



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	TA2014001 – Wireless Communication Facilities
Meeting Date:	October 9, 2014
Agenda Item:	5
Supervisor District:	All
Applicant:	Commission-initiated
Request:	Text Amendment to the Maricopa County Zoning Ordinance, Section 1202 Wireless Communication Facilities (WCF)
Support/Opposition:	Two emails of concern
Recommendation:	Approval

Discussion:

The purpose of the text amendment is to overhaul the entire of Section 1202 in order to streamline the entitlement process for WCFs by eliminating the WCF Use Districts which are biased against the West Valley and fostering moderate height and slim monopole designs that would be permitted in all zoning districts throughout unincorporated Maricopa County without need for obtaining a Special Use Permit – as recommended by the Maricopa County Planning and Development Ad Hoc Task Force. Proposed verbatim language is attached (in leg-edit format with highlighted changes since the September 11, 2014 Commission report.) As proposed, WCFs would be regulated as follows:

- Rural/Residential zoning an 80' maximum height (or 15' above the structure onto which attached) with a 2:1 setback from lot lines (unless co-locating on an existing structure);
- Commercial/Industrial zoning a 120' maximum height (or 15' above the structure onto which attached) with a 1:1 setback from lot lines (unless co-locating on an existing structure);
- Within electric transmission corridors and utility compounds a 125' maximum height (or 15' above the structure onto which attached) and min. 3' setback; and
- Limit all WCFs to a maximum height of 199' unless it can be demonstrated that adverse impacts on aviation, dark skies and bird migration have been mitigated.
- Require a minimum 1,000' radial separation between facilities in Rural or Residential zoning unless a stealth design or mounted on a building/structure.
- A special use permit will be required when conditions cannot be met.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. This item was initiated at the June 26, 2014 Commission meeting. It was discussed at the September 11, 2014 Commission hearing and comes forward today for recommendation to the Board of Supervisors (BOS). If

the Commission makes recommendation today the matter will be scheduled for the November 5, 2014 BOS hearing for adoption. The regulatory amendment will take effect 30 days after BOS approval.

The New River Desert Hills Community Association (NRDHCA) suggested altered language specifically to include solid walls at least 8' high and higher than all equipment in order to mitigate sound. This suggestion has largely been incorporated into the proposed language. However, NRDHCA is opposed to proposed Article 1202.2.3 regarding liberal allowance of WCFs within electric transmission corridors:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, June 18, 2014 4:54 PM
To: 'Ann Hutchinson'; 'PLAN-DEV@NRDHCA.COM'
Subject: RE: Regulatory Outreach - TA2014001

Ann: thank you for the latest comments from NRDHCA on TA2014001. I think you sent these comments prior to seeing the staff report prepared for the 6/26/14 P&Z (ZIPPOR). The staff report and leg-edit text amendment are attached. You'll note from the staff report specifically asks the P&Z to consider the points you've raised and to give direction. I'll also provide these latest comments as a handout at the 6/26/14 P&Z which will be held in the Gold Room at 501 N. 44th St. DG
[signature block snipped]

From: Ann Hutchinson [<mailto:behomes@q.com>]
Sent: Wednesday, June 18, 2014 3:27 PM
To: Darren Gerard - PLANDEVX
Subject: TA2014001 thru TA2014009 NR-DHCA response 2014-6-18

Darren,

Thank you for the second opportunity to review TA2014001 thru 009 since some have been updated. The attached has the New River - Desert Hills Community Association's updated response.

We are submitting these directly to you and through regulation comment option.
[signature block snipped]

Attachment excerpt:

DENIAL following amendments.

a. TA2014001 WIRELESS COMMUNICATION FACILITIES

- Reason for denial:** Changes need to be made to mitigate noise and ensure sustainability. Additionally, we do not think wireless communication towers should be allowed to be installed with-in power transmission lines (easement)
- o 1202.3.1k.j. should be changed to "All ground-mounted equipment associated with a wireless communication facility shall have a solid barrier (masonry units) to mitigate noise."

Explanation: Landscaping in this area does not provide a good sound (noise) barrier. Additionally, we are unaware of any ordinance/code that requires that landscaping be maintained or if it dies to be replaced. Noise does not have to be within the high decibel range to be annoying, a constant whine can be unnerving

and annoying. A solid barrier (masonry units) provides a good noise absorber and deflector when located above the source.

- 1202.3.1.m.l. should be changed to “A solid barrier wall of a minimum of eight feet high to as high as the intake/exhaust for internal equipment or the height of the equipment building *whichever is lower*. Screen wall must be solid, constructed of concrete masonry units, shall be constructed around the communication facility and shall screen all equipment. “
- Do not allow wireless communication towers to be installed with-in power transmission lines (easement) that would be regulated by the company and their regulations (not Maricopa County).

From: Plan-Dev@NRDHCA.com[SMTP:PLAN-DEV@NRDHCA.COM]

Sent: Wednesday, June 18, 2014 2:56:49 PM

To: Regulatory

Subject: Regulatory Outreach

Auto forwarded by a Rule

Citizen Comments

Issue: PD-TA2014001 – Wireless Communication Facilities

Citizen's Name: Ann Hutchinson

Organization: New River-Desert Hills Community Association

City: New River

Zip: 85087

Phone Number: 6237426514

Phone Type: home

Email: Plan-Dev@NRDHCA.com

Does citizen want to be contacted: no

Comment is regarding: express opposition

Comments:

The NR-DHCA Board recommends DENIAL for this amendment. Reason for denial: Changes need to be made to mitigate noise and ensure sustainability. Additionally, we do not think wireless communication towers should be allowed to be installed with-in power transmission lines (easement) o 1202.3.1k.j. should be changed to “All ground-mounted equipment associated with a wireless communication facility shall have a solid barrier (masonry units) to mitigate noise.” Explanation: Landscaping in this area does not provide a good sound (noise) barrier . Additionally, we are unaware of any ordinance/code that requires that landscaping be maintained or if it dies to be replaced. Noise does not have to be within the high decibel range to be annoying, a constant whine can be unnerving and annoying. A solid barrier (masonry units) provides a good noise absorber and deflector when located above the source. • 1202.3.1.m .l. should be changed to “A solid barrier wall of a minimum of eight feet high to as high as the intake/exhaust for internal equipment or the height of the equipment building whichever is lower. Screen wall must be solid, constructed of concrete masonry units, shall be constructed around the communication facility and shall screen all equipment. “ • Do not allow wireless communication towers to be installed with-in power transmission lines (easement) that would be regulated by the company and their regulations (not Maricopa County).

Time of Request: 6/18/2014 2:56:49 PM

From: Darren Gerard - PLANDEVX

Sent: Wednesday, May 28, 2014 7:02 PM

To: 'Ann Hutchinson'

Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren

[signature block snipped]

From: Ann Hutchinson [<mailto:behomes@q.com>]
Sent: Sunday, May 18, 2014 12:11 PM
To: Darren Gerard - PLANDEVX
Cc: Alan & Candy Muller
Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.

We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000
Email: behomes@q.com
www.nrdhca.org
623-742-6514

Email attachment excerpt (clarified due to formatting):

TA2014001 WIRELESS COMMUNICATION FACILITIES

- Delete all types including locations of communication facilities.
- Communication facilities allowed in all districts.
- Towers in excess of 199 feet in height must go thru SUP process Mitigation of interference with bird migration and nesting and aircraft required for approval.
- I propose changing 1202.3.1.m .l. to the following: A solid screen wall of a minimum of eight feet high to as high as the intake/exhaust for internal equipment or the height of the equipment building *whichever is lower*. Screen wall must be solid, constructed of concrete masonry units, shall be constructed around the communication facility and shall screen all equipment. Reason: This requirement will lessen the unwanted sound (noise) omitted from the equipment building.
- I also point out that the spelling needs correction on page 6, chapter 12, page 4, Item G "for each 1 foot in height" not hieght.

To allow wireless communication towers to be installed within power transmission lines (easement) will be regulated by the company and their regulations, Not a good idea.

I recommend denial due to the need for changes as noted above and the opinion given in the last bullet point

There have been no new comments via EROP since the June 26, 2014 Commission meeting. However, there have been informal discussions with members of the cellular industry; and, the following comments from Verizon Wireless were submitted external to EROP:

From: Darren Gerard - PLANDEVX
Sent: Monday, September 22, 2014 7:04 PM
To: 'Nancy Smith'; 'Patrick.Adair@VerizonWireless.com'
Cc: Glenn Bak - PLANDEVX
Subject: RE: TA2014001 - Wireless Communication Facilities - Verizon Comments

Mr. Adair & Ms. Smith: thank you for the comments noted below. These will be printed and provided to the Commission for review at their 10/9 public hearing. Please see link in my signature block below for subscribing to the county's Enhanced Regulatory Outreach Program (EROP). Darren
[Signature block snipped]

From: Adair, Patrick W [mailto:Patrick.Adair@VerizonWireless.com]
Sent: Thursday, September 18, 2014 7:14 AM
To: Nancy Smith
Subject: RE: TA2014001 - Wireless Communication Facilities

Hello Nancy,

Below are my comments on the ordinance proposals:

1202.2.2 – Would prefer a 50 X 50 compound to contain up to 4 carriers since the proposed block wall in 1202.3.1-L would be extremely costly around a 100 X 100 compound.

1202.3.1-a & c – A tower of 80' can hold up to 4 carriers but limiting the pole to a 30" diameter does not allow for multiple carriers cable to fit inside a monopole and a self-support tower. Recommend 80' monopoles be 42" at the base and 80' self-support towers be 6' wide on all three faces to accommodate multiple carrier cables.

1202.3.1-d – This must be referencing only monopoles since a tower that is non-galvanized would rust out quickly. Is the desired result to have a monopole that has a patina of dark brown similar to many power poles? If so this reference makes sense, otherwise it is desired to leave a monopole as galvanized gray or painted gray, unless a specific is called out during zoning review. As you know, the best way to make a monopole obvious is to paint it tan or any shade of blue!

1202.3.1-g – Would make more sense to have the setback no more than 1 to 1, 1 foot for each foot of height.

