination of public necessity by the County. Such exemption may extend to a period of up to three (3) months after termination of the state of emergency or public necessity.
4. A temporary, commercial tower or support structure, erected for the purposes of providing coverage of a special event such as news coverage or sporting event. Such facility shall be subject to approval by the County Zoning administrator. Such exemption may extend to a period of up to one week after termination of the special event.
5. Replacement of one or more elements of an antenna array where there is no other change to the element or to the antenna array as a whole, provided that the facility owner informs the Zoning Administrator in writing of the element replacement within 30 calendar days of such replacement.

B. Amateur radio and receive-only antennas. The sole provisions of § 919 applicable to any tower, or the installation of any antenna array, that is (1) owned and operated by a federally licensed amateur radio station operator or (2) used exclusively for receive-only antenna arrays for amateur radio station operation are the requirements relating to setbacks contained in subsection 919.04 (B); provided, however, that any non-amateur arrays, structures, or devices co-located on amateur towers are subject to the provisions of § 919.

#### **919.03 Definitions**

The following definitions, in addition to applicable definitions contained in §302 of Appendix A to the Amherst County Code, shall apply to facilities placed, constructed, or modified under § 919:

Alternative structure means a facility that is not primarily constructed for the purpose of supporting antennas but on which one or more antennas may be mounted. Alternative structures include, but are not limited to, buildings, water tanks, light stanchions, pole signs, billboards, church steeples and electric power transmission poles.

Amateur radio tower means any tower or support structure used for amateur radio transmissions consistent with the “Complete FCC U.S. Amateur Part 97 Rules and Regulations” for amateur radio facilities.

Ancillary structure means any form of development associated with a personal wireless service facility, including but not limited to foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excepting equipment facilities.

Antenna means a rod, panel, dish, grid, antenna array, or similar device used for the transmission or reception of radio frequency signals travelling on a conductor, into an electromagnetic wave in free space.

Antenna array means one (1) or more antennas, which may include an omni-directional antenna (whip), a directional antenna (panel or sector), or a parabolic antenna (dish), mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area for a single provider of personal wireless services.

Antenna element means any part or piece of an antenna.

ASR means the Antenna Facility Registration Number as required by the FAA and FCC.

Attached antenna facility means a facility which is not primarily constructed for the purpose of holding antenna(s) but on which one or more antenna(s) are mounted. Examples include water tanks, buildings, rooftops, light poles and utility distribution poles.

Avoidance areas means those areas identified in the County’s Comprehensive Plan where the siting of personal wireless service facilities could result in adverse impacts, specifically: (i) any ridge area where a personal wireless service facility would be skylighted; (ii) an area within a historic district as defined by the Virginia Department of Historic Resources; (iii) an area within the Blue Ridge Parkway viewshed; or (iv) an area within two hundred (200) feet of any state scenic highway or by-way.

Azimuth means the rotation of an antenna around a vertical axis, and relates to how an antenna is positioned in the horizontal plane to maximize its efficiency.

Blue Ridge Parkway Viewshed means the spatial area of land that is visible in a view from the Blue Ridge Parkway extending one (1) mile from such Parkway, as measured by the Amherst County Geographical Information System, or other data that may be more accurate as approved by the zoning administrator.

Colocation means the practice of installing and operating multiple wireless service providers, or radio common carrier licensees on the same tower or support structure or attached antenna facility using different and separate antenna, feed lines and radio frequency generating equipment.

Combined antenna means an antenna or antenna array designed and utilized to provide services for more than one wireless provider, or a single wireless provider utilizing more than one frequency band or spectrum, for the same or similar type of services.

Concealed means a tower or support structure, ancillary facility, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. Concealed facilities may be attached or freestanding. A concealed attached

facility may include, but is not limited to, the following: painted antenna and feed lines to match the color of a building or facility, faux windows, dormers or other architectural features that blend with an existing or proposed building or facility. Freestanding concealed antenna support facilities may have a secondary, function which may be, but is not limited to, the following: church steeple, windmill, bell tower or support structure, clock tower or support structure, light standard, flagpole with or without a flag, or tree.

Equipment compound means the fenced area surrounding the ground-based communication facility, including the areas inside or under a tower or support structure's framework.

Feed lines means cables used as the interconnecting media between the transmission or receiving base station and the antenna.

Flush mounted means any antenna or wireless communication antenna array attached directly to the face of the support facility or building such that the antenna extends a minimal distance of 18" to 24" beyond the width of the support facility or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support facility or building to the inside edge of the antenna.

Mitigation means a modification of an existing tower or support structure to increase its height or to improve its integrity, functionality, or aesthetic appearance, which modification has the effect of (i) reducing the number of personal wireless service facilities, or (ii) reducing the number of nonconforming personal wireless service facilities.

Monopole means a type of free-standing telecommunication tower or support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower or support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

New construction means the construction of a tower or support structure either where no such facility exists at the time of application, or where the applicant is proposing to demolish an existing tower or support structure to construct a new facility for a development involving facility replacement.

Non-concealed means a telecommunication tower or support structure that is readily identifiable as such and is either freestanding, attached, or guyed.

Personal wireless services means those services defined by 47 U.S.C. § 332 (Section 704 of the Telecommunications Act of 1996), including Federal Communications Commission licensed commercial wireless telecommunications services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), common carrier wireless exchange access services, wireless services, and wireless broadband internet access.

Personal wireless service facility or facility means a facility for the provision of personal wireless services or other wireless access services, typically consisting of an equipment shelter or cabinet, a support tower or mount, wireless communication antenna arrays, cables, and compound.

