Article 36- WIRELESS TELECOMMUNICATION FACILITIES

A. **PURPOSE.** The purpose of this Article is to establish general guidelines for the installation of wireless communications towers and antennas. The goals of this Article are to:

1. Minimize the adverse visual effects of towers through careful design, siting, and screening, while preserving the rights of wireless telecommunications providers;

2. Encourage the location of towers in non-residential areas;

3. Minimize the total number of towers throughout the community;

4. Strongly encourage the joint use (co-location) of new and existing tower sites as a primary option rather than construction of additional single-use towers;

5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; and

8. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

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

Alternative Tower Structure means, any existing or proposed vertical structure that is designed to contain a wireless communication antenna including but not limited to clock towers, bell steeples, light poles, ball field lights, wind mills, and similar alternative mounting structures that may be used to attach antennas and towers to minimize impact (see also Stealth).

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.

Array means one or more rods, panels, discs or similar devices used for transmission or reception of radio frequency (RF) signals through electronic energy, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

Close Mount means the antenna and appurtenances are designed in a manner to reduce the visual impact of the facility by tightly clustering the devices or equipment(s).

Existing Structure means light poles, power poles, flagpoles, buildings and any other similar vertical structures which are placed within the City.

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 plan (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 Zoning Administrator shall rule as to height and appeal from that decision shall be to the Board of Adjustment.

The height limitations for each zoning district applicable to buildings and structures shall apply to all towers and antennas that are not exempt from regulation as provided in this Article. The height of building-mounted antennas shall include the height of that portion of the building on which the antenna is mounted. In determining the height of portable "crank-up" or similar towers whose height is adjustable, the height of the tower shall be the maximum height to which it is capable of being raised.

Mobile Antenna(s) also known as Cell on Wheels (COW) or temporary antenna means a mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment maybe located on a truck or trailer, designed to be a temporary part of a cellular network.

Pre-existing towers and pre-existing antennas means any tower or antenna for which a building permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

Residential Use means property that is specifically used for or planned for future residential occupancy, including platted lots and vacant undeveloped parcels of land located in a residential zoning district. This term excludes public or quasi-public uses located in residential zoning districts, such as parks, open space, retention areas, churches, schools, or other undevelopable tracts of land.

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

Stealth means man-made trees, clock towers, palm trees, faux wind mills and water towers, chimneys and similar structures to design mounting structures that camouflage or conceal the presence of antennas and towers.

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, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, stealth towers and alternative tower structures. The term also includes the structure and any support thereto.

Utility means a private business organization, subject to governmental regulation, that provides an essential commodity or service, such as water, electricity, transportation, or communication, to the public.

C. **APPLICABILITY.**

1. **NEW TOWERS AND ANTENNAS.** All new towers or antennas in the City of Maricopa shall be subject to these regulations.

2. **MOBILE AND TEMPORARY ANTENNAS.** All new mobile and temporary antennas in the City of Maricopa shall be subject to these regulations.

3. **AMATEUR RADIO TOWERS AND ANTENNAS.** This Article shall govern the installation of any tower or antenna that is an Amateur Radio Station Operators/Receive Only Operations, that is under the maximum building height of the zoning district in which such structure is located and which is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only operations.

4. **EXCEPTIONS.**

   a. Legally established pre-existing towers and pre-existing antennas with a valid Conditional Use Permit shall not be required to meet the requirements of this Article. Modification to preexisting towers and antennas that substantially increase the physical dimensions of the tower, antenna, or equipment, as deemed by the Zoning Administrator or designee, are required to comply with this article. All other pre-existing towers and preexisting antennas without an approved use permit shall meet the requirements of this Article accordingly.

   b. For purposes of implementing this Article, 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. Additional tower units may be added within the perimeter of the AM array by right. Refer to Article 16, Sec. 1601 J for setback requirements.

D. **GENERAL REQUIREMENTS.**

1. **PRINCIPAL OR ACCESSORY USE.** 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 an antenna or tower on such lot.

2. **INVENTORY OF EXISTING SITES.** Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of all existing towers, antennas, or sites within 5 miles of the proposed location for towers or antennas, that are either within the jurisdiction of the City of Maricopa or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The City of Maricopa Development Services Department shall maintain a map and database with the above information available for public review and purchase; however the accuracy of the information is subject to change. It shall be the responsibility of the applicant to verify and update any information provided by the City.