1202.3.1-i – MW dish size not to exceed 6' (6' is the most common dish size for licensed MW traffic)

1202.3.1-h – An 8 foot array diameter will not work for the newer antenna technologies that require wider antennas. Also, unless the installation is at the top of the pole, as the pole gets wider the array has to grow with it to allow for mounts and cable bends, so a 12' diameter makes more sense.

1202.3.1-j – this is already addressed in 1202.3.1-L requiring a block wall around the compound.

1202.3.1-m – Generators can be permanently installed but are only permitted for emergency purposes. Seems they may not allow a permanent installation, but all of the VZW generators are permanent installs but are for emergency power only.

If you have a chance to present these and other changes I'm all for it.

Thanks!

Patrick Adair | Implementation Manager | VeriZon Wireless | SW Region | 126 W. Gemini Dr. Tempe AZ
85283 | 480-777-4369

Staff recommends the proposed verbatim language, attached. Changes in the proposed language based upon discussion at the September 11, 2014 Commission are highlighted, and summarized as follows:

- Language of proposed Article 1202.2.2 was revised to simply clarify that the ground area must be large enough to accommodate the tower structure and equipment for at least two separate carriers. This language seems more appropriate than specifying dimensions because the equipment may be placed in line rather than in a squared off area.
- Note was added to proposed Article 1202.2.4 that no lighting is permitted on towers 199 feet or less in height. This is to prevent lighted, tall towers and preserve dark skies.
- Proposed Article 1202.3.1.1.c limits tower a maximum width of 30". There was discussion from industry representatives that should be measured at the top of the pole but such language would open up potential for monolithic structures. This measurement is the maximum width at any point above the screen wall and for facilities that are not attached to a building/structure. Recent comments have stated that a 30" radius width will not be able to accommodate multiple carriers on an 80' tower. This may necessitate further Commission review.
- Proposed Article 1202.3.1.1.h needs revision so that it's clear the maximum straight line measurement across the center of the tower / support structure from circumference to circumference shall be a maximum of eight feet, but not including architectural features for stealth design such as tree limbs, palm fronds, windmill blades, etc.
- Proposed Article 1202.3.1.k has additional language added to clarify that a 1,000' separation is required for cell towers in Rural or Residential zoning unless a stealth design but that the stealth design must be reasonable. For instance a monopalm or monopine must have live palm or pine trees in reasonably close proximity and the tower must be of similar height.
- Language is added to proposed Article 1202.3.1.e to clarify that all standards of the Rural/Residential zoning districts must be met unless specifically addressed as a standard of the Commercial/Industrial zoning districts.
- Language is added to the proposed Article 1202.3.3 that the ground equipment for facilities located in utility corridors/compounds may be located on another parcel but in any event must setback at least 3' from a lot line.

Recommendation: Approval per attached language

Prepared by Darren V. Gerard, AICP, Deputy Director

Attachment: TA2014001 proposed language (9 pages, leg-edit)
September 11, 2014 DRAFT Commission minutes (not available as of the writing of this report)
September 11, 2014 Commission packet (27 pages)

No enclosures.

TA2014001 Commission Staff Report Addendum

From: Darren Gerard - PLANDEVX
Sent: Tuesday, September 30, 2014 8:33 AM
To: 'PLAN-DEV@NRDHCA.COM'
Subject: RE: Regulatory Outreach

Ann: thank you for your comments. These will be provided to the Commission for the 10/9 P&Z public hearing. I understand that NRDHCA continues to push for a specific type of solid wall. The language as proposed leaves the type of solid wall open but it must be demonstrated that the generated noise is mitigated. The other reference a typo that I don't see, but recognize that you would like to see the sentence end "... or the facility, including the monopole and all visible metal, shall be constructed of nongalvanized steel." Darren

Darren V. Gérard, AICP, Deputy Director
Maricopa County Planning & Development Department
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602-506-7139, 602-506-3711 (fax)
darrengerard@mail.maricopa.gov
www.maricopa.gov/planning

Your feedback is important - Click [HERE](#) to let us know!

From: Plan-Dev@nrdhca.com[SMTP:PLAN-DEV@NRDHCA.COM]
Sent: Monday, September 29, 2014 7:52:50 PM
To: Regulatory
Subject: Regulatory Outreach
Auto forwarded by a Rule

Citizen Comments

Issue: PD-TA2014001 – Wireless Communication Facilities

Citizen's Name: Ann Hutchinson
Organization: New River - Desert Hills Community Association
City: New River
Zip: 85087
Phone Number: 6237426514
Phone Type: home
Email: Plan-Dev@nrdhca.com

Does citizen want to be contacted: no

Comment is regarding: other

Comments:

We selected "other" because we would like to see one typo error is corrected and the solid wall enclosure is CBS or any weatherproof and sound absorbing material. Otherwise we have no objections to this TA. See our email attached consultant's analysis for more explanation

Time of Request: 9/29/2014 7:52:50 PM

Attachment:

PAUL H. McALLISTER
201 W. Circle Mountain Road
New River, AZ 85087

Date: 26 September 2014

To: NR-DHCA, INC.

Review By Date: October 1, 2013

Case: TA2014001, Text Amendment to Wireless Communication facilities.

Related Case: None.

Planner: Darren Gerard.

Type case: TAC BOA Text Amendment to Wireless Communication facilities.

Meeting Date: October 9, Planning & Zoning meeting

Request for: Text Amendment to Wireless Communication facilities.

Background An ongoing amendment to Wireless Communication Facilities. So-far all attempts denied. Previous attempts the TAs grouped with others (TA2014001/TA2014009), some approved some denied.

Opinion: Now this TA stands by its self and addresses Wireless Communication Facilities (WCF). This almost completely rewrites Section (1202) of the Maricopa County Zoning Ordinances,.

Highlights include:

- WCF Districts 1, 1A, 2, 3 and any reference to them are deleted. Two carriers minimum for each facility, in residential zoned areas **80 foot maximum**, 30 inch diameter maximum, on residential parcels 2 foot setback for each 1 foot in facility height, dimension of antenna arrays and micro-wave dishes explained.
- Commercial/Industrial parcels. If the facility exceeds the allowed height on their parcel and their parcel abuts residential, the setback is 1 foot for each 1 foot in height. 120 maximum height but height is limited by maximum height allowed in that zoning district or the maximum height of any structure on that parcel whichever is less. There exist one exception, any WCF installed within a power line corridor or a electrical substation is limited to 125 feet in height.

Remember if anything proposed cannot comply with the Ordinances then a Special Use Permit (SUP) If a SUP can be approved by the Board of Supervisors (BOS). The BOS approval trumps all regulations.

I still see a one problem:

1. The reference to a solid wall to enclose the equipment room. I think they should be more specific. Many "solid" wall materials may not absorb the noise only amplify it. A concrete block structure (CBS) will absorb noise.

There seems to be a typo too under color (proposed 1202.3.1.1.d) "facility shall be constructed of non-galvanized steel". I believe this should refer to any visible metal, monopole included.

Recommendation: Denial Approval Other: Approval but only if error is corrected and the solid wall enclosure is CBS or any weatherproof and sound absorbing material.

Sincerely,

Paul H. McAllister

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SECTION 1202. WIRELESS COMMUNICATION FACILITIES^{*1}

ARTICLE 1202.1. PURPOSE: The principal purpose of this ~~district~~ Section is to establish the locations in unincorporated Maricopa County where communication facilities may be located and the regulations that apply to their placement. The regulations contained herein are designed to recognize the need to accommodate the approval of those types of public utility uses while still recognizing the need to promote the public health, safety and general welfare of the citizens of Maricopa County. These regulations establish zoning standards that will protect the integrity of single-family neighborhoods and maintain the character, identity, and image of hillside areas.

ARTICLE 1202.2. GENERAL PROVISIONS

1202.2.1. Wireless communications facilities are permitted in all zoning districts subject to the provisions and standards outlined in this Section. ~~The Wireless Communication Facilities Use Districts are divided into three use districts (see attached Use Districts Map) according to the following criteria:~~^{*4}

~~1. **District 1:** The areas of unincorporated Maricopa County which are either planned or developed to an urban density and/or in designated scenic areas (e.g. scenic highways) in proximity to these urban areas.~~

~~a. **District 1 A:** Those areas within District 1 which are located along and within **one mile** of U.S. Interstate 17, U.S. 60-89 (exclusive of the Sun City and Sun City West developments), State Highway 71 and State Highway 87 east of the Fort McDowell Mohave/Apache Native American community.~~^{*4}

~~2. **District 2:** Buffer areas or major highways (including I-10 but excluding Interstate 17, U.S. Highway 60-89, State Highway 87, Interstate 8 and State Highway 71) around urban/developed and/or scenic areas.~~^{*4}

~~3. **District 3:** Those areas of unincorporated Maricopa County which are not within District 1, District 1 A or District 2.~~^{*4}

1202.2.2. Wireless communication facilities are permitted on individual lots of record, or on lease or easement areas described by metes and bounds of an area adequate to accommodate the tower structure and associated ground equipment for at least two carriers. ~~any size in Districts 1, 1a, 2 and 3.~~^{*4}

1202.2.3. The construction and location of cellular communication facilities shall be subject to the standards contained in this regulation, unless otherwise noted herein.

