

**FOR OFFICE USE ONLY** Application # \_\_\_\_\_ SIGN # (if an SP) \_\_\_\_\_  
 Fee Amount \$ \_\_\_\_\_ Date Paid \_\_\_\_\_ By who? \_\_\_\_\_ Receipt # \_\_\_\_\_ Ck# \_\_\_\_\_ by: \_\_\_\_\_  
 ZONING ORDINANCE SECTION \_\_\_\_\_

# Application for Personal Wireless Service Facility



**IMPORTANT:** Your application is considered **INCOMPLETE** until all of the information on the Required Application Content Checklist on pages 2 thru 6 has been submitted and the appropriate fee has been submitted. (See page 11 for the appropriate fee(s) related to your application). Staff will assist you with these items.

**PROJECT NAME:** (how should we refer to this application?): \_\_\_\_\_

**PROPOSAL:** Tier I  Tier II  Tier III  Building Permit after Tier II or Tier III approval

**EXISTING COMP PLAN LAND USE/DENSITY:** \_\_\_\_\_

**LOCATION/ADDRESS OF PROPERTY FOR SPECIAL USE PERMIT:** \_\_\_\_\_

**TAX MAP PARCEL(S):** \_\_\_\_\_

**ZONING DISTRICT:** \_\_\_\_\_

**# OF ACRES TO BE COVERED BY SPECIAL USE PERMIT (if a portion it must be delineated on a plat):** \_\_\_\_\_

Is this an amendment to an existing Special Use Permit? If Yes provide that SP Number. \_\_\_\_\_

YES  NO

Are you submitting a Special Exception to modify or waive certain requirements with this application?  
 If YES, provide the modifications \_\_\_\_\_

YES  NO

Does the owner of this property own (or have any ownership interest in) any abutting property?  
 If YES, please list those tax map and parcel numbers: \_\_\_\_\_

YES  NO

**Applicant** (who should we contact about this project): \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Email \_\_\_\_\_

**Owner of Record** \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Email \_\_\_\_\_

**Contractor** (Building Permits and Tier I only) \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Email \_\_\_\_\_

Work Value \$ \_\_\_\_\_

**County of Albemarle Department of Community Development**  
 401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126  
 www.albemarle.org

| <b>Application Requirements &amp; Checklist</b><br><i>Instructions: an "X" in Application Type indicates requirements.<br/>                     Use the far right column to confirm requirements are met.</i>  | Tiers |    |     |                          |
|--|-------|----|-----|--------------------------|
|  | I     | II | III |                          |
| 1. <i>Application form and signatures.</i> A completed application form, signed by the parcel owner, the parcel owner’s agent or the contract purchaser, and the proposed facility’s owner. If the owner’s agent signs the application, he shall also submit written evidence of the existence and scope of the agency. If the contract purchaser signs the application, he shall also submit the owner’s written consent to the application.  | X     | X  | X   | <input type="checkbox"/> |
| 2. <i>Plat or survey of the parcel.</i> A recorded plat or recorded boundary survey of the parcel on which the facility will be located; provided, if neither a recorded plat nor boundary survey exists, a copy of the legal description of the parcel and the Albemarle County Circuit Court deed book and page number.  | X     | X  | X   | <input type="checkbox"/> |
| 3. <i>Ownership.</i> The identity of the owner of the parcel and, if the owner is other than a real person, the complete legal name of the entity, a description of the type of entity, and written documentation that the person signing on behalf of the entity is authorized to do so.  | X     | X  | X   | <input type="checkbox"/> |
| 4. <i>Plans and supporting drawings, calculations, and documentation.</i> Except where the facility will be located entirely within an eligible support structure or an existing building, a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation required by the agent, signed and sealed by an appropriate licensed professional. The plans and supporting drawings, calculations, and documentation shall show:   |       |    |     |                          |
| (a) <i>Existing and proposed improvements.</i> The location and dimensions of all existing and proposed improvements on the parcel including access roads and structures, the location and dimensions of significant natural features, and the maximum height above ground of the facility (also identified in height above sea level).  | X     | X  | X   | <input type="checkbox"/> |
| (b) <i>Elevation and coordinates.</i> The benchmarks and datum used for elevations shall coincide with the State Plane VA South US Survey Feet based on the North American Datum of 1983 (NAD 83), and the benchmarks shall be acceptable to the county engineer.  | X     | X  | X   | <input type="checkbox"/> |
| (c) <i>Design.</i> The design of the facility, including the specific type of support structure and the design, type, location, size, height, and configuration of all existing and proposed antennas and other equipment.   | X     | X  | X   | <input type="checkbox"/> |
| (d) <i>Color.</i> Identification of each paint color on the facility, by manufacturer color name and color number. A paint chip or sample shall be provided for each color.  | X     | X  | X   | <input type="checkbox"/> |
| (e) <i>Topography.</i> Except where the facility would be attached to an eligible support structure or an existing building, the topography within two thousand (2,000) feet of the proposed facility, in contour intervals not to exceed ten (10) feet for all lands within Albemarle County and, in contour intervals shown on United States Geological Survey topographic survey maps or the best topographic data available, for lands not within Albemarle County.  |       | X  | X   | <input type="checkbox"/> |
| (f) <i>Trees.</i> The caliper and species of all trees where the dripline is located within fifty (50) feet of the facility. The height, caliper, and species of any tree that the applicant is relying on to provide screening of the monopole or tower. The height, caliper and species of the reference tree. The caliper and species of all trees that will be adversely impacted or removed during installation or maintenance of the facility shall be noted, regardless of their distances to the facility. | X     | X  | X   | <input type="checkbox"/> |
| (g) <i>Setbacks, parking, fencing, and landscaping.</i> All existing and proposed setbacks, parking, fencing, and landscaping.   | X     | X  | X   | <input type="checkbox"/> |
| (h) <i>Location of accessways.</i> The location of all existing vehicular accessways and the location and design of all proposed vehicular accessways.   | X     | X  | X   | <input type="checkbox"/> |