Radio frequency emission means any electromagnetic radiation or other telecommunications signal emitted from an antenna or antenna-related equipment on the ground, tower or support structure, building, or other vertical projection.

Replacement tower or support structure or replacement means the removal of an existing telecommunication tower or support structure in order to erect a new personal wireless service facility tower or support structure for the purposes of improving structural integrity.

Skylighted means the sky is the backdrop of any portion of a personal wireless service facility.

Tier One areas means areas not located in an avoidance area which are (i) land or other property owned by the federal government, the Commonwealth, or the County; (ii) existing tower sites; and (iii) sites located in the Public Lands District (P-1), Industrial District (M-1), General Commercial District (B-2), and the Agricultural District (A-1), as those districts are specified in Article VII of Appendix A to the Amherst County Code.

Tier Two areas means sites located in the Limited Residential District (R-1), General Residential District (R-2), Multifamily Residential District (R-3), Village Center (V-1) District, as those districts are specified in Article VII of Appendix A to the Amherst County Code.

Wireless broadband facility means an unstaffed location for the wireless transmission or reception of broadband data services exclusively, usually consisting of a tower or support structure, an antenna or group of antennas, transmission cables, and equipment facilities.

#### **919.04 Requirements applicable to developments involving new construction, replacement, and mitigation**

The following standards shall apply to developments involving new construction of antenna support facilities, and facilities proposed for mitigation or replacement.

##### A. Facility Sites.

1. A personal wireless service facility shall not be sited in avoidance areas if feasible alternative sites are available. Applications proposing to site a personal wireless service facility in an avoidance area shall comply with the requirements of § 919.07(D) in order to demonstrate that the proposed facility's coverage or capacity potential can be achieved only by location in such area.
2. Personal wireless service facilities shall be sited in Tier One areas, except that facilities involving (i) antennas attached to existing electrical utility or radio towers or (ii) antennas attached to existing freestanding, nonresidential structures or towers other than existing electrical utility or radio towers may be sited in Tier Two areas.

##### B. Setbacks.

Except as provided for in the National Forest pursuant to § 804 and for the Route 130 overlay district pursuant to § 913, a personal wireless service facility shall be set back from all unassociated structures and from all property lines at a distance that is not less than one hundred (100) percent of the height of the tower or support structure. In cases involving multiple lots under common ownership, the zoning administrator or Board of Supervisors may approve smaller setbacks provided that the structure shall be set back from exterior lot lines at a distance 100 percent of the height of the tower or support structure.

##### C. Colocation.

Consistent with the County's policy supporting co-location, and provided that there is sufficient space for such antenna arrays above tree height, all antenna support facilities one-hundred twenty (120) feet in height shall be engineered and constructed to accommodate no less than three (3) wireless communication antenna arrays. All antenna support facilities between 121 feet and 150 feet in height shall be engineered and constructed to accommodate no less than five (5) wireless communication antenna arrays. All antenna support facilities taller than 151 feet in height shall be engineered and constructed to accommodate no fewer than six (6) wireless communication antenna arrays.

D. Design standards.

1. Non-wooden towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or FCC, be painted a neutral color. Dish antennas shall be painted a neutral, glare-resistant color and shall not display proprietary logos plainly intended for advertising purposes.
2. The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend with the natural setting and surroundings. Such buildings and related structures shall not exceed twelve (12) feet in exterior height as measured from grade.
3. Antenna support facilities shall not be artificially lighted except as required by FCC and FAA regulations.
4. Facility sites shall be landscaped with a buffer of plant materials that effectively screens the view of the equipment compound from adjacent property, including public roads, except that the Zoning Administrator or Board of Supervisors may establish different requirements based on unique site characteristics. The standard buffer shall consist of a landscaped strip compliant with the applicable landscaping provisions in Appendix A of the County Code surrounding the fenced-in area of the personal wireless service facility.
5. All equipment compounds shall be enclosed with an fence.
6. Commercial messages shall not be displayed on any tower or support structure. Noncommercial signage on a tower or support structure, equipment facility, or fence shall be informational, for the purpose of identifying (i) the facility by the FCC ASR registration number, (ii) the party responsible for the operation and maintenance of the facility, and (iii) the need for security or safety mechanisms. Such signage shall be sited no higher than 10 feet from ground level.
7. The diameter of a dish or parabolic antenna shall not exceed four feet except where the applicant demonstrates that a diameter larger than four feet is necessary to the function of the facility, a smaller diameter is not feasible or practical, and the structure can support the larger antenna.
8. Antenna support structures shall be designed to allow for a future reduction of height or the replacement of the antenna support structure with a monopole type facility at such time as the wireless network has developed to the point that such a reduction in height can be justified.
9. Facilities shall not emit unusual sounds such as alarms, bells, or buzzers. The sound level for emergency generators shall not exceed 70 db at the property limits. Testing by the facility owner shall be undertaken only between 9 AM and 4 PM Monday through Friday.

10. Antenna mounts shall be flush-mounted onto facilities, unless: (i) it is demonstrated through radio frequency propagation analysis that flush-mounted antennas can not meet the network objectives of the desired coverage area; or (ii) that due to azimuth or other technological considerations, including the need to install multiple technologies at the same height, flush-mounting is not feasible.

#### **919.05 Requirements applicable to specific developments**

Additional requirements shall apply to specific types of personal wireless service facilities, as follows.

A. Antenna or antenna element replacement with modifications; colocation; colocation with modifications; combined antennas.

