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HERNDON TOWN COUNCIL
Tuesday
October 29, 2019

The Town Council met in public session on Tuesday, October 29, 2019, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Acting Mayor Sheila A. Olem; and Councilmembers Jennifer K. Baker, Cesar del Aguila; Pradip Dhakal; Bill McKenna; and Signe Friedrichs.

Mayor Lisa C. Merkel was absent.

Staff present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Captain Brad Anzengruber, Herndon Police; Page Kalapasev, Director of Information Technology; Cindy Roeder, Director of Parks and Recreation; Scott Robinson, Director of Public Works; Tammy Chastain, Deputy Director of Public Works; Bryce Perry, Deputy Director of Community Development; David Stromberg, Zoning Administrator; Amanda M. Kertz, Deputy Town Clerk; and Jessica Sizemore, Legislative Assistant.

Acting Mayor Olem called the meeting to order at 7:00 p.m., all members present, with the exception of Mayor Merkel, who was absent, and with Acting Mayor Olem presiding.

Acting Mayor Olem led the audience in the Pledge of Allegiance to the Flag of the United States of America.

ANNOUNCEMENTS

Acting Mayor Olem stated that she was chairing the meeting on behalf of the mayor, who would not be present that evening.

Acting Mayor Olem stated that the bulb on the large projector had burnt out. The presentations during the meeting would be shown on the two televisions on the pillar.

**October 29, 2019
(public hearing)**

APPROVAL OF MINUTES

**Vote on September 24, 2019
Public Hearing Minutes**

On motion of Councilmember Dhakal, seconded by Councilmember McKenna, and carried by a vote of 6-0, the minutes of the September 24, 2019 public hearing were approved. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye"; Mayor Merkel was absent.

**Vote on October 9, 2019
Work Session Minutes**

On motion of Councilmember Friedrichs, seconded by Councilmember Baker, and carried by a vote of 6-0, the minutes of the October 9, 2019 public hearing were approved. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye"; Mayor Merkel was absent.

**Vote on October 15, 2019
Public Hearing Minutes**

On motion of Councilmember Dhakal, seconded by Councilmember Baker, and carried by a vote of 6-0, the minutes of the October 15, 2019 public hearing were approved. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye"; Mayor Merkel was absent.

PRESENTATIONS

3. Proclamation, to recognize Veterans Day, November 11, 2019

Councilmember Friedrichs read the proclamation recognizing "Veterans Day" into the record.

Following comments from Council, Dave Womack, Commander, American Legion Wayne M. Kidwell Post 184, provided comments on the presentation.

The proclamation was presented to Commander Womack and members of American Legion Wayne M. Kidwell Post 184 that were present, along with members of the audience that have served or are serving in the armed forces.

**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
Veterans Day
November 11, 2019**

**October 29, 2019
(public hearing)**

Veterans Day, formerly known as ‘Armistice Day,’ was originally designated to honor the end of World War I, which officially ended at 11:00 a.m. on November 11, 1918. In congressional legislation passed in 1938, November 11 was “dedicated to the cause of world peace and to be hereafter celebrated and known as Armistice Day.” In 1954, Congress amended the Act of 1938 by striking out the word ‘Armistice’ and inserting the word ‘Veterans.’ With the approval of this legislation, November 11 became a day to honor American veterans of all wars.

In 1968, **Veterans Day** was moved to the last Monday of October. Many states did not agree with this decision and continued to celebrate the holiday on its original date. On September 20, 1975, President Ford signed a law returning the annual observance of **Veterans Day** to its original date of November 11, beginning in 1978. Since then, **Veterans Day** has been observed on November 11. On December 8, 2015, the Herndon Town Council adopted Ordinance 15-O-42, to add **Veterans Day** as an official town holiday.

Therefore, to offer respect and express appreciation to veterans in the Herndon community, throughout the United States, and to American veterans around the world, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim November 11, 2019 as **Veterans Day** in the Town of Herndon; pay tribute to our veterans, the fallen and their families; honor the courageous efforts of veterans ~ who defend our freedom, country, and way of life; and celebrate the bravery and sacrifice of all United States veterans and their families.

Further, the Mayor and the Town Council of the Town of Herndon, Virginia, hereby proclaim that the town shall annually observe the 11th of November as **Veterans Day**; encourage all individuals to honor this day with the appropriate events and activities; and request that all citizens take time to pause on **Veterans Day** in silent tribute to our veterans, to whom we owe so much.

4. COMMENTS FROM THE TOWN MANAGER

As requested at the October 22 Town Council Work Session, William H. Ashton II, provided comments on forecasting and budget constraints for FY 2021. He reviewed the town’s budget projection for the next several years, which included several important projects to address. He stated that the projected budget showed some areas where there are significant deficits, and the town would need to look at how to close those gaps. Mr. Ashton stated that the audio of the discussion was available on Granicus and the PowerPoint presentation was posted there as well. As he stated last week, this was for the operating budget. This had nothing to do with the capital reserve balance, which is healthy. That was a critical component to the town receiving three AA bond ratings from the credit rating agencies. He stated there would be more discussion in the next several months.

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5. COMMENTS FROM THE TOWN COUNCIL

Councilmember Dhakal: Stated that he enjoyed the Herndon High School (HHS) Homecoming Parade. He stated it was a true representation of Herndon and he thought the participants were great.

Councilmember Dhakal stated that he enjoyed the Town Council Special Work Session on housing. He appreciated the feedback and recommendations he received from citizens and encouraged further participation and input on affordable and workforce housing. He stated the town was working to fix these issues.

Councilmember Dhakal stated that he thought the third Town Council Community Roundtable was great. He received many thoughtful questions and appreciated the citizens' engagement in the event. The Council planned to continue these events.

Councilmember Baker: Reminded those present to vote next Tuesday, November 5, Election Day, from 6:00 a.m. to 7:00 p.m. Some early voting might also be an option.

Councilmember Baker thanked staff at the Department of Parks and Recreation for their work on the HHS Homecoming Parade. She stated almost 70 organizations participated.

Councilmember Baker stated that she attended an event last night for the Bahá'í Faith honoring the 200th anniversary of the faith's founder. She was honored to speak to the group on behalf of the town

Councilmember Baker stated that next Wednesday, November 6, was the HHS Band's Tag Concert at 7:00 pm at HHS. She stated that the concert would be focused on veterans. The band invited the USS Herndon Veterans, who they honored in June with a trip to Normandy, France, on the 75th Anniversary of D-Day. She welcomed all veterans in the community to attend. She would be celebrating the event with the reading of a proclamation.