|   |   |   |   |                          |
|---|---|---|---|--------------------------|
| <p>(i) <i>Location of certain structures and district boundaries.</i> Except where the facility would be attached to an eligible support structure or an existing building, residential and commercial structures; and residential and rural areas district boundaries.</p> <p>(j) <i>Proximity to airports.</i> If the proposed monopole or tower will be taller than one hundred fifty (150) feet, the proximity of the facility to commercial and private airports.</p>  | X | X | X | <input type="checkbox"/> |
| <p>5. <i>Photographs.</i> Photographs of the location of the proposed monopole or tower shall be provided that include, for applications for Tier II facilities, the reference tree, and for applications for Tier III facilities, the area within fifty (50) feet of the proposed monopole or tower. These photographs shall include reference points to enable the lease area, the vehicular access, the trees that will remain, and the trees that will be removed, to be identified. In addition, photographs, where possible, or perspective drawings of the facility site and all existing facilities within two hundred (200) feet of the site, if any, and the area surrounding the site.</p>   |   | X | X | <input type="checkbox"/> |
| <p>6. <i>Balloon tests.</i> For any proposed monopole or tower, photographs taken of a balloon test, which shall be conducted, if requested by the agent, as follows:</p> <p>(a) <i>Scheduling.</i> The applicant shall contact the agent within ten (10) days after the date the application was submitted to schedule a date and time when the balloon test will be conducted. The test shall be conducted within forty (40) days after the date the application was submitted, and the applicant shall provide the agent with at least seven (7) days prior notice; provided that this deadline may be extended due to inclement weather or by the agreement of the applicant and the agent.</p> <p>(b) <i>Marking key boundaries and locations.</i> Prior to the balloon test, the locations of the access road, the lease area, the tower site, the reference tree, and the tallest tree within twenty five (25) feet of the proposed monopole shall be surveyed and staked or flagged in the field.</p> <p>(c) <i>Balloon height.</i> The test shall consist of raising one or more balloons from the facility site to a height equal to the proposed facility.</p> <p>(d) <i>Balloon color or material.</i> The balloons shall be of a color or material that provides maximum visibility.</p> <p>(e) <i>Photographing balloon test.</i> The photographs of the balloon test shall be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as deemed appropriate by the agent. The applicant shall identify the camera type, film size, and focal length of the lens for each photograph.</p> |   | X | X | <input type="checkbox"/> |
| <p>7. <i>Additions of antennas.</i> If antennas are proposed to be added to an eligible support structure or an existing building, all existing antennas and other equipment on the structure, building, or facility, as well as all ground equipment, shall be identified by owner, type, and size. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.</p>  | X | X | X | <input type="checkbox"/> |
| <p>8. <i>Site under conservation or open space easement.</i> If the proposed facility would be located on lands subject to a conservation easement or an open space easement, a copy of the recorded deed of easement and the express written consent of all easement holders to the proposed facility.</p>   |   | X | X | <input type="checkbox"/> |
| <p>9. <i>Photographic simulations.</i> At the request of the agent, photographic simulations of the proposed facility.</p>  |   | X | X | <input type="checkbox"/> |
| <p>12. <i>Special exception.</i> If the proposed facility does not comply with any provision of section 5.1.40, the applicant shall request a special exception in writing as part of the application. The request shall identify which regulation in section 5.1.40 for the special exception is requested and a justification for the special exception.</p>  | X | X | X | <input type="checkbox"/> |

