Maricopa County
Planning and Development Department

Follow the Regulatory Process for Maricopa County

Enhanced Regulatory Outreach Program
NOTICE OF STAKEHOLDER MEETING

Date/Time: Friday, December 19, 2014, 10:00 a.m.
Location: Gold Room, 501 N. 44th St. 1st Floor

The Maricopa County Planning & Development Department will host a Stakeholder Meeting to discuss a proposed ordinance amendment. This item is scheduled for the December 11, 2014 Maricopa County Planning & Zoning Commission (P&Z) hearing, but will be continued indefinitely in order to gain additional input from industry members and other stakeholder, and to discuss anticipated FCC Order 14-153. The subject matter to be discussed at the December 19, 2014 Stakeholder Meeting includes:

TA2014001 – Wireless Communication Facilities: This is a text amendment to the Maricopa County Zoning Ordinance, Section 1202 Wireless Communication Facilities (WCF) - to overhaul Section 1202 to streamline the entitlement process for WCFs by eliminating the WCF Use Districts and fostering moderate height and slim monopole designs that would be permitted in all zoning districts throughout unincorporated Maricopa County without the need to obtain a Special Use Permit. Proposed verbatim language is attached (language to be added is underscored, language to be deleted is struck-through; changes since the September 11, 2014 draft are highlighted). This proposed language is expected to be revised based upon input at the stakeholder meeting.

* See bottom of this notice for complete Section 1202.

A copy of FCC Order 14-153 will be available at the meeting. The Order is anticipated to become effective in early 2015. The Order will require approval of collocation applications within 60 days if it does not involve a "substantial change" defined as having occurred when:

- Heights for towers outside of public rights of way would be increased by more than 20 feet or 10 percent, whichever is greater; and for towers in the rights of way and for all base stations, heights would be elevated by more than 10 percent or 10 feet, whichever is greater;
- Collocating equipment would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the device, whichever is greater for towers outside of public rights of way; for those towers in the rights of way and for all base stations, collocation would cause protrusions from the edge of the structure more than six feet;
- More than the standard number of new equipment cabinets are installed for the technology involved, but not to exceed four cabinets;

- it entails any excavation or deployment outside the current site of the tower or base station;
- it would defeat the existing concealment elements of the tower or base station; or
- it does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets or new excavation that does not exceed the corresponding "substantial change" thresholds.

The public may submit comments to the project manager, Darren Gerard, at: http://www.maricopa.gov/regulations/comments.aspx.

1SECTION 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 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.~~[*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.

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.~~ ~~*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~~

~~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

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

~~c.~~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 strucures 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, 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.

~~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

~~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. 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 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 Ccommercial or I~~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

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 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~~

~~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~~

~~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~~

~~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:~~ ~~*1~~

~~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.~~ ~~*1~~

~~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.~~ ~~*1~~

~~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.~~ *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~~

~~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.

a. 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.

b. 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 structure onto which it will be attached.

c. Ground equipment may be located on another parcel, but must be setback at least **three feet** from any lot line. This does not apply to the item below.

d. 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.

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