

RESOLUTION NO. 13-1009

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, DECLARING AS A PUBLIC RECORD WITHIN THE MEANING OF A.R.S. §9-801 THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED “UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN, SECTION 4.25, WIRELESS COMMUNICATIONS FACILITIES”

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1: That certain document entitled “Unified Development Ordinance Of The Town, Section 4.25, Wireless Communications Facilities,” is hereby declared to be a public record within the meaning of A.R.S. §9-801, three (3) copies of which are on file in the offices of the Town Clerk and of the Building Division, and which are available for inspection by the public during normal business hours.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of March, 2013.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, PC
Town Attorney

UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN
SECTION 4.25 WIRELESS COMMUNICATIONS FACILITIES

4.25 WIRELESS COMMUNICATIONS FACILITIES

A. PURPOSE. The purpose of this section is to establish general guidelines for the siting of wireless communications facilities, towers and antennas. The goals of this section are to:

1. Ensure access to reliable wireless communications services throughout all areas of the Town of Chino Valley.
2. Protect residential areas and land uses from potential adverse impacts of wireless facilities, towers and antennas.
3. Encourage the location of wireless facilities, towers and antennas in non-residential areas.
4. Minimize the total number of towers throughout the community.
5. Strongly encourage the joint use of new and existing wireless facility and tower sites as a primary option rather than construction of additional single-use towers.
6. Encourage users of wireless facilities, towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
7. Encourage users of wireless facilities, towers and antennas to configure them in a way that minimizes the adverse visual impact of the wireless facilities, towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
8. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
9. Ensure public health, safety, welfare and convenience as enumerated in Section 1.9.2(A) of this code.
10. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Town shall give due consideration to the General Plan, other provisions of this Ordinance, existing land uses, and environmentally sensitive areas in approving sites for the location of wireless facilities, towers and antennas.

B. DEFINITIONS. As used in this section, the following terms shall have the meanings set forth below:

ALTERNATIVE TOWER STRUCTURE means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas, towers or wireless facilities.

ANTENNA means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

CO-LOCATION means the use by two or more wireless communications providers of the same support structure or the same site, as defined in subsection "I" below.

CONCEALED WIRELESS FACILITY means a wireless facility that cannot be directly seen because it is enclosed within a structure or screen that completely precludes it from direct view.

DISGUISED WIRELESS FACILITY means a wireless facility that can be directly observed but uses an ALTERNATIVE TOWER STRUCTURE or alternative site design or materials in such a way as to make the identification of the use not readily apparent to the casual observer.

EXISTING STRUCTURE means light poles, power poles, chimneys, billboards, and other structures that are situated within the Town at the time of adoption of this Ordinance.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

HEIGHT means, when referring to a tower or other structure, the vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plans (whichever is lower), to the highest point of the structure directly above the finished grade. In the event that terrain problems prevent an accurate determination of height, the Development Director shall rule as to height and appeal from that decision shall be to the Board of Adjustment.

PREEXISTING WIRELESS FACILITIES, TOWERS AND ANTENNAS means any wireless facility, tower or antenna for which a building permit has been properly issued prior to the effective date of this Ordinance, including permitted wireless facilities, towers or antennas that have not yet been constructed so long as such approval is current and not expired.

SITE means the physical location upon which wireless communications facilities are located. Unless otherwise stated in this Section, "site" shall be limited to the area occupied by a single tower and its accompanying ground or roof-mounted equipment.

TOWER means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto.

VISIBLE WIRELESS FACILITY means wireless facilities that are immediately identifiable to the casual observer, with no incorporation of ALTERNATIVE TOWER STRUCTURES or alternative designs or materials to obscure the use from a casual observer.

WIRELESS COMMUNICATION means any technology for transmitting communication through the air.

WIRELESS COMMUNICATIONS FACILITIES means any combination of one or more antennae, towers and/or structures or equipment used for the transmission of wireless communication.

C. APPLICABILITY

1. New facilities, towers or antennas. All WIRELESS FACILITIES in the Town shall be subject to these regulations.
2. Existing facilities, towers or antennas
 - a. Preexisting towers or antennas. Legally established preexisting wireless facilities, towers and antennas shall comply with the requirements of this Section.
3. Exceptions.
 - a. Amateur radio station operators and/or receive only operations. This Section shall not govern any tower, or the installation of any antenna, that is under the maximum building height of the zoning district in which such structure is located and which is solely used by a federally-licensed amateur radio station operator or is used exclusively for receive only operations, including devices necessary for individual subscriptions to commercial wireless services.
 - b. AM array. For purposes of implementing this Ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
 - c. Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this code section.

D. GENERAL REQUIREMENTS

1. Principal or accessory. Wireless facilities, antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of a wireless facility, antenna or tower on such lot.
2. Lot size. For purposes of determining whether the installation of a wireless facility, tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas, towers or wireless facilities may be located on leased parcels within such lot.

3. Inventory of existing sites. Each applicant for a wireless facility, antenna and/or tower shall provide to the Development Director an inventory of its existing wireless facilities, towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Town or within one mile of the border thereof, including specific information about the location, height, and design of each tower. Each applicant shall also provide a one-year build out plan for all other proposed wireless communications facilities within the Town. The Development Director may share such information with other applicants applying for administrative approvals or conditional use permits under this Section or with other organizations seeking to locate antennas within the jurisdiction of the Town, provided, however that the Development Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. Aesthetics. Wireless Facilities, Towers and antennas shall meet the following requirements:
 - a. Towers shall either maintain a galvanized steel finish or be painted a neutral color so as to reduce visual obtrusiveness.
 - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - c. If an antenna is installed on a structure other than a tower, the antenna, attachments and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna, attachments and related equipment as visually unobtrusive as possible.
5. Lighting. Towers shall not be artificially lighted.
6. State and Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate wireless facilities, towers and antennas. If such standards and regulations are changed, the owners of the wireless facilities, towers and antennas governed by this chapter shall bring such wireless facilities, towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring wireless facilities, towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the revocation of the standing permit (if applicable) and removal of the wireless facility, tower or antenna at the owner's expense.
7. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA) and by the Telecommunications Industries Association (TIA), or subsequent, as amended from time to time. As determined by the Development Services Director, the Town may require a permit holder to perform inspections of its structure and, as required, formally report to the Town the status of compliance with applicable standards. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or

property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within thirty (30) days shall constitute grounds for the revocation of the standing permit (if applicable) and removal of the wireless facility, tower or antenna at the owner's expense.

8. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Town irrespective of municipal and county jurisdictional boundaries.
9. Not essential services. Wireless facilities, towers and antennas shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities or private utilities.
10. Franchises. Owners and/or operators of wireless facilities, towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Town have been obtained and shall file a copy of all required franchises with the Development Director.
11. Public notice. For purposes of this Section, any Conditional Use Permit request shall be pursuant to Section 1.9.3 of this Ordinance except that the notice required shall include posting of the property, and mailing to all property owners within one thousand feet (1,000') of the proposed wireless communications facility, and publication in a newspaper of general circulation regardless of any expression to the contrary in Section 1.9.2.
12. Signs. No signs shall be allowed on a wireless facility, tower or antenna, or on any portion of the premises leased for wireless telecommunication use, with the exception of site identification and emergency contact signage as indicated within this UDO.
13. Buildings and support equipment. Buildings and support equipment associated with antennas, towers or wireless facilities shall comply with the requirements of this chapter 4.25.
14. Co-location and multiple antenna/tower plan. The Town encourages wireless facility, tower and antenna users to submit a single application for approval of multiple wireless facilities, towers and/or antenna sites and to submit applications that utilize co-location with an existing wireless telecommunications provider. Applications for approval of multiple sites or for co-location with an existing provider shall be given priority in the review process.
15. Security fencing. Wireless facilities, towers and antennas (and where applicable to rooftop installations) shall be enclosed by security fencing not less than six feet (6') in height and no more than eight feet (8') in height. Fencing shall be constructed of chain link, block or masonry (as directed by staff and/or approved by Council), and tower structures shall be equipped with appropriate anti-climbing devices. For rooftop installations, applicants may substitute a security and access management plan which demonstrates how access and security will be managed on site to preclude general access to the facility; The Town Council may waive such requirements related to security fencing as it deems appropriate.
16. Landscaping. The following requirements shall govern the landscaping surrounding wireless facilities and towers; provided, however, that the Town Council may waive such requirements if the goals of this Section would be better served thereby.