| <b>Development Requirements &amp; Checklist</b><br><i>Instructions: an "X" in Application Type indicates requirements.<br/>Use the far right column to confirm requirements are met.</i>  | <b><u>I</u></b> | <b><u>II</u></b> | <b><u>III</u></b> |                          |
|---|-----------------|------------------|-------------------|--------------------------|
| <p>1. <i>General design.</i> The facility shall be designed, installed, and maintained as follows:</p> <p>(a) <i>Guy wires.</i> Guy wires are prohibited.</p> <p>(b) <i>Outdoor lighting.</i> Outdoor lighting for the facility shall be permitted only during maintenance periods; regardless of the lumens emitted, each outdoor luminaire shall be fully shielded as required by section 4.17; provided that these restrictions shall not apply to any outdoor lighting required by federal law.</p> <p>(c) <i>Ground equipment.</i> Any ground equipment shelter not located within an eligible support structure or an existing building shall be screened from all lot lines either by terrain, existing structures, existing vegetation, or by added vegetation approved by the agent.</p> <p>(d) <i>Whip antenna.</i> A whip antenna less than six (6) inches in diameter may exceed the height of the facility, the eligible support structure, or the existing building.</p> <p>(e) <i>Grounding rod.</i> A grounding rod, whose height shall not exceed two (2) feet and whose width shall not exceed one (1) inch in diameter at the base and tapering to a point, may be installed at the top of the facility, the eligible support structure, or the existing building.</p> | X               | X                | X                 | <input type="checkbox"/> |
| <p>2. <i>Antennas and associated equipment.</i> Antennas and associated equipment that are not entirely within a proposed facility, an eligible support structure, or an existing building shall be subject to the following:</p> <p>(a) <i>Number of arrays.</i> The total number of arrays of antennas shall not exceed three (3). All types of antennas and dishes, regardless of their use, shall be counted toward the limit of three arrays.</p> <p>(b) <i>Size.</i> Each antenna proposed under the pending application shall not exceed the size shown on the application, which size shall not exceed one thousand four hundred (1400) square inches.</p> <p>(c) <i>Projection.</i> No antenna shall project from the facility, structure or building beyond the minimum required by the mounting equipment, and in no case shall the closest point on the back of the antenna be more than twelve (12) inches from the facility, structure, or building; and in no case shall the farthest point of the back of the antenna be more than eighteen (18) inches from the facility, structure, or building; and</p> <p>(d) <i>Color.</i> Each antenna and associated equipment shall be a color that matches the facility, structure, or building.</p>                             | X               | X                | X                 | <input type="checkbox"/> |
| <p>3. <i>Tree conservation plan; content.</i> Before the building official issues a building permit for the facility, the applicant shall submit a tree conservation plan prepared by a certified arborist. The plan shall be submitted to the agent for review and approval to ensure that all applicable requirements have been satisfied. The plan shall specify tree protection methods and procedures, identify all existing trees to be removed on the parcel for the installation, operation and maintenance of the facility, and identify all dead and dying trees that are recommended to be removed. In approving the plan, the agent may identify additional trees or lands up to two hundred (200) feet from the lease area to be included in the plan.</p>   | X               | X                | X                 | <input type="checkbox"/> |
| <p>4. <i>Creation of slopes steeper than 2:1.</i> No slopes associated with the installation of the facility and its accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the county engineer are employed.</p>  | X               | X                | X                 | <input type="checkbox"/> |
| <p>5. <i>Ground equipment shelter; fencing.</i> Any ground equipment shelter not located within an existing building shall be fenced only with the approval of the agent upon finding that the fence: (i) would protect the facility from trespass in areas of high volumes of vehicular or pedestrian traffic or, in the rural areas, to protect the facility from livestock or wildlife; (ii) would not be detrimental to the character of the area; and (iii) would not be detrimental to the public health, safety or general welfare.</p>  | X               | X                | X                 | <input type="checkbox"/> |

