

1 **Ordinance to Amend and Re-Enact the Zoning Ordinance of the City Of Hampton, Virginia**
2 **by Amending Chapter 2 Entitled “Definitions” Pertaining to Wireless Infrastructure**
3 **Definitions**

4
5 **WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so
6 require;

7
8 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia that Section 2-2 of Chapter
9 2 of the Zoning Ordinance of the City of Hampton, Virginia be amended to read as follows:

10
11 Section 2-2. – Definitions

12 ...

13 Commercial building-mounted antenna. Any structure affixed to a building *or co-location on*
14 *an existing pole* that supports broadcast or receiving equipment of any frequency or
15 electromagnetic wave, or any system of wires, poles, rods, reflecting discs, or similar
16 devices used for the transmission or reception of electromagnetic waves, for use by any
17 commercial (for profit) enterprise. For the purpose of this ordinance, antenna used to
18 support two-way radio communication between a main commercial user and vehicles used
19 in the operation of that use and antenna used to support public utility equipment are not
20 considered commercial building-mounted antenna. Commercial building-mounted antenna
21 includes “small cell facility,” “micro-wireless facility,” and “non-small cell facility” as defined
22 below. *The following terms and their definitions apply to commercial building-mounted*
23 *communication antenna and commercial communication tower regulations in chapter 3 –*
24 *Uses Permitted:*

25 *Administrative review-eligible project. A project that provides for:*

26 *1. The installation or construction of a new structure that is not more than 50 feet*
27 *above ground level, provided that the structure with attached wireless facilities is*
28 *(i) not more than 10 feet above the tallest existing utility pole located within 500*
29 *feet of the new structure within the same public right-of-way or within the existing*
30 *line of utility poles; (ii) not located within the boundaries of a local, state, or federal*
31 *historic district; (iii) not located inside the jurisdictional boundaries of a locality*
32 *having expended a total amount equal to or greater than 35 percent of its general*
33 *fund operating revenue, as shown in the most recent comprehensive annual*
34 *financial report, on undergrounding projects since 1980; and (iv) designed to*
35 *support small cell facilities; or*

36 *2. The co-location on any existing structure of a wireless facility that is not a small*
37 *cell facility.*

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39 *Antenna. Communications equipment that transmits or receives electromagnetic radio*
40 *signals used in the provision of any type of wireless communications services.*

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42 *Applicant. A wireless services provider, wireless infrastructure provider, or other third*
43 *parties at the direction of the provider submitting the WIP application and all required*
44 *materials and information.*

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46 *Base station. A station that includes a structure that currently supports or houses an*
47 *antenna, transceiver, coaxial cables, power cables, or other associated equipment at a*
48 *specific site that is authorized to communicate with mobile stations, generally consisting*
49 *of radio transceivers, antennas, coaxial cables, power supplies, and other associated*
50 *electronics.*

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City facilities. City-owned existing structures located within the public way. City facilities may include, by means of example, city-owned light poles and city-owned traffic signal poles and structures.

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

Department. The Department of Community Development or any other department designated by the City Manager.

Existing structure. Any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to the city of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

Micro-wireless facility. A small cell facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that has an exterior antenna, if any, not longer than eleven (11) inches.

New structure. A wireless support structure that has not been installed or constructed, or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to a locality for any required zoning approval.

Person. A person, including an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

Project. Either (i) the installation or construction by a wireless services provider or wireless infrastructure provider of a new structure or (ii) the co-location on any existing structure of a wireless facility that is not a small cell facility. "Project" does not include the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure to which the provisions of § 15.2-2316.4 apply.

Public rights-of-way - all rights-of-way owned or controlled by the City of Hampton, including Public Street, Public Way, public easements, and other public places.

Public street. The surface of and the space above and below any public street, road, highway, avenue, sidewalk, way, bridge, viaduct, alley, lane or other public right-of-way, including non-paved surfaces, now or hereafter held by the city for the purpose of public travel, communications, alarm, street lighting, power distribution, water or sewer easements or similar public use.

Public way. All public streets held or controlled by the city, but only to the extent of the city's right, title, interest or authority to grant a license to occupy and use such public streets for telecommunications facilities.

Small cell facility. A wireless facility that meets both of the following qualifications: (i)

102 *each antenna is located inside an enclosure of no more than six (6) cubic feet in volume,*
103 *or, in the case of an antenna that has exposed elements, the antenna and all of its*
104 *exposed elements could fit within an imaginary enclosure of no more than six (6) cubic*
105 *feet and (ii) all other wireless equipment associated with the facility has a cumulative*
106 *volume of no more than twenty-eight (28) cubic feet, or such higher limit as is established*
107 *by the Federal Communications Commission. The following types of associated*
108 *equipment are not included in the calculation of equipment volume: electric meter,*
109 *concealment, telecommunications demarcation boxes, ground-based enclosures, back-*
110 *up power systems, grounding equipment, power transfer switches, cut-off switches, and*
111 *vertical cable runs for the connection of power and other services.*

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113 *Standard process project. Any project other than an administrative review-eligible project*
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115 *Third Party Existing Structure. An Existing Structure not owned by the City of Hampton.*
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117 *Utility pole. A structure owned, operated, or owned and operated by a public utility, local*
118 *government, or the Commonwealth that is designed specifically for and used to carry*
119 *lines, cables, or wires for communications, cable television, or electricity.*
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121 *Water tower. A water storage tank, or a standpipe or an elevated tank situated on a*
122 *support structure, originally constructed for use as a reservoir or facility to store or deliver*
123 *water.*
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125 *WIP. Wireless Infrastructure Permit.*
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127 *Wireless facility. Equipment at a fixed location that enables wireless services between*
128 *user equipment and a communications network, including (i) equipment associated with*
129 *wireless services, such as private, broadcast, and public safety services, as well as*
130 *unlicensed wireless services and fixed wireless services, such as microwave backhaul,*
131 *and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup*
132 *power supplies, and comparable equipment, regardless of technological configuration.*
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134 *Wireless Infrastructure Permit (WIP). Permit required by this Division to install wireless*
135 *infrastructure and wireless facilities within the City.*
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137 *Wireless infrastructure provider. Any person, including a person authorized to provide*
138 *telecommunications service in the state, that builds or installs transmission equipment,*
139 *wireless facilities, or wireless support structures, but that is not a wireless services*
140 *provider.*
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142 *Wireless services. (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)*
143 *(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii),*
144 *including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to*
145 *personal mobile communication devices through wireless facilities; and (iii) any other*
146 *fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using*
147 *wireless facilities.*
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149 *Wireless services provider. A provider of wireless services.*
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151 *Wireless support structure. A freestanding structure, such as a monopole, tower, either*
152 *guyed or self-supporting, or suitable existing structure or alternative structure designed*

153 *to support or capable of supporting wireless facilities. "Wireless support structure" does*
154 *not include any telephone or electrical utility pole or any tower used for the distribution*
155 *or transmission of electrical service.*
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