



Albemarle County

Legislation Text

File #: 17-462, **Version:** 1

AGENDA DATE: 8/2/2017

TITLE:

Resolution of Intent to amend the Zoning Ordinance Regulations Pertaining to Personal Wireless Service Facilities

SUBJECT/PROPOSAL/REQUEST: Resolution of Intent to amend the Zoning Ordinance Regulations Pertaining to Personal Wireless Service Facilities to address amendments to the Code of Virginia

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Walker, Kamptner, Blair, Graham, Fritz

PRESENTER (S): Bill Fritz

LEGAL REVIEW: Yes

REVIEWED BY: Douglas C. Walker

BACKGROUND: The Code of Virginia was amended effective July 1, 2017 to include limitations on a locality's ability to regulate a "small cell facility". The County's current Zoning Ordinance provisions are inconsistent with the provisions of the Code of Virginia. (Virginia Code §§ 15.2-2316.3 et seq. and 56-484.26 et seq.)

STRATEGIC PLAN: Infrastructure Investment: Prioritize, plan, and invest in critical infrastructure that responds to past and future changes and improves the capacity to serve community needs

DISCUSSION: In order to fully implement the new legislation, the County must amend the Zoning Ordinance. The County is not required to review a "small cell facility". The options to amend the Ordinance are: 1. Allow small cell facilities by-right, without review, subject to compliance with the Code of Virginia; or, 2. Amend the Zoning Ordinance to comply with the limitations of the Code of Virginia and continue to review "small cell facility" applications. During the Planning Commission's and Board's review of the zoning text amendment staff will offer comment on both options.

BUDGET IMPACT: If the County continues to review applications for "small cell facilities" the fees enabled by the Code of Virginia likely will not cover the cost to review the applications.

RECOMMENDATION:

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A).

ATTACHMENTS:

Attachment A - Resolution of Intent