- a. Towers and wireless facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from residentially zoned property. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound. The Applicant must ensure that any such plant materials shall be sustained for the life of the proposed facility.
- b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- c. Existing mature plant growth and natural landforms on the site shall be preserved to the maximum extent possible.

E. ADMINISTRATIVE USE PERMITS

1. General. The uses listed in this section are deemed to be permitted uses and shall require an administrative use permit or a conditional use permit.
2. Permitted uses, all zones -- The following uses are specifically permitted in any Zone via administrative use permit. All such uses shall be fully compliant with Town design requirements for antennas, towers and wireless facilities as enumerated in code:

Antennas, towers or wireless facilities located on property owned, leased, or otherwise controlled or managed by the Town; provided, however, a license or lease authorizing such wireless facility, antenna or tower has been approved by the Council. No such license or lease shall be issued for a wireless facility, tower or antennas located within three hundred feet (300') of any residentially zoned property until an informational hearing has been held at a regular or special Town Council meeting and notice of such hearing has been advertised according to subsection 4.25.D.11 at least seven (7) days but not earlier than fourteen (14) days prior to such hearing. All other wireless facilities, towers or antennas require administrative use or conditional use permits as enumerated and regulated within this UDO

3. Permits, Information Required and Design Elements.
 - a. Intent: The intent of the following development standards is to improve the design and placement of new Wireless Facilities, towers and antennas, as well as the modification of such facilities, towers and antennas in order to reduce the impact on the visual and aesthetic character of the community. The standards are designed to: Encourage the use of concealment technology; minimize the construction of new towers through the promotion of co-location on existing Wireless Facilities, buildings or other structures; ensure continuous maintenance of Wireless Facilities and enforce the timely removal of any unused or outdated facilities; and regulate the use of temporary Wireless Facilities. A Wireless Facility may be Concealed, Disguised or Visible.
 - b. Administrative or conditional use permits; additions or changes; information required. Subject to section 3(c) below, a site plan must be approved or amended by the Development Services Department to reflect any additional antennae, microwave dishes, or attaching apparatus or a change in support structure or expanded area for support equipment. Changes to equipment that is fully enclosed within an equipment shelter that was included on a previous site plan approval do not require a site plan

amendment. No site plan for a new or amended Wireless Facility, tower or antenna shall be approved unless the support equipment is located entirely within an equipment enclosure or equipment shelter that is architecturally compatible with the surrounding area.

- c. Applicants for both administrative and conditional use permits for a wireless facility, antenna(s) or tower shall submit the following information:
 - i. A scaled Site Plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), General Plan classification of the site and all adjoining properties, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, and other information deemed by the Development Services Director to be necessary to assess compliance with this section of the UDO.
 - ii. The setback distance between the proposed tower and the nearest residentially zoned properties.
 - iii. The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 4.25.D.3 shall be shown on an updated Site Plan or map. The applicant shall also identify the type of construction and height of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - iv. Method of fencing and finished color and, if applicable, the method of camouflage or concealment.
 - v. A description of compliance with applicable UDO subsections and all applicable federal, state or local laws.
 - vi. A notarized statement by the applicant indicating that the construction of any tower will accommodate co-location of additional antennas for future users.
 - vii. Two photosimulations from the 2 nearest intersections of public rights of way or public lands.
 - viii. An alternate site analysis report, detailing all potential sites investigated by the applicant, and reasons why said alternate sites will not meet the applicant's Radio Frequency (RF) and service objectives.
 - ix. A statement of compliance with Federal Communications Commission (FCC) RF exposure standards.
- d. Factors considered in granting conditional use permits for towers (not in any particular order or priority). In addition to any standards for consideration of applications pursuant to Section 4.25 of this Ordinance, the Town Council shall consider the following factors in determining whether to issue a conditional use permit, although the Town Council may waive or reduce the burden on the applicant of one or more of these criteria if the Town Council concludes that the goals of this Ordinance are better served thereby:
 - i. The consistency of the request with the context of the surrounding area;

- ii. The design of a Disguised Wireless Facility must be compatible with the architectural character and natural features of the site or development;
- iii. The placement of the Wireless Facility on the lot or parcel and its potential effect on expanding existing or developing future land uses;
- iv. The cumulative effect that existing Wireless Facilities in the vicinity of the site may have on the request;
- v. Height of the proposed tower.
- vi. Proximity of the tower to residential structures and residentially zoned district boundaries.
- vii. Nature of uses on adjacent and nearby properties.
- viii. Surrounding topography.
- ix. Surrounding tree coverage and vegetation.
- x. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- xi. Proposed ingress and egress.
- xii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in this Ordinance.

Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town Council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Town Council related to the availability of suitable existing towers, other structures or alternative technology.

- 4. Concealed Wireless Communication Facilities. Concealed Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this UDO section. Other Concealed Wireless Facilities are permitted in all zoning districts, subject to the following standards:

- a. When there is more than one underlying zoning district, the more restrictive regulations shall apply. Concealed Wireless Facilities are permitted on residentially zoned properties as follows:

- (1) Public/quasi-public spaces—Concealed Wireless Facilities are permitted on residentially zoned property that are designated or used for public or quasi-public spaces including, but not limited to, schools, churches, golf courses, parks or government facilities, subject to obtaining an administratively approved use permit pursuant to the design guidelines herein and other provisions contained in this Ordinance. Failure to

comply with applicable design guidelines and other required provisions in this Ordinance will mandate that the proposed Wireless Facility be processed as a Conditional Use Permit.

(2) Open space residential tracts—Concealed Wireless Facility are permitted in tracts within residential subdivisions that are zoned or platted for open space or retention areas, subject to obtaining an administratively approved use permit pursuant to the design guidelines herein and other provisions contained in this Ordinance. Failure to comply with applicable design guidelines and other required provisions in this Ordinance will mandate that the proposed Wireless Facility be processed as a Conditional Use Permit.

b. Design guidelines. A site plan must be approved by the Development Services Department demonstrating that the proposed Wireless Facility meets the definition of "Concealed". Site plans for Concealed Wireless Facilities must demonstrate the following in order to be administratively approved:

(1) The antenna is fully enclosed, screened or obscured so that it is not visible at all or, if visible, it is not recognizable as a Wireless Facility to a casual observer; and

(2) The antenna does not extend more than twelve inches (12") from the building or structure to which it is attached; and

(3) The underlying zoning district must allow the structure being utilized to support the antenna and the support structure; and

(4) The Concealed Wireless Facility and its support structure shall comply with the setback requirements of the underlying zoning district or, if located in a sign, by the standards contained in this Ordinance; and

(5) The support equipment is located entirely within an equipment enclosure that is architecturally compatible with the surrounding area, completely screened from view, and built in compliance with the standards outlined in this Zoning Ordinance; and

(6) A Wireless Facility concealed as a flagpole shall be required to fly a flag in compliance with the accepted protocol for the type of flag flown. The flag and pole shall be visible from the building entrances used by the public. The diameter of the pole structure must not exceed twenty-four inches (24"); and

(7) The installation of a Concealed Wireless Facility should be done in a manner that minimizes the removal of mature vegetation or the disturbance of natural vegetation.

5. Disguised Wireless Communication Facilities. Disguised Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this section. Other Disguised Wireless Facilities are permitted in all zoning districts, subject to the following standards:

a. When there is more than one underlying zoning district, the more restrictive regulations shall apply. In addition, Disguised Wireless Facilities must comply with the following design requirements in order to be administratively approved; otherwise, a Conditional Use Permit is required:

(1) Maximum height—Sixty-five feet (65') in height from natural grade to the highest point of the pole or support structure for all Disguised Wireless.

(2) Required setbacks—The following minimum setbacks are required for a Disguised Wireless Facility:

(a) From another property zoned for residential purposes:

(i) Disguised Wireless Facility—Except as described below, a minimum of one hundred fifty feet (150') setback is required from another property zoned for residential purposes. For purposes of this standard, land uses that are permitted in residential zoning districts, including those that are designated for public spaces such as, but not limited to, schools, churches, golf courses, parks or government facilities shall be considered "residential purposes".

The setback may be reduced to fifty feet (50') from a property that is zoned for residential purposes subject to obtaining a Conditional Use Permit pursuant to this Ordinance.

