

**TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION PUBLIC HEARING AGENDA
DECEMBER 16, 2019
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
7:00 P.M.**

CALL TO ORDER

1. Roll Call

APPROVAL OF AGENDA

APPROVAL OF MINUTES

2. November 18, 2019, Planning Commission Work Session Draft Minutes
3. November 25, 2019, Planning Commission Public Hearing Draft Minutes

COMMENTS

4. Comments from the Staff Members
5. Comments from the Commissioners
6. Comments from the Audience

PUBLIC HEARINGS

7. **ZONING ORDINANCE TEXT AMENDMENT – ZOTA #19-02**, to consider amending Chapter 78 (ZONING), 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). ***(Continued from the November 25, 2019 Planning Commission public hearing.)***
8. **Five Year Review of the Comprehensive Plan:** The Planning Commission will review the town's comprehensive plan to determine the status of the plan and potential future amendments. Section 15.2-2230 of the Virginia Code states that at least once every five years the plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan. Since the August 12, 2008 adoption of the Town of Herndon 2030 Comprehensive Plan, review by the commission has resulted in seven plan amendments which were adopted by Town Council in 2011, 2012, 2015, 2017 and 2019. ***(Continued from the November 25, 2019 Planning Commission public hearing.)***

ADJOURNMENT

Future Planning Commission Meetings:

January 13, 2020	Planning Commission work session	7:00 p.m.
January 27, 2020	Planning Commission public hearing	7:00 p.m.



MEMORANDUM

To: Chairman Jonas and Members of the Planning Commission

From: David Stromberg, AICP, Zoning Administrator DS

Date: December 16, 2019

Subject: ZOTA #19-02 – Small Cell Wireless Update

During the work session on December 9, 2019, staff presented the Planning Commission with a series of maps to illustrate the impacts of having different minimum required lot sizes for small cell facilities on property parcels. The draft language has been updated to require a minimum lot size of one acre to be eligible for the installation of a small cell facility. This requirement will prevent small cell facilities from being installed on nearly all single family residential lots. Most privately owned common areas of a residential development and other publicly owned parcels of land exceed one acre and are eligible for small cell installation.

Staff has also updated the section for when a small cell facility is exempt from Heritage Preservation Review Board (HPRB) or Architectural Review Board (ARB) approval. The initial language allowed small cell facilities to be exempt from HPRB and ARB if they are installed on certain pre-approved site furnishings. All site furnishings require HPRB or ARB approval, so this language inadvertently created a loophole. The revised language only provides an exemption if the small cell facility is placed on an existing light pole and does not have any other visible exterior equipment. All other small cell facilities will need to obtain HPRB or ARB approval.

Attachment:

1. Draft Language

TOWN OF HERNDON, VIRGINIA

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:

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

- Section 78-30.1(c)(3) Table of Principal Permitted and Allowed Uses in the R-15 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 <i>78-71.13</i>

Section 78-30.1(d)(3). Table of permitted and allowed accessory uses in the R-15 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) <i>co-location</i>	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)

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

Section 78-30.2(c)(3) Table of Principal Permitted and Allowed Uses in the R-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 ¹³

Section 78-30.2(d)(3) Table of permitted and allowed accessory uses in the R-10 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) <i>co-location</i>	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</i>	P	<i>78-71.13</i>

<i>pole</i>		

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

18 **district.**

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) <i>co-location</i>	P	§78-80.4(c)
Commercial Communication Towers, Freestanding	S	§78-80.4(d)(2) <i>§78-71.13</i>

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

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

22 **district**

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) <i>co-location</i>	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>	<i>P</i>	<i>§78-71.13</i>

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25 **Section 78-40.1(d)(3) – Table of permitted and allowed accessory uses in the CC**
 26 **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) <i>co-location</i>	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>	<i>P</i>	<i>§78-71.13</i>

Section 78-40.2(d)(3) – Table of permitted and allowed accessory uses in the CS 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) <i>co-location</i>	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>	<i>P</i>	<i>§78-71.13</i>