1. New antenna mounts shall be flush-mounted onto facilities unless: (i) it is demonstrated through radio frequency propagation analysis that flush-mounted antennas can not meet the network objectives of the desired coverage area; or (ii) that due to azimuth or other technological considerations, including the need to install multiple technologies at the same height, flush-mounting is not feasible.
2. The top of any antenna array on an attached antenna facility shall not extend more than twenty (20) feet above the existing facility. A collocated or combined antenna or antenna array shall not increase the height of an existing facility by more than twenty (20) feet except as authorized in any special exception permit.
3. If the attached antenna facility is to be located on a nonconforming facility, then the existing permitted nonconforming setback shall prevail.
4. New equipment cabinets are subject to the zoning setbacks applicable to the subject site.

B. Replacement of tower or support structure.

1. The height of a replacement tower or support structure shall equal the height of the facility being replaced. If a greater height is proposed, the facility will be evaluated in accordance with the requirements applicable to new construction or mitigation.
2. So long as there does not exist any dangerous condition caused by the existing setback, a replacement tower or support structure shall not be required to meet the setback standards contained in subsection 919.04(B) if the new facility and its equipment compound are no closer to any property lines or dwelling units than the facility and equipment compound being replaced. If the applicant proposes to site the replacement facility and its equipment compound closer to any property lines or dwelling units than the existing facility and equipment compound, the setback requirements established in subsection 919.04(B) shall apply.

C. Mitigation.

1. The height of the tower or support structure shall not exceed one hundred and twenty (120) percent of the height of the tallest tower or support structure within the personal wireless service facility being mitigated.

2. If the personal wireless service facility to be mitigated was developed under a special exception permit, the process for approving the mitigation shall proceed through an amendment to the special exception permit.
3. So long as there does not exist any dangerous condition caused by the existing setback requirements, a mitigation facility shall not be required to meet the setback standards contained in subsection 919.04(B) if the new facility and its equipment compound are not closer to any property lines or dwelling units than the existing facility and equipment compound. If the applicant proposes to site the new facility and its equipment compound closer to any property lines or dwelling units than the existing facility and equipment compound, the setback requirements established in subsection 919.04(B) shall apply.
4. If the mitigation includes the removal of an existing personal wireless service facility, that facility shall be removed within ninety (90) days of the construction of the new facility.

#### **919.06 Application**

A. Applications for a zoning permit for a personal wireless service facility shall contain the following.

1. A completed application for a zoning permit and application fee of \$250.00.
2. A written statement by qualified professional identifying the service gaps or service expansions that the proposed facility will address, including maps and calculations demonstrating the need for the proposed facility.
3. A scaled plan and a scaled elevation view and other supporting drawings, calculations and other documentation, signed and sealed by qualified professionals, showing the location and dimensions of all improvements, including information regarding topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses.
4. An inventory of the applicant's existing personal wireless service facilities sited in the County and within one (1) mile of the border thereof, including specific information about the location, height, existing use, and available capacity of each tower and wireless communication antenna array.
5. A copy of the applicant's co-location policy.
6. A description of how the applicant will comply with FAA requirements or a statement certifying that such requirements will not apply.
7. A written description of how the applicant will enter and exit the site containing the personal wireless service facility for construction and maintenance purposes. The authority for such ingress and egress shall be confirmed by a written agreement if the applicant must cross property owned by another.
8. A copy of any lease of the site containing the personal wireless service facility, or other indicia of site control satisfactory to the Zoning Administrator.
9. A written statement describing the potential visual and aesthetic impacts of the proposed personal wireless service facility.



10. A map showing the geographic service area.
  11. Proof that any identified agent has appropriate authorization to act upon the principal's behalf.
  12. Certification of compliance with any applicable federal and state historic preservation and environmental requirements.
  13. Proof of insurance.
  14. Such other information as the Zoning Administrator may deem necessary.
- B. The planning department may share the inventory information described in subdivision 4 of this subsection with other providers seeking to locate personal wireless service facility within the County; provided, however, that the County planning department shall not represent or warrant that such sites are available or suitable.
- C. The zoning administrator shall provide applications proposing facilities to be sited within the Blue Ridge Parkway Viewshed to the Blue Ridge Parkway Land Planner and request comments within 30 days.
- D. The County may require a pre-application conference for any personal wireless service facility.
- E. Consistent with the provisions of subsection 919.02(A)(5), a zoning permit is not required where the applicant replaces one or more elements of an antenna array but makes no other change to the element or to the antenna array as a whole, provided that the facility owner informs the Zoning Administrator in writing of the element replacement within 30 calendar days of such replacement.

#### **919.07 Additional application requirements**

The following additional information shall be required to be included in the application depending on the type of facility or location the applicant proposes.

- A. New Construction of Tower or support structure
1. One (1) original and two (2) copies of a survey of the property completed by a registered professional engineer licensed by the State of Virginia showing all existing uses, facilities, and improvements.
  2. Propagation maps and corresponding data for the intended service. The applicant shall demonstrate that no existing tower or support structure can accommodate the applicant's proposed antenna for one or more of the following reasons:
    - a. No existing antenna support facilities or alternative structures are located within the geographic area required to meet applicant's engineering requirements.
    - b. Existing antenna support facilities or alternative structures are not of sufficient height to meet applicant's engineering requirements.
    - c. Existing antenna support facilities or alternative structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
    - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower or support structure or alternative structure, or the antenna on the existing