(ii) Wireless Facilities co-locating on public utilities—Except as described below, a minimum of one hundred fifty feet (150') setback is required from another property zoned for residential purposes. The setback from a property that is zoned for residential purposes may be reduced to a lesser distance or eliminated subject to obtaining a Conditional Use Permit pursuant to this Ordinance.

(b) From an adjoining property that is zoned for commercial or industrial purposes: No setback required except for perimeter landscape setback requirements.

(c) Streets: A minimum setback of twenty-five feet (25') from all public and private rights-of-way or access-ways, unless being located on a previously existing public utility pole or if a greater setback is required by the underlying zoning.

(d) Support structures or signs: The setbacks for any structure that is supporting a Disguised Wireless Facility must comply with the setback requirements of the underlying zoning district or this Ordinance if located on a sign.

(3) Restrictions on development in residential zoning districts—Disguised Wireless Facilities are permitted on residentially zoned properties subject to compliance with the above noted requirements and as follows:

(a) Public/quasi-public spaces—Disguised Wireless Facilities are permitted on residentially zoned property that are designated for public or quasi-public spaces such as, but not limited to, schools, churches, golf courses, parks or government facilities subject to obtaining a Conditional Use Permit pursuant to this Ordinance.

(b) Open space residential tracts—Disguised Wireless Facilities are permitted in tracts within residential subdivisions that are zoned or platted for open space or retention areas, subject to obtaining a Conditional Use Permit pursuant to the provisions contained in this Ordinance.

b. Design guidelines. A site plan must be approved by the Development Services Department demonstrating that the proposed Wireless Facility meets the definition of "Disguised". The following minimum specifications shall apply to these types of Disguised Wireless Facility:

(1) Monopine or Broadleaf tree: A Monopine or Broadleaf tree must meet the following design guidelines:

(a) The pole structure must be built of steel or fiberglass and clad with faux bark. The faux bark shall start at the base of the pole and continue to the height of the first branch attachment. The balance of the pole structure and the attachments must be painted or colored and textured to blend with the faux branches.

(b) The diameter of the pole structure must not exceed thirty-six inches (36") at the base and shall taper to no greater than twenty-eight inches (28") at the top of the pole structure.

(c) All cables must be concealed within the pole structure.

(d) The faux branches must:

(i) Be constructed to a density of 2.5 branches for each one vertical foot of pole, and

(ii) Start attachment at no greater than fifteen feet (15') above finished grade and continue to the top of the pole, and

(iii) Be a minimum of eight feet (8') long around the circumference of the lower level and shall taper appropriately as the branches progress upwards.

(e) The entire length of all antenna and their attaching apparatus shall be disguised by the branches and the antenna array shall not extend horizontally more than thirty inches (30") beyond the structure to which it is attached.

(f) Microwave dishes shall be limited to one (1) square foot in size and must be painted the same shade of green as the branches. The attaching apparatus must also be painted the same shade of green as the branches.

(g) No more than four (4) microwave dishes are permitted on each Monopine or Broadleaf tree.

(h) No climbing pegs are permitted on the pole structure.

(i) The installation of a Monopine or Broadleaf tree should be done in a manner that minimizes the removal of mature vegetation.

(2) Ball field light poles: Wireless Facilities may be added to legally existing or proposed Ball field light poles in compliance with the following design guidelines:

(a) The maximum allowable width of an antenna array is four feet (4').

- (b) The antenna array shall not extend horizontally more than thirty inches (30") beyond the structure to which it is attached.
- (c) The maximum allowable length of each antenna is ten feet (10').
- (d) The diameter of the pole structure must not exceed thirty-six inches (36").
- (e) The addition of a Wireless Facility to a Ball field light must not increase the height of the light structure by more than ten feet (10').
- (f) All cables must be concealed within the pole structure.
- (g) Microwave dishes shall be limited to two (2) square feet in size.
- (h) No more than two (2) microwave dishes are permitted on each Ball field light pole.
- (i) All microwave dishes, antennas, and attaching apparatus must be painted to match the Ball field light pole.
- (j) The installation of Ball field light poles should be done in a manner that minimizes the removal of mature vegetation.

