

January 27, 1999

TO: The County Board of Arlington, Virginia

FROM: William T. Donahue, County Manager

SUBJECT: An Ordinance to amend Section 31. Special Provisions of the Arlington County Zoning Ordinance, to amend the maximum permitted height of amateur radio antennas to no more than 75 feet above ground level.

RECOMMENDATION: Defer action on the amendments to Section 31. of the Arlington County Zoning Ordinance previously advertised, as contained in Attachment A or Attachment B, to the May 10, 1999 Planning Commission meeting and the May 22, 1999 County Board meeting. _

DISCUSSION: The County Board heard this item at the August 8, 1998 County Board meeting. At that time, staff recommended that the Zoning Ordinance be amended to comply with the new state law that requires that amateur radio antennas not be restricted to less than 75 feet in height. Staff also recommended that additional zoning requirements be imposed regarding placement and painting the antennas and structures. The original recommended language is contained in Attachment A.

Several amateur radio operators and residents spoke at the August 8, 1998 County Board meeting expressing their concerns about the staff recommendation. Their concerns were related to the restriction of the maximum height to 75 feet, the requirement to place the antennas on the rear yard, and a requirement to paint antennas. Consequently, the County Board deferred the item to the September 12, 1998 County Board meeting and asked staff to provide additional information. On September 12, and again on November 14, 1998, the County Board deferred the item to the December 12, 1998 County Board meeting, following requests made by staff. At the same meeting, the County Board authorized advertisement of alternative language, which is contained in Attachment B. Since September 12, 1998, staff has met three times with representatives of County residents, amateur radio operators and community groups. In addition, staff is consulting with an engineering firm retained to advise staff concerning the technical requirements for amateur radio operations. Staff expects to receive their advice in the near future.

On January 5, 1999, the Civic Federation adopted a resolution, making some new recommendations. The resolution, with a cover letter dated January 18, 1999, was delivered to the County Board on January 19, 1999. Additionally, staff received two letters from amateur radio operators. See the attached Resolution and the letters.

Staff needs more time to review the Civic Federation resolution and other letters, to obtain the information desired by the County Board, and to finalize the subject Zoning Ordinance amendments. Once they are final, staff will present a recommendation either to adopt advertised changes or to advertise new proposed changes. Therefore, it is recommended that consideration of the proposed zoning ordinance amendments be deferred to the May 10, 1999 Planning Commission meeting and the May 22, 1999 County Board meeting. If it is determined that a new Zoning Ordinance Amendment should be advertised, it will be prepared for the April 10, 1999 County Board meeting.

Attachment A

AN ORDINANCE TO AMEND SECTION 31. SPECIAL PROVISIONS, SUBSECTION 31.B.2.b. OF THE ZONING ORDINANCE, TO AMEND THE MAXIMUM PERMITTED HEIGHT OF AMATEUR RADIO TOWERS TO NO MORE THAN 75 FEET ABOVE GROUND LEVEL.

Be it ordained that, to make the County Zoning Ordinance consistent with the new state code requirement; to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice, Section 31, Subsection 31.B.2.b. of the Zoning Ordinance, be amended, reenacted and recodified as follows:

SECTION 31. SPECIAL PROVISIONS

* * *

B. Height.

* * *

2. Structures Permitted Above Height Limit

* * *

- a. Noncommercial radio towers or masts, excluding amateur radio antennas permitted by Subsection 31.B.2.e., may exceed the height limit by no more than twenty-five (25) feet.

* * *

e. Amateur radio antenna shall **not** exceed seventy-five (75) feet in height above the ground level as a matter of right. In addition, they shall comply with all of the following requirements:

(1) No amateur radio antennas, or support structure therefore, shall be located in a front or side yard, or within 25 feet from any street setback line or within 10 feet from any side or rear property line.

(2) Amateur radio antennas shall be located only in the rear yard. In a zoning district that does not require a rear yard, the antenna may be placed on a building's main roof, rather than the penthouse or the side of the building, and the color of the antenna shall match the building's roof or penthouse color.

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Attachment B

AN ORDINANCE TO AMEND SECTION 31. SPECIAL PROVISIONS, SUBSECTION 31.B.2.b. OF THE ZONING ORDINANCE, TO AMEND THE MAXIMUM PERMITTED HEIGHT OF AMATEUR RADIO TOWERS TO NO MORE THAN 75 FEET ABOVE GROUND LEVEL.

Be it ordained that, to make the County Zoning Ordinance consistent with the new state code requirement; to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice, Section 31, Subsection 31.B.2.b. of the Zoning Ordinance, be amended, reenacted and recodified as follows:

* * *

SECTION 31. SPECIAL PROVISIONS

* * *

A. Height.

* * *

1. Structures Permitted Above Height Limit.

* * *

- a. Noncommercial radio towers or masts, excluding amateur radio antennas permitted by Subsection 31.B.2.e., may exceed the height by no more than twenty-five (25) feet.

* * *

e. Amateur Radio Antennas

(1) No amateur radio antenna shall exceed seventy-five (75) feet in height above the ground level as a matter of right.

(2) No amateur radio antenna, or support structure, except for guy wires, shall be located in a setback area, or within ten (10) feet of any side or rear property lines.

f. By use permit obtained in accordance with Section 36.G. of the zoning ordinance, a freestanding amateur radio antenna may be permitted in the side yard. However, it shall not be located within ten (10) feet from any property line.

g. By use permit obtained in accordance with Section 36.G. of the zoning ordinance, an amateur radio antenna that is more than seventy-five (75) in height above ground level may be permitted by the County Board provided that the amateur radio operator provides technical or other reasons justifying the need for an antenna that is taller than seventy-five (75) feet.