Section 78-40.3(d)(3) – Table of permitted and allowed accessory uses in the CO 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) <i>co-location</i>	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>	<i>P</i>	<i>§78-71.13</i>

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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) <i>co-location</i>	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>	<i>P</i>	<i>§78-71.13</i>

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

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) <i>co-location</i>	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>	P	<i>§78-71.13</i>

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

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) <i>co-location</i>	Z	§78-80.4(c)

	<i>P</i>	

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

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

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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) <i>co-location</i>	<i>Z</i> <i>P</i>	§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>	<i>P</i>	<i>§78-71.13</i>

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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) <i>co-location</i>	Z <i>P</i>	§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>	<i>P</i>	<i>§78-71.13</i>

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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	P	§78-80.4(c)

towers, freestanding) <i>co-location</i>	<i>P</i>	

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

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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-UR	Supplemental Use Regulations

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

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

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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.

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

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

Section 78-71.13. – Commercial Utilities Category.

- (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.
- (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.~~
- (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:
- (1) *Offices.* ~~Utility offices are in the category of offices.~~ *Offices for non-government utilities shall meet the standards of Section 78-71.7.*
 - (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.
 - (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.*
 - (4) *Minor utilities.* Minor utilities such as water and sewage 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.
- (d) *Commercial utilities category specific use standards.* ~~All uses shall comply with all applicable standards in this chapter, including Article XIII, Performance Standards. In~~

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

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

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

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

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

1. Towers, ~~and~~ monopoles, ~~and other supporting structures with attached antennae or dishes~~ may exceed the maximum permitted building height, but shall not exceed a maximum overall height of 125 feet over grade;
2. Panel style antennas attached to towers, monopoles, or other supporting structures shall not exceed 108 inches in height and 24 inches in width.
3. Dish style antennas attached to towers, monopoles, and other supporting structures shall not exceed three feet in diameter.
4. Related non-staffed equipment cabinets or structures for each telecommunications provider shall not exceed 12 feet in height or a total of 500 square feet in gross floor area per telecommunications provider. Such structures shall be in accordance with the dimensional standards of the zoning district in which they are located.
5. All equipment shall be screened ~~with an opaque constructed solid fence or wall. Such fence or wall shall be in accordance with the standards of this chapter and shall be further screened by an~~

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

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

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

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

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

204 *(3) Small Cell Facilities on a new utility distribution or transmission pole less than*
 205 *50 feet. Any new utility distribution or transmission pole of less than 50 feet in*
 206 *height above grade and designed to support small cell facilities is an*
 207 *administrative review-eligible project (AREP) as defined by Section 15.2-2316.3*
 208 *of the Code of Virginia. An AREP is subject to approval by the zoning*
 209 *administrator and shall comply with the following standards:*

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

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

215 *(i) The antenna is attached to an existing site light pole.*

216 *(ii) The antenna does not exceed 30 inches in height or 12*
 217 *inches in diameter and is mounted flush, in-line with, or*
 218 *on top of the pole.*

(iii) *The antenna is painted to match the color of the existing site light pole.*

(iv) *No additional equipment other than the antenna is placed on the light pole.*

(v) *Support equipment is installed underground or camouflaged inside the pole or within a previously approved site furnishing and approved by the zoning administrator.*

b. *Architectural review. Small cell facilities outside of the Heritage Preservation Overlay must receive approval by the Architectural Review Board unless the following conditions are met:*

1. *The antenna is attached to an existing site light pole.*

2. *The antenna does not exceed 30 inches in height or 12 inches in diameter. No portion of the antenna may extend beyond 18 inches from the side of the pole.*

3. *The antenna is painted to match the color of the light pole.*

4. *No additional equipment other than the antenna is placed on the light pole.*

5. *Support equipment is installed underground or camouflaged inside the pole or within a site furnishing approved by the administrator or screened pursuant to the provisions of Section 78-114.*

c. *Setbacks. Small cell facilities, including ground-mounted equipment, must comply with the minimum setback provisions of the underlying zoning district.*

d. *Lot size. Within all zoning districts, a minimum lot size of one acre is required.*

e. *Wiring, cables, and conduit. All wiring, cables, and conduits must be located in a fully enclosed structure or match the color of the utility or distribution transmission pole.*

f. *Removal. All antennas and related equipment, to include ground-mounted equipment, must be removed within 120 days after such antennas or related equipment are no longer in use.*

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

The Table of Permitted and Allowed Accessory Uses and Structures, Table 78-80.2(c), identifies the uses permitted within base districts. (See also Section 78-70.2(d): Table of Principal

255 Permitted and Allowed Uses, and Table 78-90.1(b), Allowed Temporary Uses and Structures;
 256 See also use specific standards in Section 78-80.4).