3. **STATE OR 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 towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Article shall bring such 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 towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

4. **LIGHTING.** Towers shall not be artificially lit, unless required by the FAA or other applicable authority, or as otherwise approved by the City Council. If lighting is required for ground equipment, a lighting plan shall be submitted in accordance to the Subdivision Ordinance, Section 14-6-15.

5. **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), as amended from time to time. If, upon inspection, the City of Maricopa 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, or as otherwise specified in writing by the City of Maricopa Building Official. Failure to bring such tower into compliance within said thirty (30) days, or as otherwise specified, shall constitute grounds for the removal of the tower or antenna at the owner's expense.

6. **MEASUREMENT.** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Maricopa irrespective of municipal and county jurisdictional boundaries.

7. **NOT ESSENTIAL SERVICES.** Towers and antennas shall be regulated and permitted pursuant to this Article and shall not be regulated or permitted as essential services, public utilities, or private utilities, unless the tower and antennas' sole purpose is to provide government sanctioned public safety communications.

8. **FRANCHISES.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Maricopa have been obtained and shall file a copy of all required franchises with the City.

9. **SIGNS.** No signs shall be allowed on an antenna, on a tower or on any portion of the premises leased for wireless telecommunication use, except for a permanent, weather-proof identification sign, approximately 16 inches by 32 inches in size, must be placed on the gate of the fence or wall surrounding the facility or, if there is no fence or wall, on the facility itself. The sign must identify the facility operator(s), provide the operator's address, and specify a 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.

10. **BUILDINGS AND SUPPORT EQUIPMENT.** Buildings and support equipment associated with antennas or towers shall comply with the following requirements:

a. Roof-mounted or facade-mounted antennas proposed on an existing building, or on a tower, pole or other structure shall not extend or project more than ten (10) feet above the existing height of the building or structure.

b. Antenna support equipment that is roof mounted shall meet the screening requirements of this Article.

11. **DESIGN STANDARDS.** Antennas, antenna support structures, and related equipment shall be located, designed, and screened to integrate and compliment the existing natural or built surroundings and existing supporting structures.

a. All facilities shall be designed and located to minimize their visibility to the greatest extent feasible. All wireless telecommunication facilities proposed for locations where they would be readily visible from adjacent property and public right-of-way (measured from the center of the tower location) shall incorporate appropriate techniques to disguise the facility and/or blend into the surrounding environment, to the extent feasible. Facilities shall be compatible in scale and integrated architecturally with the design of surrounding buildings or the natural setting. Appendix A of this Article, "Design Standards for Wireless Communication Facilities", provides additional standards with supporting illustrations to assist applicants in designing facilities to meet the intent of this Code.

b. Antenna support equipment for stand-alone facilities shall be screened by a maximum eight (8) foot high masonry wall or placed within a fully enclosed building. When placed within a fully enclosed building, the building design shall be no taller than one (1) story or fifteen (15) feet in height with elevations designed and constructed in a manner compatible with architectural designs found in the area.

c. Freestanding Antenna(s)

i. Antenna facilities that are not camouflage or stealth shall be close mount, to the extent possible.

ii. Stealth or camouflaged facilities shall not have antenna mounts that extend beyond the outside edge (array) of the materials used to provide the stealth or camouflage design.

iii. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

iv. Wireless telecommunications facility support structures and antennas shall be a non-glossy color and/or exterior finish shall be painted so as to minimize visual impacts from surrounding properties.

d. Building Mounted Antenna(s)

i. If an antenna is installed on a building, the antenna and supporting electrical and mechanical equipment must be architecturally integrated in a manner that is identical to, or closely compatible with, the color of the building structure so as to make the antenna and related equipment as visually unnoticeable as possible. Refer to Appendix A for preferred design.

e. Alternative Tower Mounted Antenna(s) (water tower, street or utility poles, signs, etc)

i. Antennas proposed on the exterior of a structure shall be designed in a manner to appear as an integral element of the structure.

f. Stealth Tower and Antenna(s)

i. When an alternative tower or co-location does not exist on a parcel adjacent to residential use, stealth design shall be provided in accordance to Table A. A stealth facility shall be designed and constructed to appear architecturally integrated with the surrounding built environment or the natural setting to minimize the adverse visual impact and ensure the facility is compatible with the environment in which it is located.

12. **CO-LOCATION AND MULTIPLE ANTENNA/TOWER PLAN.** The City of Maricopa encourages tower and antenna users to submit a single application for approval of multiple towers and/or antenna sites and to submit applications which utilize co-location with an existing wireless telecommunications provider.