Councilmember del Aguila: Echoed his colleagues' comments about the HHS Homecoming Parade, the Town Council Community Roundtable, and the special work session on housing. He encouraged continued feedback from residents.

Councilmember del Aguila stated that the Council was starting this year's budget process. Different for this year, they were looking at a three-year versus a one-year budget cycle. He asked residents to send in their priorities and comments.

Councilmember Friedrichs: Offered kudos to Weird Brothers Coffee on the opening of their second location in Herndon at 12825 Worldgate Drive. Several members of Council went to their grand opening earlier today.

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Councilmember Friedrichs stated that she was advised by someone she respects in law enforcement that when traveling in a car at 25 miles per hour, the driver would have an 80 percent chance of severely injuring a person. She asked those driving in town to keep this in mind when they are in a hurry.

Councilmember Friedrichs provided a brief list of activities that were happening in town for Veterans Day. She had started describing the list during the comments from Council for the Veterans Day proclamation. She encouraged those interested to go to Visit Fairfax's website for a list of the opportunities to recognize and thank veterans.

Acting Mayor Olem: Echoed her colleagues' comments about the Town Council Community Roundtable. She stated that several citizens at the Roundtable were interested in what was happening with Metro. Acting Mayor Olem attended the most recent Metro Monday where the Herndon and Innovation Metro Stations were discussed. Town Manager William Ashton provided a presentation. She was waiting for Fairfax County to send her their PowerPoint and then she would send an update to the citizens she promised to email at the Community Roundtable.

Acting Mayor Olem encouraged those who might not want to speak at a public hearing to attend the Roundtable meetings. She stated that she and her colleagues on Council were also accessible and approachable in places like the grocery store.

Acting Mayor Olem stated that last week her neighbor was hit by a car as a pedestrian in the crosswalk. They would spend several weeks in the hospital. Washington, D.C., Virginia, and Maryland were holding a joint effort because while the number of people killed in car crashes had decreased, the number of pedestrian deaths was unfortunately on the rise. She discussed the number of people that were killed by vehicles. She held up a blinking light for the audience for pedestrians to wear to be seen at night. Acting Mayor Olem stated that Captain Anzengruber, Herndon Police, had shared a PDF with her that gave the statistics of the impact a vehicle's speed on a pedestrian.

Acting Mayor Olem encouraged anyone with questions on the Roundtable or anything else to contact the Council.

6. COMMENTS FROM THE AUDIENCE

There were no comments from the audience at this meeting.

PUBLIC HEARINGS

7. **Resolution 19-G-66, to consider the Herndon Pedestrian Plan. This plan provides a report on existing pedestrian infrastructure and policy, recommends measures and solutions for improvements, includes a framework for short term actions and long-term strategies for pedestrian safety and mobility, and serves as an educational tool and guidebook for**

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(public hearing)

creating a walkable community. If adopted, it would be used as a long-range planning document focused on improving pedestrian service levels within the Town.

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearing had been duly advertised in the Friday, October 11 and October 18, 2019 issues.

Acting Mayor Olem opened the public hearing and called on Bryce Perry, Deputy Director of Community Development, for the staff report.

Mr. Perry presented the staff report and PowerPoint dated October 29, 2019, which are on file in the Town Clerk's office. The proposed document was a strategic plan that would outline how the town could make walking safer, more desirable, and more convenient. The plan was initiated and developed starting several years ago, in coordination with Pedestrian & Bicycle Advisory Committee (PBAC). The document would serve as a guide for town staff and decision makers for implementing practices that enhance overall walkability town-wide. The plan would identify deficiencies in existing pedestrian infrastructure, enhance awareness of walking, and enhance the level of service for pedestrians in town.

Mr. Perry reviewed the plan, which had four sections. The first section was an overview of the plan; the second summarized the history and current state of the pedestrian network, walkability, and walking behavior; the third section outlined strategies to improve conditions for pedestrians and how they should be applied in Herndon; and the fourth section ~ the Action Plan ~ identified and ranked projects and actions to implement those strategies. The action plan projects were primarily identified through PBAC's town-wide walkability audit. Mr. Perry stated that this plan should be incorporated by reference in the town's 2030 Comprehensive Plan and reinforced in the transportation chapter of the plan.

Mr. Perry discussed several photographs included in the PowerPoint and reviewed safety, ADA compliance, walkability, and where sidewalks and pedestrian crossings were needed or should be improved. The plan would be reviewed by PBAC and staff for recommendation to the Planning Commission with their five year review of the Comprehensive Plan. Staff and the Planning Commission recommend approval of the proposed resolution, as presented.

Mr. Perry followed up on discussion from last week's work session. He stated that the primary audience for the plan was staff, elected officials, design consultants, and contractors. The information would be available for the public. He stated there were questions about the project on Nash and Spring streets and the W&OD Trail crossing with Van Buren Street. These were both considered high priority by the PBAC and would be assessed for implementation as the Action Plan is updated during the upcoming budget cycle. Mr. Perry stated that as projects were completed in the Action Plan, staff would expect new projects to come in. Staff encouraged the Council and

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public to notify them of possible projects to analyze for inclusion in the plan. He thanked the past and current members and chairs of PBAC for their work on this plan.

Following the public hearing (there were no comments from the audience), Councilmember del Aguila moved approval of Resolution 19-G-66, as presented. Councilmember Friedrichs seconded the motion.

There were brief comments from Council.

Acting Mayor Olem stated that, for the future, she would like to see further education programs for pedestrians and drivers.

The question was called on the motion, which carried by a vote of 6-0. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye"; Mayor Merkel was absent.

Resolution 19-G-66, Town of Herndon Pedestrian Plan.

WHEREAS, in 2008 the Town Council adopted the 2030 Comprehensive Plan which guides the town to *facilitate alternative modes of transportation within the town and provide safe streets that are friendly to pedestrians and bicyclists and continue to integrate pedestrian and bicycle facilities with the street and transit network*; and

WHEREAS, the Town Council's adopted 2035 Vision Statement expresses that *Residents walk, cycle, drive, or use public transit to their jobs, restaurants, and cultural events and Through thoughtful planning, the town has a network of sidewalks, trails, streets and connections to public transportation that provides residents the opportunity for one-car or no-car living*; and

WHEREAS, the Town Council appointed Pedestrian & Bicycle Advisory Committee steered the development of the plan at several meetings and recommends its adoption; and

WHEREAS, the Planning Commission held a public hearing to consider the appropriateness and benefits of the Town of Herndon Pedestrian Plan on September 23, 2019 and recommends its adoption; and

WHEREAS, the Town Council held a public hearing to consider the appropriateness and benefits of the Town of Herndon Pedestrian Plan on October 29, 2019.

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(public hearing)**

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia hereby adopts the Town of Herndon Pedestrian Plan.

BE IT FURTHER RESOLVED that the Town Council of the Town of Herndon, Virginia hereby authorizes staff to make certain revisions to the Pedestrian Plan, without prior Town Council approval, for correction of clerical and administrative errors, updates of an administrative nature, excluding substantive changes.

BE IT FURTHER RESOLVED that the Town Council of the Town of Herndon, Virginia hereby endorses the projects listed in the Action Plan Chapter of the Pedestrian Plan and supports an increased emphasis on improving alternative modes of transportation in Herndon.

BE IT FURTHER RESOLVED that the Town Council of the Town of Herndon, Virginia recommends that the Planning Commission to consider updates to the 2030 Comprehensive Plan transportation chapter to reference the Pedestrian Plan and reinforce its content during the on-going Comprehensive Plan 5-Year review process.

[Note: A copy of the Town of Herndon Pedestrian Plan dated October 19, 2019 is on file in the Department of Community Development.]

8. **Ordinance 19-O-38, to grant a fourth franchise amendment to Program Executive Office Enterprise Information Systems Project Manager Defense Communications and Army Transmission Systems Technology Applications Office, formerly the United States Army Corps of Engineers, for the addition of a new route.**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearing had been duly advertised in the Friday, October 11 and October 18, 2019 issues.

Acting Mayor Olem opened the public hearing and stated that this item would require a roll call vote. She stated that bids were not required for amended franchises. She called on Tammy Chastain, Deputy Director of Public Works, for the staff report.

Ms. Chastain presented the staff report dated October 29, 2019, which is on file in the Town Clerk's office. The fourth amendment to the franchise would allow a proposed route expansion along Van Buren Street. The franchisee would acquire town-owned conduit along Van Buren Street from just north of the Herndon Parkway to Spring Street. This conduit was previously abandoned by the franchisee on February 26, 2019. Staff recommends approval of the proposed ordinance, as presented.

There was brief discussion amongst Council and staff on this item.

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Acting Mayor Olem invited forward the applicant or applicant's agent for comments.

- John Swart, Director, Army Technology Applications Office, provided brief comments on the franchise.

Following the public hearing (there were no comments from the audience), Councilmember McKenna moved approval of Ordinance 19-O-38, as presented. Councilmember del Aguila seconded the motion.

There were brief comments from Council.

The question was called on the motion, which carried by a roll call vote of 6-0. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye"; Mayor Merkel was absent.

Ordinance 19-O-38, granting a fourth franchise amendment to Program Executive Office Enterprise Information Systems Project Manager Defense Communications and Army Transmission Systems Technology Applications Office, formerly the United States Army Corps of Engineers, for the addition of a new route.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that:

- 1 The Town Council approves this Fourth Amendment to the Franchise Agreement dated February 2, 2004 and amended by Ordinance 12-O-17, 18-O-09 and 19-O-04.
2. The Town Council approves the new route consisting of 2,875 feet of conduit starting on Van Buren Street, north of the Herndon Parkway, and continue north on Van Buren Street to the Spring Street intersection. (As reflected on Exhibit A)
3. Exhibit A dated October 29, 2019 replaces any previous exhibit(s).
4. The current franchise fee, effective July 1, 2019, is \$4.70 per linear foot for 14,188 linear feet of facilities (\$66,683.60). The fee continues to escalate annually per the terms of the February 2, 2004 franchise agreement.
5. In all other respects the original franchise remains in effect.
6. The Mayor is authorized to sign and deliver the franchise and any ancillary instruments necessary to effectuate the franchise.
7. This ordinance shall be in effect on and after the date of its adoption.

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FOURTH FRANCHISE AMENDMENT

THIS FOURTH AMENDMENT dated for identification this 29th day of October 2019 is hereby made to the Franchise Agreement dated February 2, 2004 as amended by the First Amendment dated August 14, 2012, as amended by the Second Amendment dated March 27, 2018, as amended by the Third Amendment dated February 26, 2019, by and between Town of Herndon, Virginia (Town) and Program Executive Office Enterprise Information Systems Project Manager Defense Communications and Army Transmission Systems Technology Applications Office (PEO-EIS PM-DCATS TAO) formerly the United States of America, United States Army Corps of Engineers, Baltimore District (USACE)

In consideration of the PEO-EIS PM-DCATS TAO's payment to Town of a per linear foot franchise fee (as this fee may be adjusted), the parties agree that:

1. The new route will start on Van Buren Street, north of the Herndon Parkway, and continue north on Van Buren Street to the Spring Street intersection. (As reflected on Exhibit A)
2. The current franchise fee, effective July 1, 2019, is \$4.70 per linear foot for 14,188 linear feet of facilities (\$66,683.60). The fee continues to escalate annually per the terms of the February 2, 2004 franchise agreement.
3. Exhibit A dated October 29, 2019, attached hereto, replaces any previous exhibit(s).

Signatures on Following Page

October 29, 2019
(public hearing)

PROGRAM EXECUTIVE OFFICE ENTERPRISE
INFORMATION SYSTEMS PROJECT MANAGER
DEFENSE COMMUNICATIONS AND ARMY
TRANSMISSION SYSTEMS TECHNOLOGY
APPLICATIONS OFFICE