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1202.2.4. Wireless communication structures in excess of **199 feet** in height are prohibited unless co-locating on an existing structure and unless there is a plan to mitigate interference with military and commercial aircraft and to mitigate disruption of avian migration and nesting and to preserve nighttime skies for astronomical observation, and ~~and located within **three miles** of a military or municipal airport~~ shall be required to obtain Special Use Permit approval of the Board of Supervisors. Structures of 199 feet or less in height shall not have lighting.^{*1}

1202.2.5. Any proposed wireless communication facility that cannot meet the standards outlined in Article 1202.3 of this Ordinance shall be required to obtain a Special Use Permit approval by the Board of Supervisors. ~~The administrative approval process, as applied to this Section, shall involve the following procedure:~~

- ~~1. An application, together with supporting plans, documentation and fees shall be submitted to the Zoning Division of the Department. The names and addresses of all property owners of record as set forth in the records of the Maricopa County Assessor within **300 feet** of the metes and bounds description of the area on which the wireless communication facility is proposed shall be submitted by the applicant as a part of the application.~~^{*4}
- ~~2. The Plan Review Division of the Department shall notify all property owners within **300 feet** of the metes and bounds description of the area on which the wireless communication facility is proposed, of the administrative approval request by first class mail.~~^{*4}
- ~~3. The Plan Review Division of the Department shall authorize administrative approval for the wireless communication structure if a written objection/protest is not received from any person notified pursuant to paragraph 1202.2.5.2. above within **14 days** from the date the notice is mailed. If a written objection/protest from any person notified pursuant to paragraph 1202.2.5.2. is received, the Director may withhold approval of the administrative approval request. If a written objection/protest is rescinded or withdrawn after the Plan Review Division of the Department has withheld approval, the Plan Review Division of the Department shall approve the administrative approval request.~~^{*4}
- ~~4. Provided, however, the Plan Review Division of the Department may authorize the administrative approval, even though a written protest has been received, if it is determined by the Plan Review Division of the Department that the public health, safety and general welfare will not be adversely affected, and that necessary safeguards will be provided for the protection of adjacent property or the permitted uses thereof; provided that the property owners and the applicant noted herein are notified of same and~~

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~~given an additional **14 days** to appeal to the Director of the Department, and if an appeal is made, shall make the final decision.~~^{*1}

~~1202.2.6 Any wireless communications facility proposed to be located on any property developed primarily as an electric utility station shall not be subject to this article and shall be permitted as a matter of right pursuant to this Section. Such properties include, but are not limited to:~~

- ~~1. Substations;~~
- ~~2. Receiving stations;~~
- ~~3. Generating stations;~~
- ~~4. Switching yards;~~
- ~~5. Storage yards; and~~
- ~~6. Communications facilities.~~

~~The overall height of proposed new structures, antennas, attachments and appurtenances are limited to 125' or the height of the tallest existing structure, whichever is less. Antennas proposed to be attached onto existing structure are limited to a maximum height of 15' above the height of the existing structure.~~^{*2}

ARTICLE 1202.3. STANDARDS: The following standards shall apply in the to Wireless Communication Facilities ~~Use Districts:~~^{*1}

1202.3.1. ~~*District 1*~~ (Urban/Developed or Scenic) **Location:**

1. In Rural, ~~or Single-Family Residential Zoning Districts, land classified by the Assessor as Agricultural or Multiple-Family Zoning Districts,~~ wireless communication facilities are permitted ~~allowed as accessory uses to nonresidential uses,~~ subject to the following limitations:^{*1}
 - a. ~~The wireless communication facility shall replace an existing pole, light standard, communication facility or other pole-like structure of the same or less height and similar circumference that has been in existence for at least **one year**, or the antennae shall be attached to an existing pole or structure that has been in existence for at least **one year**, that otherwise meets applicable provisions of this Ordinance. Existing poles and/or structures in existence for less than **one year**, including proposed facilities within Development Master Plan areas, may be approved at the discretion of the Director of the Department.~~^{*1}
 - b. The maximum height of a wireless communications facility including the base, platform and attached antennae shall not exceed **80 feet** above grade or no greater than 15 feet above the height of the

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existing structure onto which it will be attached unless otherwise specified herein. ~~set forth in Section 1202.3.1.1.a. above, whichever is greater.~~^{*1}

- e.b. Up to **two wireless communication facilities** may be mounted on a building and may include not more than **two microwave antennae dishes** with diameters of not more than **one and one half meters** (4.9 feet) each, and each being **15 feet** or less in height as measured above the roofline so long as the supporting structure is screened.^{*1}
- d.c. ~~Any microwave dish antennae shall be clustered near the top of a cellular communication facility, unless otherwise approved by the Director.~~ Towers and support structures shall have a maximum diameter of 30 inches.
- e.d. The color of a wireless communication facility shall be compatible with the surrounding environment or the facility shall be constructed of non-galvanized steel.^{*1}
- f.e. Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*1}
- g.f. Wireless communication facilities which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*1}
- h.g. Wireless communication facilities shall be setback ~~30-2~~ **2 feet** from all property lines for each 1 foot in height, unless co-locating on a building/structure. ~~Other yard requirements may be approved by the Planning Director subject to the requirements for administrative approval contained herein.~~^{*1}
- i.h. ~~Radiation from the antennae shall not interfere with any existing communication sites.~~ The maximum diameter of antenna arrays shall be eight feet measured from circumference to circumference through the center of the tower structure but not including architectural features for stealth design such as tree limbs, palm fronds, and windmill blades.

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- ~~j.i.~~ The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)** unless a larger size is approved by the Director as an administrative approval, subject to the requirements for administrative approval contained herein.
- ~~k.j.~~ All ground-mounted equipment associated with a wireless communication facility shall be visually screened and to mitigate noise. ~~completely screened from public view by landscaping, natural features, or existing structures. To the extent possible, all structures and related equipment shall be screened and designed to blend in with the surrounding environment. All panel antennae and related hardware and cables that are mounted on an existing structure shall be painted to match that of the existing structure or camouflaged to reduce visual impacts.~~^{*1}
- ~~h.k.~~ Unless designed in a stealth manner acceptable to staff of the Maricopa County Planning and Development Department, the tower structure for a new wireless communication facility shall be located at least 1,000 feet (radius) from any existing wireless communication facility tower structure. There is no separation requirement for facilities mounted on a building/structure. A stealth design must observe reasonable site aspects to affect the stealth design. For example, stealth design as a tree must have live trees of the respective species imitated and of similar height located in proximity to the tower. ~~One parking space~~ for the maintenance of the wireless communication facility must be provided. Said parking space must be paved to reduce the emission of dust.^{*1}
- ~~m.l.~~ A solid screen wall of a minimum a maximum of ~~six~~ **eight feet high, or to the height of intake/exhaust for HVAC and other equipment if higher,** shall be constructed around the facility and shall screen all equipment and to mitigate noise.^{*1}
- ~~n.m.~~ Generators will only be permitted for emergency purposes. ~~All permanent generators associated with any wireless communication facility shall be contained in a completely enclosed building.~~^{*1}
2. In Commercial or Industrial zoning districts, wireless communication facilities are permitted subject to the following limitations:^{*1}
- a. The wireless communication facility, if exceeding the height requirements of the zoning district in which it is located, shall be set back from a property line that abuts land located in a Rural or Residential Zoning District ~~two feet~~ **one foot** for every **one foot** in

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height of the wireless communication facility (unless mounted on a building/structure). Notwithstanding the foregoing, the wireless communication facility shall be permitted to be located in alignment with the front of the principal building on the lot or parcel on which the wireless communication facility is erected ~~provided the wireless communication facility is located a minimum of 100 feet from an adjacent single family district property line.~~^{*1}

b. The maximum height of a wireless communications facility including the base, platform and attached antennae, shall not exceed ~~80 feet above grade provided, however, the Director may administratively approve a maximum height not to exceed 110~~ **120 feet above grade**, subject to the requirements for administrative approval contained herein or 15' above the height of the existing structure onto which it will be attached.^{*1}

c. There is no separation requirement for facilities in Commercial or Industrial zoning.

d. There is no limit to the number of Wireless Communication Facilities (including microwave dishes) that may be located on a building/structure in Commercial or Industrial zoning.

e. All standards of Article 1202.3.1 of this Ordinance, except as addressed in this Article above. ~~Up to two wireless communication facilities may be mounted on a building and may include not more than two microwave antennae dishes with diameters of not more than one and one half meters (4.9 feet) each, and each being 15 feet or less in height as measured above the roofline so long as the supporting structure is screened.~~^{*1}

d. ~~Any microwave dish antennae shall be clustered near the top of a wireless communication facility, unless otherwise approved by the Director.~~^{*1}

e. ~~The color of a wireless communication facility shall be compatible with surrounding environment.~~^{*1}

f. ~~Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.~~^{*1}

g. ~~Wireless communication facilities which are installed on properties on or within 500 feet of a property required to meet Hillside~~

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~~Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*†}~~

- ~~h. Wireless communication facilities shall be required to meet yard requirements of primary buildings or structures of the zoning district in which they are located, unless otherwise specified herein.^{*†}~~
- ~~i. Radiation from the antennae shall not interfere with any existing communication sites.~~
- ~~j. The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)**, unless a larger size is approved by the Director as an administrative approval, subject to the requirements for administrative approval contained herein.~~

~~1202.3.2. **District 1 A**^{*†}~~

- ~~1. Wireless communication facilities shall be allowed in any zoning district subject to the same standards and height applied in Chapter 12, Section 1201., Article 1202.3.1.2.~~

~~1202.3.3. **District 2**^{*†}~~

- ~~1. Wireless communication facilities plus structures or towers and related facilities used exclusively for wireless communication purposes shall be permitted in any zoning district, subject to the following limitations:^{*†}~~
 - ~~a. The maximum height of a wireless communications facility or structure or towers including the base, platform and attached antennae shall not exceed **110 feet** above grade, except that along and within **one mile** of U.S. Interstate 10 (I-10) the height shall not exceed **250 feet** above grade.^{*†}~~
 - ~~b. The wireless communication facility or structure or tower in item 1202.3.3.1.a. shall be set back from a property line that abuts land located in a Rural or Residential Zoning District, or along or within **one mile** of the right of way of U.S. Interstate 10 (I-10), **two feet** for every **one foot** in height of the wireless communication structure.^{*†}~~
 - ~~c. Wireless communication facilities may be mounted on a building and may include any number of microwave antennae dishes each being~~

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~~15 feet or less~~ in height as measured above the roofline so long as the supporting structure is screened.^{*1}

~~d. The color of a wireless communication facility or structure or tower shall be compatible with the surrounding environment unless otherwise required for safety purposes.^{*1}~~

~~e. Installation of a wireless communication facility or structure or tower shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*1}~~

~~f. Wireless communication facilities or structures or towers which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*1}~~

~~g. Except as specified in Chapter 12, Section 1202.3.3.1.b., wireless communication facilities or structures or towers shall be required to meet yard requirements of primary buildings or structures of the zoning district in which they are located, unless a lesser setback is approved as an administrative approval by the Director, subject to the requirements of administrative approval contained herein.^{*1}~~