| <p align="center"><b>Development Requirements &amp; Checklist</b></p> <p align="center"><i>Instructions: an "X" in Application Type indicates requirements.<br/>Use the far right column to confirm requirements are met.</i></p>   | <b>I</b> | <b>II</b> | <b>III</b> |                          |
|---|----------|-----------|------------|--------------------------|
| <p>6. <i>Screening and siting to minimize visibility.</i> The site shall provide adequate opportunities for screening and the facility shall be sited to minimize its visibility from adjacent parcels and streets, regardless of their distance from the facility. The facility also shall be sited to minimize its visibility from any entrance corridor overlay district, state scenic river, national park, or national forest, regardless of whether the site is adjacent to the district, river, park or forest. If the facility would be located on lands subject to a conservation easement or an open space easement, or adjacent to a conservation easement or open space easement, the facility shall be sited so that it is not visible from any resources specifically identified for protection in the deed of easement.</p>  |          | X         | X          | <input type="checkbox"/> |
| <p>7. <i>Open space plan resources.</i> The facility shall not adversely impact resources identified in the natural resources chapter of the county's comprehensive plan and the parks and green systems chapters in any county master plan.</p>  |          | X         | X          | <input type="checkbox"/> |
| <p>8. <i>Horizontal separation of multiple facilities.</i> The facility shall not be located so that it and three (3) or more existing or approved personal wireless service facilities would be within an area comprised of a circle centered anywhere on the ground having a radius of two hundred (200) feet.</p>  |          | X         |            | <input type="checkbox"/> |
| <p>9. <i>Diameter of monopole.</i> The maximum base diameter of the monopole shall be thirty (30) inches and the maximum diameter at the top of the monopole shall be eighteen (18) inches.</p>   |          | X         |            | <input type="checkbox"/> |
| <p>10. <i>Height of monopole.</i> The top of the monopole, measured in elevation above mean sea level, shall not be more than ten (10) feet taller than the tallest tree within twenty-five (25) feet of the monopole, and shall include any base, foundation or grading that raises the monopole above the pre-existing natural ground elevation.</p>  |          | X         |            | <input type="checkbox"/> |
| <p>11. <i>Color of monopole, antennas, and equipment.</i> Each monopole shall be a dark brown natural or painted wood color that blends into the surrounding trees. The antennas, supporting brackets, and all other equipment attached to the monopole shall be a color that closely matches that of the monopole. The ground equipment, the ground equipment shelter, and the concrete pad shall also be a color that closely matches that of the monopole, provided that the ground equipment and the concrete pad need not closely match the color of the monopole if they are enclosed within a ground equipment shelter or within or behind an approved structure, façade or fencing that: (i) is a color that closely matches that of the monopole; (ii) is consistent with the character of the area; and (iii) makes the ground equipment, ground equipment shelter, and the concrete pad invisible at any time of year from any other parcel or a public or private street.</p> |          | X         | X          | <input type="checkbox"/> |
| <p>12. <i>Placement of cables, wiring, and similar attachments.</i> Each wood or concrete monopole shall be constructed so that all cables, wiring, and similar attachments that run vertically from the ground equipment to the antennas are placed on the monopole to face the interior of the site and away from public view, as determined by the agent. Metal monopoles shall be constructed so that vertical cables, wiring, and similar attachments are contained within the monopole's structure.</p>   |          | X         |            | <input type="checkbox"/> |
| <p>13. <i>Special use permit conditions.</i> All conditions of approval of a special use permit.</p>  |          |           | X          | <input type="checkbox"/> |