By: John J. Swart
John J. Swart
Director

TOWN OF HERNDON, VIRGINIA

By: Lisa C. Merkel
Lisa C. Merkel
Mayor



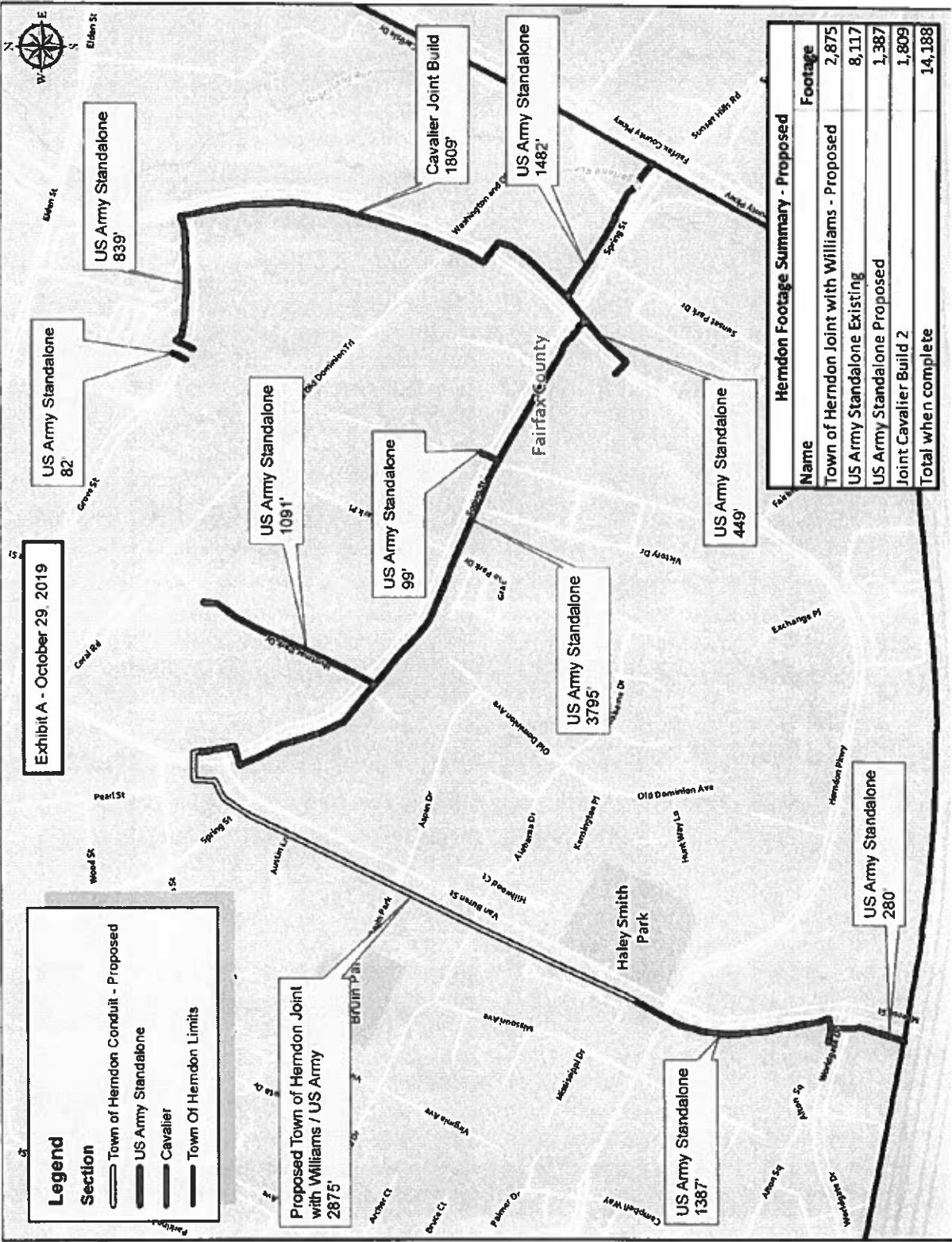
ATTEST:

James Simpson
Town Clerk Acting

APPROVED AS TO FORM:

Lesa J. Yeatts
Lesa J. Yeatts
Town Attorney

October 29, 2019
(public hearing)



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CONSENT

9. **Resolution 19-G-67, to initiate consideration of a zoning ordinance text amendment, ZOTA # 19-02, to Chapter 78 (ZONING) to multiple sections in order to revise standards for communications towers and develop standards for utility distribution or transmission poles in order to comply with the Code of Virginia regarding small cell facilities and to establish a maximum \$500 fee for administrative review eligible projects pursuant to Virginia Code 15.2-2286(A)(6); and**
10. **Proclamation, to recognize the Herndon High School Pride of Herndon Marching Band 75th Anniversary of D-Day.**

Councilmember Baker would formally present the proclamation to the Herndon High School Pride of Herndon Marching Band on Wednesday, November 6, 2019.

On motion of Councilmember Baker, seconded by Councilmember Friedrichs and carried by a vote of 6-0, the following Consent agenda items were approved, without comment. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, and Acting Mayor Olem voting "Aye"; Mayor Merkel was absent.

[Note: Attached for reference, at the end of the minutes, is the proposed draft Zoning Ordinance Text Amendment ZOTA #19-02.]

TOWN OF HERNDON, VIRGINIA PROCLAMATION Herndon High School Pride Of Herndon Marching Band 75th Anniversary of D-Day

In June 2019, **The Pride of Herndon Band** from Herndon High School (HHS), traveled to Normandy, France for the 75th Anniversary of D-Day. The main events were held on June 6, 2019, with other events taking place on the days surrounding it. **The Pride of Herndon Band** received an invitation from the nonprofit group Historic Programs, who organizes commemorative events at historic locations around the world, after winning Grand Champion for its performance at the 2013 Pearl Harbor Memorial Parade. Representing not only the Town of Herndon and the Commonwealth of Virginia, but the United States of America, the Pride marched through Sainte-Mère-Église, a small French town that was the first to be liberated, played at the American Cemeteries in Brittany and at Omaha Beach, and performed in the D-Day Musical Salute to Liberation.

The Town of Herndon was named for U.S. Navy Commander William Lewis Herndon, who died in 1857. Two U.S. Navy ships were named the USS Herndon after the commander as well. The first ship was given to Great Britain before the U.S. took

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part in World War II, and the second ship, nicknamed the "Lucky Herndon," was a Navy Destroyer, whose captain volunteered to lead the assault from Utah Beach. All 301 men onboard survived D-Day.

Planning for the trip took years of time, effort, and dedication from the students, parents, teachers, and organizers. The band raised over \$150,000 through community events, sponsorships, and donations. Almost 300 people were a part of The Pride's group that went to Normandy, which included 150 student band members, 50 chaperones, 52 friends of the band, and 38 family members of USS Herndon crew members ~ including USS Herndon veteran James Clermont. Councilmember Jennifer Baker also attended with The Pride to support them throughout their journey.