- tower or support structure or alternative structure would cause interference with the applicant's proposed antenna.
- e. There are other limiting factors that render existing antenna support facilities or alternative structures unsuitable. Any such limiting factors shall be identified and described.
3. A stamped or sealed structural analysis of the proposed tower or support structure prepared by a registered professional engineer licensed by the State of Virginia confirming that (i) the proposed and future loading capacity of the tower or support structure is compliant with the applicable standards specified by ANSI/TIA/EIA-222-G, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (as amended), and specifying the design structural failure modes of the proposed facility, if applicable, and (ii) the facility and all existing and proposed ancillary structures and equipment facilities meet applicable Virginia Building Code requirements.
4. The County shall require an applicant for a special exception permit to conduct a balloon test, as follows:
- a. The applicant shall arrange to raise a balloon of a color or material that provides maximum visibility and is no less than three feet in diameter, at the maximum height of the proposed facility and within 50 horizontal feet of the center of the proposed tower or support structure.
- b. The applicant shall inform the following persons in writing of the date and times of the test at least 14 days in advance: the County zoning administrator, owners of abutting property, elected members of the County Board of Supervisors, and appointed members of the County Planning Commission.
- c. 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 deemed appropriate.
- d. The date, time and location of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven but no more than 14 days in advance of the test date. The advertisement shall also include an alternate inclement weather date for the balloon test.
- e. Signage similar to signage advertising a public hearing shall be posted on the property to identify the location on the property where the balloon is to be launched. This signage shall be posted by the applicant a minimum of seventy-two hours prior to the balloon test.
- f. The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen.
- g. The applicant shall record the weather during the balloon test. If the wind during the balloon test is above 20 miles per hour then the balloon test shall be postponed and moved to the alternate inclement weather date provided in the advertisement
- B. Replacement of antenna element with other changes.
1. A written statement setting forth the reasons necessitating replacement.
2. A description of the proposed modifications to the antenna, including a copy of the manufacturer's data sheet.
3. A statement and any necessary supporting information documenting that (i) the replacement antenna(s) have an identical or lower wind and weight profile than the antennas being replaced, (ii) the number of antenna elements will not increase, (iii) there is no significant change in frequency utilization, and (iv) the replacement will not necessitate a new structural analysis.

C. Attached antenna facilities, antenna replacements, and colocation.

1. A written statement setting forth the reasons for the application.
2. A description of the proposed request, including any proposed modifications to antenna element design, type, and number. The description shall include the manufacturer's model number of the existing and proposed antenna elements and shall identify any changes in the number or size of any feed lines from the base of the equipment facility to such antenna elements.
3. A stamped or sealed structural analysis of the proposed tower or support structure prepared by a registered professional engineer licensed by the State of Virginia confirming that (i) the proposed and future loading capacity of the tower or support structure is compliant with ANSI/TIA/EIA-222-G, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" (as amended), and specifying the design structural failure modes of the proposed facility, if applicable, and (ii) the facility and all existing and proposed ancillary structures and equipment facilities meet applicable Virginia Building Code requirements.

D. Facility sited in avoidance area.

1. Applications proposing to site a personal wireless service facility in an avoidance area shall include a radio frequency propagation plot indicating the coverage of existing antenna support facilities, coverage prediction, and design radius, together with a certification from the applicant's radio frequency engineer that the proposed facility's coverage or capacity potential can be achieved only by location in an avoidance area.
2. Applications proposing an increase in the dimensions of a personal wireless service facility sited in an avoidance areas shall include a radio frequency propagation plot indicating the coverage of existing antenna support facilities, coverage prediction, and design radius, together with a certification from the applicant's radio frequency engineer that the facility's additional coverage or capacity is (i) essential to the effective functioning of the wireless facility, and (ii) can be achieved only through the proposed modifications.
3. Any permits for such applications shall be subject to the special exception process.

**919.08. Review process**

A. The zoning permitting process for sites not located in avoidance areas shall be as outlined in the following Facility Siting Table. The symbol "P" denotes a permitted by right use; the symbol "SE" denotes a special exception use.

<b>FACILITY TYPE</b>	<b>TIER ONE AREAS (P-1, A-1, B-2, M-1 Districts)</b>	<b>TIER TWO AREAS (R-1, R-2, R-3, and Village Center Districts)</b>
<b>New construction – concealed; up to 150 feet</b>	<b>P</b>	<b>Not permitted</b>
<b>New construction – concealed; more than 150 feet</b>	<b>SE</b>	<b>Not permitted</b>
<b>New construction – not concealed; up to 120 feet</b>	<b>P</b>	<b>Not permitted</b>
<b>New construction – not concealed;</b>	<b>SE</b>	<b>Not permitted</b>

## 121 to 199 feet

<b>Attached Antenna; no increase in height</b>	<b>P</b>	<p><b>P:</b> Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet.</p> <p><b>SE:</b> Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet</p> <p><b>SE:</b> Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet</p>
<b>Attached Antenna; increase in height up to 120'; no increase in width of dish or parabolic antenna ("width") beyond 4'</b>	<b>P</b>	<p><b>P:</b> Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet.</p>
<b>Attached Antenna; increase in height above 120' and/or width greater than 4'</b>	<b>SE</b>	<p><b>SE:</b> Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet</p> <p><b>SE:</b> Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet</p>
<b>Colocation on existing facility with no increase in height or width</b>	<b>P</b>	<p><b>P:</b> Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet.</p> <p><b>SE:</b> Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet</p> <p><b>SE:</b> Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet</p>
<b>Colocation on existing facility requiring a 20' increase in height, up to 120' total height; no increase in width beyond 4'</b>	<b>P</b>	<p><b>P:</b> Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet.</p>
<b>Colocation on existing facility requiring a 20' increase or more in height, up to 121' to 199' in total height, and/or increase in width beyond 4'</b>	<b>SE</b>	<p><b>SE:</b> Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet</p> <p><b>SE:</b> Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet</p>
<b>Combined antennas; no increase in height or width</b>	<b>P</b>	<p><b>P:</b> Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet.</p> <p><b>SE:</b> Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet</p> <p><b>SE:</b> Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet</p>
<b>Combined antennas with increase of 20' in height up to a total of 120', no increase in width</b>	<b>p</b>	<p><b>P:</b> Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet.</p>
<b>Combined antennas with increase of 20' or more in height above 120' and/or an increase in width greater than 4'</b>	<b>SE</b>	<p><b>SE:</b> Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet</p> <p><b>SE:</b> Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet</p>
<b>Replacement of antenna element w/out other changes</b>	<b>No zoning permit required.</b>	<b>No zoning permit required.</b>