| <b>Applicability of other Development Requirements in this Chapter &amp; Checklist</b><br><i>Instructions: an "X" in Application Type indicates requirements. Use the far right column to confirm requirements are met.</i>   | <b>Type of Application</b> |    |     |                          |
|---|----------------------------|----|-----|--------------------------|
|   | I                          | II | III |                          |
| 2. <i>Vehicular access.</i> Vehicular access to the facility site or tower site shall be subject to the requirements of section 4.2 and shall not be exempt under section 4.2.6(c).   | X                          | X  | X   | <input type="checkbox"/> |
| 3. <i>Setbacks.</i> Notwithstanding section 4.10.3.1(b), the agent may authorize a facility to be located closer in distance than the height of the tower or other mounting structure to any lot line if the applicant obtains an easement or other recordable document showing agreement between the lot owners, acceptable to the county attorney as to addressing development on the part of the abutting parcel sharing the common lot line that is within the monopole or tower's fall zone. If the right-of-way for a public street is within the fall zone, the Virginia Department of Transportation shall be included in the staff review, in lieu of recording an easement or other document. | X                          | X  | X   | <input type="checkbox"/> |

| <b>Performance Standards, Requirements &amp; Checklists</b><br><i>Please check those that apply to acknowledge these requirements</i>  | <b>Type of Application</b> |    |     |                          |
|--|----------------------------|----|-----|--------------------------|
|  | I                          | II | III |                          |
| 1. <i>Building permit application; submitting certification of monopole height and revised plans.</i> The following shall be submitted with the building permit application: (i) certification by a registered surveyor stating the height of the reference tree that is used to determine the permissible height of the monopole; and (ii) a final revised set of plans for the construction of the facility. The agent shall review the surveyor's certificate and the plans to ensure that all applicable requirements have been satisfied.<br><b>Work Value \$</b> _____   |                            | X  |     | <input type="checkbox"/> |
| 2. <i>Tree conservation plan; compliance; amendment.</i> The installation, operation, and maintenance of the facility shall be conducted in accordance with the tree conservation plan. The applicant shall not remove existing trees within the lease area or within one hundred (100) feet in all directions surrounding the lease area of any part of the facility except for those trees identified on the plan to be removed for the installation, operation, and maintenance of the facility and dead and dying trees. Before the applicant removes any tree not designated for removal on the approved plan, the applicant shall submit and obtain approval of an amended plan. The agent may approve the amended plan if the proposed tree removal will not adversely affect the visibility of the facility from any location off of the parcel. The agent may impose reasonable conditions to ensure that the purposes of this paragraph are achieved.  | X                          | X  | X   | <input type="checkbox"/> |
| 3. <i>Completion of installation; submitting certifications of compliance.</i> Within thirty (30) days after completion of the installation of the facility, the applicant shall provide to the agent prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the tower or monopole, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified in the application; and (ii) certification stating that the lightning rod's height does not exceed two (2) feet above the top of the tower or monopole and its width does not exceed a diameter of one (1) inch.   | X                          | X  | X   | <input type="checkbox"/> |
| 4. <i>Discontinuance of use; notice thereof; removal; surety.</i> Within thirty (30) days after a tower or monopole's use for personal wireless service or any service facilitated by transmission equipment is discontinued, the owner of the facility shall notify the zoning administrator in writing that the facility's use has discontinued. The facility and any transmission equipment shall be disassembled and removed from the facility site within ninety (90) days after the date its use for personal wireless service or any service facilitated by transmission equipment is discontinued. If the agent determines at any time that surety is required to guarantee that the facility will be removed as required, the agent may require that the parcel owner or the owner of the facility submit a certified check, a bond with surety, or a letter of credit, in an amount sufficient for, and conditioned upon, the removal of the facility. The type and form of the surety guarantee shall be to the satisfaction of the agent and the county attorney. In determining whether surety should be required, the agent shall consider the following: (i) whether there is a change in technology that makes it likely that the monopole or tower will be unnecessary in the near future; (ii) the permittee fails to comply with applicable regulations or conditions; (iii) the permittee fails to timely remove another monopole or tower within the county; and (iv) whenever otherwise deemed necessary by the agent. | X                          | X  | X   | <input type="checkbox"/> |

### **Criteria for Special Exception to modify or waive requirements**

If an applicant proposes to submit less information than required or request a modification or waiver of any design criteria the request for modification or waiver must be received at the time the application is filed or the application shall be deemed incomplete. In requesting a modification or waiver the applicant shall provide information to allow the Board of Supervisors to find:

1. That complying with the provisions of the Zoning Ordinance would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety, or welfare or;
2. That a modified regulation would satisfy the purposes of the Zoning Ordinance to at least an equivalent degree as the specified requirement.