As they performed at the D-Day events, three band members wore original USS Herndon dress blues, they carried a marching banner that paid tribute the USS Herndon, and they carried photographs of many of the 301 men who served on board the USS Herndon on D-Day. The drum majors also carried the flag that flew atop the USS Herndon during the invasion, and the boson's pipe.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby recognize and congratulate **The Pride of Herndon Band** for representing our town, state and country in the 75th anniversary of D-Day in Normandy, France, and for being outstanding representatives of the Herndon community.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby offer our utmost admiration and respect to the band members, parents, staff and supporters, for exemplifying superior musicianship and citizenship ~ especially Kathleen Jacoby, Band Director; Margaret Jamborsky, HHS Band Parent, who is known as the band's USS Herndon historian; and the USS Herndon veterans and their families ~ for all their efforts in coordinating, planning, and supporting the band leading up to and during the historic trip.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:51 p.m.


Sheila A. Olem
Acting Mayor


Amanda M. Kertz
Deputy Town Clerk



Minutes approved by Town Council: **December 10, 2019.**

TOWN OF HERNDON, VIRGINIA

DRAFT ORDINANCE

_____, 2020

Ordinance – to amend Chapter 78 (ZONING), Article III (Residential Districts), Section 78-30.1, (R-15 – Residential Single-Family District), Section 78-30.2 (R-10 – Residential Single-Family District), Section 78-30.3 (RTC – Residential Townhouse Cluster District), Section 78-30.4 (RM – Residential Multi-Family District), Article IV (Business Districts), Section 78-40.1 (CC – Central Commercial District), Section 78-40.2 (CS – Commercial Services District), Section 78-40.3 (CO – Commercial Office District), Section 78-40.4 (O&LI – Office and Light Industrial District), Article V (Planned Development Districts), Section 78-50.4 (PD-R – Planned Development – Residential District), Section 78-50.5 (PD-B – Planned Development – Business District), Section 78-50.6 (PD-D – Planned Development – Downtown), Section 78-50.7 (PD-TD – Planned Development – Traditional Downtown), Section 78-50.8 (PD-TOC – Planned Development – Transit Oriented Core), Section 78-51.1 (PD-UR – Planned Development – Urban Residential), Article VI (Overlay Districts), Section 78-60.3 (HPO – Heritage Preservation Overlay), Article VII (Use Regulations), Section 78-71.13 (Commercial Utilities Use Category), Article VIII (Accessory Uses), Section 78-80.2 (Table of Permitted and Allowed Accessory Uses), Section 78-80.4 (Standards for Specific Accessory Uses and Structures by Type), Article XVIII (Definitions), Section 78-180 (Definitions), to revise standards for communications towers and develop standards for utility distribution or transmission poles and to establish a maximum \$500 fee for administrative review eligible projects in Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-152.2(b)(3) (Fees) pursuant to Virginia Code 15.2-2286(A)(6).

BE IT ORDAINED by the Council for the Town of Herndon that:

1. Chapter 78 (ZONING) of the Herndon Town Code is amended and reenacted as follows.

- 1 **Section 78-30.1(c)(3) Table of Principal Permitted and Allowed Uses in the R-15**
- 2 **District.**

Table 78-30.1(c)(3): Principal Permitted and Allowed Uses R-15 KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column			
USE CATEGORY	USE TYPE	R- 15	See Supplemental Regulations

Commercial Utilities	Commercial Communication Tower, Freestanding	S	§78-71.18 78-71.13

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5 **Section 78-30.1(d)(3). Table of permitted and allowed accessory uses in the R-15**
 6 **district.**

Table 78-30.1(d)(3): Permitted and Allowed Accessory Uses R-15 KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	R-15	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	P	§78-80.4(c)

Commercial Communication Towers, Freestanding	S	§78-71.13(d)(2)(1)
Home-Based Business, Including Daycare or Childcare	P	§78-80.5
Minor Utilities	P	§78-80.4(m)

Small cell facilities on a utility distribution or transmission pole	P	§78-71.13

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9 **Section 78-30.2(c)(3) Table of Principal Permitted and Allowed Uses in the R-10**
 10 **District.**

Table 78-30.2(c)(3): Principal Permitted and Allowed Uses R-10 KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column			
USE CATEGORY	USE TYPE	R-10	See Supplemental Regulations

Commercial Utilities	Commercial Communication Tower, Freestanding	S	§78-71.13(1)

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 12
 13 **Section 78-30.2(d)(3) Table of permitted and allowed accessory uses in the R-10**
 14 **District**

Table 78-30.2(d)(3): Permitted and Allowed Accessory Uses R-10 KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	R-10	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	P	§78-80.4(c)

Commercial Communication Towers, Freestanding	S	§78-71.13(d)(2)(1)

Small cell facilities on a utility distribution or transmission	P	78-71.13(d)(3)

<i>pole</i>		

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Section 78-30.3(d)(3) – Table of permitted and allowed accessory uses in the RTC district.

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Table 78-30.3(d)(3): Permitted and Allowed Accessory Uses RTC KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	RTC	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	P	§78-80.4(c)
Commercial Communication Towers, Freestanding	S	§78-80.4(d)(2) §78-71.13

Small cell facilities on a utility distribution or transmission pole	P	§78-71.13

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Section 78-30.4(d)(3) – Table of permitted and allowed accessory uses in the RM district

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Table 78-30.4(d)(3): Permitted and Allowed Accessory Uses RM KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
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ACCESSORY USE	RM	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	P	§78-80.4(c)
Commercial Communication Towers, Freestanding	S	§78-71.13(d)(2)

<i>Small cell facilities on a utility distribution or transmission pole</i>	P	§78-71.13

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Section 78-40.1(d)(3) – Table of permitted and allowed accessory uses in the CC district.

Table 78-40.1(d)(3): Permitted and Allowed Accessory Uses CC KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	CC	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	P	§78-80.4(c)
Commercial Communication Towers, Freestanding	S	§78-71.13(d)(2)

<i>Small cell facilities on a utility distribution or transmission pole</i>	P	§78-71.13

27

28

29 **Section 78-40.2(d)(3) – Table of permitted and allowed accessory uses in the CS**
 30 **district.**

Table 78-40.2(d)(3): Permitted and Allowed Accessory Uses CS KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	CS	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	P	§78-80.4(c)

Commercial Communication Towers, Freestanding	S	§78-71.13(d)(2)

Small cell facilities on a utility distribution or transmission pole	P	§78-71.13

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32

33 **Section 78-40.3(d)(3) – Table of permitted and allowed accessory uses in the CO**
 34 **district.**

Table 78-40.3(d)(3): Permitted and Allowed Accessory Uses CO KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	CO	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	P	§78-80.4(c)
Commercial Communication Towers, Freestanding	S	§78-71.13(d)(2)

Small cell facilities on a utility distribution or transmission pole	P	§78-71.13

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36

37 **Section 78-40.4(d)(3) – Table of permitted and allowed accessory uses in the O&LI**
 38 **district.**

Table 78-40.4(d)(3): Permitted and Allowed Accessory Uses O&LI KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	O&LI	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	P	§78-80.4(c)

Commercial Communication Towers, Freestanding	S	§78-71.13(d)(2)

Small cell facilities on a utility distribution or transmission pole	P	§78-71.13

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Section 78-50.4(d)(4) – Table of permitted and allowed accessory uses in the PD-R district.