~~h. Radiation from the antennae shall not interfere with any existing communication sites.~~

~~1202.3.4. **District 3**~~^{*1}

~~1. Wireless communication facilities plus structures including tower, and related facilities used exclusively for wireless communication purposes shall be permitted in any zoning district without limitation, subject to the following standards:^{*1}~~

~~a. The color of a wireless communication facility or structure or tower shall be compatible with the surrounding environment unless otherwise required for safety.^{*1}~~

~~b. Installation of a wireless communication facility or structure or tower shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*1}~~

~~c. Wireless communication facilities or structures or towers which are installed on properties on or within **500 feet** of a property required~~

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~~to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.*1~~

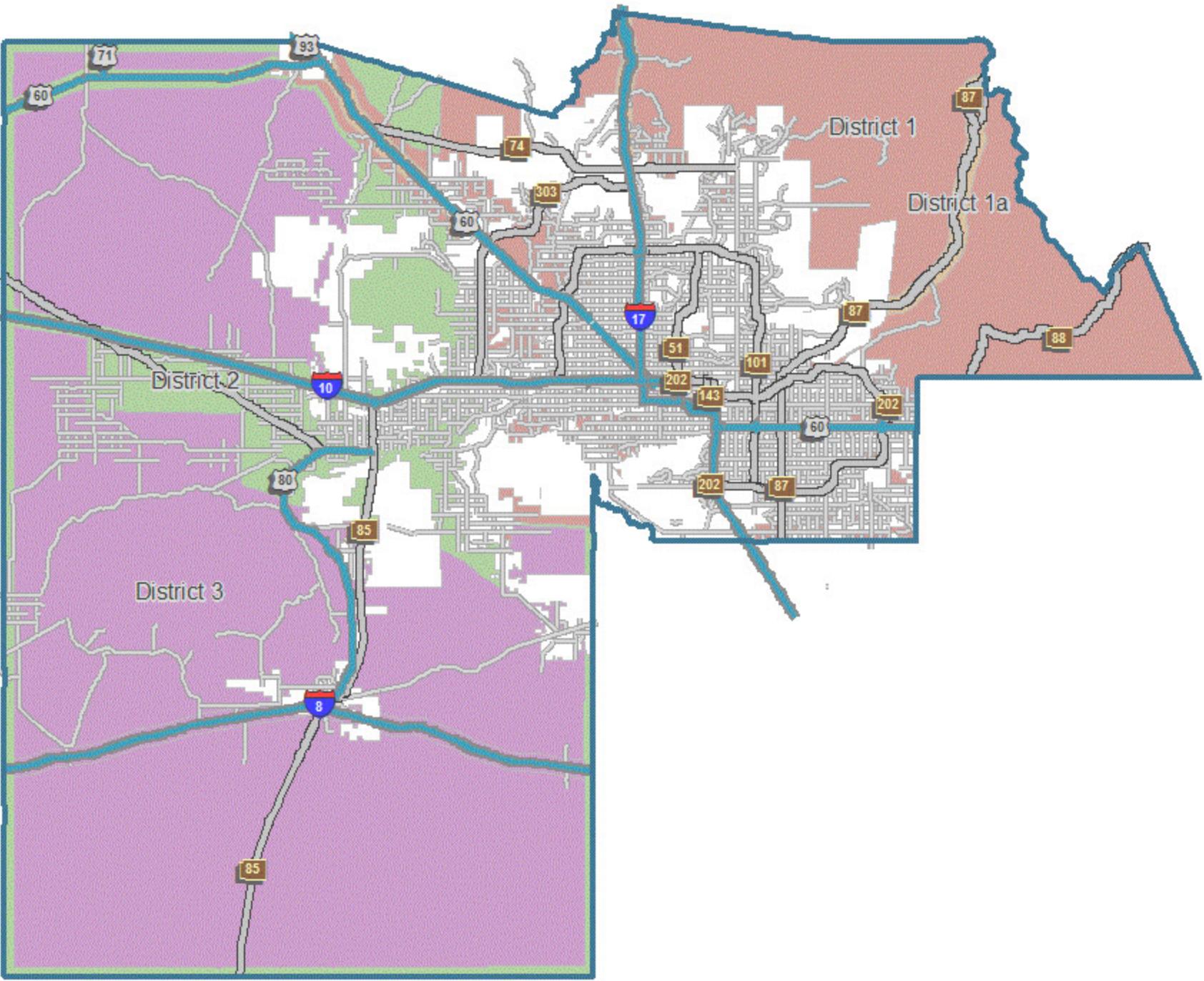
- ~~d. Radiation from the antennae shall not interfere with any existing communication sites.~~
3. Any wireless communications facility proposed to be located on any property, tower or pole developed primarily for the transport, receiving or distribution of electricity or as an electric utility station, or other utility compound such as a water or wastewater treatment facility, shall be permitted as a matter of right pursuant to this Section. Such properties, towers or poles include, but are not limited to:
1. Substations;
 2. Receiving stations;
 3. Generating stations;
 4. Switching yards;
 5. Storage yards;
 6. Communications facilities; and
 7. Existing 500kV, 345kV, 230kV, 115kV, 69kV transmission lines.
 8. In addition 12kV transmission lines, guy/stub poles, light poles or towers may have close mount antennas (less than **12 inch** radius and pole mounted equipment.

The overall height of proposed new structures, antennas, attachments and appurtenances are limited to **125 feet** or the height of the tallest existing structure, whichever is less. Antennas proposed to be attached onto existing structures are limited to a maximum height of **15 feet** above the height of the existing structure.

Ground equipment may be located on another parcel, but must be setback at least **three feet** from any lot line.

Date of Revisions

*1	Effective 10-04-01 – TA2000006	*2	Effective 01-05-07 – TA2005007
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SECTION 1202. WIRELESS COMMUNICATION FACILITIES^{*1}

ARTICLE 1202.1. PURPOSE: The principal purpose of this ~~district~~ Section is to establish the locations in unincorporated Maricopa County where communication facilities may be located and the regulations that apply to their placement. The regulations contained herein are designed to recognize the need to accommodate the approval of those types of public utility uses while still recognizing the need to promote the public health, safety and general welfare of the citizens of Maricopa County. These regulations establish zoning standards that will protect the integrity of single-family neighborhoods and maintain the character, identity, and image of hillside areas.

ARTICLE 1202.2. GENERAL PROVISIONS

1202.2.1. Wireless communications facilities are permitted in all zoning districts subject to the provisions and standards outlined in this Section. ~~The Wireless Communication Facilities Use Districts are divided into **three use districts** (see attached Use Districts Map) according to the following criteria:^{*4}~~

- ~~1. **District 1:** The areas of unincorporated Maricopa County which are either planned or developed to an urban density and/or in designated scenic areas (e.g. scenic highways) in proximity to these urban areas.~~
- ~~a. **District 1-A:** Those areas within District 1 which are located along and within **one mile** of U.S. Interstate 17, U.S. 60-89 (exclusive of the Sun City and Sun City West developments), State Highway 71 and State Highway 87 east of the Fort McDowell Mohave/Apache Native American community.^{*4}~~
- ~~2. **District 2:** Buffer areas or major highways (including I-10 but excluding Interstate 17, U.S. Highway 60-89, State Highway 87, Interstate 8 and State Highway 71) around urban/developed and/or scenic areas.^{*4}~~
- ~~3. **District 3:** Those areas of unincorporated Maricopa County which are not within District 1, District 1-A or District 2.^{*4}~~

1202.2.2. Wireless communication facilities are permitted on individual lots of record, or on lease or easement areas described by metes and bounds of at least 100' x 100' in order to accommodate the tower structure and associated ground equipment for multiple carriers. ~~any size in Districts 1, 1a, 2 and 3.^{*4}~~

1202.2.3. The construction and location of cellular communication facilities shall be subject to the standards contained in this regulation, unless otherwise noted herein.

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- 1202.2.4. Wireless communication structures in excess of **199 feet** in height are prohibited unless there is a plan to mitigate interference with military and commercial aircraft and to mitigate disruption of avian migration and nesting and to preserve nighttime skies for astronomical observation, and and located within ~~three miles~~ of a ~~military or municipal airport~~ shall be required to obtain Special Use Permit approval of the Board of Supervisors. ^{*1}
- 1202.2.5. Any proposed wireless communication facility that cannot meet the standards outlined in Article 1202.3 of this Ordinance shall be required to obtain a Special Use Permit approval by the Board of Supervisors. The ~~administrative approval process, as applied to this Section,~~ shall involve the following procedure:
- ~~1. An application, together with supporting plans, documentation and fees shall be submitted to the Zoning Division of the Department. The names and addresses of all property owners of record as set forth in the records of the Maricopa County Assessor within **300 feet** of the metes and bounds description of the area on which the wireless communication facility is proposed shall be submitted by the applicant as a part of the application.~~^{*1}
 - ~~2. The Plan Review Division of the Department shall notify all property owners within **300 feet** of the metes and bounds description of the area on which the wireless communication facility is proposed, of the administrative approval request by first-class mail.~~^{*1}
 - ~~3. The Plan Review Division of the Department shall authorize administrative approval for the wireless communication structure if a written objection/protest is not received from any person notified pursuant to paragraph 1202.2.5.2. above within **14 days** from the date the notice is mailed. If a written objection/protest from any person notified pursuant to paragraph 1202.2.5.2. is received, the Director may withhold approval of the administrative approval request. If a written objection/protest is rescinded or withdrawn after the Plan Review Division of the Department has withheld approval, the Plan Review Division of the Department shall approve the administrative approval request.~~^{*1}
 - ~~4. Provided, however, the Plan Review Division of the Department may authorize the administrative approval, even though a written protest has been received, if it is determined by the Plan Review Division of the Department that the public health, safety and general welfare will not be adversely affected, and that necessary safeguards will be provided for the protection of adjacent property or the permitted uses thereof; provided that the property owners and the applicant noted herein are notified of same and~~

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given an additional ~~14 days~~ to appeal to the Director of the Department, and if an appeal is made, shall make the final decision.^{*1}

