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Form and Correctness Approved:

Contents Approved:

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NORFOLK, VIRGINIA

ORDINANCE No. 39,004

R-1

AN ORDINANCE TO ALLOW CONSTRUCTION AND OPERATION OF A CELLULAR COMMUNICATION TOWER ON 39TH STREET BETWEEN KILLAM AVENUE AND COLLEY AVENUE.

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

Section 1:- That a Special Exception is hereby granted to Nextel Communications, Inc., authorizing the construction and operation of a cellular communication tower on property located on 39th Street between Killam Avenue and Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

The property fronts 100 feet, more or less, along the northern line of 39th Street, beginning 235 feet, more or less, east of Killam Avenue and running eastwardly.

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

- (a) A site plan for the proposed communication tower must be submitted for approval by the City's Site Plan Review Committee. The review will include inspection by the Department of Parks and Forestry so as ensure that adequate landscaping has been provided.
- (b) On-site lighting shall be directed and shielded so as not to glare onto any nearby properties or public rights-of-way.
- (c) If the communication tower is not actually utilized for communications operations for a period of six consecutive months, the holder of this Special Exception will be obligated to remove it.
- (d) The holder of this Special Exception will construct the tower in such a manner that it will accommodate future multiple users.