42

Table 78-50.4(d)(4): Permitted and Allowed Accessory Uses PD-R KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	PD-R	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	Z P	§78-80.4(c)
Commercial Communication Towers, Freestanding	Z	§78-71.13(d)(2)

Small cell facilities on a utility distribution or transmission pole	Z	§78-71.13

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44

Section 78-50.5(d)(4) – Table of permitted and allowed accessory uses in the PD-B district.

45

Table 78-50.5(d)(4): Permitted and Allowed Accessory Uses PD-B KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	PD-B	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	Z	§78-80.4(c)

	P	

Commercial Communication Towers, Freestanding	Z	§78-71.13(d)(2)

<i>Small cell facilities on a utility distribution or transmission pole</i>	Z	§78-71.13

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48 **Section 78-50.6(d)(4) – Table of permitted and allowed accessory uses in the PD-D**
 49 **district.**

Table 78-50.6(d)(4): Permitted and Allowed Accessory Uses PD-D KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	PD-D	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	Z P	§78-80.4(c)

Commercial Communication Towers, Freestanding	Z	§78-71.13(d)(2)

<i>Small cell facilities on a utility distribution or transmission pole</i>	Z	§78-71.13

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52 **Section 78-50.7(d)(4) – Table of permitted and allowed accessory uses in the PD-**
 53 **TD district.**

Table 78-50.7(d)(4): Permitted and Allowed Accessory Uses PD-TD KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	PD-TD	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	Z P	§78-80.4(c)

Commercial Communication Towers, Freestanding	Z	§78-71.13(d)(2)

Small cell facilities on a utility distribution or transmission pole	Z	§78-71.13

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56 **Section 78-50.8(d)(4) – Table of accessory uses PD-TOC.**

Table 78-50.8(d)(4): Permitted and Allowed Accessory Uses PD-TD KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	PD-TD	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	P	§78-80.4(c)

towers, freestanding) co-location		

Small cell facilities on a utility distribution or transmission pole	D	§78-71.13

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58

59 **Section 78-51.1(d)(4) – Table of permitted and allowed accessory uses in the PD-**
60 **UR district.**

Table 78-51.1(d)(4): Permitted and Allowed Accessory Uses PD-UR KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column		
ACCESSORY USE	PD-RB	Supplemental Use Regulations

Antennae of all kinds (except commercial communication towers, freestanding) co-location	Z P	§78-80.4(c)

Small cell facilities on a utility distribution or transmission pole	Z	§78-71.13

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62

63 **Section 78-60.3(g)(2) – Exemptions from COA.** The following minor development,
64 which has been determined not to have permanent effects on the character of the heritage
65 preservation district, is exempted from the requirements of this section. In the event the scope
66 or nature of the development changes during the improvement process, the zoning
67 administrator shall have the authority to order all work to be stopped and that an appropriate
68 application for a certificate of appropriateness be filed.

69

70

- g. *Small cell facilities on a utility distribution or transmission pole that complies with the provisions 78-71.13(d)(3)(a).*

71

72

- gh *Similar development determined by the zoning administrator not to have permanent effects on the character of the HPD.*

73

74

75 **Section 78-71.13. – Commercial Utilities Category.**

76

- (a) *Characteristics.* The commercial utilities use category includes major utilities, which are infrastructure services providing regional or community-wide service. ~~Communication towers also are a type of utility.~~ Utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided. Accessory uses may include parking and control, monitoring, or transmission equipment.

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- (b) *Example.* Types of major utilities include water towers, waste treatment facilities; electrical substations; and maintenance/storage yards. ~~Examples of communication infrastructure include facilities for transmitting wireless phones and pager services, and television and radio broadcasting equipment.~~

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- (c) *Similar use types, accessory uses and prohibited use types.* All uses shall comply with all applicable standards in this chapter, including Article XIII, Performance Standards. In addition, the following standards shall apply:

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87

88

- (1) *Offices.* ~~Utility offices are in the category of offices.~~ *Offices for non-government utilities shall meet the standards of Section 78-71.7.*

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- (2) *Support facilities.* Ordinary ~~on-site poles, utility lines, pipes, transformers, rights-of-way, and stormwater bmp retention and detention~~ facilities necessary to meet the needs of *principal uses on the a site* are considered accessory uses.

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- (3) *Government facilities and utilities.* Government facilities and government-owned or maintained utilities ~~are in the category of government facilities.~~ *Shall meet the standards of Section 78-71.3.*

94

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- (4) *Minor utilities.* Minor utilities such as ~~water and sewage private pump stations for water or sewer, or stormwater bmps ; stormwater retention and detention facilities; roof-mounted communications towers, poles, or antennae not exceeding 15 feet above the rooftop and related ground facilities erected on water tanks or water tank sites; and telephone exchanges~~ are considered accessory uses. See Article VIII, Accessory Uses and Structures.