~~1202.2.6~~ Any wireless communications facility proposed to be located on any property developed primarily as an electric utility station shall not be subject to this article and shall be permitted as a matter of right pursuant to this Section. Such properties include, but are not limited to:

- ~~1. Substations;~~
- ~~2. Receiving stations;~~
- ~~3. Generating stations;~~
- ~~4. Switching yards;~~
- ~~5. Storage yards; and~~
- ~~6. Communications facilities.~~

The overall height of proposed new structures, antennas, attachments and appurtenances are limited to 125' or the height of the tallest existing structure, whichever is less. Antennas proposed to be attached onto existing structure are limited to a maximum height of 15' above the height of the existing structure.^{*2}

ARTICLE 1202.3. STANDARDS: The following standards shall apply in the to Wireless Communication Facilities Use Districts: ^{*1}

1202.3.1. ~~District 1~~ (Urban/Developed or Scenic) **Location:**

1. In Rural, or Single-Family Residential Zoning Districts, land classified by the Assessor as Agricultural or Multiple-Family Zoning Districts, wireless communication facilities are permitted allowed as accessory uses to nonresidential uses, subject to the following limitations: ^{*1}
 - a. The wireless communication facility shall replace an existing pole, light standard, communication facility or other pole-like structure of the same or less height and similar circumference that has been in existence for at least ~~one year~~, or the antennae shall be attached to an existing pole or structure that has been in existence for at least ~~one year~~, that otherwise meets applicable provisions of this Ordinance. Existing poles and/or structures in existence for less than ~~one year~~, including proposed facilities within Development Master Plan areas, may be approved at the discretion of the Director of the Department.^{*1}
 - b. The maximum height of a wireless communications facility including the base, platform and attached antennae shall not exceed **80 feet** above grade or no greater than 15 feet above the height of the

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existing structure onto which it will be attached unless otherwise specified herein. set forth in Section 1202.3.1.1.a. above, whichever is greater.^{*1}

- e.b. Up to **two wireless communication facilities** may be mounted on a building and may include not more than **two microwave antennae dishes** with diameters of not more than **one and one half meters** (4.9 feet) each, and each being **15 feet** or less in height as measured above the roofline so long as the supporting structure is screened.^{*1}
- d.c. ~~Any microwave dish antennae shall be clustered near the top of a cellular communication facility, unless otherwise approved by the Director.~~ Towers and support structures shall have a maximum diameter of 30 inches.
- e.d. The color of a wireless communication facility shall be compatible with the surrounding environment or the facility shall be constructed of non-galvanized steel.^{*1}
- f.e. Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*1}
- g.f. Wireless communication facilities which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*1}
- h.g. Wireless communication facilities shall be setback ~~80-2 feet~~ **from all property lines** for each 1 foot in height. ~~Other yard requirements may be approved by the Planning Director subject to the requirements for administrative approval contained herein.~~^{*1}
- i.h. ~~Radiation from the antennae shall not interfere with any existing communication sites.~~ The maximum diameter of antenna arrays shall be eight feet.
- j.i. The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)** ~~unless a larger size is approved by the Director as an administrative approval, subject to the requirements for administrative approval contained herein.~~

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- ~~k.j.~~ All ground-mounted equipment associated with a wireless communication facility shall be **visually screened and to mitigate noise**. ~~completely screened from public view by landscaping, natural features, or existing structures. To the extent possible, all structures and related equipment shall be screened and designed to blend in with the surrounding environment. All panel antennae and related hardware and cables that are mounted on an existing structure shall be painted to match that of the existing structure or camouflaged to reduce visual impacts.~~^{*4}
- ~~l.k.~~ **Unless designed in a stealth manner acceptable to staff of the Maricopa County Planning and Development Department, the tower structure for a new wireless communication facility shall be located at least 1,000 feet (radius) from any existing wireless communication facility tower structure. There is no separation requirement for facilities mounted on a building/structure. One parking space** for the maintenance of the wireless communication facility must be provided. ~~Said parking space must be paved to reduce the emission of dust.~~^{*4}
- ~~m.l.~~ A solid screen wall of **a minimum** a maximum of **six eight feet high**, **or to the height of intake/exhaust for HVAC and other equipment if higher**, shall be constructed around the facility and shall screen all equipment **and to mitigate noise**.^{*1}
- ~~n.m.~~ **Generators will only be permitted for emergency purposes.** ~~All permanent generators associated with any wireless communication facility shall be contained in a completely enclosed building.~~^{*4}
2. In **C**ommercial or **I**ndustrial zoning districts, wireless communication facilities are permitted subject to the following limitations:^{*1}
- a. The wireless communication facility, if exceeding the height requirements of the zoning district in which it is located, shall be set back from a property line that abuts land located in a Rural or Residential Zoning District ~~two feet one foot~~ for every **one foot** in height of the wireless communication facility **(unless mounted on a building/structure)**. Notwithstanding the foregoing, the wireless communication facility shall be permitted to be located in alignment with the front of the principal building on the lot or parcel on which the wireless communication facility is erected ~~provided the wireless communication facility is located a minimum of 100 feet from an adjacent single family district property line.~~^{*1}

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b. The maximum height of a wireless communications facility including the base, platform and attached antennae, shall not exceed ~~80 feet~~ above grade provided, however, the Director may administratively approve a maximum height not to exceed ~~110~~ **120 feet above grade**, subject to the requirements for administrative approval contained herein or 15' above the height of the existing structure onto which it will be attached.^{*1}

c. There is no separation requirement for facilities in Commercial or Industrial zoning.

d. There is no limit to the number of Wireless Communication Facilities (including microwave dishes) that may be located on a building/structure in Commercial or Industrial zoning.

e. All other standards of Article 1202.3.1 of this Ordinance. Up to ~~two~~ wireless communication facilities may be mounted on a building and may include not more than ~~two~~ microwave antennae dishes with diameters of not more than ~~one and one half meters (4.9 feet)~~ each, and each being ~~15 feet~~ or ~~less~~ in height as measured above the roofline so long as the supporting structure is screened.^{*1}

d. Any microwave dish antennae shall be clustered near the top of a wireless communication facility, unless otherwise approved by the Director.^{*1}

e. The color of a wireless communication facility shall be compatible with surrounding environment.^{*1}

f. Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*1}

g. Wireless communication facilities which are installed on properties on or within ~~500 feet~~ of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*1}

h. Wireless communication facilities shall be required to meet yard requirements of primary buildings or structures of the zoning district in which they are located, unless otherwise specified herein.^{*1}

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- ~~i. Radiation from the antennae shall not interfere with any existing communication sites.~~
- ~~j. The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)**, unless a larger size is approved by the Director as an administrative approval, subject to the requirements for administrative approval contained herein.~~

~~1202.3.2. **District 1-A**^{*†}~~

- ~~1. Wireless communication facilities shall be allowed in any zoning district subject to the same standards and height applied in Chapter 12, Section 1201., Article 1202.3.1.2.~~

~~1202.3.3. **District 2**^{*†}~~

- ~~1. Wireless communication facilities plus structures or towers and related facilities used exclusively for wireless communication purposes shall be permitted in any zoning district, subject to the following limitations:^{*†}~~
 - ~~a. The maximum height of a wireless communications facility or structure or towers including the base, platform and attached antennae shall not exceed **110 feet** above grade, except that along and within **one mile** of U.S. Interstate-10 (I-10) the height shall not exceed **250 feet** above grade.^{*†}~~
 - ~~b. The wireless communication facility or structure or tower in item 1202.3.3.1.a. shall be set back from a property line that abuts land located in a Rural or Residential Zoning District, or along or within **one mile** of the right-of-way of U.S. Interstate-10 (I-10), **two feet** for every **one foot** in height of the wireless communication structure.^{*†}~~
 - ~~c. Wireless communication facilities may be mounted on a building and may include any number of microwave antennae dishes each being **15 feet or less** in height as measured above the roofline so long as the supporting structure is screened.^{*†}~~
 - ~~d. The color of a wireless communication facility or structure or tower shall be compatible with the surrounding environment unless otherwise required for safety purposes.^{*†}~~

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- ~~e. Installation of a wireless communication facility or structure or tower shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*1}~~
- ~~f. Wireless communication facilities or structures or towers which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*1}~~
- ~~g. Except as specified in Chapter 12, Section 1202.3.3.1.b., wireless communication facilities or structures or towers shall be required to meet yard requirements of primary buildings or structures of the zoning district in which they are located, unless a lesser setback is approved as an administrative approval by the Director, subject to the requirements of administrative approval contained herein.^{*1}~~
- ~~h. Radiation from the antennae shall not interfere with any existing communication sites.~~

~~1202.3.4. *District 3*^{*1}~~

- ~~1. Wireless communication facilities plus structures including tower, and related facilities used exclusively for wireless communication purposes shall be permitted in any zoning district without limitation, subject to the following standards:^{*1}~~
 - ~~a. The color of a wireless communication facility or structure or tower shall be compatible with the surrounding environment unless otherwise required for safety.^{*1}~~
 - ~~b. Installation of a wireless communication facility or structure or tower shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*1}~~
 - ~~c. Wireless communication facilities or structures or towers which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*1}~~
 - ~~d. Radiation from the antennae shall not interfere with any existing communication sites.~~

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3. Any wireless communications facility proposed to be located on any property, tower or pole developed primarily for the transport, receiving or distribution of electricity or as an electric utility station, or other utility compound such as a water or wastewater treatment facility, shall be permitted as a matter of right pursuant to this Section. Such properties, towers or poles include, but are not limited to:
1. Substations;
 2. Receiving stations;
 3. Generating stations;
 4. Switching yards;
 5. Storage yards;
 6. Communications facilities; and
 7. Existing 500kV, 345kV, 230kV, 115kV, 69kV transmission lines.
 8. In addition 12kV transmission lines, guy/stub poles, light poles or towers may have close mount antennas (less than **12 inch** radius and pole mounted equipment.

The overall height of proposed new structures, antennas, attachments and appurtenances are limited to **125 feet** or the height of the tallest existing structure, whichever is less. Antennas proposed to be attached onto existing structures are limited to a maximum height of **15 feet** above the height of the existing structure.

All ground equipment may be located as close as **three feet** to any lot line.