### **Definitions associated with Personal Wireless Service Facilities**

*Antenna array:* An orderly arrangement of antennas mounted at the same height on a tower or other structure and intended to transmit a signal providing coverage over a specific area for a single provider of personal wireless services.

*Avoidance area:* An area having significant resources where the initial siting of personal wireless service facilities could result in adverse impacts as follows: (i) any ridge area where a personal wireless service facility would be skylighted; (ii) a parcel within an agricultural and forestal district; (iii) a parcel within a historic district; (iv) any location in which the proposed personal wireless service facility and three (3) or more existing or approved personal wireless service facilities would be within an area comprised of a circle centered anywhere on the ground having a radius of two hundred (200) feet; or (v) any location within two hundred (200) feet of any state scenic highway or by-way.

*Base station:* A structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network.

1. *Services to which the term applies.* The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. *Equipment to which the term applies and does not apply.* The term includes, but is not limited to, radio transceivers, antennas, coaxial, or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration, including distributed antenna systems and small-cell networks. The term does not include any equipment associated with a tower.
3. *Structures to which the term applies and does not apply.* The term includes any structure, other than a tower, that, at the time the relevant application is filed with the county, supports or houses equipment described in paragraphs (1) and (2) of this definition that has been reviewed and approved under section 5.1.40 or the applicable zoning process in effect prior to October 13, 2004. The term does not include: (i) a tower as defined in this section; and (ii) any structure that, at the time the relevant application is filed with the county under section 5.1,40, does not support or house equipment described in paragraphs (1) and (2) of this definition.

*Collocation:* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

*Collocation, exempt:* A collocation that would not result in a substantial change in the physical dimensions of an eligible support structure.

*Concealment elements of the eligible support structure:* Any condition of approval, including any applicable requirement of section 5.1.40 in effect at the time of approval, established and imposed on the personal wireless service facility as a concealment technique and which includes conditions or regulations pertaining to antenna size, color of the structure and all equipment, antenna mounting techniques, including the requirement that antennas be flush mounted, maximum tower diameters at the base and top, limitations on tower height relative to a reference tree, screening by trees including the restrictions on removing trees that are screening the tower, siting towers so that they are not skylighted, requirements as to how cables should be located on a tower, and the size, location, design, and screening for ground based equipment.

*Eligible support structure:* Any tower or base station, provided that it is existing at the time the relevant application is filed with the County.

*Existing building:* As used in section 5.1.40 and any definitions pertaining to personal wireless service facilities, a building that was lawfully constructed or established and complies with the minimum applicable bulk, height, setback, floor area, and other structure requirements of the district in which the building is located.

*Existing structure:* As used in section 5.1.40 a structure, other than a flagpole or an existing tower, that was lawfully constructed or established and complies with the minimum applicable bulk, height, setback, floor area or other structure requirements of the district in which the structure is located.

*Existing tower or existing base station:* As referred to in the definition of “eligible support structure,” a constructed tower or base station that has been reviewed and approved under the applicable zoning process, provided that a tower that has not been reviewed and approved because it was not required to be reviewed when it was built, but was lawfully constructed, is existing for purposes of this definition.

*Fall zone:* A zone on the surface of the ground that is a circle whose center is the proposed or standing personal wireless service facility or small wind turbine (the “facility or turbine”), where the radius is measured from the outer surface of the facility’s or turbine’s pole or other vertical structure immediately above its foundation, and where the radius is: (i) for facilities, equal to the height of the facility; and (ii) for turbines, equal to the height of the turbine plus a distance of twenty (20) feet.

*Mobile personal wireless service facility:* A portable self-contained personal wireless service facility site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis.

*Personal wireless services:* Commercial mobile services, unlicensed wireless services, common carrier wireless exchange access services, as those services are defined by federal law and, for the purposes of this chapter, unlicensed wireless broadband internet access services.