	Table 78-80.2(d): 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) <i>co-location</i>	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)

<i>Small cell facilities on a utility distribution or transmission pole</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>**</i>	<i>§78-71.13(d)(3)</i>

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

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

- (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.

- (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:*

- a. All antenna, including canisters, must match the color of the structure on which they are located.*
- b. Roof-mounted arrays shall not be visible from a public right-of-way.*
- c. Must receive a Certificate of Appropriateness when located within the Heritage Preservation Overlay and visible from a public right-of-way.*

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	
<i>Administrative review eligible projects (AREPs)</i>	<i>\$500.00</i>

279

280

281 Section 78-180 - Definitions

282

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

289

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

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

295

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

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

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

313 *Communication/transmission warehousing.* ~~A facility where computer hard drives are~~
 314 ~~stored for web hosting or other mass storage of electronic information, also known as "data~~
 315 ~~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.

~~Utility-related maintenance and storage yards.~~ Outdoor storage accessory to a major or minor utility.

2. This ordinance shall be effective on and after the date of its adoption.



MEMORANDUM

To: Chairman Jonas and Members of the Planning Commission

From: Elizabeth M. Gilleran, Director of Community Development *EMG*

Date: December 16, 2019

Subject: Five Year Review of the Comprehensive Plan

Staff has revised the attached resolution based on the commission's December work session direction. Please let me know if there are any questions on this item.

Attachment: Planning Commission Resolution, revised draft for December 16, 2019

TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION RESOLUTION

December 16, 2019

Resolution – Five Year Review of the Town of Herndon 2030 Comprehensive Plan and its associated supplements, as required by the Code of Virginia, Section 15.2-2230 (1950), as amended.

WHEREAS, the Town of Herndon, Virginia 2030 Comprehensive Plan was adopted August 12, 2008; the Planning Commission completed an initial review of the plan in 2013 and has continued to recommend amendments to the plan; and

WHEREAS, at this time the Planning Commission has completed a review of the comprehensive plan as required by the Code of Virginia, to determine if it is advisable to amend the plan; and

WHEREAS, several amendments to the comprehensive plan have addressed major goals and objectives of the original plan through intensive planning processes driven by community input; specifically, the plan was amended by Town Council after Planning Commission recommendation, as follows:

CPA 10-01, Downtown Master Plan, adopted February 22, 2011;

CPA 11-01, Downtown Streetscape Map, a residential streetscape map designation along Center and Vine streets, adopted September 27, 2011;

CPA 11-02, Herndon Metro Station Area Plan, adopted February 28, 2012;

CPA 15-01, Fairbrook Drive Extension, a change to the Major Street Network Map adopted January 13, 2015;

CPA 17-02, Cycle Track on Herndon Parkway, to establish a cycle track along Herndon Parkway approximately 2,000 feet south of the W & OD Trail property at the eastern side of the town, adopted September 27, 2017.

CPA 18-01, South Elden Area Plan, adopted February 12, 2019; and

CPA 18-02, South Elden Street Design Concept, adopted February 26, 2019; and

WHEREAS, the Planning Commission and staff have completed an outreach process during 2019 on the Five Year Review of the comprehensive plan, which has included a public input meeting on September 25, 2019, preceded by staff outreach at the Herndon Farmers Market, as well as presentations and discussion at several community group meetings including, the Herndon Youth Advisory Committee, the Herndon Committee of the Dulles Regional Chamber of Commerce, the Herndon Economic Development Advisory Committee and the Pedestrian, Bicycle Advisory Committee and through a variety of media channels; and