Replacement of antenna facility or other component of existing facility with no increase in height or width	P	<p><b>P:</b> Replacement of attached antenna on existing electrical utility or radio tower resulting in a height no greater than 120 feet.</p> <p><b>P:</b> Replacement of attached antenna on existing electrical utility or radio tower resulting in a height between 121 and 199 feet</p> <p><b>P:</b> Replacement of attached antenna on existing, freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet</p>
Replacement of antenna facility or other component of existing facility with increase in height up to 120' and no increase in width	P	<b>Not permitted</b>
Replacement of antenna facility or other component of existing facility with increase in height above 120' or in width greater than 4'	SE	<b>Not permitted</b>
Mitigation with no increase in height or width	P	P
Mitigation with increase in height up to 120 percent of the tallest tower or support structure in the facility	SE	SE

B. Permitted use permit applications.

Permitted use permit applications are those seeking a zoning permit for a personal wireless service facility that:

(1) Proposes development on a site not located in an avoidance area;

and

(2) Proposes for development in a Tier One area a facility that involves:

- (i) concealed new construction one hundred fifty (150) feet or fewer in height;
- (ii) new construction not concealed one hundred twenty (120) feet or fewer in height;
- (iii) attached antenna with no increase in height or width, or with increase in height up to 120' and no increase in width;
- (iii) collocation or combined antennas, with no increase in height or width, or with increase in height up to 120' and no increase in width;
- (iv) replacement of antenna or other components of personal wireless service facility where no increase in the original dimensions of any part of the facility is proposed, or replacement with increase in height up to 120' and no increase in width; or
- (v) mitigation of an existing personal wireless service facility where no increase in the original dimensions of any part of the facility is proposed;

or

(3) Proposes for development in a Tier Two area a facility in which an attached antenna array and support equipment are placed on an existing electrical utility or radio tower resulting in a total height of one hundred twenty (120) or fewer feet.

Such applications shall be considered in accordance with the following procedures:

1. The zoning administrator or designee shall review the application, and submitted documents for compliance with all requirements of § 919. The County may, in its discretion, obtain additional technical assistance to review and assess the technical merits of the documents.
2. If the zoning administrator or designee determines the application and documentation meets all of the requirements of § 919, he shall approve the application package and the applicant may apply for a building permit.
3. If the zoning administrator or designee determines the application or documentation fails to meet all the requirements of § 919, then he shall provide written notification to the applicant as to the materials which need to be amended or supplied for review. The applicant shall provide the zoning administrator or his designee any requested materials for review. This process shall continue until the zoning administrator or his designee has approved the application package, at which time the applicant may apply for a building permit.
4. If the zoning administrator or designee determines that the application and documentation fail to meet the intent of section 919, he may deny the application in writing.
5. Appeals from a decision made by the zoning administrator shall be to the Board of Zoning Appeals in accordance with § 1006.

C. Special exception permit applications.

Special exception permit applications are those seeking a permit for a wireless facility that:

(1) Proposes development on a site located in an avoidance area; or

(2) Proposes for development in a Tier One area a facility that involves a development other than those identified under subdivision (B) (2) of this subsection; or

(3) Proposes for development in a Tier Two area a facility that involves an antenna array and support equipment placed on (i) an existing electrical utility or radio tower than is between one hundred twenty (120) and one hundred ninety nine (199) feet in height; or on (ii) an existing freestanding nonresidential structure that is up to one hundred ninety nine (199) feet in height.

Such applications shall be processed as special exception permit applications in accordance with subsection 1003.03 of Appendix A to the County Code except that the applicable timeframes shall be those identified in this subsection.

D. Expert technical assistance

The County may require the applicant to pay for a technical review of any by right or special exception application by a third party expert selected by the County. Any such technical review may address matters including but not limited to (i) the extent to which a facility meets the definition of “concealed” in

subsection 919.03; (ii) the question of whether a service area is underserved as per subsection 919.07(A)(2); (iii) the question of whether a facility must be located in an avoidance area as per subsection 919.07(D); (iv) the question of the necessary width of an antenna array as per subsection 919.04(D)(7); (v) the question of the necessity for new construction as per subsection 919.07(A)(2); and (vi) review of documentation submitted as part of any application for a personal wireless service facility. The fees for any such expert paid by the applicant shall be in addition to other applicable fees. The applicant shall make any additional information regarding the application available at the County's request.

E. Applicable timeframes; decisions.

1. The County shall act on applications involving collocation within 90 days of receipt of the application. Solely for purposes of calculating this timeframe under this subsection, "collocation" means the addition of an antenna to an existing tower or other structure that does not involve:

- i. An increase in the existing height of the tower by the greater of (a) more than ten (10) percent, or (b) by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, except that neither limitation shall apply, and collocation may occur where the applicant demonstrates that a greater increase is necessary to avoid interference with existing antennas; or
- ii. The installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one (1) new equipment shelter; or
- iii. The addition of an appurtenance to the body of the tower that would protrude from the edge of the tower the greater of (a) more than twenty (20) feet, or (b) more than the width of the tower structure at the level of the appurtenance, except that neither limitation shall apply, and collocation may occur where the applicant demonstrates that a greater increase in width is necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
- iv. Excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

2. The County shall act on all other applications within 150 days of receipt of the application.

3. If the County notifies the applicant that the application is incomplete within 30 days of receipt of the application, the time required to submit additional documentation necessary for a complete application shall not be included in the calculation of applicable timeframes.