*Personal wireless service facility:* A facility for the provision of personal wireless services, which may be composed of antennas, cables, wiring, supporting brackets and other structural equipment, grounding rods, transmission equipment, one or more ground equipment shelters, and a self-supporting monopole or tower.

*Reference tree:* A tree designated for determining the top height of a treetop facility’s monopole mounting structure. This may either be the tallest tree within twenty five (25) feet of the proposed monopole or a shorter tree that has been strategically identified for screening and camouflaging purposes. (Added 10-13-04)

*Replacement:* As used in section 5.1.40 and any definitions pertaining to personal wireless service facilities, the replacement of transmission equipment of the same or lesser size in the same location as the equipment being replaced on an eligible support structure.

*Replacement, exempt:* A replacement that would not result in a substantial change in the physical dimensions of the eligible support structure.

*Ridge area:* All land within one hundred (100) vertical feet of, and including, the ridgeline and peaks of a mountain or chain of mountains, as identified on a ridge area map approved by the board of supervisors.

*Ridgeline:* The uppermost line created by connecting the peaks of a mountain or chain of mountains, and from which land declines in elevation on at least two (2) sides, as identified on a ridge area map approved by the board of supervisors.

*Skylight:* Locating a personal wireless service facility in such a way that the sky is the backdrop of any portion of the facility. Skylight has the same meaning as “skylining,” as that term is used in the wireless policy.

*Substantial change:* A modification to an eligible support structure that meets one or more of the following criteria:

1. *Increase in height.* For towers other than towers in the public rights-of-way, the modification increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, the modification increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater. Changes in height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.
2. *Increase in width.* For towers other than towers in the public rights-of-way, the modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, the modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet.



3. *Excessive equipment cabinets.* For any eligible support structure, the modification involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public rights-of-way and base stations, the modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure.
4. *Expands tower site.* The modification entails any excavation or deployment outside the current site.
5. *Defeats concealment elements.* The modification would defeat the concealment elements of the eligible support structure.
6. *Does not comply with conditions of approval.* The modification does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment; provided that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in paragraphs (1) through (4) of this definition.

*Tier I personal wireless service facility or Tier I facility:* A personal wireless service facility that: (i) is located entirely within an existing building but which may include a self-contained ground equipment shelter not exceeding one hundred fifty (150) square feet that is not within the building or a whip antenna that satisfies the requirements of subsection 5.1.40(b)(1)(d); (ii) consists of one or more antennas, other than a microwave dish, attached to an existing structure, together with associated personal wireless service equipment; (iii) is located within or camouflaged by an addition to an existing structure determined by the agent to be in character with the structure and the surrounding district; or (iv) is the replacement of a wooden monopole with a metal monopole that does not exceed the maximum dimensions permitted under subsection 5.1.40(b)(9).

*Tier II personal wireless service facility or Tier II facility:* A personal wireless service facility that is a treetop facility not located within an avoidance area.

*Tier III personal wireless service facility or Tier III facility:* A personal wireless service facility that is neither a Tier I nor a Tier II facility, including a facility that was not approved by the commission or the board of supervisors as a Tier II facility.

*Tower:* As referred to in the definition of “eligible support structure” and “existing tower or base station,” any structure built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated tower site.

*Tower site:* As referred to in the definitions of “substantial change” and “tower” and as used in section 5.1.40, for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

*Transmission equipment:* As used in section 5.1.40, equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Treetop facility:* A personal wireless service facility consisting of a self-supporting monopole having a single shaft of wood, metal or concrete no more than ten (10) feet taller than the crown of the tallest tree within twenty-five (25) feet of the monopole, measured above sea level (ASL), and includes associated antennas, mounting structures, an equipment cabinet and other essential personal wireless service equipment.

## **TIER I, II, and III Building Permit & or Site Plan APPLICATIONS**

If this is a Tier I application requiring a building permit, the permit becomes null and void if work or construction authorized is not commenced within 6 months, or if construction or work is suspended or abandoned for a period of 6 months at any time after work is commenced.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

By signing this application, the owner and/or their agent hereby grant employees of the Albemarle County Community Development & Real Estate Departments the right to enter and inspect the subject property Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., holidays excepted.

By signing this application I certify that the information provided on this application and on supporting documents is correct and accurate to the best of my knowledge. I also consent and understand that providing incorrect and inaccurate information about the nature of this application renders this application incomplete and it shall have be deemed to have not been officially submitted.