13. **MODIFICATION OF BUILDING SIZE REQUIREMENTS.** The requirements of this Article may be modified by the City Council in the case of uses permitted by conditional use to encourage co-location.

14. **SITE SECURITY.** Outdoor ground equipment shall be enclosed with a maximum eight (8) foot high masonry wall, shall be constructed of a block or masonry, or secured in a method as otherwise determined by the Zoning Administrator. All towers shall be equipped with an anti-climbing device.

15. **LANDSCAPING.** The following requirements shall govern the landscaping surrounding towers; provided, however, that the City Council may reduce or waive such requirements if the goals of this Article would be better served thereby.

a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from residential property and commercial property or viewable from public right of way. The standard buffer shall consist of a landscaped strip at least eight (8) feet wide outside the perimeter of the compound and any other areas disturbed during construction.

b. Every 20 lineal feet of the enclosure of the building shall be landscaped with drought tolerant plants at a rate of one (1) 24” box tree and ten (10) 10 gallon size shrubs. All landscaping shall be irrigated for a minimum period of one (1) year. Landscaping shall be maintained throughout the life of the facility.

c. Additional landscaping may be required, at the discretion of the Zoning Administrator to effectively blend certain applications with the natural environment.

d. Existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible.

16. **PARKING.** Minimum of one (1) 9' x 18' off street parking shall be required for the ongoing and maintenance of the facility. Parking and maneuvering areas shall be surfaced with approved all weather access as determined by the City Engineer.

17. **NOISE.** No permit (Conditional or Administrative Review) shall be issued for any facility which generates a noise level greater than fifty decibels (db) as measured at the edge of the property upon which such facility is sited.

18. **TERM.** In the event a building permit is not received within 2 years or as otherwise stipulated, or reasonable effort is not made to receive a building permit as determined by the Zoning Administrator, the Administrative Review or Conditional Use Permit shall expire. Each Administrative Review or Conditional Use Permit issued shall be for a period of 5 years for Freestanding Tower and Antenna applications, and a period of 10 years for Building Mounted Antennas, Alternative Tower Mounted Antennas, and Stealth Tower and Antennas. At the end of the above specified term, the permit shall automatically expire unless a written request for renewal is submitted by the applicant, prior to expiration, to the Zoning Administrator. The city shall notify the applicant in writing at least ninety days prior to the expiration date of the permit for the facility. Upon the expiration of any required permits for the facility, it shall be removed in accordance with the requirement of Section I, of this Article. If a request for renewal of the required permit(s) is received, the permit shall remain in effect until a decision on the renewal is made. The renewal request shall be reviewed in a similar manner as the original approval. The review is to insure that the facility is still in operation, that it has been properly maintained, that the original conditions of approval have been adhered to and whether they are to remain the same or need to be modified, and to determine if new technology exists to upgrade the facility to better meet the purpose, intent, goals and provisions of this Article. If new technology exists that will allow the redesign or relocation of the facility to better meet the purpose, intent, goals and provisions of this Article, then the facility must be redesigned and/or relocated accordingly. Failure to comply with this requirement may be considered grounds for denial of a new permit.

The city may add conditions to any new permits as necessary to advance a legitimate governmental interest related to health, safety, or welfare, provided, however, that any condition shall comply with applicable FCC regulations and standards, and that reasonable advance notice thereof has been provided to all affected parties. If a permit is not renewed, the city shall give the applicant written notice thereof together with the rationale on which the city's decision was made.

E. **PERMITTED USES.**

1. **GENERAL.** The uses listed in this Section are deemed to be permitted uses and shall require zoning clearance through an Administrative Review application.

2. **PERMITTED USES.** The following uses are specifically permitted:

a. Wireless communication facility: Are permissible in any Rural Industrial Zoning District, (CAR, SR, SR-1, SH, GR, GR-5, GR-10) Industrial Zoning District (CI-B, CI-1 or CI-2) or Business Zoning District (CB-1 and CB-2) provided, however, that freestanding towers or antennas shall not exceed the maximum height of the applicable Zoning District and shall comply with the following:

i. Meet the minimum setback within the Zoning District in which the facility is proposed; and

ii. Towers and antennas shall be set back a distance equal to at least one hundred percent (100%) of the height of the tower and antenna from any adjoining lot line. In Industrial Zoning Districts, towers and antennas are allowed a maximum height of 65' when the lot or parcel is located greater than 400' from a residential use.