4. These timeframes may be extended by mutual consent of the applicant and the County.

5. Any decision denying an application for a permit under section 919 shall be in writing and shall be supported by substantial evidence contained in the written record.

6. Decisions on all applications shall be consistent with the requirements of the federal tax relief act of 2012, enacted in February 2012.

#### **919.09 Governmental access**

A. The owner of a personal wireless service facility shall provide at no cost to the County the right of first refusal to any available co-location spaces to improve radio and other communication for County departments, authorities, agents, and citizens, and such other persons or entities as the County deems necessary to benefit the public interest. Such space shall include both space on the tower or support structure and ancillary structures, and equipment space in the equipment facility.

B. County telecommunication and E-911 emergency services equipment shall be installed on the facility at the County's expense, and the County shall thereafter bear the expense of operating, maintaining, and repairing such equipment. The facility owner shall pay for any engineering or other feasibility studies or any other expenses it considers necessary to support or permit the installation of County equipment.

C. The facility owner shall respond to the County's request for access within 30 calendar days of the County's request.

D. The County shall have complete unobstructed access to any personal wireless service facility upon which it has placed equipment. The facility owner shall provide the County with necessary keys or other means of access to the facility.

#### **919.10. Abandonment**

A. If the use of a personal wireless service facility is discontinued for a continuous period of 12 months, the County shall deem it abandoned and shall provide notification of the same to the facility owner and property owner. The tower or support structure and all ancillary structures shall be removed within ninety (90) days of such notification. To secure the removal of abandoned structures, the County may require the facility owner to post a bond or submit a letter of credit, or provide some other reasonable assurance, in an amount to be determined by the zoning administrator.

B. An owner wishing to extend the time for removal or reactivation shall submit an application accompanied by an application fee of \$250.00, stating the reason for such extension. The County may extend the time for removal or reactivation up to sixty (60) additional days upon a showing of good cause. If the tower or support structure and all ancillary structures are not removed within this time, the County may give notice that it will contract for removal within thirty (30) days following written notice to the owner. Thereafter, the County may cause removal of the tower or support structure and all ancillary structures with costs being borne by the facility or property owner.

C. Upon removal of the tower or support structure and all ancillary structures, the facility owner or operator or the property owner shall return the development area to its natural state, with topography and vegetation consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal.



### **919.11. Principal or accessory use.**

For the purposes of determining compliance with applicable zoning requirements and standards other than those contained in Section 919, a personal wireless service facility may be deemed either a principal or accessory use. An existing use or an existing structure on the same lot on which a personal wireless service facility is proposed to be sited shall not preclude the installation of such facility on that lot. For purposes of determining whether the installation of a facility complies with applicable regulations, the dimensions of the entire lot shall control, even if the facility site is a discrete portion of such lot.

**§ 2. That sections 701, 702, 703, 706, 707, and 708 of the Code of the County of Amherst, specifically subsections 701.03, 702.03, 703.03, 706.03, 707.03, and 708.03, be and hereby are amended, as follows:**

*701.02. Permitted uses. (Public Lands District – P-1 zone)* Those uses deemed by the county to serve the public interests, necessity, and convenience of Amherst County including but not limited to lands designated as national forest, publicly owned reservoirs, parks, schools, libraries, water/sewer utilities,

emergency services, animal shelters, pounds, industrial parks, governmental facilities, and ~~wireless communication facilities~~ personal wireless service facilities as provided in § 919. ~~Such uses shall be approved only by the board of supervisors upon application for an amendment to this ordinance and upon such terms and conditions as may be agreed by the applicant upon a proffer, and by the board of supervisors.~~

*701.03 Special exceptions (Public Lands District – P-1 zone).*

1. Landfill.
3. Off-site directional signs compliant with the requirements of Section 907.04.
4. Personal wireless service facilities as provided in §919.

*702.02. Permitted uses.* Within the A-1 district, the following uses are permitted:

1. Agriculture and forestry operations; crop production, livestock production, except no confinement facility may be closer than one thousand (1,000) feet to a property line; sale of agricultural and forestall products grown in the county.
2. Temporary sawmills, only for timber on-site or proximate to site.
3. Single-family dwellings that are built in accordance with the statewide building code.
4. Manufactured homes as provided in Section 908.
5. Accessory structures.
6. Emergency services.
7. Home occupations.
8. Reserved.
9. Camping for less than four (4) consecutive weeks in portable facilities; i.e. tent or camper or per Section 904.
10. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including but not limited to sewer, water, gas, electricity, cable television, telephone.
11. Bed and breakfast lodging.
12. Public streets.
13. Confined livestock facilities subject to the following conditions:
  - a. Located more than one thousand five hundred (1,500) feet from any house not on the property owned by the applicant;

- b. Located more than two thousand five hundred (2,500) feet from a public place such as a school or church;
  - c. Located more than one thousand (1,000) feet from a perennial stream as indicated on the 7.5 minute U.S.G.S. topographic survey maps;
  - d. Located more than one thousand (1,000) feet from a state maintained road;
  - e. A maximum of two hundred fifty (250) animal units may be confined per fifty (50) acres of contiguous property;
  - f. The CLF must be approved by all necessary state agencies prior to county approval;
  - g. The applicant for all permits must be a county resident and the property owner;
  - h. It cannot be visible from a state maintained road;
  - i. A zoning permit must be issued prior to any development of the CLF.
14. Flag lot as provided in Section 1301.04(6) ~~herein~~.
15. ~~Wireless communication~~ Personal wireless service facilities as provided in ~~Section 914 § 919~~ herein.