Please check which applies:

I certify that I am the agent for \_\_\_\_\_, who is the Owner, and I am authorized to submit this application on behalf of the Owner under the agency.

I am neither the Owner nor the Owner's agent. I certify that written notice of this application, by providing a copy of this application, will be mailed to the Owner at the following address:

\_\_\_\_\_  
within 10 days of today's date as required by Virginia Code §15.2-2204(H). I understand that, if I do not provide the notice to the Owner as provided herein, the building permit application and every other subsequent approval, permit or certificate related thereto could be determined to be void.

I certify that I am the owner.

\_\_\_\_\_  
Signature of Owner, Contractor, or Authorized Agent Date

ELECTRONIC RECORDS STATEMENT: Albemarle County is creating and using electronic records and electronic signatures as allowed by the Uniform Electronic Transactions Act (Virginia Code § 59.1-479 et. Seq.). As an applicant to the Building Permit process, you may consent to receive, or have online access to, electronic records and receive and create records having electronic signatures related to Building Permits, Correspondence, Inspection Tickets and Certificates of Occupancy (the Building Permit transactions).

\_\_\_\_\_  
Initials of Owner, Contractor or Authorized Agent Date

Your agreement to conduct Building Permit transactions by electronic means does not prevent you from refusing to conduct other transactions by electronic means.

## **TIER III Special Use Permit APPLICATIONS**

I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner in filing this application. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge. By signing this application I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

\_\_\_\_\_  
Signature of Owner/Agent Date

\_\_\_\_\_  
Print Name Daytime phone number of Signatory

*Required FEES to be paid at time of application:*

*What type of Personal Wireless Service Facility are you applying for?*

|   |   |
|---|---|
| <input type="checkbox"/> Tier I Facility  | \$113.60  |
| <input type="checkbox"/> Tier II Facilities – Site Plan   | \$1,957   |
| <input type="checkbox"/> Tier III Facilities – Special Use Permit   | \$2,150   |
| <input type="checkbox"/> Amend existing Special Use Permit  | \$1,075   |
| <input type="checkbox"/> Special Exception  | \$457   |
| <input type="checkbox"/> Notification Requirement for Tier II and Tier III for up to 50 notices             | \$215   |
| <input type="checkbox"/> Notification Requirement for Tier II and Tier III for each notice over 50 notices* | \$1.08 plus the cost of postage                   |
| <input type="checkbox"/> Published notice cost for Tier III Facilities **                                   | Cost is based on a cost quote from the publisher. |
| <input type="checkbox"/> Building Permit after Tier II or Tier III approval                                 | \$113.60  |

*\*This fee is not collected at the time of initial submittal. This fee, if any, will be calculated by staff and the applicant will be notified of the fee amount and the deadline for payment. If the fee is not submitted by the deadline the applicant shall be deemed incomplete.*

**\*\*To be paid after staff review for public notice:**

*Most applications for a Special Use Permit require at least one public hearing by the Planning Commission and one public hearing by the Board of Supervisors. Virginia State Code requires that notice for public hearings be made by publishing a legal advertisement in the newspaper and by mailing letters to adjacent property owners. Therefore, at least two fees for public notice are required before a Special Use Permit may be heard by the Board of Supervisors.*

*The total fee for public notice will be provided to the applicant after the final cost is determined and must be paid before the application is heard by a public body. Staff estimates the total cost of legal advertisement and adjacent owner notification to be between \$350 and \$450 per hearing. This estimate reflects the average cost of public notice fees for Special Use Permit applications, but the cost of certain applications may be higher.*

*Other FEES that may apply:*

|   |         |
|---|---------|
| ➤ Deferral of scheduled public hearing at applicant’s request   | \$194   |
| <b>Resubmittal fees for Tier III Facilities</b>   |         |
| ➤ First resubmission  | FREE    |
| ➤ Each additional resubmission (TO BE PAID WHEN THE RESUBMISSION IS MADE TO INTAKE STAFF)                                   | \$1,075 |
| ➤ Each additional resubmission of an amendment to an existing SP (TO BE PAID WHEN THE RESUBMISSION IS MADE TO INTAKE STAFF) | \$ 538  |