b. Amateur radio towers and antennas located in any Rural Industrial Zoning District, (CAR, SR, SR-1, SH, GR, GR-5, GR-10) or Residential Zoning District, (CR-1, CR-2, CR-3, CR-4, CR-5 and TR), however, that freestanding towers or antennas shall not exceed the maximum height of the applicable Zoning District and shall comply with the following:

i. Setback: Towers and antennas shall be set back a distance equal to at least one hundred percent (100%) of the height of the tower or antenna from any adjoining lot line.

ii. Amateur radio towers and antennas are prohibited in any front yard and shall not be placed in front of the front face plane of the principal building.

iii. If an Amateur Radio Tower is located within a controlled Home Owner Association, the applicant is encouraged to comply with the Community's Conditions Covenants and Restrictions (CC&R's).

c. Limitation on quantity of towers by zoning district:

i. All other zoning districts: One (1) radio tower and/ or antenna permitted per lot of record.

ii. Additional towers, greater in number than prescribed above, may be permitted in any zoning district, but shall be subject to securing a conditional use permit as set forth in Section F below.

iii. Towers are prohibited in any airport clear zone or landing zone designated by the FAA.

F. **CONDITIONAL USE PERMITS.**

1. **GENERAL.** The following provisions shall govern the issuance of conditional use permits for towers or antennas by the City Council:

a. For purposes of this Section F, any conditional use permit request shall require public notice pursuant to City's Ordinance 07-01, Citizen Participation Requirements, as may be amended from time to time.

b. If the tower or antenna does not meet the requirements of Section E above or does not meet the requisite dimensional requirements, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

c. Applications for conditional use permits under this Article shall be subject to the procedures and requirements of Article 23 of the Zoning Code, Sections 2302, 2302-1, 2302-3 except as specifically modified in this Article.

d. In granting a conditional use permit, the City Council may impose conditions to the extent such conditions are necessary to minimize any adverse effect of the proposed tower.

e. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by an Arizona licensed professional engineer.

f. A Conditional Use Permit issued under this Article shall be conditioned upon verification by the engineer or his/her designee that such tower or antenna is structurally sound, prior to final inspection.

2. **TOWER AND ANTENNA INFORMATION REQUIRED.** In addition to any information required for applications for a conditional use permit pursuant to Article 23 of the Zoning Code, Sections 2302, 2302-1, 2302-3, applicants for a conditional use permit for a tower or antenna shall submit the following information:

a. A scaled site plan clearly indicating the location, type and height of the proposed tower or antenna, including:

i. On-site structures, land uses and zoning designation(s).

ii. Adjacent structures, land uses and zoning within 20 feet of the property line (including when adjacent to other municipalities).

iii. The setback distance between the proposed tower or antenna to all nearest building structures, residential, uses, and commercial and industrial zoned properties as set forth in Table A.

iv. Adjacent roadways and proposed means of access.

v. Required and proposed setbacks from property lines.

b. Color elevation drawings of the proposed wireless facility and associated structures as deemed by the city to be necessary to assess compliance with this Article;

c. A photo simulation of the proposed tower and structures associated with the wireless facility as seen from adjacent right-of-way(s). Staff may

request additional simulations as necessary to determine the visual impact of the proposed facility;

d. The separation distance from other towers or antennas described in the inventory of existing sites submitted, pursuant to Section D.3 of this article, shall be shown on a site plan or map. The applicant shall also identify the type of construction of the existing tower(s) or antenna(s) and the owner/operator of the existing tower(s) or antenna(s), if known;

e. A description of compliance with Section D, "General Provisions", and Table A, and all applicable federal, state, county or local laws;

f. A notarized statement by the applicant as to whether construction of the tower or antenna will accommodate co-location of additional towers or antennas for future users;

g. An analysis explaining the reasons co-location is not feasible on existing towers, antennas, or other vertical structures in the vicinity, and describing the alternative technologies considered to provide similar services in lieu of a new tower or antenna;

h. A description of the feasible alternative location(s) of future towers or antennas within the City of Maricopa based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is not erected;

i. A statement of compliance with applicable Federal Communications Commission (FCC) Radio Frequency (RF) exposure standards; and

j. Additional information may be required as deemed necessary to determine compliance with the goals of this Article.