*702.03. Special exceptions (Agricultural Residential District – A-1 zone).*

- 1. Public entertainment.
- 2. Schools.
- 3. Saw mills.
- 4. Pallet manufacturing.
- 5. Wood yards.
- 6. Feed mills.
- 7. Truck business.
- 8. Churches and related facilities.
- 9. Signs as provided in Section 907.
- 10. Planned unit developments.
- 11. Short-term tourist rental of dwelling.
- 12. Machinery sales and service.
- 13. Storage of biosolids as provided in Section 917.
- 14. Mineral extraction per Section 910.
- 15. Small wind energy systems as provided in Section 918.
- 16. Substance abuse treatment facility.
- 17. Off-site directional signs compliant with the requirements of Section 907.04.
- 18. Personal wireless service facilities as provided in §919.

*703.02. Permitted uses.* Within the Limited Residential District R-1 the following uses are permitted:

- 1. Single-family dwellings that are built in accordance with the Virginia Statewide Building Code.
- 2. Accessory structures.
- 3. Home occupations, so long as the following criteria are met, are permitted: no outside storage, no signage, no employees or customers may come to the property, no increase in neighborhood traffic or change in type of traffic may occur.
- 4. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including but not limited to sewer, water, gas, electricity, cable television, telephone.
- 5. Public streets.
- 6. ~~Wireless communication~~ Personal wireless service facilities in which an antenna array and supporting equipment are placed on an existing electrical utility tower or radio tower, provided that the requirements of Section 914 are met as provided in §919.

*703.03. Special exceptions (Limited Residential District – R-1 zone):*

1. Churches.
2. Public schools.
3. Cemeteries, private or church.
4. Emergency services.
5. Homes for aged.
6. Two-family dwelling which has an outward appearance of a single-family dwelling.
7. Private clubs having facilities such as golf courses, tennis courts and swimming pools.
8. Planned unit developments.
9. Short-term tourist rental of dwelling.
10. ~~Wireless communication~~ Personal wireless services facilities in which an antenna array and supporting equipment are placed on a freestanding, non-residential structure or tower other than those listed in Section 703.02(6.) above, provided that the requirements of Section 914 are met as provided in §919.
11. Neighborhood entrance signs.
12. Off-site directional signs compliant with the requirements of Section 907.04.

*706.03. Special exceptions (Village Center District – V-1 zone):*

1. Signs for uses not specified in the permitted use section and as provided for in Section 907.
2. Cemeteries.
3. Private clubs.
4. Civic organization meeting facilities.
5. Parks and recreational facilities where land is owned privately.
6. Professional offices.
7. Restaurants.
8. Manufactured homes.
9. Dual use structure limited to a single-family dwelling use and a business use.
10. Nursing homes and assisted living facilities.
11. Machine shops.
12. Short-term tourist rental of dwelling.
13. Off-site directional signs compliant with the requirements of Section 907.04.
14. Above ground liquefied petroleum gas containers between one hundred twenty-five (125) gallons water capacity and two thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be set back twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The board of supervisors may impose greater setbacks if above ground liquefied petroleum gas containers are located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather. The board of supervisors may provide for a reduction in setbacks if engineered provisions are made for blast containment. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.
15. Automobile service stations as provided in Section 902 herein.
16. Day care centers.
17. Farm machinery display, sales and services.
18. Taxidermy.
19. Retail nurseries and greenhouses.
20. Museum.
21. Bed and breakfast.
22. Personal wireless services facilities as provided in §919.

707.02 *Permitted uses.* Within the General Commercial District B-2, the following uses are permitted:

1. Accessory buildings and uses as provided in Section 901 ~~herein~~;
2. Banks and savings and loan institutions;
3. Clinics and medical offices;
4. Clubs and lodges, fraternal, civic and patriotic;
5. Drug stores and other establishments for the filling of prescriptions and sale of pharmaceutical and similar supplies;
6. Emergency services;
7. Food stores;
8. General convenience stores;
9. Newsstands;
10. Oil and gas exploration, extraction and production, provided the provisions of Sections 45.1-361.1 through 45.1-361.144, Code of Virginia, 1950, as amended, and the oil and gas rules and regulations promulgated by the Virginia Department of Labor and Industry are adhered to;
11. Professional office buildings;
12. Public utilities such as poles, lines, transformers, pipes, meters and related or similar facilities; water sewer distribution lines;
13. Retail nurseries and greenhouses;
14. Retail service stores such as bakeries, barber shops, beauty parlors, shoe shops, self-service laundries, and establishments for receiving and distributing articles for laundering, drying and dry cleaning;
15. Signs as provided in Section 907 ~~herein~~;
16. U. S. Post Offices;
17. Wearing apparel stores;
18. Antique and gift shops;
19. Automobile service stations as provided in Section 902 ~~herein~~;
20. Cemeteries;
21. Churches, manses, parish houses and adjacent cemeteries;
22. Day care centers;
23. Garages, public;
24. Hardware stores;
25. Motels, motor hotels and motor inns;
26. Restaurants;
27. Schools;
28. School support facilities;
29. Shopping center, subject to restrictions of Section 909 ~~herein~~;
30. Shopping complex;
31. Single-family dwelling and a retail sales and/or service store within the same main structure, provided the single-family dwelling unit occupies fifty (50) percent or more of the structure;
32. Telephone repeater substations, with no external antennas;
33. Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
34. Bakeries employing not more than ten (10) persons other than clerks and vehicle drivers;
35. Cabinet making shops;
36. Catering establishments;
37. Cold storage plants and frozen food lockers not including lard rendering and abattoirs;
38. Dry cleaning plants;
39. Funeral homes;
40. Furniture stores;
41. Printing plants and newspaper offices;