(3) Water towers/tanks: Wireless Facilities incorporated into Water towers or Water tanks must meet the following design guidelines:

- (a) The maximum allowable width of an antenna array is four feet (4').
- (b) The antenna shall not extend more than eighteen inches (18") from the structure to which it is attached.
- (c) The maximum allowable length of each antenna array is ten feet (10').
- (d) The addition of a Wireless Facility must not increase the height of the Water tower/tank structure.
- (e) All cables must be concealed within the support structure or fully enclosed within a cable shroud.
- (f) Microwave dishes shall be limited to two (2) square feet in size.
- (g) No more than two (2) microwave dishes are permitted on each Water tower or Water tank.
- (h) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the Water tower or Water tank.
- (i) The installation of a Water tower or Water tank should be done in a manner that minimizes the removal of mature vegetation.

(4) Existing public utility poles: The Town encourages Wireless Facilities to be added to existing public utility poles, subject to the following design guidelines:

- (a) Twelve kilovolt (12 kv) utility poles:
 - (i) The antenna shall not extend more than twelve inches (12") from the structure to which it is attached.
 - (ii) The maximum allowable length of all antenna added to a 12 kv utility pole is ten feet (10').
 - (iii) The addition of a Wireless Facility to an existing public utility pole must not increase the height of the public utility pole by more than ten feet (10').
 - (iv) All cables must be concealed within the public utility pole or a cable shroud.
 - (v) Microwave dishes shall be limited to two (2) square feet in size.
 - (vi) No more than two (2) microwave dishes are permitted on each public utility pole.
 - (vii) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the public utility pole.
- (b) Sixty-nine kilovolts (69 kv) or larger utility poles or lattice-type tower structures:
 - (i) The maximum allowable width of an antenna array is four feet (4').
 - (ii) The antenna array shall not extend more than thirty inches (30") from the structure to which it is attached.
 - (iii) The maximum allowable length of each antenna is ten feet (10').
 - (iv) The addition of a Wireless Facility to an existing public utility pole must not increase the height of the public utility pole by more than ten feet (10').
 - (v) All cables must be concealed within the public utility pole or a cable shroud.
 - (vi) Microwave dishes shall be limited to two (2) square feet in size.
 - (vii) No more than two (2) microwave dishes are permitted on each public utility pole.
 - (viii) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the public utility pole.

6. Visible Wireless Communication Facilities. Visible Wireless Facilities used by a governmental agency for public safety purposes are permitted in all zoning districts subject to 4.25.E.2 of this UDO section. All other Visible Wireless Facilities are permitted only in the Commercial and Industrial Zoning Districts and must comply with the following standards in order to be approved administratively:

a. When there is more than one underlying zoning district, the more restrictive regulations shall apply. In addition, Visible Wireless Facilities must comply with the following:

(1) Maximum height for Administrative Approvals —Eighty feet (80') from natural grade to the highest point of pole or fifteen feet (15') higher than the height of the top of the building to which it is mounted (see also side mounted antenna height limitations below). Proposals in excess of the maximum height allowances above require a Conditional Use Permit.

(2) Required setbacks—The following setbacks are required:

(a) From another property zoned for residential purposes: A minimum setback of three hundred feet (300') is required. For purposes of this standard, land uses that are permitted in those residential zoning districts, including those that are designated for public spaces such as, but not limited to, schools, churches, golf courses, parks or government facilities shall be considered "residential purposes".

(b) From an adjoining property that is zoned for commercial or industrial purposes: No setback required except for any required perimeter landscape setback standards.

(c) Streets: A minimum setback of seventy-five feet (75') from all public and private rights-of-way or access-ways, unless a greater setback is required by the underlying zoning.

(d) Hillside: No Visible Wireless Facility shall be installed on a property in or within five hundred feet (500') of a sensitive view shed, ridgeline or hillside.

b. Design guidelines. A site plan must be approved by the Development Services Department demonstrating that the proposed Visible Wireless Facility meets the following minimum specifications:

(1) The maximum allowable width of an antenna array is four feet (4').

(2) The antenna array shall not extend horizontally more than thirty inches (30") beyond the structure to which it is attached.

(3) The maximum allowable length of each antenna array is ten feet (10').

(4) The diameter of the pole structure must not exceed forty inches (40").

(5) All antenna cables must be concealed within the pole structure or a cable shroud.

(6) Microwave dishes shall be limited to two (2) square feet in size and must be painted the same color as the Visible Wireless Facility.

(7) No more than two (2) microwave dishes are permitted on each Visible Wireless Facility.