3. **FACTORS CONSIDERED IN GRANTING CONDITIONAL USE PERMITS FOR TOWERS OR ANTENNAS.** In addition to any standards for consideration of conditional use permit applications pursuant to this Article, the City Council shall consider the following factors in determining whether to issue a conditional use permit, although the City Council may waive or reduce the burden on the applicant of one or more of these criteria if the City Council concludes that the goals of this Article are better served thereby:

a. Height of the proposed tower or antenna;

b. Proximity of the tower or antenna to any residential structures and uses;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and vegetation;

f. Design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. Analysis on the availability of suitable existing towers, antennas, other structures, or alternative technologies not requiring the use of towers or antennas, as discussed in subsection F(4) below.

4. **AVAILABILITY OF SUITABLE EXISTING TOWERS, ANTENNAS, OTHER STRUCTURES, OR ALTERNATIVE TECHNOLOGY.** No new tower or antenna shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City Council that no existing tower, antenna, structure, or alternative technology that does not require the use of towers, antennas or structures can accommodate the applicant's proposed tower or antenna. An applicant shall submit information requested by the city related to the availability of suitable existing towers, antennas, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, antenna, structure, or alternative technology can accommodate the applicant's proposed tower or antenna may consist of any one (1) or more of the following:

a. No existing towers, antennas or structures are located within the geographic area which meets applicant's engineering requirements;

b. Existing towers, antennas or structures are not of sufficient height to meet applicant's engineering requirements;

c. Existing towers, antennas or structures do not have sufficient structural strength to support applicant's proposed tower or antenna and related equipment;

d. The applicant's proposed tower or antenna would cause electromagnetic interference with the equipment on the existing towers, antennas or structures, or the existing towers, antennas or structures would cause interference with the applicant's proposed tower or antenna;

e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower, antenna or structure or to adapt an existing tower, antenna or structure for sharing are unreasonable. For this purpose, costs exceeding the construction of a new tower or antenna are presumed to be unreasonable;

f. The applicant demonstrates that there are other limiting factors that render existing towers, antennas and structures unsuitable;

g. The applicant demonstrates that an alternative technology that does not require the use of towers, antennas or structures, such as a cable microcell network using multiple low-powered transmitters or receivers attached to a wireless system, is unsuitable. For this purpose, costs of alternative technology that exceed new tower or antenna development shall be presumed to render the technology unsuitable; or

h. If the proposed location is in a residential district, that the location is necessary for the provision of personal wireless services to Maricopa residents and businesses, or their owners, customers, guests, or invitees, or other persons traveling in or about the City based on substantial

evidence that siting the facility outside of a residential district is infeasible and without the proposed facility, the operator will be unable to provide personal wireless services to its customers in the proposed coverage area, or unable to provide the capacity necessary to meet call and data volumes.

5. **MINIMUM SETBACK, SEPARATION AND MAXIMUM HIEGHT REQUIREMENTS.** The following height, setback and separation standards shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the City Council may reduce the standard setback, separation and height requirements if the goals of this Article would be better served thereby:

a. Towers and antennas shall be set back a distance equal to at least one hundred percent (100%) of the height of the tower or antenna from any adjoining lot line, excluding existing Alternative tower structures; provided, however, that separation distances from residential uses shall be in accordance with Table A, set forth below.

b. Accessory buildings must satisfy the minimum zoning district setback requirements set forth in the Zoning Code.

c. Separation distances between towers and antennas shall be measured between the proposed tower or antenna and preexisting towers or antennas. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower or antenna and the proposed base, pursuant to a site plan, of the proposed tower or antenna. The separation distances (listed in linear feet) shall be as shown in Table A, set forth below.

Table A – Conditional Use Permit: Setback, Separation and Maximum Height by Zoning District

	Max height in all Zoning Districts	Setback from residential uses	Separation from other antennas over 50' height
Freestanding	65'	400'	600'
Alternative/ Co-Location	10' above existing structure	300'	600'
Buildings	15' above existing structure	150'	-
Stealth	75'	100% of height to property line	-

G. **CO-LOCATION.**

1. **GOOD FAITH.** Applicants and permittees shall cooperate and exercise good faith in co-locating wireless telecommunications facilities on the same support structures or site, if the City so requests. For the purposes of this section only, a site may accommodate more than one (1) tower and its accompanying equipment so long as the site exceeds five (5) acres. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing such information normally will not be considered as an excuse to the duty of good faith.