42. Radio and TV offices and studios;
43. Retail automotive parts stores;
44. Satellite dish antenna sales and service establishments;
45. Theaters, indoor;
46. Videotape sales and rental establishments;
47. Wholesale and jobbing establishments;
48. Bowling alleys, roller skating and ice skating rinks, billiard parlors, pool rooms, dance halls, game rooms, pinball parlors, electronic game centers, golf driving ranges and similar forms of amusement;
49. Colleges;
50. Community centers;
51. Contractor facilities and storage yards and establishments for installation and servicing the following: air conditioning, electrical service, flooring, heating, interior decorating, painting, plumbing, roofing, steel erection, tiling or ventilating with all material stored entirely in buildings enclosed on all sides or with walls or fences, supplemented by plantings as may be prescribed by the board of supervisors;
52. Dormitories;
53. Excavation contractor's facilities and yards for storage of equipment intended for off-site use;
54. Feed and seed stores;
55. Golf driving range;
56. Kennels;
57. Light manufacturing, processing or packaging of products (including machine shops without punch presses) provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or a school district; shall not store or otherwise maintain any parts or waste material outside such building; and shall not create conditions of smoke, fumes, noise, odor or dust detrimental to health, safety or general welfare of the community; and shall be permanently screened from adjoining residential lots and districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven (7) feet at the original elevation of the property line;
58. Pest exterminating businesses;
59. Public utilities: public water and sewer transmission lines, treatment facilities, and pumping stations; electrical power transmission lines and substations; oil and gas transmission pipelines and pumping stations; microwave and radio wave transmission and relay towers and substations; telephone exchange centers, offices, equipment storage, dispatch centers and warehouse facilities;
60. Radio and TV transmission towers (~~provided the tower is so located that it minimum distance which are set back~~ from any lot line shall at a distance equal to the maximum height of the tower above ground level);
61. Radio and TV transmitters;
62. Sign manufacturing;
63. Truck stop;
64. Veterinary hospitals and clinics;
65. Libraries;
66. Public utilities;
67. Public streets;
68. ~~Wireless communication~~ Personal wireless service facilities as provided in ~~Section 914 herein § 919;~~
69. Short-term tourist rental of dwelling.

707.03. *Special Exceptions: (General Commercial District – B-2 zone)*

1. Bulk storage and sale of sand, gravel and rock;
2. Automobile sales, used;
3. Building and excavating contractor facilities with outside storage;
4. Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
5. Building materials dealer, not including handling of bulk materials such as sand and gravel;
6. Farm machinery display, sales and services;
7. Machinery sales and services;
8. Arenas, auditoriums or stadiums;
9. Automotive repair garage, mechanical and body, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or public lands district and which shall not store or otherwise maintain any parts or waste material outside such building;
10. Tire recapping, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or school district and which shall not store or otherwise maintain any parts or waste material outside such building;
11. Adult entertainment establishments in accordance with Section 915;
12. Tattoo establishments;
13. Auction house;
14. Self-service mini-storage and warehouse facilities;
15. Travel trailer sales;
16. Display of and sale of wholesale and retail modular homes;
17. Small wind energy systems as provided in Section 918;
18. Substance abuse treatment facility;
19. Above ground liquefied petroleum gas containers between one hundred twenty-five (125) gallons water capacity and two thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be set back twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The board of supervisors may impose greater setbacks if above ground liquefied petroleum gas containers are located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather. The board of supervisors may provide for a reduction in setbacks if engineered provisions are made for blast containment. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.
20. Off-site directional signs compliant with the requirements of Section 907.04.
21. Personal wireless service facilities as provided in §919.

08.02. *Permitted uses.* Within the Industrial District M-1, the following uses are permitted:

1. All wholesalers;
2. Manufacturing, processing, fabricating, assembling, distributing or packaging of products;
3. Printing establishments;
4. Public utilities and all attendant structures necessary for transmission or storage;
5. Signs as provided in Section 907;
6. Truck and freight facility;
7. Warehousing operations not open to the general public;
8. Utilities;
9. Public streets;

10. ~~Wireless communication~~ Personal wireless service facilities as provided in ~~Section 914 herein~~ §919.

708.03. *Special exceptions (Industrial District – M-1 zone):*

1. Salvage yards;
2. Quarries;
3. Paper mills;
4. Wholesale and retail modular homes;
5. Small wind energy systems as provided in Section 918;
6. Off-site directional signs compliant with the requirements of Section 907.04.
7. Personal wireless service facilities as provided in §919.

**§3. That subsection 302.155.2, Wireless communication facility (WCF), subsection 302.155.1. Wireless communication antenna array, and section 914, Wireless Communication facilities, of the Code of the County of Amherst, are hereby repealed.**

**§4. That this ordinance shall be in force and effect upon adoption.**

Adopted this 20th day of March, 2012.

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V. Frank Campbell, Chairman  
Amherst County Board of Supervisors

**ATTEST:**

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Clarence C. Monday, Clerk  
Amherst County Board of Supervisors

Ayes \_\_\_\_

No's \_\_\_\_

Abstentions \_\_\_\_