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- (d) *Commercial utilities category specific use standards.* ~~All uses shall comply with all applicable standards in this chapter, including Article XIII, Performance Standards. In~~

103

addition to the applicable requirements in this chapter, the following standards shall apply:

~~(1) Electrical power facility, substation, and transmission stations. The zoning administrator may require that an electrical power facility, substation, or transmission station shall comply with the following standards:~~

~~a. Proximity. The electrical power facility, substation, or transmission station shall be within reasonable proximity of the area to be served by the facility.~~

~~b. Setback, screening and buffering. The electrical power facility, substation, or transmission station shall provide additional setbacks, screening and buffering around the perimeter of the proposed use if it is deemed necessary by the zoning administrator to ensure land use compatibility with surrounding uses.~~

~~(2)(1) Communication towers, and monopoles. Communication towers and monopoles between 50 feet and 125 feet other telecommunication facilities. Communication towers, monopoles, and other mobile or land based telecommunication facilities including non-staffed equipment cabinets or structures shall meet the following standards:~~

a. *Material and color.* Except for antennas completely enclosed within a structure, all antennas and their supporting mounts shall be of a material or color that closely matches and blends with the structure on which it is mounted.

b. *Advertising.* No commercial advertising or signs shall be allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure.

c. *Additions, changes and modifications.* If any additions, changes or modifications are to be made to monopoles or towers, the building official shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modifications conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.

d. *Lighting, signals and illumination.* No signals, lights or illumination shall be permitted on ~~an antenna a tower or monopole~~ unless required by the Federal Communications Commission, the Federal Aviation Administration or the town, provided, however, that on all antenna structures which exceed 100 feet in height, a steady red marker light shall be installed and operated at all times, unless the zoning administrator waives the red marker light requirement upon a determination by the Fairfax County Police Department that such marker light is not necessary

143 for flight safety requirements for police and emergency helicopter
 144 operations. All such lights shall be shielded to prevent the downward
 145 transmission of light.

146 ~~e. Location on existing structures as accessory use. Antennas may be located~~
 147 ~~on existing buildings or structures, to include existing towers and poles,~~
 148 ~~as an accessory use. See section 78-80.4(e).~~

149 fe. *Removal.* All antennas and related equipment cabinets or structures shall
 150 be removed within 120 days after such antennas or related equipment
 151 cabinets or structures are no longer in use.

152 gf. *Special exception required for freestanding facilities.* Freestanding
 153 communication towers; and monopoles, ~~and other structures designed to~~
 154 ~~hold telecommunication antennae or microwave dishes (or both)~~ shall be
 155 permitted in conjunction with non-staffed equipment cabinets or
 156 structures by special exception within all zoning districts and within
 157 planned developments. ~~when approved initially or by amendment when~~
 158 ~~the land on which such facility is located is owned or operated by a public~~
 159 ~~entity or governmental authority. Such land includes, but would not be~~
 160 ~~limited to, public parks, public schools, fire stations, police stations,~~
 161 ~~government office and service buildings, public recreational facilities, and~~
 162 ~~cemeteries. Any such use shall comply with the following standards:~~

163 1. Towers, ~~and monopoles, and other supporting structures with~~
 164 ~~attached antennae or dishes~~ may exceed the maximum permitted
 165 building height, but shall not exceed a maximum overall height of
 166 125 feet over grade;

167 2. Panel style antennas attached to towers, monopoles, or other
 168 supporting structures shall not exceed 108 inches in height and 24
 169 inches in width.

170 3. Dish style antennas attached to towers, monopoles, and other
 171 supporting structures shall not exceed three feet in diameter.

172 4. Related non-staffed equipment cabinets or structures for each
 173 telecommunications provider shall not exceed 12 feet in height or
 174 a total of 500 square feet in gross floor area per
 175 telecommunications provider. Such structures shall be in
 176 accordance with the dimensional standards of the zoning district
 177 in which they are located.

178 5. All equipment shall be screened ~~with an opaque constructed solid~~
 179 ~~fence or wall. Such fence or wall shall be in accordance with the~~
 180 ~~standards of this chapter and shall be further screened by an~~

~~evergreen hedge with a minimum height of no less than 48 inches over grade in accordance with Section 78-114.~~

6. Where reasonably practicable and appropriate, as determined by the zoning administrator using recognized standards, antennas attached to towers, monopoles, and other supporting structures shall be constructed in a manner as to reduce their visual impact. This goal shall be achieved through screening or applied stealthing or camouflaging methods.

7. Existing light poles and stanchions may be replaced to allow for collocation of antennas and such replacement structures may be increased in height up to an overall height not to exceed 125 feet over grade.

8. Within all residential zoning districts, ~~towers and monopoles, and other supporting structures with attached antennae or dishes~~ shall be located on parcels of no less than 50,000 square feet in total area. Such structures shall be placed at a distance of no less than one foot for every foot of height from abutting lot lines in residential zoning districts.

(2) *Antennae co-location. Antenna co-location onto an existing structure or utility distribution or transmission pole must comply with the accessory structure standards of Section 78-80.4(c)(3). For the purposes of this article, the replacement of a utility distribution or transmission pole of the same size or smaller and within 6 feet of the existing pole is not considered a new structure.*

(3) *Small Cell Facilities on a new utility distribution or transmission pole less than 50 feet. Any new utility distribution or transmission pole of less than 50 feet in height above grade and designed to support small cell facilities is an administrative review-eligible project (AREP) as defined by Section 15.2-2316.3 of the Code of Virginia. An AREP is subject to approval by the zoning administrator and shall comply with the following standards:*

a. *Heritage preservation review. Small cell facilities in the Heritage Preservation Overlay are subject to the following:*

1. *Certificate of Appropriateness. A certificate of appropriateness must be obtained from the Heritage Preservation Review Board unless all of the following conditions are met.*

(i) *The antenna is attached to one of the approved downtown street or site light poles identified on pages 51 and 52 or approved clock identified on page 61 of the Town of Herndon Streetscape Manual (adopted October 2018, as amended).*

- 220 (ii) *The antenna does not exceed 30 inches in height or 12*
 221 *inches in diameter.*
- 222 (iii) *The antenna is painted to match the color of the light pole*
 223 *or clock.*
- 224 (iv) *No additional equipment other than the antenna is placed*
 225 *on the light pole or clock.*
- 226 (v) *Ground mounted equipment is camouflaged within a site*
 227 *furnishing identified in the Town of Herndon Streetscape*
 228 *Manual.*
- 229 b. *Architectural review. Small cell facilities outside of the Heritage*
 230 *Preservation Overlay must receive approval by the Architectural Review*
 231 *Board unless the following conditions are met:*
- 232 1. *The antenna is attached to a site light pole that complies with the*
 233 *provisions of Section 78-130.9.*
- 234 2. *The antenna does not exceed 30 inches in height or 12 inches in*
 235 *diameter.*
- 236 3. *The antenna is painted to match the color of the light pole.*
- 237 4. *No additional equipment other than the antenna is placed on the*
 238 *light pole.*
- 239 5. *Ground mounted equipment is camouflaged within a site*
 240 *furnishing or screened pursuant to the provisions of Section 78-*
 241 *114.*
- 242 c. *Setbacks. Small cell facilities, including ground-mounted equipment,*
 243 *must comply with the minimum setback provisions of the underlying*
 244 *zoning district.*
- 245 d. *Lot size. Within residential zoning districts, a minimum lot size of*
 246 *20,000 square feet is required.*
- 247 e. *Wiring, cables, and conduit. All wiring, cables, and conduits must be*
 248 *located in a fully enclosed structure or match the color of the utility or*
 249 *distribution transmission pole.*
- 250 f. *Removal. All antennas and related equipment, to include ground-*
 251 *mounted equipment, must be removed within 120 days after such*
 252 *antennas or related equipment are no longer in use.*