2. **THIRD PARTY TECHNICAL REVIEW.** In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third party technical study at the applicant's expense. The City may review any information submitted by the applicant and permittee(s) in determining whether good faith has been exercised.

3. **EXCEPTIONS.** No co-location may be required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing wireless telecommunications facilities or failure of the existing wireless telecommunications facilities to meet federal standards for emissions.

4. **VIOLATION; PENALTY.** Failure to comply with co-location requirements when feasible may result in denial of a permit request or revocation of an existing permit.

H. **REMOVAL OF ABANDONED ANTENNAS AND TOWERS.** Any antenna or tower that is not operated for a continuous period of one hundred eighty (180) days shall be considered abandoned, and the owner of such antenna or tower shall remove the same within sixty (60) days of receipt of notice from the City of Maricopa notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said sixty (60) day period shall be grounds for the City to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower for the prescribed period.

I. **NON-CONFORMING USES.**

1. **NOT EXPANSION OF NON-CONFORMING USE.** Towers that are constructed and antennas that are installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a non-conforming use or structure.

2. **PRE-EXISTING TOWERS.** Pre-existing towers or antennas shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers or antennas. New construction other than routine maintenance on a pre-existing tower or antenna shall comply with the requirements of this Article.

3. **REBUILDING DAMAGED OR DESTROYED NON-CONFORMING TOWERS OR ANTENNAS.** Notwithstanding other provisions of this Article, bona fide non-conforming 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 separation requirements specified herein. Bona fide non-

conforming 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 separation requirements specified in Section G(1) and (2). The type, height, and location of the tower or antenna onsite shall be of the same type and intensity as the original facility approval; provided, however, that any destroyed lattice or guyed tower shall be replaced with a monopole structure only. Building permits to rebuild the facility shall comply with the current adopted 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 Section H, herein.

J. **SPECIAL DISTRICT REQUIREMENTS.**

1. **HERITAGE DISTRICT.** All proposed tower and antenna Conditional Use Permit requests for properties located within the Heritage District boundaries require review and written recommendation from the Heritage District Advisory Committee to the Planning & Zoning Commission, prior to the initial Public Hearing for such request.

CITY OF MARICOPA
PROUD HISTORY · PROSPEROUS FUTURE

ZONING CODE ARTICLE 36 APPENDIX A:

DESIGN STANDARDS FOR WIRELESS COMMUNICATION FACILITIES

PLANNING DIVISION

45145 W. Madison Ave.
P.O. Box 610
Maricopa, AZ 85239
Ph: 520.568.9098
Fx: 520.568.9120
www.maricopa-az.gov

Introduction

This document includes design standards to minimize the visual impact of wireless telecommunication facilities and encourage co-location of those facilities. The design standards contained in this document are intended to provide additional reference in support of Article 36 Wireless Communication Facilities of the City of Maricopa Zoning Code, and may be amended from time to time with approval from the Zoning Administrator.

Intent

The purpose of these design standards is to assure a degree of consistency in the wireless telecommunication facility review process. These standards provide direction to service providers and their consultants in regard to the types of facilities that are encouraged and discouraged within the City of Maricopa. Substantial conformity with these design standards is required as applicable to a given facility type. These standards should be interpreted with flexibility by staff and are not rigorous requirements but rather a means of adapting documentation and review needs to the scope of a particular facility request. Not all design standards will be applicable on all projects, and the standards are suggestive versus restrictive.

Review Guidelines

1. **Review Criteria:** The primary goals of these standards are to ensure visually acceptable facility design, co-location of facilities, stealth and alternative design where appropriate and to provide a guide to preferred and acceptable design of wireless telecommunication facilities.

    a. The proposal minimizes visual impact to the extent possible through design, screening and siting.

    b. For building mounted facilities, the antenna and associated equipment is of a scale and design compatible with the building, is mounted to a building facade and does not project beyond 15 feet from the top of the building.

    c. The proposal will blend with and/or complement the color, design and/or character of the surrounding context, whether natural backdrop, building or existing facility.

    d. Ground equipment and vertical elements have been screened and buffered using landscaping and fencing to the extent possible.

    e. Facility incorporates stealth/aesthetic designs such as public art, clock towers, flagpoles or other appropriate visual forms, if possible.