(8) All microwave dishes, antennas, cable shrouds and attaching apparatus must be painted to match the Visible Wireless Facility.

(9) Antennae mounted on the side of a building shall be permitted subject to the following provisions:

(a) The antenna must not extend above the existing profile of the building or project more than twelve inches (12") from the building face.

(b) The antenna shall be integrated into the building design in a manner that is compatible with the architectural style and coloring of the structure, considers the context and placement of the antenna on the structure, and minimizes its visual impact.

(c) Requests to exceed the established building profile shall be subject to securing a use permit in accordance with the provisions of this UDO when it is demonstrated that the architectural element to which the antennae are attached is integrated with and in proportion to the building design.

(10) The installation of a Visible Wireless Facility should be done in a manner that minimizes the removal of mature vegetation or the disturbance of natural vegetation. To ensure compliance, the following shall be done:

(a) If required by the Development Services Department, a plant inventory of the Wireless Facility and equipment enclosure or shelter site (if no enclosure used) and a re-vegetation/salvage plan shall be submitted for review and approval at the time of site plan review; and

(b) Any trenching or site disturbance shall be re-vegetated to match the existing or natural vegetation, and

(c) No protected plant species shall be disturbed during construction unless re-vegetated as part of an approved salvage plan.

7. Equipment enclosures, support equipment and structures. Wireless Facilities include different types and sizes of support equipment and accessory structures needed to accommodate each antenna. No site plan for a Wireless Facility shall be approved unless the following standards can be met:

a. Not permitted—An equipment enclosure and all support equipment must not be located within the required perimeter landscape setback(s) of a development.

b. Equipment enclosure—The following standards apply to equipment enclosures:

(1) Shall be screened primarily by a six (6) or eight (8) foot chain link fence, decorative solid block or masonry perimeter wall, as required by staff. No more than 5% of each wall facade may be constructed of alternative materials, including see through materials, as approved by the Development Services Department when deemed to be appropriate for security purposes.

(2) All entry gates visible from public streets or access-ways shall be constructed of sight-obscuring material approved by the Planning and Development Services Department.

- c. Equipment shelter—The following standards apply to equipment shelters:
 - (1) Maximum height permitted is eight feet (8') in residential zones, fourteen feet (14') in industrial and commercial zones, to be measured from finished grade or roof-top elevation of a supporting structure. Below grade shelters are permitted.
 - (2) An equipment shelter shall meet minimum setbacks on the lot or parcel.
- d. Ground-mounted cabinets—Ground-mounted cabinets shall comply with the following:
 - (1) Maximum area shall not exceed three hundred (300) square feet for a single wireless Communications provider.
 - (2) Maximum height permitted is eight feet (8'), to be measured from finished grade elevation.
 - (3) Ground-mounted cabinets that are visible from a public street or access-way must be located within an equipment enclosure, equipment shelter or enclosed building.
 - (4) Ground-mounted cabinets are not permitted to be constructed within the front yard setback of a residential zoning district.
- e. Other screening allowances—If the support equipment is screened from view from a public street or access-way, alley, or adjacent property by a permanent perimeter or interior wall, fence or structure that is permanent, no separate wall is needed around the equipment enclosure.
- f. Illumination—Equipment enclosures or shelters shall not be externally illuminated.
- g. Noise level—The average noise level of the support equipment, measured at any property line that is zoned for residential purposes, must comply with existing code requirements and nuisance abatement codes.

F. CONDITIONAL USE PERMITS

1. General. There is hereby created for this section only a Conditional use permit for Wireless Towers, Facilities and Antennas which may be granted by the Town Council as follows:
 - a. If the Wireless Facility, tower or antenna is not an administratively permitted use under this Ordinance, a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 - b. Applications for conditional use permits under this Section shall be subject to the procedures and requirements of this Ordinance, except as modified in this Section.
 - c. In granting a conditional use permit, the Town Council may impose conditions to the extent such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties. Such Conditions of Approval (COAs) shall be incorporated into the Building Permit Process and made a part of the final building inspection process and records. The Town will not conduct any Final Inspection nor will it issue a Certificate of Occupancy unless all COAs required in the zoning process are satisfied.