Date of Revisions

*1	Effective 10-04-01 – TA2000006	*2	Effective 01-05-07 – TA2005007
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EXTRACT of approved minutes ZIPPOR meeting 6/26/14

Text Amendment: TA2014001

All Districts

Applicant: Staff
Location: Countywide
Request: Initiate a Text Amendment to the Maricopa County Zoning Ordinance, Section 1202 – Wireless Communication Facilities (WCF)

Mr. Darren Gerard, Deputy Director, presented this case to the Commission as noted above. A few other items of note: the Desert Hills Association has some concerns that some of the language is not strict enough. One is proper mitigation of sounds, they want walls to be higher than the exhaust, intake / outtake of the building. Also pointed out that generators would not be permitted, unless for emergency purposes, so the only concern they have are the HVAC units, similar to what is in our home residency. He noted in the opening language that no structure height shall be greater than 199 feet. We raised a lot of questions in the staff reports. One problem, if we are going to review this for permitting, this presents a tracking issue. If we are going to have to map this out, we may want this text amendment to run in conjunction with another future text amendment to create digital use permits. If we have additional use permit reviews we can map those. If we are going to have any separation business requirement those will need to be checked on a map.

Some issues have been raised that may require some clarification or direction. This item may come back to another ZIPPOR meeting, but the department is looking for direction on some of these items. He can answer any questions now.

Acting Chair Aster asked the Commission if they had any questions.

Commission Muller asked in regards to the thousand foot distances and the gap between carriers on the pole. Mr. Gerard stated that he does not know and they would not even be looking at that in regards to the carriers. Commissioner Muller advised his question was in regard to more of an aesthetic issue in regards to the thousand feet. If the standards are set up correctly then it should not be an issue.

Commissioner Muller stated that in regards to the Desert Foothills Association is asking for CMU (concrete masonry unit) walls is because in the past walls have been put up to mitigate visions and plants, etcetera have been used. Unfortunately we are all aware that the outside of these facilities are not maintained. Then to find out who owns that particular tower, not who is renting it can be difficult enough. Then to find out what office to call to go out and handle, takes even longer. He is in agreement with Desert Foothills.

Commissioner Muller then advised that over three years ago he started looking into wireless communication facilities to figure out what is best for residential

neighborhoods. That is one of the reasons why New River Desert Foothills came up with this thought process for the eight foot CMU wall, depending on the air conditioning system and its exhaust. He stated that home air conditioning units do not run 24/7 even when it is 120 degrees outside, he knows for a fact that these units do run 24/7. That is why their recommendation was put in there. As well as for safety and for visual, it has three different components.

Mr. Gerard referred to proposed language, that the way it reads now; is a solid wall of at least eight feet high shall be constructed around the building to screen all equipment. It does say solid, the preference as noted is to be a masonry block wall. There was also a note to say a minimum of eight feet high instead of at least eight feet high.

Commissioner Muller stated that the towers or poles were not addressed in there other than the height. He knows as an example in Anthem on the trailhead, they were looking at a putting in water tower light antenna, which is conducive to the neighborhood because of the rural lifestyle. These are other things that need to be considered and he's not sure how we would use language in there for these types of things.

Mr. Gerard addressed the Commission, stating that in most instances a slim-line monopole is the stealthiest design. You are correct, the way that it is written is that if certain standards are met there would not be any thought to special designs. Perhaps there should be something noted to compare jurisdictions. The language which as proposed does say that the color of wireless facilities be compatible the surrounding environment or the facility shall be constructed of non-galvanized steel to avoid glare. Perhaps we could bring some carriers in to offer suggestions. If we are going to go that route, then we should get them involved.

Commissioner Muller stated that most are designed the way Mr. Gerard had mentioned and that anything other than the stealth design has to go before Planning and Zoning. He's not sure how to word it, but we can work with the attorney to get exact verbiage.

Mr. Gerard stated that we would still see just as many cell towers in because the idea was to promote monopoles. Commissioner Muller stated to then just leave the verbiage alone.

Commissioner Hiatt stated that an applicant can still come in and ask for a variance, they always have that option.

Mr. Gerard stated that communities and master planned communities with Home Owners Associations (HOAs) are going to be property issues and they may have to do certain type designs. But if it is in a rural or farm type of setting they will probably just put up what the ordinance requires. What they are trying to do is to promote, the way it is now with no more than a 30" diameter monopole anything greater than that would have to come through a Special Use Permit (SUP).

Commissioner Hiatt asked to see a previous slide and then asked for clarification on the two to one and the one to one setbacks and how is it calculated. Mr. Gerard advised that it is from the base of the structure, if there are multiple support structures it would be whatever the closest one, the edge of that to the lot line, not the lease line. Mr. Gerard advised that there could be an agreement for a variance for example if there is a small mountain between you and the line perhaps that could be grounds for a variance.

Commissioner Hiatt asked about the commercial industrial zoning, is the one to one setback measured by the antenna above the structure, or how is that measured?

Mr. Gerard stated this is with running with the assumption that the antenna is sitting on the structure or quite often it could be a stand-alone structure behind the building in those instances they have to meet a one to one setback, other than they can be as close to the front plane of the building. If they are behind the building as long as they meet a one to one from the sides and the rear it would be okay.

Commissioner Hiatt verified that an applicant would need to come in for a variance with a tower on top at certain heights.

Acting Chairman Aster asked if there were other questions. He then asked if this is initiated and approved the way that it is written now that it no longer sets a requirement to notify homeowners within 300 feet, is that correct.

Mr. Gerard stated that is correct.

Acting Chairman Aster stated that with a slim monopole design on a first step basis that there is no need for stealth.

Commissioner Hiatt asked for clarification. The Acting Chairman stated first the 300 foot item, secondly what staff is proposing is a slim line monopole and therefore not a stealth. His concern is in the past when they have reviewed the WCF's over the years especially when they are relatively close to planned communities and communities that are in operation are that we've heard from various all over the map from citizens in terms of that they want stealth, monopalm, we want something so that we don't look at a pole. He is not sure of the exact technology, 4G, may go to 5G, asked Mr. Gerard if this has gone before the carriers.

Mr. Gerard advised the Commission that this item is part of the Enhanced Regulatory Outreach Program (EROP) and this item has gone through the stakeholders and we have not had any comment on this item. We have met with Arizona Power Service (APS) but we have not had any other written comments except what was already noted. The department can reach out to the carriers if the Commission would like.

Acting Chairman Aster asked about the participation in that process, who do you reach out to.

Mr. Gerard advised that people or a group needs to sign up for the process but there are over 200 entities which run the gamut from community associations, HOAs, development organizations, to special interest groups.

Acting Chairman Aster asked in a case like this are notifications sent out on what will be presented. Mr. Gerard advised that those on the EROP process have seen this information, the staff report. Those signed up will get a notification; email or text message that the item is in for example on Step 4 of the EROP process. The person can then go to the website and view what has been posted.

Commissioner Hiatt asked what a slim monopole would look like. Mr. Gerard gave a brief verbal description, with a maximum of eight feet across.

Acting Chairman Aster advised that this item may need additional attention. He then asked the Commission if there were any other questions.

Commissioner Michael Johnson stated that the fact that county is so big, it has a lot of pockets where small residential areas are, then stated there are quite a few county islands, something that is on the outside might not have the same impact as another. Example as in his District there a multiple county islands right in the middle and communities, he has some concern.

Mr. Gerard advised that staff possibly at a future meeting, could bring forward a comparison and contrast of the jurisdictions. It is his understanding that the department is much stricter today.

Acting Chairman Aster asked again about the carrier representation and possibly other stakeholders to bounce this around and see if there should be more modifications.

Commissioner Hiatt stated that the carriers are obviously going to agree with the monopole and is not sure that the carrier will bring anything new to this discussion. He also stated that he is sure that others have compared jurisdictions before, so there is going to be groups that have already tackled this issue.

Mr. Gerard stated that they could try and reach out to more communities, but not sure they'll see much response at all. We know that New River Desert Foothills would be out, but likely that no other communities be interested in participating.

Acting Chairman Aster asked Commissioner Hiatt about what he discussed earlier. Commissioner Hiatt clarified with Mr. Gerard's proposal that it would be better use of

time if we take a look at what other jurisdictions have done because they've already tackled this issue and it may be a more efficient use of time and energy. We can always reach out more if needed, but that may be the best first steps.

Commissioner Muller advised that his district is similar to Commissioner Johnson's with a lot of pockets and a very large rural residential area. These are all points that are well taken. We need to do the best we can, would hate to see us eliminate the 300 foot announcement to homeowners adjacent to the property, for the purpose of giving them full awareness of the project.

Mr. Gerard stated that the department has an administrative approval process where there is notification. He then urged the Commission to initiate the process so that the department can move forward.

Acting Chairman Aster asked if there was any other questions, if none, requested a motion.

COMMISSION ACTION: Commissioner Muller moved to initiate TA2014001, Commissioner Hiatt seconded the motion which passed with a unanimous vote of 7-0.

Mr. Gerard stated that the item will be a discussion only for a future Planning and Zoning Commission meeting.

Commissioner Michael Johnson asked is the initialization time sensitive. Mr. Gerard clarified that initiation means that staff is actively working on the item with the Commissions direction. And it's not too late once an item is initiated, the Commission can still make a recommendation for the Board of Supervisors or request changes at any time. He also stated that some items may have initiate and recommend on them.

Ms. Debra Stark advised that to initiate the text amendment, it enables staff to then form subcommittees or complete any research needed. This is similar to the City of Phoenix Planning Commission. It is the same process here where the department needs the Commission to initiate so that we can move forward. We've already got some suggestions on how to move this, then involving carriers and looking at the height of the law and make it esthetically pleasing. We can proceed, then have the public hearing and even bring it back if needed.

Acting Chairman Aster thanked Ms. Stark. Then advised that the Commission has voted to initiate and they will continue to the next item on the agenda.



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Cases:	TA2014001 – Wireless Communication Facilities
Meeting Date:	June 26, 2014
Agenda Item:	1
Supervisor District:	All
Applicant:	Staff
Request:	Initiate a text amendment to the Maricopa County Zoning Ordinance, Section 1202 Wireless Communication Facilities (WCF)
Support/Opposition:	One email of opposition
Recommendation:	Initiate

Discussion:

The purpose of the text amendment is to overhaul the entire of Section 1202 in order to streamline the entitlement process for WCFs by eliminating the WCF Use Districts which are biased against the West Valley and fostering moderate height and slim monopole designs that would be permitted in all zoning districts throughout unincorporated Maricopa County without need for obtaining a Special Use Permit – as recommended by the Maricopa County Planning and Development Ad Hoc Task Force. Proposed verbatim language is attached. As proposed, WCFs would be regulated as follows:

- Rural/Residential zoning an 80' maximum height (or 15' above the structure onto which attached) with a 2:1 setback from lot lines;
- Commercial/Industrial zoning a 120' maximum height (or 15' above the structure onto which attached) with a 1:1 setback from lot lines;
- Within electric transmission corridors and utility compounds a 125' maximum height (or 15' above the structure onto which attached) and min. 3' setback; and
- A special use permit will be required when conditions cannot be met.

This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). A stakeholder meeting was held on May 30, 2014. If this item is initiated the anticipated Commission hearing for recommendation to the Board of Supervisors (BOS) is August 7, 2014, and the tentative BOS hearing for adoption is September 10, 2014. The regulatory amendment will take effect 30 days after BOS approval.

The stakeholder meeting was lightly attended and this matter was discussed. (No minutes of the meeting were prepared.) There were suggestions for altered language. The New River Desert Hills Community Association (NRDHCA) also suggested altered language specifically to include solid walls higher than all equipment in order to mitigate sound. NRDHCA is also

opposed to the third component regarding liberal allowance of WCFs within electric transmission corridors. The email thread with NRDHCA was external to EROP:

From: Darren Gerard - PLANDEVX
Sent: Wednesday, May 28, 2014 7:02 PM
To: 'Ann Hutchinson'
Cc: Alan & Candy Muller
Subject: RE: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Ann: thanks for the NRDHCA comments on proposed text amendments TA2014001 through TA2014009. I see you're generally supportive of all the proposals except that you have suggested verbiage to TA2014001 (and are opposed to the third portion of the proposal permitted WCFs within transmission lines); but you are opposed to TA2014009 which you consider confusing. Your comments will be discussed at Friday's stakeholder meeting and may result in revised language. Darren

[signature block snipped]

From: Ann Hutchinson [<mailto:behomes@q.com>]
Sent: Sunday, May 18, 2014 12:11 PM
To: Darren Gerard - PLANDEVX
Cc: Alan & Candy Muller
Subject: TA2014001 thru TA2014009 NR-DHCA response submitted 2014-5-18

Darren,

Thank you for the opportunity to review TA2014001 thru 009. The attached has the New River - Desert Hills Community Association's response and consultant's analysis these TAs.

We are submitting these directly to you since it regulation comment option is not yet up for these TAs.

Regards,

Ann Hutchinson
Planning and Development Liaison
New River - Desert Hills Community Association
PO Box 75068
New River, AZ 85087-1000
Email: behomes@q.com
www.nrdhca.org
623-742-6514

Email attachment excerpt (clarified due to formatting):

TA2014001 WIRELESS COMMUNICATION FACILITIES

- Delete all types including locations of communication facilities.
- Communication facilities allowed in all districts.
- Towers in excess of 199 feet in height must go thru SUP process. Mitigation of interference with bird migration and nesting and aircraft required for approval.
- I propose changing 1202.3.1.m .l. to the following: A solid screen wall of a minimum of eight feet high to as high as the intake/exhaust for internal equipment or the height of the equipment building *whichever is lower*. Screen wall must be solid, constructed of concrete masonry units, shall be constructed around the communication facility and

shall screen all equipment. Reason: This requirement will lessen the unwanted sound (noise) omitted from the equipment building.

I also point out that the spelling needs correction on page 6, chapter 12, page 4, Item G "for each 1 foot in height" not hieght.

To allow wireless communication towers to be installed with-in power transmission lines (easement) will be regulated by the company and their regulations, Not a good idea.

I recommend denial due to the need for changes as noted above and the opinion given in the last bullet point

Staff recommends the Commission initiate this text amendment but asks for direction on the following items:

- Proposed Article 1201.3.1.k requires a 1,000' separation between WCFs unless a stealth design acceptable to staff. It's important to note that often stealth designs are anything but and often a slim monopole is the most stealth design. Is the separation distance appropriate and necessary? Should the separation distance only apply to WCFs located in Rural / Residential zoning?
- Proposed Article 1201.3.1.l requires a solid screen wall of at least 8' high to surround and screen all equipment. Proposed Article 1201.3.1.j requires all ground mounted equipment to be visually screened and for screening to mitigate noise. Staff considers these two articles to go and in hand. The NRDHCA would like to see much more specific language – requiring a solid wall of concrete masonry units to be a minimum 8' high to as high as the intake/exhaust for equipment or the height of any equipment building. What is appropriate screening for the equipment cabinets and HVAC units?
- Proposed Article 1201.3.1.m prohibits generators except for emergency purposes. Sound mitigation will only be in regard to HVAC units, similar to those found at a residence. Does this fact alleviate the screening concerns raised by NRDHCA?
- Proposed Article 1202.3.2 is intended to make Commercial / Industrial zoning more attractive than Rural / Residential zoning for locating WCFs. Should there be language lessening or deleting the 1,000' separation distance between WCFs in Commercial / Industrial zoning?
- Proposed Article 1201.3.3 is intended to push WCFs to electric transmission lines and utility compounds. Is this appropriate?

Recommendation:

Staff recommends the Commission **initiate TA2014001**.

Prepared by Darren V. Gerard, AICP, Deputy Director

Attachment: Proposed MCZO Sec. 1201 (leg-edit 9 pages)

No enclosures.

MARICOPA COUNTY ZONING ORDINANCE

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SECTION 1202. WIRELESS COMMUNICATION FACILITIES*¹

ARTICLE 1202.1. PURPOSE: The principal purpose of this ~~district~~ Section is to establish the locations in unincorporated Maricopa County where communication facilities may be located and the regulations that apply to their placement. The regulations contained herein are designed to recognize the need to accommodate the approval of those types of public utility uses while still recognizing the need to promote the public health, safety and general welfare of the citizens of Maricopa County. These regulations establish zoning standards that will protect the integrity of single-family neighborhoods and maintain the character, identity, and image of hillside areas.

ARTICLE 1202.2. GENERAL PROVISIONS

1202.2.1. Wireless communications facilities are permitted in all zoning districts subject to the provisions and standards outlined in this Section. ~~The Wireless Communication Facilities Use Districts are divided into **three use districts** (see attached Use Districts Map) according to the following criteria:~~⁺¹

- ~~1. **District 1:** The areas of unincorporated Maricopa County which are either planned or developed to an urban density and/or in designated scenic areas (e.g. scenic highways) in proximity to these urban areas.~~
- ~~a. **District 1-A:** Those areas within District 1 which are located along and within **one mile** of U.S. Interstate 17, U.S. 60-89 (exclusive of the Sun City and Sun City West developments), State Highway 71 and State Highway 87 east of the Fort McDowell Mohave/Apache Native American community.~~⁺¹
- ~~2. **District 2:** Buffer areas or major highways (including I-10 but excluding Interstate 17, U.S. Highway 60-89, State Highway 87, Interstate 8 and State Highway 71) around urban/developed and/or scenic areas.~~⁺¹
- ~~3. **District 3:** Those areas of unincorporated Maricopa County which are not within District 1, District 1-A or District 2.~~⁺¹

1202.2.2. Wireless communication facilities are permitted on individual lots of record, or on lease or easement areas described by metes and bounds of at least 100' x 100' in order to accommodate the tower structure and associated ground equipment for multiple carriers. any size in Districts 1, 1a, 2 and 3.⁺¹

1202.2.3. The construction and location of cellular communication facilities shall be subject to the standards contained in this regulation, unless otherwise noted herein.

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- 1202.2.4. Wireless communication structures in excess of **199 feet** in height are prohibited unless there is a plan to mitigate interference with military and commercial aircraft and to mitigate disruption of avian migration and nesting, and and located within ~~three miles~~ of a military or municipal airport shall be required to obtain Special Use Permit approval of the Board of Supervisors. ^{*1}
- 1202.2.5. Any proposed wireless communication facility that cannot meet the standards outlined in Article 1202.3 of this Ordinance shall be required to obtain a Special Use Permit approval by the Board of Supervisors. The administrative approval process, as applied to this Section, shall involve the following procedure:
- ~~1. An application, together with supporting plans, documentation and fees shall be submitted to the Zoning Division of the Department. The names and addresses of all property owners of record as set forth in the records of the Maricopa County Assessor within **300 feet** of the metes and bounds description of the area on which the wireless communication facility is proposed shall be submitted by the applicant as a part of the application. ^{*4}~~
 - ~~2. The Plan Review Division of the Department shall notify all property owners within **300 feet** of the metes and bounds description of the area on which the wireless communication facility is proposed, of the administrative approval request by first-class mail. ^{*4}~~
 - ~~3. The Plan Review Division of the Department shall authorize administrative approval for the wireless communication structure if a written objection/protest is not received from any person notified pursuant to paragraph 1202.2.5.2. above within **14 days** from the date the notice is mailed. If a written objection/protest from any person notified pursuant to paragraph 1202.2.5.2. is received, the Director may withhold approval of the administrative approval request. If a written objection/protest is rescinded or withdrawn after the Plan Review Division of the Department has withheld approval, the Plan Review Division of the Department shall approve the administrative approval request. ^{*4}~~
 - ~~4. Provided, however, the Plan Review Division of the Department may authorize the administrative approval, even though a written protest has been received, if it is determined by the Plan Review Division of the Department that the public health, safety and general welfare will not be adversely affected, and that necessary safeguards will be provided for the protection of adjacent property or the permitted uses thereof; provided that the property owners and the applicant noted herein are notified of same and given an additional **14 days** to appeal to the Director of the Department, and if an appeal is made, shall make the final decision. ^{*4}~~

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~~1202.2.6~~ Any wireless communications facility proposed to be located on any property developed primarily as an electric utility station shall not be subject to this article and shall be permitted as a matter of right pursuant to this Section. Such properties include, but are not limited to:

- ~~1. Substations;~~
- ~~2. Receiving stations;~~
- ~~3. Generating stations;~~
- ~~4. Switching yards;~~
- ~~5. Storage yards; and~~
- ~~6. Communications facilities.~~

~~The overall height of proposed new structures, antennas, attachments and appurtenances are limited to 125' or the height of the tallest existing structure, whichever is less. Antennas proposed to be attached onto existing structure are limited to a maximum height of 15' above the height of the existing structure.^{*2}~~

ARTICLE 1202.3. STANDARDS: The following standards shall apply in the to Wireless Communication Facilities Use Districts: ^{*1}

1202.3.1. ~~*District 1*~~ (Urban/Developed or Scenic) **Location:**

1. In Rural, ~~or Single-Family Residential Zoning Districts, land classified by the Assessor as Agricultural or Multiple-Family Zoning Districts,~~ wireless communication facilities are permitted ~~allowed as accessory uses to nonresidential uses,~~ subject to the following limitations: ^{*1}
 - a. ~~The wireless communication facility shall replace an existing pole, light standard, communication facility or other pole-like structure of the same or less height and similar circumference that has been in existence for at least **one year**, or the antennae shall be attached to an existing pole or structure that has been in existence for at least **one year**, that otherwise meets applicable provisions of this Ordinance. Existing poles and/or structures in existence for less than **one year**, including proposed facilities within Development Master Plan areas, may be approved at the discretion of the Director of the Department.^{*1}~~
 - b. The maximum height of a wireless communications facility including the base, platform and attached antennae shall not exceed **80 feet** above grade or no greater than 15 feet above the height of the existing structure onto which it will be attached unless otherwise

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specified herein. set forth in Section 1202.3.1.1.a. above, whichever is greater.^{*1}

- e.b. Up to **two wireless communication facilities** may be mounted on a building and may include not more than **two microwave antennae dishes** with diameters of not more than **one and one half meters** (4.9 feet) each, and each being **15 feet** or less in height as measured above the roofline so long as the supporting structure is screened.^{*1}
- d.c. ~~Any microwave dish antennae shall be clustered near the top of a cellular communication facility, unless otherwise approved by the Director.~~ Towers and support structures shall have a maximum diameter of 30 inches.
- e.d. The color of a wireless communication facility shall be compatible with the surrounding environment or the facility shall be constructed of non-galvanized steel.^{*1}
- f.e. Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*1}
- g.f. Wireless communication facilities which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*1}
- h.g. Wireless communication facilities shall be setback ~~80~~**2 feet** from all property lines for each 1 foot in height. Other yard requirements may be approved by the Planning Director subject to the requirements for administrative approval contained herein.^{*1}
- i.h. ~~Radiation from the antennae shall not interfere with any existing communication sites.~~ The maximum diameter of antenna arrays shall be eight feet.
- j.i. The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)** unless a larger size is approved by the Director as an administrative approval, subject to the requirements for administrative approval contained herein.

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- ~~k.j.~~ All ground-mounted equipment associated with a wireless communication facility shall be **visually screened and to mitigate noise**. ~~completely screened from public view by landscaping, natural features, or existing structures. To the extent possible, all structures and related equipment shall be screened and designed to blend in with the surrounding environment. All panel antennae and related hardware and cables that are mounted on an existing structure shall be painted to match that of the existing structure or camouflaged to reduce visual impacts.~~^{*4}
- ~~l.k.~~ Unless designed in a stealth manner acceptable to staff of the Maricopa County Planning and Development Department, the tower structure for a new wireless communication facility shall be located at least 1,000 feet from any existing wireless communication facility tower structure. ~~One parking space~~ for the maintenance of the wireless communication facility must be provided. Said parking space must be paved to reduce the emission of dust.^{*4}
- ~~m.l.~~ A solid screen wall of at least ~~a maximum of six~~ **eight feet high** shall be constructed around the facility and shall screen all equipment.^{*1}
- ~~n.m.~~ Generators will only be permitted for emergency purposes. ~~All permanent generators associated with any wireless communication facility shall be contained in a completely enclosed building.~~^{*4}
2. In Commercial or Industrial zoning districts, wireless communication facilities are permitted subject to the following limitations:^{*1}
- a. The wireless communication facility, if exceeding the height requirements of the zoning district in which it is located, shall be set back from a property line that abuts land located in a Rural or Residential Zoning District **two feet one foot** for every **one foot** in height of the wireless communication facility. Notwithstanding the foregoing, the wireless communication facility shall be permitted to be located in alignment with the front of the principal building on the lot or parcel on which the wireless communication facility is erected provided the wireless communication facility is located a minimum of **100 feet** from an adjacent single-family district property line.^{*1}
- b. The maximum height of a wireless communications facility including the base, platform and attached antennae, shall not exceed **80 feet** above grade provided, however, the Director may administratively approve a maximum height not to exceed ~~110~~ **120 feet** above

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~~grade, subject to the requirements for administrative approval contained herein or 15' above the height of the existing structure onto which it will be attached.~~^{*1}

c. ~~All other standards of Article 1202.3.1 of this Ordinance. Up to two wireless communication facilities may be mounted on a building and may include not more than two microwave antennae dishes with diameters of not more than one and one half meters (4.9 feet) each, and each being 15 feet or less in height as measured above the roofline so long as the supporting structure is screened.~~^{*1}

d. ~~Any microwave dish antennae shall be clustered near the top of a wireless communication facility, unless otherwise approved by the Director.~~^{*1}

e. ~~The color of a wireless communication facility shall be compatible with surrounding environment.~~^{*1}

f. ~~Installation of a wireless communication facility shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.~~^{*1}

g. ~~Wireless communication facilities which are installed on properties on or within 500 feet of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.~~^{*1}

h. ~~Wireless communication facilities shall be required to meet yard requirements of primary buildings or structures of the zoning district in which they are located, unless otherwise specified herein.~~^{*1}

i. ~~Radiation from the antennae shall not interfere with any existing communication sites.~~

j. ~~The maximum diameter of any microwave dish shall be one and one half meters (4.9 feet), unless a larger size is approved by the Director as an administrative approval, subject to the requirements for administrative approval contained herein.~~

~~1202.3.2. District 1-A~~^{*1}

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- ~~1. Wireless communication facilities shall be allowed in any zoning district subject to the same standards and height applied in Chapter 12, Section 1201., Article 1202.3.1.2.~~

~~1202.3.3. *District 2*^{*†}~~

- ~~1. Wireless communication facilities plus structures or towers and related facilities used exclusively for wireless communication purposes shall be permitted in any zoning district, subject to the following limitations:^{*†}~~
- ~~a. The maximum height of a wireless communications facility or structure or towers including the base, platform and attached antennae shall not exceed **110 feet** above grade, except that along and within **one mile** of U.S. Interstate-10 (I-10) the height shall not exceed **250 feet** above grade.^{*†}~~
- ~~b. The wireless communication facility or structure or tower in item 1202.3.3.1.a. ,shall be set back from a property line that abuts land located in a Rural or Residential Zoning District, or along or within **one mile** of the right-of-way of U.S. Interstate-10 (I-10), **two feet** for every **one foot** in height of the wireless communication structure.^{*†}~~
- ~~c. Wireless communication facilities may be mounted on a building and may include any number of microwave antennae dishes each being **15 feet or less** in height as measured above the roofline so long as the supporting structure is screened.^{*†}~~
- ~~d. The color of a wireless communication facility or structure or tower shall be compatible with the surrounding environment unless otherwise required for safety purposes.^{*†}~~
- ~~e. Installation of a wireless communication facility or structure or tower shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*†}~~
- ~~f. Wireless communication facilities or structures or towers which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*†}~~

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~~g. Except as specified in Chapter 12, Section 1202.3.3.1.b., wireless communication facilities or structures or towers shall be required to meet yard requirements of primary buildings or structures of the zoning district in which they are located, unless a lesser setback is approved as an administrative approval by the Director, subject to the requirements of administrative approval contained herein.^{*†}~~

~~h. Radiation from the antennae shall not interfere with any existing communication sites.~~

~~1202.3.4. *District 3*^{*†}~~

~~1. Wireless communication facilities plus structures including tower, and related facilities used exclusively for wireless communication purposes shall be permitted in any zoning district without limitation, subject to the following standards:^{*†}~~

~~a. The color of a wireless communication facility or structure or tower shall be compatible with the surrounding environment unless otherwise required for safety.^{*†}~~

~~b. Installation of a wireless communication facility or structure or tower shall avoid removal of mature trees and cacti unless a plan for their relocation is approved by the Department.^{*†}~~

~~c. Wireless communication facilities or structures or towers which are installed on properties on or within **500 feet** of a property required to meet Hillside Development Standards of Chapter 12, Section 1201. of this Ordinance shall be required to obtain Special Use Permit approval of the Board of Supervisors.^{*†}~~

~~d. Radiation from the antennae shall not interfere with any existing communication sites.~~

3. Any wireless communications facility proposed to be located on any property, tower or pole developed primarily for the transport, receiving or distribution of electricity or as an electric utility station, or other utility compound such as a water or wastewater treatment facility, shall be permitted as a matter of right pursuant to this Section. Such properties, towers or poles include, but are not limited to:

1. Substations;
2. Receiving stations;
3. Generating stations;

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4. Switching yards;
5. Storage yards;
6. Communications facilities; and
7. Existing 500kV, 345kV, 230kV, 115kV, 69kV transmission lines.
8. In addition 12kV transmission lines, guy/stub poles, light poles or towers may have close mount antennas (less than **12 inch** radius and pole mounted equipment.

The overall height of proposed new structures, antennas, attachments and appurtenances are limited to **125 feet** or the height of the tallest existing structure, whichever is less. Antennas proposed to be attached onto existing structures are limited to a maximum height of **15 feet** above the height of the existing structure.

All ground equipment may be located as close as **three feet** to any lot line.

Date of Revisions

*1	Effective 10-04-01 – TA2000006	*2	Effective 01-05-07 – TA2005007
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