2. **Stealth Wireless Communication Facilities:** The following shall govern design standard for stealth towers. Per Article 36 Sec B. Definitions of the Wireless Communication Facilities, stealth is define as man-made trees, clock towers, palm trees, faux wind mills and water towers, chimneys and similar structures to design mounting structures that camouflage or conceal the presence of antennas and towers.

a. In the facility example shown in the photos below (figure A). The facility examples are poorly designed in terms of context. The constructed stealth facilities bear no relationship to the size, shape and character of surrounding physical elements**.**

Discouraged (figure A)

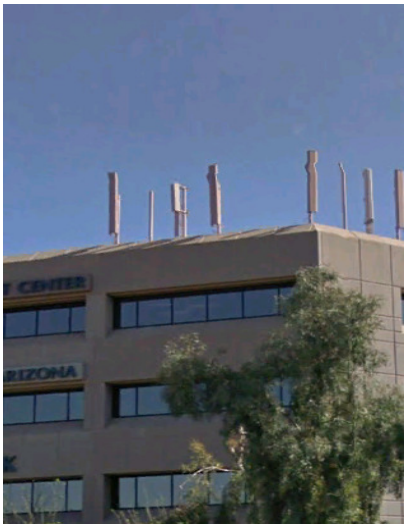
b. The stealth wireless communication facilities below (figure B) are designed with fully enclosed equipment that presents a better choice in this instance. The stealth design provides a better false facade that is similar in appearance to the surrounding area.

Encouraged (figure B)

3. **Building Mounted Antenna:** The following shall govern design standard for stealth towers. Per Article 36 Sec D, #11 Design Standards a Building Mounted Antenna is described as an antenna that is installed on a building and the antenna and supporting electrical and mechanical equipment is architecturally integrated in a manner that is identical to, or closely compatible with, the color of the building structure so as to make the antenna and related equipment as visually unnoticeable as possible.

   a. In the example below (figure C), the building mounted antenna demonstrates a poorly designed antenna and tower that does not architecturally integrate with the building.

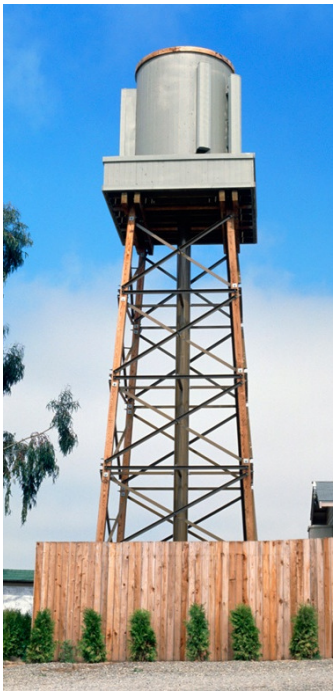
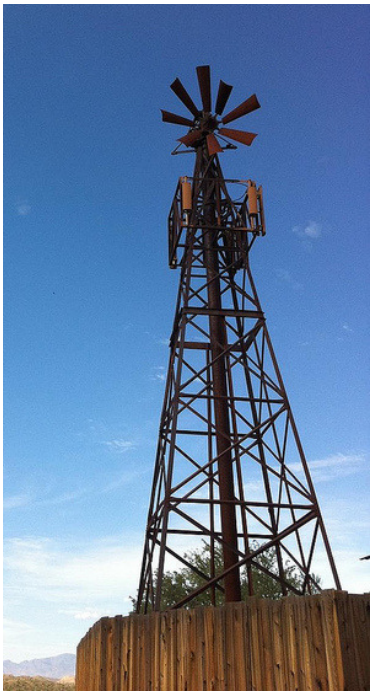
Discouraged (figure C)



   b. Figure D (see below) architecturally disguises the building mounted antenna from public view. The design provides an enhanced false structure that blends with the built environment.

Encouraged (figure D)

4. **Alternative tower or antenna structure:** The following shall govern design standard for alternative tower or antenna structure. Per Article 36 Sec B. Definitions an alternative tower or antenna structure means any existing or proposed vertical structure that is designed to contain a wireless communication antenna including but not limited to clock towers, bell steeples, light poles, ball field lights, wind mills, and similar alternative mounting structures that may be used to attach antennas and towers to minimize impact (see also Stealth).

Example of Alternative tower or antenna structure

5. **Heritage District:** Any proposed stealth or alternative tower that is proposed within the Heritage District shall incorporate proper design elements of the Heritage District as prescribed in the Heritage District Design Guidelines and adopted Heritage District plan. Below are preferred examples for stealth design towers within the Heritage District.