WHEREAS, the Planning Commission of the Town of Herndon, Virginia finds that the comprehensive plan as amended to date contains the plans and policies that the commission supports.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Herndon recommends to the Town Council that the following priorities for the development of potential future amendments to the plan and for the implementation of the comprehensive plan be adopted:

1. Continue a cooperative relationship with Fairfax County and regional entities regarding major public services such as human services, public transportation, and fire and rescue, while remaining vigilant to ensure that the town receives adequate and equitable services.
2. Ensure that the town's public facilities serve the needs of all ages and abilities.
3. Continue to assess indoor and outdoor recreational facilities and seek needed additional facilities through the land development entitlement process to ensure that increase service demand is met.
4. Continue to advance the comprehensive plan goal as adopted in the Metrorail Station Area Plan to provide housing choices for those attracted to compact, mixed use, walkable neighborhoods with nearby transit availability. Explore opportunities to achieve a greater range of housing choices through redevelopment in areas of the town where the comprehensive plan supports redevelopment. For example, the areas designated Adaptive Area or Adaptive Area-Residential on the comprehensive plan land use map.
5. Continue to advance major pedestrian and multimodal facilities in the Capital Improvement Program such as the Van Buren Street Improvements, the W & OD Trail Lighting and other pedestrian and bicycle connections to enhance access to Metrorail as well as other connections and linkages throughout the town and connecting to areas in Fairfax County or Loudoun County striving to ensure a walkable and multimodal community.
6. Ensure that while every town resident lives within 1/2 mile of a park, those parks are accessible by all forms of transportation and for all residents regardless of their varying sensory, communication and activity abilities.
7. Undertake a minor plan amendment to add references within the comprehensive plan to the Sustainability Plan adopted December 12, 2017, the Streetscape Manual adopted October 2018, the Bicycle Network Master Plan adopted August 13, 2019, and the Pedestrian Plan adopted October 29, 2019. This amendment should also address outdated references or instances where an older planning document has been superseded by more recent Town Council action.

8. Support the environmental goals of the plan including compliance with Virginia Chesapeake Bay Act requirements and the implementation of water quality improvement projects within the town through a cooperative agreement with Fairfax County and funded by the countywide stormwater service district tax. Depending on Virginia Department of Environmental Quality direction and guidance, develop an updated plan chapter on the environment including Chesapeake Bay policy specific to water quality and watershed improvements.
9. Amend the Heritage Preservation chapter of the comprehensive plan to provide desired changes to preservation policy, using the term “historic” rather than the term “heritage.”
10. Consider the regional planning efforts related to resilience, including the Northern Virginia Regional Commission’s “Resilient Critical Infrastructure, A Roadmap for Northern Virginia,” February 2018, which contains a goal to identify appropriate policy frameworks to respond to climate change planning and adaptation.
11. Continue to support cooperation with Fairfax and Loudoun with regard to new development and public facilities planning within areas that are close to the town/county boundaries, especially the coordination of all modes of transportation improvements with regard to major transit-oriented development areas.
12. Incorporate a plan chapter on economic development.
13. Ensure that future comprehensive plan amendments promote universal design and opportunities for individuals with varying sensory, communication and activity abilities.
14. Complete infrastructure impact analysis in the near term to inform planning efforts and to allow for full consideration of a potential plan amendment process relative to the Transit Related Growth area or designated portions (subareas) thereof.
15. In general, consider the 2040 and 2045 time horizons and beyond throughout the comprehensive plan document as these horizons have been part of the more recent plan amendment efforts adopted by the town. Further, these horizons have become part of the town’s participation in regional planning and funding efforts.
16. Downtown Master Plan: The commission acknowledges that there will be a significantly changed environment in place by the next five-year comprehensive plan review, as there are major projects currently in the development pipeline. Leading up to year 2024, reconsider the plan relative to the land use and density for non-redeveloped properties and other areas within the context and the experience of the build-out that has occurred by that point in time.

17. Continue to engage in regional planning efforts related to the Innovation Metrorail Station and surrounding areas within Loudoun County and Fairfax County.