- d. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by an Arizona licensed professional engineer.
- e. An applicant for a conditional use permit shall submit the information and certifications described in sections 4.25.D, E, H, I and L and a non-refundable fee established pursuant to a Resolution of the Town Council.
- f. A Conditional use permit issued under this Section shall be conditioned upon verification by the Town Engineer or his/her designee that such facility and/or tower structure (and any appurtenances thereto) is structurally sound. Such verification shall be received by the applicant prior to submission and shall be reviewed annually.

G. MINIMUM SETBACKS

1. Setbacks. The setback requirements shall apply to all wireless facilities, towers and antennas as required in the UDO; provided, however, that the Town Council may reduce the standard setback requirements if the goals of this Section would be better served thereby. Requests for relief from setback requirements beyond those set forth in the UDO will result in the application being processed as a Conditional Use.

H. BUILDINGS OR OTHER EQUIPMENT STORAGE

1. Town Council may reduce the standard building and equipment structure requirements if the goals of this Section would be better served thereby. Requests for relief from such requirements beyond those set forth in the UDO will result in the application being processed as a Conditional Use

I. CO-LOCATION

1. Required. Any new tower constructed in connection with an application under this Section shall be constructed so that it is suitable for co-location.
2. Good faith. Applicants, additional users and permittees shall exercise reasonable good faith efforts to cooperate in co-locating wireless telecommunications facilities on the same support structures or site. For the purposes of this section only, a "site" may accommodate more than one tower and its accompanying equipment; provided, however, that no "site" shall exceed ten (10) acres.
3. Exceptions. The Town Council may, upon a determination that the Town's citizens would be better served, waive any portion of the requirements of this subsection.
4. Violation; penalty. Failure to comply with co-location requirements may result in denial of a permit request or revocation of an existing permit.

J. REMOVAL OF ABANDONED WIRELESS FACILITIES, ANTENNAS AND TOWERS

Any wireless facility, antenna or tower that ceases to be used or fails to operate for a period of ninety consecutive (90) days shall be considered abandoned, and the owner of such wireless facility, antenna or tower shall remove the same within ninety (90) days after such abandonment. If such tower or antenna is not removed in a timely fashion, the Town may give

written notice to the owner that it will contract for removal within thirty (30) days following said notice. Thereafter, the Town may cause removal at the sole cost of the owner.

K. PRE-EXISTING and NONCONFORMING USES

1. No expansion of nonconforming use. Wireless facilities and towers that are constructed and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the physical expansion of a nonconforming use or structure.
2. Preexisting wireless facilities, antennas and towers. Preexisting wireless facilities, antennas and towers shall be allowed to continue their usage as they presently exist and shall be allowed to accommodate additional collocations to the tower site that are proposed in compliance with standing code and design requirements. Routine maintenance and the replacement of failed equipment with 'like for like' equipment shall be permitted on such preexisting (and possibly non-conforming) wireless facilities, antennas and towers. "Like for Like" replacement shall include replacement of equipment with newer equipment that is in substantial dimensional conformity with the approved original equipment. Replacement equipment shall conform to site design requirements and any color or surface treatments required to ensure compatibility with the existing, standing wireless facility, antennas or tower. "Like for Like" maintenance shall not allow the introduction of additional equipment that is visible to the casual observer or was not approved in the standing permit for the wireless facility, antennas or tower. Maintenance and replacement of equipment that does not comply with the above "Like for Like" requirements will require permits and inspections. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.
3. Rebuilding damaged or destroyed nonconforming wireless facilities, towers or antennas. Notwithstanding other provisions of this Section, lawful nonconforming wireless facilities, towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a conditional use permit and without having to meet the requirements specified in subsections 4.25.G.1 and 2. The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval; Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within ninety (90) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subsection 4.25.J.

L. NOTICE

1. Permit/Entitlement holders operating wireless facilities within the Town shall be required to provide updated notice and contact information to the Town if/when ownership of the facility changes. Such notice and information shall be provided to the Locality within 60 days of change of ownership.
2. Wireless facilities within the Town shall display informational signage on the gate of the wireless facility. Sign shall be 4' x 4' in size and shall indicate the site name/number and emergency contact information (phone number) of the facility owner or party responsible for the operation and maintenance of the facility. Such signage and information shall be present in order for final inspection and certificate of occupancy to be approved.