253 **Section 78-80.2(c) – Table of permitted and allowed accessory uses and structures.**

254 The Table of Permitted and Allowed Accessory Uses and Structures, Table 78-80.2(c), identifies

255 the uses permitted within base districts. (See also Section 78-70.2(d): Table of Principal
 256 Permitted and Allowed Uses, and Table 78-90.1(b), Allowed Temporary Uses and Structures;
 257 See also use specific standards in Section 78-80.4).

Table 78-80.2(dc): TABLE OF PERMITTED AND ALLOWED ACCESSORY USES & STRUCTURES KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Z=Use Allowed Subject to Zoning Map Amendment Approval														
Notes: 1. A blank cell means the use is prohibited in the district; 2. Uses may be subject to use specific standards noted in the last column. ** For Permitted Accessory Uses in PD-TOC see section 78-50.78; For Accessory Uses Permitted and Allowed in PD-W see section 78-50.89														
	Residential Districts				Business Districts							Planned Development District	Suppl Reqs.	
ACCESSORY USE	R 15	R 10	R TC	RM	CC	CS	CO	O& LI	PD-R	PD-B	PD-TD PD-D	PD-UR	PD-TOC PD-W	See Section

Antennae of all kinds (except commercial communication towers; freestanding) co-location	P	P	P	P	P	P	P	P	Z	Z	Z	Z	**	§78-80.4(c)

Commercial Communication Towers, Freestanding	S	S	S	S	S	S	S	S	Z	Z	Z	Z	**	§78-71.13 (d)(21)

Small cell facilities on a utility distribution or	P	P	P	P	P	P	P	P	Z	Z	Z	Z	**	§78-71.13(d)(3)

transmission pole															

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Section 78-80.4 – Standards for specific accessory uses and structures by use type.

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Accessory uses and structures listed below shall comply with the following specific standards.

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(c) Antenna of all kinds, except commercial communication towers, freestanding. The following standards are adopted to comply with applicable state and federal law, including the Federal Telecommunications Act of 1996 *and the "Spectrum Act"*, and to control the location and screening of antennae to mitigate impact on surrounding properties.

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(3) Commercial antennae. Antennae may be located on existing structures in conformance with the applicable provisions of section 78-71.12(d)(2), communication towers, monopoles, and other mobile or land-based telecommunication facilities, provided the following standards are met:

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273

a. All antenna, including canisters, must match the color of the structure on which they are located.

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b. Roof-mounted arrays shall not be visible from a public right-of-way.

276

c. Must receive a Certificate of Appropriateness when located within the Heritage Preservation Overlay and visible from a public right-of-way.

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Table 78-152.2(b)(3) – Fees for development applications

TABLE 78-152.2(b)(3): FEES FOR DEVELOPMENT APPLICATIONS	
TYPE OF FEE	AMOUNT

MISCELLANEOUS ADMINISTRATIVE REVIEWS	

Administrative review eligible projects (AREPs)	\$500.00
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Section 78-180 - Definitions

~~Antennae(except commercial communication antennae). Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips, Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services, but not including satellite earth stations.~~

Co-locate/Co-location. To install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure.

Commercial communication tower. See "communication tower, freestanding." ~~or "communication tower, roof-mounted."~~

Communication tower, freestanding. A monopole or lattice structure erected on the ground that:

- (1) May be supported by guy wires, ground anchors or other means of support;
- (2) May transmit or receive signals by radio, electromagnetic, optical, or other means;
- (3) Is used by commercial, governmental, or other public or quasi-public users;
- (4) Does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the Federal Communications Commission;
- (5) Is non-staffed;
- (6) May include antennas, microwave dishes, horns or similar types of equipment, towers or similar accessory structures supporting such equipment; ~~and~~
- (7) May include an equipment cabinet and a wall or security barrier; *and*
- (8) *Is 50 feet or greater in height.*

~~*Communication tower, roof-mounted.* A structure placed on a building used primarily for the support of cellular telephone technology, broadcast and/or receiving equipment and utilized by commercial, governmental, or other public or quasi-public users. A communication tower does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the Federal Communications Commission. See "co-locate/co-location."~~

Communication/transmission warehousing. A facility where computer hard drives are stored for web hosting or other mass storage of electronic information, also known as "data warehousing," or an electronic switching center for telecommunications. A communication/transmission warehousing use is characterized by structures that are primarily occupied by technical and electronic equipment, with a small number of employees present to service the equipment. Traffic to and from a communication/transmission warehousing use typically involves minimal vehicle traffic for day-to-day operations, with fiber optic cables or other electronic communications media instead serving as the primary means of connecting the functions of the use to customers and others.

Small cell facility. A type of utility distribution or transmission pole that meets both of the following qualifications:

(1) Each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet, and;

(2) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as established by the Federal Communications Commission. The following equipment is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Telecommunication switching station. See "~~communication/transmission warehousing.~~" A principal structure(s) primarily occupied by technical and electronic equipment for the processing of telecommunications equipment.

Utility distribution or transmission pole. A ground mounted self-supported or guy wire-supported vertical structure made of fabricated metal, treated wood, or concrete used to elevate electrical and communication distribution lines, antennas, wireless facilities, small cell facilities, and related facilities and equipment, whose primary function is the support of wires, conductors, and associated apparatus used for the distribution of electrical energy, communication signals, or other similar utilities.

Utilities, major. Infrastructure services providing regional or community-wide service. Major utilities include water towers; wastewater treatment plants; potable water plants; and public transit park and ride facilities; ~~major electrical transmission wires, fiber optic cable,~~ and electrical substations.

Utilities, minor. Infrastructure services that need to be located in or near the neighborhood where the service is provided. Minor utilities include water and sewage pump stations; stormwater retention and detention facilities; ~~ordinary poles, lines, and pipes~~ for local distribution; transformers; ~~rights-of-way and utility easements;~~ telephone exchanges; and surface transportation stops.

NOTE:

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