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ORDINANCE NO. 7334-16

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., DEFINITIONS, SECTION 45-201, DEFINITION OF CERTAIN WORDS AND TERMS, BY AMENDING THE DEFINITION OF COMMUNICATION TOWER/ANTENNA; AND ARTICLE V., GENERAL REGULATIONS, BY ADDING THERETO A NEW SECTION, NAMELY: SECTION 45-523.1, UTILITIES.

WHEREAS, Section 45-201 of the Code of the City of Newport News, Virginia, contains the definition of certain words and terms used in the Zoning Ordinance of the City of Newport News, Virginia; and

WHEREAS, the Newport News Planning Commission, in accordance with applicable law, has recommended an amendment to Section 45-201 which would amend the definition of Communication tower/antenna; and

WHEREAS, the Council of the City of Newport News, after public notice and hearing as required by law, desires to approve the amendment of the term Communication tower/antenna in Section 45-201.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article II., Definitions, Section 45-201, Definition of certain words and terms, be, and the same hereby is, amended and reordained by amending the definition of the term Communication tower/antenna, as follows:

> *Communication tower/antenna.* Any structure erected on real property or attached to another structure that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs or similar devices used for transmission or reception of electromagnetic waves. Television antennas for home reception, satellite dishes one (1) meter or less in diameter, and amateur radio tower/antenna(s) shall not be deemed communication towers/antennas under this definition. The term communication tower/antenna shall not include any structure located in a public right-of-way less than fifty (50) feet in height, measured from the top of the closest adjacent curb or edge of pavement where no curb exists.

2. That the rest and remainder of Section 45-201 shall not be affected by this amendment, shall remain effective as adopted, shall be deemed incorporated into this ordinance by reference as if fully set forth herein, and shall be deemed reordained hereby.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Council of the City of Newport News, Virginia:

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article V., General Regulations, be, and the same hereby is, amended and reordained, by adding thereto a new section, namely: Sec. 45-523.1, Utilities, as follows:

CHAPTER 45

ZONING ORDINANCE

ARTICLE V. GENERAL REGULATIONS

Sec. 45-523.1. Utilities.

No utility shall erect a structure, including appurtenances, in the public right-of-way higher than fifty (50) feet (measured from the top of the closest adjacent curb or edge of pavement where no curb exists) without the issuance of a conditional use permit.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON DECEMBER 13, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk