

Form and Correctness Approved:

Contents Approved:

By *[Signature]*
Office of the City AttorneyBy *[Signature]*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No. 41,233**R-5**

AN ORDINANCE TO ALLOW THE CONSTRUCTION AND OPERATION OF A COMMERCIAL COMMUNICATION TOWER AT 150 KEMPSVILLE ROAD.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Triton PCS authorizing the construction and operation of a commercial communication tower on property located at 150 Kempsville Road. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 417 feet, more or less, along the western line of Kempsville Road, beginning 113 feet, more or less, south of Newtown Road and running southwardly.

Section 2:- That the Special Exception hereinbefore granted shall be subject to the following conditions:

- (a) The site plan must be approved by the Site Plan review Committee, including a review by Parks and Forestry to ensure that adequate landscaping is provided for.
- (b) On-site lighting shall be directed and shielded so as not to glare into any nearby residential properties or public rights-of-way.
- (c) If the tower is not utilized for a period of 6 consecutive months, it will be removed.
- (d) The holder of this special exception will construct the tower in a manner that will accommodate future multiple users in an effort to reduce the number of similar towers in the immediate area.
- (e) The holder of this special exception shall be obligated to maximize co-location of antennae on this tower at market lease rates.
- (f) The tower shall be a maximum of 138 feet tall.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

Adopted by Council November 18, 2003
Effective November 18, 2003

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK