



Reports to the Board of Supervisors

COVER

Prepared by the Maricopa County Planning and Development Department

Meeting Date: June 10, 2015

Summary: Reports to the Board of Supervisors (BOS) for the following Enhanced Regulatory Outreach Program (EROP) cases are attached:

Case #/Title: TA2014001 – Wireless Communication Facilities/Conditional Uses



Report to the Board of Supervisors

Prepared by the Maricopa County Planning and Development Department

Board Hearing Date: June 10, 2015

Case #/Title: TA2014001 – Wireless Communication Facilities / Conditional Uses

Supervisor District: All

Applicant: Commission-initiated

Request: Text Amendment to the Maricopa County Zoning Ordinance, Chapter 2 Definitions, Chapter 12 Wireless Communication Facilities (WCF), and Chapter 13 Conditional Uses

Additional Comments: The Commission recommended language was revised as discussed in the Commission report. Attached is the proposed verbatim language with highlights of the two changes (clarifications) as recommended by the Commission.

Commission Recommendation: On 5/21/15 the Commission voted 7-0 to recommend **approval** with the additional language as recommended by staff.

Prepared by: Carol Hu, Planner and Darren V. Gerard, AICP, Deputy Director
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Proposed MCZO Sec 201 (final clean version, 1 page)
Proposed MCZO Sec 201 (leg-edit, 1 page)
Proposed MCZO Section 1202 (final clean version, 8 pages)
Proposed MCZO Section 1202 (leg-edit, 10 pages)
Proposed MCZO Section 1303 (final clean version, 1 page)
Proposed MCZO Section 1303 (leg-edit, 1 page)
New River/Desert Hills Community Association Comments (2 pages)
5/21/15 P&Z Packet (35 pages)

Note: 5/21/15 Draft P&Z Minutes are not available as of the writing of this report, but can be provided upon request later when available.

MARICOPA COUNTY ZONING ORDINANCE

Chapter 2 – Definitions

SECTION 201. DEFINITIONS

For the purpose of this Ordinance, certain words are hereby defined:

CONDITIONAL USE:

A use of property permitted on a permanent basis within a zoning district as long as required conditions are met.

CONDITIONAL USE PERMIT:

The permit issued for a conditional use in accordance with the provisions of Chapter 13, Section 1303.

WIRELESS COMMUNICATION FACILITIES:

Facility composed of a support structure whether or not mounted on a building/structure and which supports antennae and other necessary attachments used exclusively for wireless transmission purposes, all of which are used as part of a communications or information system.

WIRELESS COMMUNICATION FACILITY, CONCEALMENT ELEMENT:

Standards to limit height, diameter or design of a wireless communication facility in order to mitigate adverse visual impact.

WIRELESS COMMUNICATION FACILITY, MAXIMUM HEIGHT:

For a wireless communication facility tower mounted facility, the vertical distance from grade to the highest point of the support structure and all antennas and attachments excluding architectural features for stealth design. For a facility co-locating on a building/structure other than a wireless communication facility tower, the vertical distance from the point the facility is affixed to the structure to the highest point of the wireless communication facility including all attachments.

WIRELESS COMMUNICATION FACILITY, SETBACK:

For a wireless communication facility tower mounted facility, the horizontal distance from lot line to the outer plane extended to grade of all attachments excluding architectural features for stealth design.

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Chapter 2 – Definitions

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A use of property permitted on a permanent basis within a zoning district as long as required conditions are met.

CONDITIONAL USE PERMIT:

The permit issued for a conditional use in accordance with the provisions of Chapter 13, Section 1303.

WIRELESS COMMUNICATION FACILITIES:

Facility ~~Either a structure composed of a support structure monopole; or a structure whether or not mounted on a building/structure; either of which is maintained by a public service corporation; and which supports microwave antennae and dishes and other necessary attachments used exclusively for cellular wireless transmission communication purposes, all of which are used as part of a cellular mobile telephone communications or information system.~~

WIRELESS COMMUNICATION FACILITY, CONCEALMENT ELEMENT:

Standards to limit height, diameter or design of a wireless communication facility in order to mitigate adverse visual impact.

WIRELESS COMMUNICATION FACILITY, MAXIMUM HEIGHT:

For a wireless communication facility tower mounted facility, the vertical distance from grade to the highest point of the support structure and all antennas and attachments excluding architectural features for stealth design. For a facility co-locating on a building/structure other than a wireless communication facility tower, the vertical distance from the point the facility is affixed to the structure to the highest point of the wireless communication facility including all attachments.

WIRELESS COMMUNICATION FACILITY, SETBACK:

For a wireless communication facility tower mounted facility, the horizontal distance from lot line to the outer plane extended to grade of all attachments excluding architectural features for stealth design.

MARICOPA COUNTY ZONING ORDINANCE

Chapter 12 – Development Regulations

SECTION 1202. WIRELESS COMMUNICATION FACILITIES^{*1}

ARTICLE 1202.1. PURPOSE: The principal purpose of this Section is to establish the locations in unincorporated Maricopa County where wireless communication and information system 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.
- 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.
- 1202.2.3. The construction and location of wireless communication facilities and facilities for wireless information systems 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 (other than a wireless communication facility tower) 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 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, unless said lighting is specific to the purpose of a structure upon which a wireless communication facility is co-located. ^{*1}
- 1202.2.5. Facilities for public safety agencies are exempt from the requirements of this Section.
- 1202.2.6. The standards contained in this Section with regard to height, diameter, and design are concealment elements to ensure structures do not have an adverse visual impact or harm the public welfare.

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1202.2.7 Any wireless communication facility properly permitted that existed as of June 10, 2015 shall be considered legal non-conforming with regard to this Section. Any change to a legal non-conforming wireless communication facility shall bring it into conformance with this Section or shall be subject to a Special Use Permit.

1202.2.8. 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. A facility that meets the standards shall be processed administratively as a Conditional Use Permit prior to obtaining construction permits. Notwithstanding the foregoing, relief from the standards may be granted with approval of a Variance pursuant to Section 303 of this Ordinance.

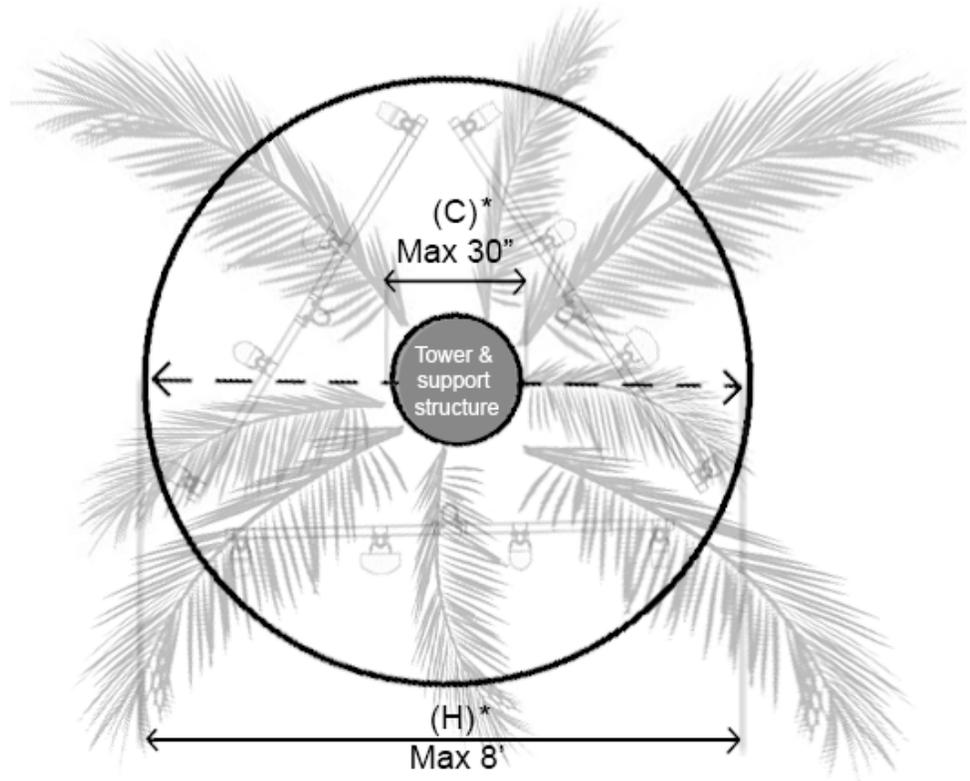
ARTICLE 1202.3. STANDARDS: The following standards shall apply to Wireless Communication Facilities: ^{*1}

1202.3.1. **Location:**

1. In Rural, Single-Family Residential or Multiple-Family Residential Zoning Districts, wireless communication facilities are permitted subject to the following limitations: ^{*1}
 - a. 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 (other than a wireless communication facility tower) onto which it will be attached.
 - 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}
 - c. Towers and support structures shall have a maximum diameter of **30 inches** (2.5 feet).

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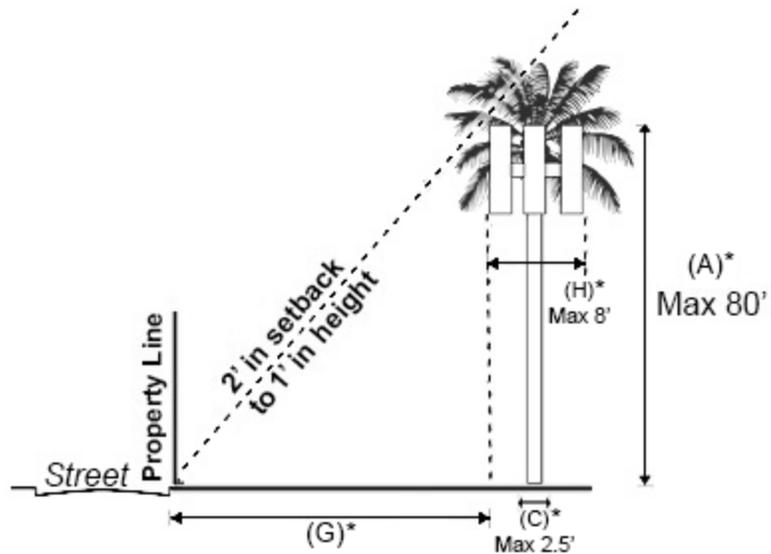


*Letters reference sub-articles of this Section of the Ordinance.

- d. The color of a wireless communication facility shall be compatible with the surrounding environment. Exposed portions of the tower structure shall be non-reflective.^{*1}
- 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}
- 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}
- g. Wireless communication facilities shall be setback **2 feet** from all property lines for each **1 foot** in height (including tower and antenna attachments but not to include architectural features for stealth design), unless co-locating on a building/structure (other than a wireless communication facility tower). Structures that are no greater in height than the maximum permitted building height for the respective zoning district may be permitted at a minimum **3 foot** setback but shall not be located within a required front yard.

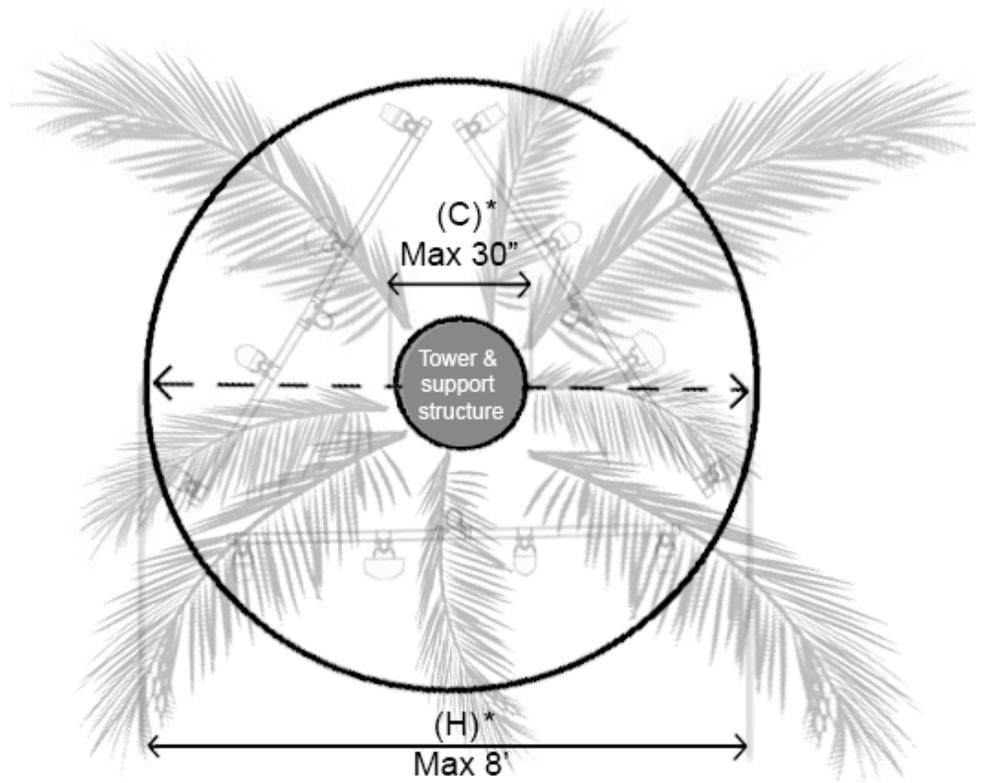
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*Letters reference sub-articles of this Section of the Ordinance.

- h. The maximum diameter of antenna arrays shall be **eight feet** measured from circumference line to circumference line through the center of the tower structure but not including architectural features for stealth design such as tree limbs, palm fronds, and windmill blades.

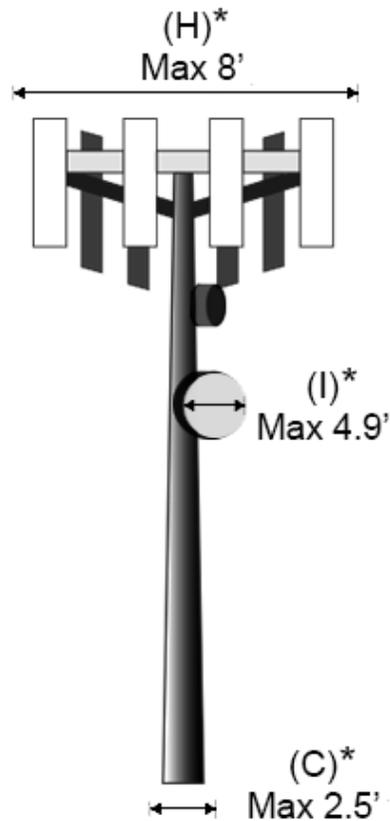


*Letters reference sub-articles of this Section of the Ordinance.

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- i. The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)**.

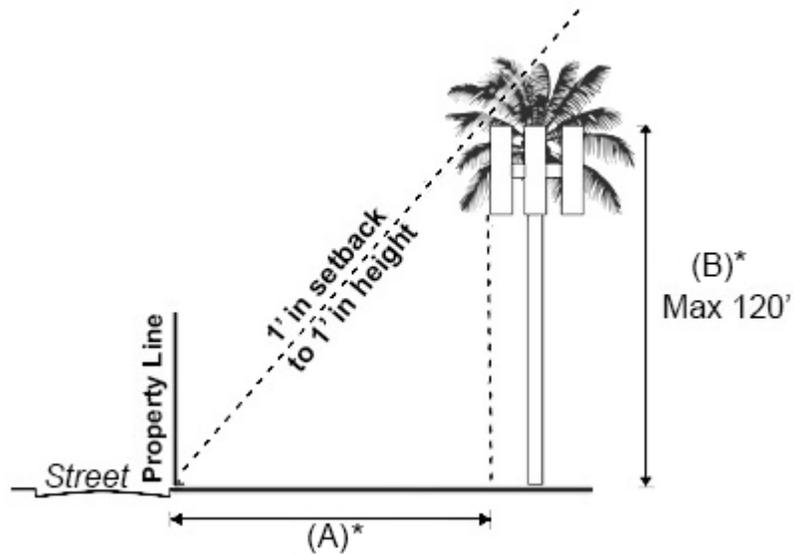


*Letters reference sub-articles of this Section of the Ordinance.

- j. All ground-mounted equipment associated with a wireless communication facility shall be screened visually and to mitigate noise.
- k. Unless no greater in height than the maximum permitted building height for the respective zoning district or 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 (other than a wireless communication facility tower). 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.

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*Letters reference sub-articles of this Section of the Ordinance.

- b. The maximum height of a wireless communications facility including the base, platform and attached antennae, shall not exceed **120 feet above grade** or 15' above the height of the structure (other than a wireless communication facility tower) 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 1202.3.1.1 shall apply to facilities located within Commercial or Industrial zoning districts, unless specifically modified by the standards of Article 1202.3.1.2.
3. Any wireless communications facility or wireless information system 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, are subject to the following limitations:
 - a. Such properties, towers or poles include, but are not limited to:
 1. Substations;
 2. Receiving stations;

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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 structures (other than a wireless communication facility tower) 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
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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 wireless communication and information system 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}~~

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- 1202.2.3. The construction and location of ~~cellular~~-wireless communication facilities and facilities for wireless information systems 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 (other than a wireless communication facility tower) 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, unless said lighting is specific to the purpose of a structure upon which a wireless communication facility is co-located.^{*1}
- ~~1202.2.5~~ Facilities for public safety agencies are exempt from the requirements of this Section.
- ~~1202.2.6~~ The standards contained in this Section with regard to height, diameter, and design are concealment elements to ensure structures do not have an adverse visual impact or harm the public welfare.
- ~~1202.2.7~~ Any wireless communication facility properly permitted that existed as of June 10, 2015 shall be considered legal non-conforming with regard to this Section. Any change to a legal non-conforming wireless communication facility shall bring it into conformance with this Section or shall be subject to a Special Use Permit.
- ~~1202.2.7-8.~~ 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. A facility that meets the standards shall be processed administratively as a Conditional Use Permit prior to obtaining construction permits. Notwithstanding the foregoing, relief from the standards may be granted with approval of a Variance pursuant to Section 303 of this Ordinance. 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

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~~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}

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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 Residential 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.~~^{*4}
 - 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 (other than a wireless communication facility tower) onto which it will be attached. set forth in Section 1202.3.1.1.a. above, whichever is greater.^{*4}
 - 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 (2.5 feet).
 - e.d. The color of a wireless communication facility shall be compatible with the surrounding environment. Exposed portions of the tower structure shall be non-reflective. ^{*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}

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- ~~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~~ **2 feet** from all property lines for each 1 foot in height (including tower and antenna attachments but not to include architectural features for stealth design), unless co-locating on a building/structure (other than a wireless communication facility tower). Structures that are no greater in height than the maximum permitted building height for the respective zoning district may be permitted at a minimum 3 foot setback but shall not be located within a required front yard. Other yard requirements may be approved by the Planning Director subject to the requirements for administrative approval contained herein. ^{*4}
- ~~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 line to circumference line 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 screened visually 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 no greater in height than the maximum permitted building height for the respective zoning district or designed in a stealth manner acceptable to staff of the Maricopa County Planning and Development Department, the tower structure for a new wireless

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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 (other than a wireless communication facility tower). 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. Unless located within a building, a ~~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's ground equipment, and shall visually screen all equipment and mitigate noise. Associated panels for solar power generation do not require screening.^{*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}

m.n. All ground equipment accessory to the Wireless Communication Facility shall be setback at least three feet (3') from a lot line and shall not be located within a required front yard.

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 (including tower and antenna attachments but not to include architectural features for stealth design), unless mounted on a building/structure other than a wireless communication facility tower. 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 Structures that are no greater in height than the maximum permitted building height for the respective zoning district may be

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permitted at a minimum 3 foot setback but shall not be located within a required front yard.^{*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 (other than a wireless communication facility tower) 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 1202.3.1.1 shall apply to facilities located within Commercial or Industrial zoning districts, unless specifically modified by the standards of Article 1202.3.1.2. 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}

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

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- ~~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.^{*†}~~
- ~~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.^{*†}~~

MARICOPA COUNTY ZONING ORDINANCE

Chapter 12 – Development Regulations

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

3. Any wireless communications facility or wireless information system 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, are subject to the following limitations:

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 structures (other than a wireless communication facility tower) 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
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MARICOPA COUNTY ZONING ORDINANCE

Chapter 13 – Use Regulations

SECTION 1303. CONDITIONAL USE

ARTICLE 1303.1 PURPOSE: There are certain uses that may be permitted in zoning districts subject to conditions.

ARTICLE 1303.2 CONDITIONAL USES: Conditional Uses shall be limited to the following:

- 1303.2.1. Wireless Communication and information system facilities in accordance with Section 1202 of this Ordinance.
- 1303.2.2. Uses listed as a Conditional Use in the Use Regulations of a zoning district.

ARTICLE 1303.3 SUBMITTALS: All Conditional Use approvals shall be subject to the following:

- 1303.3.1. Before permitting any of the above uses, plans together with a narrative or supporting statement as to the proposed use of the buildings, structures and premises, shall be submitted to the Department for administrative review and approval. No application shall be administratively approved unless and until all fees and fines owed to the Department as a result of activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be.
- 1303.3.2. Application procedures and informational requirements for a Conditional Use shall be established by the zoning inspector. The application shall provide all information needed for an administrative approval.

MARICOPA COUNTY ZONING ORDINANCE

Chapter 13 – Use Regulations

SECTION 1303. CONDITIONAL USE

~~This entire Section has been deleted 07-07-06. (TA2003005)~~

ARTICLE 1303.1 PURPOSE: There are certain uses that may be permitted in zoning districts subject to conditions.

ARTICLE 1303.2 CONDITIONAL USES: Conditional Uses shall be limited to the following:

1303.2.1. Wireless Communication and information system facilities in accordance with Section 1202 of this Ordinance.

1303.2.2 Uses listed as a Conditional Use in the Use Regulations of a zoning district.

ARTICLE 1303.3 SUBMITTALS: All Conditional Use approvals shall be subject to the following:

1303.3.1. Before permitting any of the above uses, plans together with a narrative or supporting statement as to the proposed use of the buildings, structures and premises, shall be submitted to the Department for administrative review and approval. No application shall be administratively approved unless and until all fees and fines owed to the Department as a result of activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be.

1303.3.2. Application procedures and informational requirements for a Conditional Use shall be established by the zoning inspector. The application shall provide all information needed for an administrative approval.

Rachel Applegate - PLANDEVX

Subject: FW: PD-TA2014001 - Wireless Communication Facilities

From: Carol Hu - PLANDEVX
Sent: Friday, May 15, 2015 9:17 AM
To: Ann Hutchinson (behomes@q.com)
Cc: Matthew Holm - PLANDEVX; Darren Gerard - PLANDEVX; Hether Krause - ENVX
Subject: PD-TA2014001 - Wireless Communication Facilities

Hello Ann,

Thank you for your comments. Your comments will be registered and the suggest items will be presented to the BOS in its final form with the corrected item number.

Carol Hu

Planner, Comprehensive & Current Planning
Maricopa County | Planning & Development Department
501 N. 44th St., Suite 200 | Phoenix, AZ 85008
Phone: (602) 506-8150 | Email: CarolHu@mail.maricopa.gov



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

From: behomes@q.com[SMTP:BEHOMES@Q.COM]
Sent: Thursday, May 14, 2015 4:21:19 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:
Email: behomes@q.com

Does citizen want to be contacted: no

Comment is regarding: express support

Comments:

NR-DHCA has no objections to the two additional items being added. We think the numbering needs to be corrected for what is now being numbered as "1202.3.1.1.7.n." which seems like it should be "1202.3.1.1.n" (no "7").

Time of Request: 5/14/2015 4:21:19 PM



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case:	TA2014001 – Wireless Communication Facilities / Conditional Uses
Meeting Date:	May 21, 2015 (Continued from May 7, 2015)
Agenda Item:	7
Supervisor District:	All
Applicant:	Commission-initiated
Request:	Text Amendment to the Maricopa County Zoning Ordinance, Chapter 2 Definitions, Chapter 12 Wireless Communication Facilities (WCF), and Chapter 13 Conditional Uses
Support/Opposition:	One letter of opposition/concern from Crown Castle. Two letters of opposition from New River/Desert Hills Community Association were initially received (see attached). However, a subsequent letter of support from New River/Desert Hills Community Association was later received which supersedes the previous two letters of opposition. One letter of support from Ms. Sally. There is no other, new correspondence since the December 19, 2014 Stakeholders Meeting.
Recommendation:	Approval

Discussion:

The purpose of this text amendment is to overhaul the Section 1202 in order to streamline the entitlement process for WCFs as recommended by the Maricopa County Planning and Development Ad Hoc Task Force. The text amendment does so by eliminating the WCF Use Districts, promoting co-location on existing vertical structures, and fostering moderate height and slim monopole designs that would be permitted by right in all zoning districts throughout unincorporated Maricopa County. In most instances, there would not be a need to obtain a Special Use Permit. The text amendment will create an administrative Conditional Use Permit for WCFs.

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 originally initiated at the June 26, 2014 Commission meeting. It was subsequently continued to garner further public input at a December 19, 2014 stakeholder meeting and discussion with industry representatives. This case was re-initiated by the Commission on April 9, 2015 – to address not only WCF regulations in Chapter 12 and definitions in Chapter 2, but also a Conditional Use process in Chapter 13 and additional definitions in Chapter 2.

Prior to the April 9, 2015 Commission meeting, New River/Desert Hills Community Association had expressed opposition via EROP (letters are attached). At the April 9, 2015 Commission meeting revised language was discussed. Also at that time, a representative from Crown Castle explained they maintain concerns listed in the attached October 7, 2014 letter (submitted external to EROP). Otherwise, all previous comments have been incorporated and there is no other known opposition. The New River/Desert Hills Community Association subsequently retracted the previous opposition and expressed support of the text amendment provided at April 9, 2015 Commission meeting.

Proposed verbatim language is attached (in leg-edit format for relevant portions of Chapters 2, 12 & 13, and a clean final version for Sec. 1202 including illustrations).

As proposed, WCFs would be regulated as follows:

- Rural/Residential zoning an 80' maximum height with a 2:1 setback from lot lines (or 15' above the structure onto which attached without regard to setback);
- Commercial/Industrial zoning a 120' maximum height with a 1:1 setback from lot lines except may be in line with the front plane of the principal building (or 15' above the structure onto which attached without regard to setback);
- Within electric transmission corridors and utility compounds a 125' maximum height and min. 3' setback (or 15' above the structure onto which attached without regard to setback);
- Permit WCFs that do not exceed the maximum building height of the respective zoning district at a 3' setback but not within a required front yard;
- 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, or if not exceeding the maximum building height of the respective zoning district;
- Defines dimensions (height, diameter, etc.) and design as concealment elements intended to mitigate visual blight;
- Exempts public safety facilities;
- If conditions are met, WCFs will be administratively approved via Conditional Use Permit; and
- Legislative approval of a Special Use Permit will be required when conditions cannot be met.

The text amendment has been modified chiefly by creation of the administrative Conditional Use Permit process (CUP). It is expected the CUP will utilize the Land Use application packet and fee schedule (same as for a Home Occupation, Agricultural Exemption, As-Built Plan of Development, etc.) Staff asks for direction on any further changes the Commission deems necessary.

Two letters of support has been received via EROP:

From: Darren Gerard - PLANDEVX
Sent: Tuesday, April 14, 2015 1:03 PM
To: Ann Hutchinson
Cc: Carol Hu - PLANDEVX
Subject: RE: Regulatory Outreach

Ann: thank you for NRDHCA's continued review of TA2014001. Darren
[Signature block removed for space.]

From: behomes@q.com[SMTP:BEHOMES@Q.COM]
Sent: Tuesday, April 14, 2015 12:49:25 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: behomes@q.com

Does citizen want to be contacted:

Comment is regarding: express support

Comments:

The New River-Desert Hills Community Association supports the TA2014001 text amendment as provided at the April 9 meeting. They do not support the change suggestions presented by Crown Castle at that meeting.

Time of Request: 4/14/2015 12:49:25 PM

From: Darren Gerard - PLANDEVX
Sent: Monday, May 04, 2015 11:46 AM
To: SAMUEL2F3@HOTMAIL.COM
Cc: Carol Hu - PLANDEVX
Subject: RE: Regulatory Outreach - TA2014001

Ms. Sally: thank you for indicating your support of TA2014001. Please feel free to submit specific comments if you have suggestions on how to improve the proposed ordinance language. Darren
[Signature block removed for space.]

From: samuel2f3@hotmail.com[SMTP:SAMUEL2F3@HOTMAIL.COM]
Sent: Sunday, May 03, 2015 6:13:24 PM
To: Regulatory
Subject: Regulatory Outreach
Auto forwarded by a Rule
Citizen Comments
Issue: PD-TA2014001 – Wireless Communication Facilities

Citizen's Name: sally sally
Organization: JenPIQTXzQSKjt
City: New York
Zip: 98482
Phone Number: 65806715055
Phone Type: work
Email: samuel2f3@hotmail.com

Does citizen want to be contacted: yes

Comment is regarding: express support

Comments:

KsKAJo <http://www.FyLitCI7Pf7kjQdDUOLQOuaxTXbj5iNG.com>

Time of Request: 5/3/2015 6:13:24 PM

Staff would suggest two additional items be added.

First, include the following at the end of Article 1202.2.8:

Notwithstanding the foregoing, relief from the standards may be granted with approval of a Variance pursuant to Section 303 of this Ordinance.

Second, Article 1202.3.1.1.7.n. to state:

All ground equipment accessory to the Wireless Communication Facility shall be setback at least three feet (3') from a lot line and shall not be located within a required front yard.

Recommendation:

Staff recommends the Commission **approval** of **TA2014001**, as presented, to the BOS.

Prepared by: Carol Hu, Planner and Darren V. Gerard, AICP, Deputy Director
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Previous correspondence letters from NRDHCA (5 pages)
Opposition letter from Crown Castle (4 pages)
Proposed MCZO Sec 201 (final clean version, 1 page)
Proposed MCZO Sec 201 (leg-edit, 1 page)
Proposed MCZO Sec 1202 (clean final version with illustrations, 8 pages)
Proposed MCZO Sec. 1202 (leg-edit, 10 pages)
Proposed MCZO Sec. 1303 (final clean version, 1 page)
Proposed MCZO Sec. 1303 (leg-edit, 1 page)

Carol Hu - PLANDEVX

From: Regulatory
Sent: Sunday, March 29, 2015 9:06 AM
To: Hether Krause - ENVX; Valerie Beckett - PLANDEVX; Jennifer Pokorski - FCDX
Subject: FW: Regulatory Outreach

From: Plan-Dev@nrdhca.com[SMTP:PLAN-DEV@NRDHCA.COM]
Sent: Sunday, March 29, 2015 9:05:38 AM
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 New River-Desert Hills Community Association thanks you for the opportunity to review TA2014001 for the April 19, 2015 P & Z Commission meeting. The attached has their response and consultant's analysis.

Time of Request: 3/29/2015 9:05:38 AM



New River/Desert Hills Community Association, Inc.

PO Box 75068

Phoenix, AZ 85087-1000

Phone 602-432-2800

Fax: 623-465-1177

Website: www.NRDHCA.ORG

President's email: Alan@NRDHCA.com

March 30, 2015

Darren Gerard
Maricopa County Planning and Development
501 North 44th Street, Suite 200
Phoenix, AZ 85008

Dear Darren Gerard,

The New River/Desert Hills Community Association (NR/DHCA) board has a quorum for the following comment:

TA2014001 revised - **Recommendation: Denial** due to the objectives covered in the our consultant's analysis attached.

See our consultant's analysis for more explanation.

Regards,

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

Attachment: Consultant's analysis

PAUL H. McALLISTER
201 W. Circle Mountain Road
New River, AZ 85087
Date: 20 March 2015

To: NR-DHCA, INC.

Review By Date: 25 March 2015.

Case: TA2014001 revised.

Related Case: TA2014001.

Type case: TAC BOA P & Z Text Amendment.

Meeting Date: April 9 2015 at 9:30 am.

Request: Amendment to existing Maricopa County Zoning Ordinances.

Background: We have been involved with this TA2014001 pertaining to Wireless Communication Facilities (WCF) since Sept. 2014. Our last stakeholder meeting was Feb. 27, 2015 with Maricopa County and representatives from industry (facilitated by Darren Gerard). The participants discussed the TA at length and suggested additions to existing amendments.

Notation: The Text Amendment found on the <http://maricopa.gov/regulations/pd/process.aspx> site is VERY confusion since page 1-13 has a marked up copy (lots of word crossed out or in red font) and then 14-19 appear to be the "clean" copy for Chapter 12 without the mark ups. However, the two versions do NOT match and not just because of the addition of some graphics; the text is different in places. And there is no clean copy provided for Chapter 2 or 13 (page 2 and 13).

Opinion: The Text Amendment proposal has been revised. I have no objections to the proposed additions to Chapter 2, Definitions (defining Wireless Communication Facilities). I really like the deletion of Wireless Districts 1, 1a, 2 and 3.

I noticed some typos that need corrections:

- "1203.1.j and 1203.1.l" do not seem like they are written grammatically correct; I think the word "to" should be eliminated in the phrase "to mitigate noise".
- 1303.3.2 numbered incorrectly, should be 1303.2.2.

However, I do have some objections:

- I still object to 1202.3.1.1.d proposed wording; it should not be worded requiring that the facility shall be constructed of non-reflective galvanized steel but any visible (exposed) steel to be non-plated or painted with a non-reflective (matte/flat) coating. Galvanize is not the only plating available. Even the industrial reps at the stakeholder meeting thought different language should be used.
- The drawing located after 1202.3.1.1.c indicates (P) Max 60" (tower & support structure) and 1202.3.1.1.c requires 30" tower and support structure. I do not understand why the drawing located after 1202.3.1.1.c shows the stealth design while 1202.3.1.1.c does not relate to a stealth design while 1202.3.1.1.h does relate but the drawing after 1202.3.1.1.i does not. The idea behind the drawings is to supplement geometry. The drawings should be correct and located in close proximity to the Article they relate to.
- For 1203.3.1.2, this "clean" version, a part of the proposed revision is missing. After "unless mounted on a building/structure" the text "other than a wireless communication facility tower" is missing. This omitted text should be there as it indicates that a wireless communication tower (structure) is not to be used as a mounting structure.

- Considering that the black (last copy) is the clean copy and the black copy what will be considered for approval. Now that I have stated that; all amendments to Chapter 2 Definitions and Chapter 13 Conditional Use have been omitted.

Based on my objections, I recommend denial.

Recommendation: Denial Approval Other _____

Sincerely,

Paul H. McAllister

Carol Hu - PLANDEVX

From: Regulatory
Sent: Tuesday, March 31, 2015 7:29 PM
To: Hether Krause - ENVX; Valerie Beckett - PLANDEVX; Jennifer Pokorski - FCDX
Subject: FW: Regulatory Outreach

From: plan-dev@nrdhca.com[SMTP:PLAN-DEV@NRDHCA.COM]
Sent: Tuesday, March 31, 2015 7:28:49 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: 623-742-6514
Phone Type: home
Email: plan-dev@nrdhca.com

Does citizen want to be contacted: no

Comment is regarding: express opposition

Comments:

In addition to their response submitted March 29, 2015, the NR-DHCA adds this comment. Since the document linked from the regulatory site has two version – a marked up version and a clean versions – and those two versions are not consistent with each other, it is not clear which version should be reviewed. For example, the marked up copy does not have the graphics and the clean copy is missing some text. Therefore, we believe the case should be continued until it is clear exactly what is proposed. Note, most of the NR-DHCA March 29 concerns apply to either version.

Time of Request: 3/31/2015 7:28:49 PM



Crown Castle
222 East Carrillo Street
Santa Barbara, CA 93101

October 7, 2014

Mr. Darren V. Gerard, ACIP, Deputy Director
Planning and Development Department
Maricopa County
501 N. 44th Street, Suite 100
Phoenix, AZ 85008

Sent via Email Delivery

Re: Crown Castle Comments to Maricopa County's Text Amendment
Wireless Communications Facilities, Case No. TA2014001

Dear Mr. Gerard:

I. Request

Crown Castle ("Crown") respectfully requests that Crown's comments contained herein be given serious consideration by the County Planning and Zoning Commission at their public hearing on October 9, 2014.

With hundreds of managed wireless communications facilities in the Maricopa County area, Crown is a major business partner with the county, the incorporated cities within Maricopa County and the wireless telecommunications providers we serve. Crown therefore, has a significant interest and stake in the decisions made regarding the deployment of wireless services in the county.

II. Background

Crown is the nation's leading provider of shared wireless infrastructure. With the recent acquisition of over 9,700 tower facilities from AT&T Towers, Crown now owns and manages approximately 40,000 communications facilities in the United States. In addition to these tower facilities, Crown owns and manages distributed antenna systems and small cell systems throughout the country.

Crown is also a leading provider of zoning and permitting services for our wireless customers. This broad range of expertise, both as a communications facility owner and manager, and as a service provider working for wireless carriers, gives Crown a unique perspective when reviewing regulation and public policy that affects wireless deployment.

The next several years is expected to see incredible growth in the mobile broadband market. Put simply, this means escalating demand for high-speed wireless services. Over the next four years, mobile data traffic in the top thirty markets in the United States is expected to increase by 850%. The increased use of smartphones and tablets is straining the existing wireless networks around the country. To address this strain, wireless carriers expect to invest between \$34 to \$36 billion dollars annually over the next five years. This investment is expected to create approximately \$1.2 trillion dollars in economic development and the creation of 1.3 million net new jobs.

A critical component in addressing this consumer demand is the speed with which carriers can deploy new wireless networks as well as their ability to rapidly modify existing wireless networks. In order to do so, relief is needed in the form of reasonable regulation and public policy that affects wireless siting and development at the local level.

III. Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012

In response to the unprecedented demand for wireless broadband services now and in the years to come, Congress enacted Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (the "Act") on February 22, 2012. The Act is the single most significant piece of Federal wireless legislations since the 1996 Telecommunications Act. The Act mandates that state and local governments must approve an "eligible facilities" request for the modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. The section mandating streamlined modification and collocation approval ensures the timely deployment of wireless services nationwide.

The text of the Act is included below:

(a) Facility Modification.

(1) In general—Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) Eligible facilities request—For purposes this subsection, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves:

- (A) collocation of new transmission equipment;
- (B) removal of transmission equipment; or
- (C) replacement of transmission equipment.

(3) Applicability of environmental laws—nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

The Act defines "eligible facilities request" as any request for modification of an existing wireless tower or base station that involves:

- Collocation of new transmission equipment;
- Removal of transmission equipment; or
- Replacement of transmission equipment.

The FCC defines a "substantial change" as:

- The mounting of a proposed antenna on the tower that would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

- The mounting of a proposed antenna that would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable

A substantial change also occurs if the applicant proposes to install more than four (4) equipment cabinets or more than one (1) equipment shelter, or proposes excavation outside of the site area, defined as the applicant's leasehold or ownership interest in the property.

IV. Specific Comments to the Proposed Regulations and Federal Preemption

Curiously, Maricopa County's proposed regulations do not contain any reference to the Act, and the many of the regulations appear inconsistent with several provisions of the Act.

For example, in Article 1202.3, Standards, the following potential inconsistencies with the Act are noted:

- 1202.2.4—the Act does not prohibit communications structures in excess of 199 feet due to the preservation of “nighttime skies for astronomical observation”.
- 1202.3.1(a)—applying maximum heights of any kind do not consider the fact that the Act allows for an increase to existing towers, as articulated above.
- 1202.3.1(b)—the Act does not limit the number of building installations nor the number of antennas, nor the size of the antennas to be mounted.
- 1202.3.1(c)—the Act does not stipulate that a tower can only be 30 inches in diameter.
- 1202.3.1(h)—the Act does not stipulate that the maximum diameter of an antenna array can only be eight (8) feet.
- 1202.3.1(i)—the Act does not stipulate that the maximum diameter of a microwave dish can only be 4.9 feet wide.

To eliminate these inconsistencies, Crown recommends that the Article 1202.3, Standards, be revised and simplified to include two distinct, ordinance sections to accommodate all wireless project application scenarios—the first section will address all “eligible facility requests” that do not substantially change the physical dimensions of the tower or base station; and, the second section will address all other projects that the Act does not apply to, such as new builds, tower relocations, use permit renewals, etc. This simple change will provide clarity for the wireless industry, facilitating deployment consistent with the intent of Section 6409.

By simply choosing to ignore the clear mandate of Section 6409, the county appears to be making the wireless deployment of very simple and routine projects—collocations on existing facilities; modifications of existing facilities; and, replacement projects on existing facilities, more challenging, rather than less challenging.

The county's proposed zoning ordinance revisions raise a serious legal issue in the context of Federal Preemption, inasmuch as the proposed revisions are at odds with Section 6409 of the Act, executive orders, administrative regulations, and Congress' intent, all of which are designed to ensure the public receives timely and efficient rollout of wireless services. 47 U.S.C. § 1455(a); Exec. Order No. 13616; 77 Fed.Reg. 36.903 (2012). Accordingly, to the extent the proposed revisions frustrate purpose of the Act and applicable federal regulations, or creates an obstacle to their accomplishment, the proposed revisions are soundly preempted by federal law. *See,*

e.g., Arizona Dream Act Coalition v. Brewer, 757 F.3d 1053 (9th Cir. 2014), citing *Arizona v. United States*, 132 S.Ct. 2492 (2012) (a state and local law is preempted wherever it “stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.”).

V. Effect of the Proposed Regulations on Existing Wireless Communication Facilities

Due to a number of the provisions cited above in Section IV., it is certain that many existing, legal, conforming wireless communications facilities throughout the county will become legal, non-conforming wireless communications facilities. As written, the regulations do not provide any specific guidance as to how the county will treat legal, non-conforming facilities. Crown recommends that the ordinance be abundantly clear on whether or not the county will allow collocations, modifications, and equipment replacement on legal, non-conforming facilities. Ultimately, what benefits the public benefits Crown: A clear, concise regulation that allows for the efficient expansion of wireless capacity to meet the public’s needs.

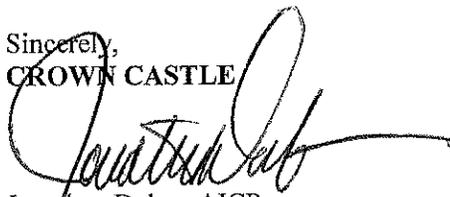
VI. Summary

The growth of mobile broadband deployment is expected to increase by 850% over the next four years. Much of this growth can be accommodated by new collocations, modifications and replacement of existing wireless equipment and infrastructure. With this need in mind, Congress passed Section 6409(a) in February 2012 to provide consistency and simplicity in the zoning process for these specific types of projects.

Crown appreciates that the county has simplified some parts of their existing ordinance regulations. Unfortunately, the county has not chosen to reflect the basic provisions of Section 6409 into the current update. Crown does not support the county’s proposed update as drafted and recommends that the provisions of Section 6409 be reflected in the ordinance in a clear and meaningful manner.

Thank you for consideration of our comments.

Sincerely,
CROWN CASTLE



Jonathan Dohm, AICP
Zoning Manager, West Area

Cc: Mike Schern, Schern, Richardson Finter Decker PLC
Matt Seal, Director Real Estate, Crown Castle
Lauren Eicher, District Manager, Crown Castle
Frantz Etienne, Real Estate Manager, Crown Castle
Gary Gochberg, Real Estate Specialist, Crown Castle

MARICOPA COUNTY ZONING ORDINANCE

Chapter 2 – Definitions

SECTION 201. DEFINITIONS

For the purpose of this Ordinance, certain words are hereby defined:

CONDITIONAL USE:

A use of property permitted on a permanent basis within a zoning district as long as required conditions are met.

CONDITIONAL USE PERMIT:

The permit issued for a conditional use in accordance with the provisions of Chapter 13, Section 1303.

WIRELESS COMMUNICATION FACILITIES:

Facility composed of a support structure whether or not mounted on a building/structure and which supports antennae and other necessary attachments used exclusively for wireless transmission purposes, all of which are used as part of a communications or information system.

WIRELESS COMMUNICATION FACILITY, CONCEALMENT ELEMENT:

Standards to limit height, diameter or design of a wireless communication facility in order to mitigate adverse visual impact.

WIRELESS COMMUNICATION FACILITY, MAXIMUM HEIGHT:

For a wireless communication facility tower mounted facility, the vertical distance from grade to the highest point of the support structure and all antennas and attachments excluding architectural features for stealth design. For a facility co-locating on a building/structure other than a wireless communication facility tower, the vertical distance from the point the facility is affixed to the structure to the highest point of the wireless communication facility including all attachments.

WIRELESS COMMUNICATION FACILITY, SETBACK:

For a wireless communication facility tower mounted facility, the horizontal distance from lot line to the outer plane extended to grade of all attachments excluding architectural features for stealth design.

MARICOPA COUNTY ZONING ORDINANCE

Chapter 2 – Definitions

SECTION 201. DEFINITIONS

For the purpose of this Ordinance, certain words are hereby defined:

CONDITIONAL USE:

A use of property permitted on a permanent basis within a zoning district as long as required conditions are met.

CONDITIONAL USE PERMIT:

The permit issued for a conditional use in accordance with the provisions of Chapter 13, Section 1303.

WIRELESS COMMUNICATION FACILITIES:

Facility ~~Either a structure composed of a support structure monopole; or a structure whether or not mounted on a building/structure; either of which is maintained by a public service corporation; and which supports microwave antennae and dishes and other necessary attachments used exclusively for cellular wireless transmission communication purposes, all of which are used as part of a cellular mobile telephone communications or information system.~~

WIRELESS COMMUNICATION FACILITY, CONCEALMENT ELEMENT:

Standards to limit height, diameter or design of a wireless communication facility in order to mitigate adverse visual impact.

WIRELESS COMMUNICATION FACILITY, MAXIMUM HEIGHT:

For a wireless communication facility tower mounted facility, the vertical distance from grade to the highest point of the support structure and all antennas and attachments excluding architectural features for stealth design. For a facility co-locating on a building/structure other than a wireless communication facility tower, the vertical distance from the point the facility is affixed to the structure to the highest point of the wireless communication facility including all attachments.

WIRELESS COMMUNICATION FACILITY, SETBACK:

For a wireless communication facility tower mounted facility, the horizontal distance from lot line to the outer plane extended to grade of all attachments excluding architectural features for stealth design.

MARICOPA COUNTY ZONING ORDINANCE

Chapter 12 – Development Regulations

SECTION 1202. WIRELESS COMMUNICATION FACILITIES^{*1}

ARTICLE 1202.1. PURPOSE: The principal purpose of this Section is to establish the locations in unincorporated Maricopa County where wireless communication and information system 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.
- 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.
- 1202.2.3. The construction and location of wireless communication facilities and facilities for wireless information systems 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 (other than a wireless communication facility tower) 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 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, unless said lighting is specific to the purpose of a structure upon which a wireless communication facility is co-located. ^{*1}
- 1202.2.5. Facilities for public safety agencies are exempt from the requirements of this Section.
- 1202.2.6. The standards contained in this Section with regard to height, diameter, and design are concealment elements to ensure structures do not have an adverse visual impact or harm the public welfare.

MARICOPA COUNTY ZONING ORDINANCE

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1202.2.7 Any wireless communication facility properly permitted that existed as of June 10, 2015 shall be considered legal non-conforming with regard to this Section. Any change to a legal non-conforming wireless communication facility shall bring it into conformance with this Section or shall be subject to a Special Use Permit.

1202.2.8. 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. A facility that meets the standards shall be processed administratively as a Conditional Use Permit prior to obtaining construction permits.

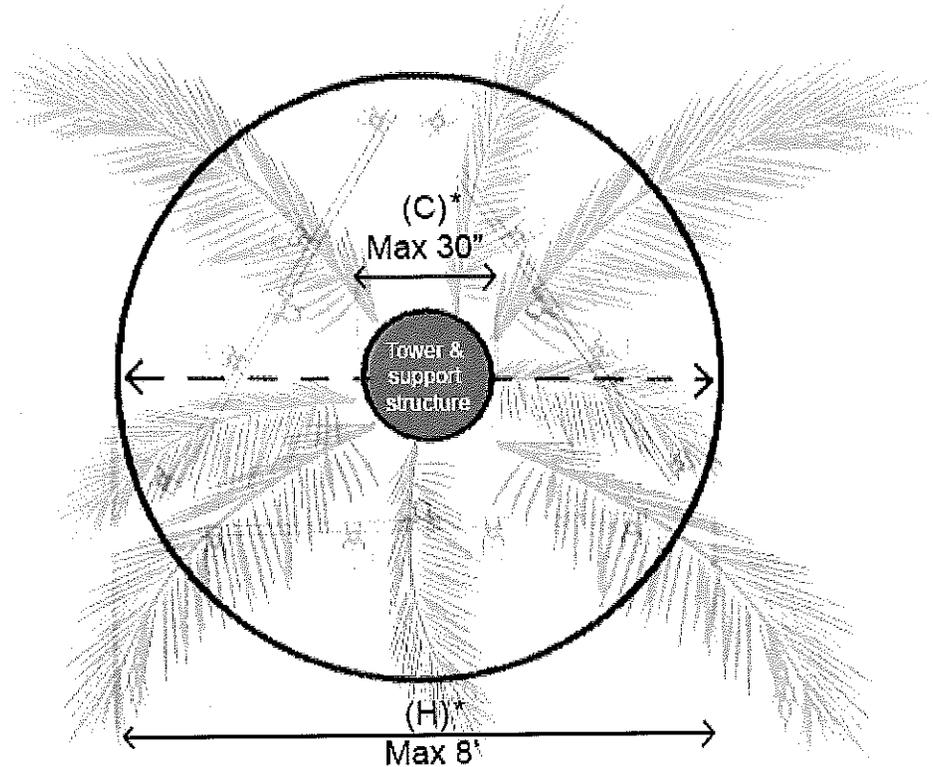
ARTICLE 1202.3. STANDARDS: The following standards shall apply to Wireless Communication Facilities: ^{*1}

1202.3.1. **Location:**

1. In Rural, Single-Family Residential or Multiple-Family Residential Zoning Districts, wireless communication facilities are permitted subject to the following limitations: ^{*1}
 - a. 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 (other than a wireless communication facility tower) onto which it will be attached.
 - 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}
 - c. Towers and support structures shall have a maximum diameter of **30 inches** (2.5 feet).

MARICOPA COUNTY ZONING ORDINANCE

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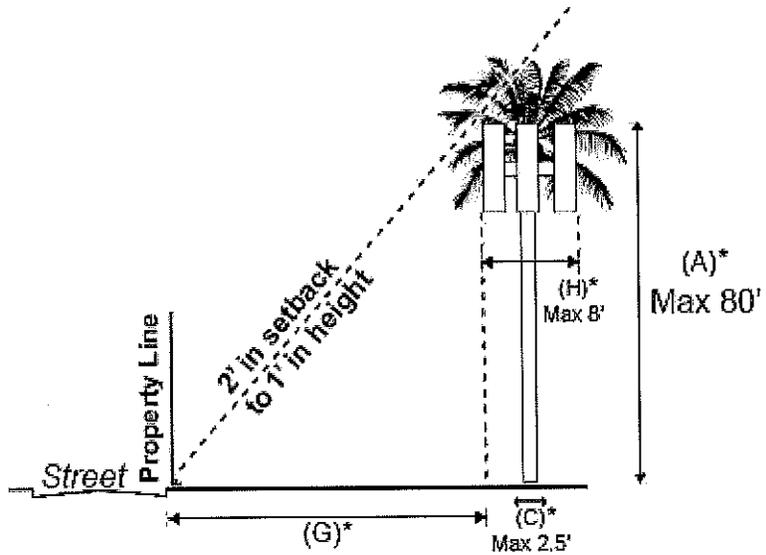


*Letters reference sub-articles of this Section of the Ordinance.

- d. The color of a wireless communication facility shall be compatible with the surrounding environment. Exposed portions of the tower structure shall be non-reflective. ^{*1}
- 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}
- 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}
- g. Wireless communication facilities shall be setback **2 feet** from all property lines for each **1 foot** in height (including tower and antenna attachments but not to include architectural features for stealth design), unless co-locating on a building/structure (other than a wireless communication facility tower). Structures that are no greater in height than the maximum permitted building height for the respective zoning district may be permitted at a minimum **3 foot** setback but shall not be located within a required front yard.

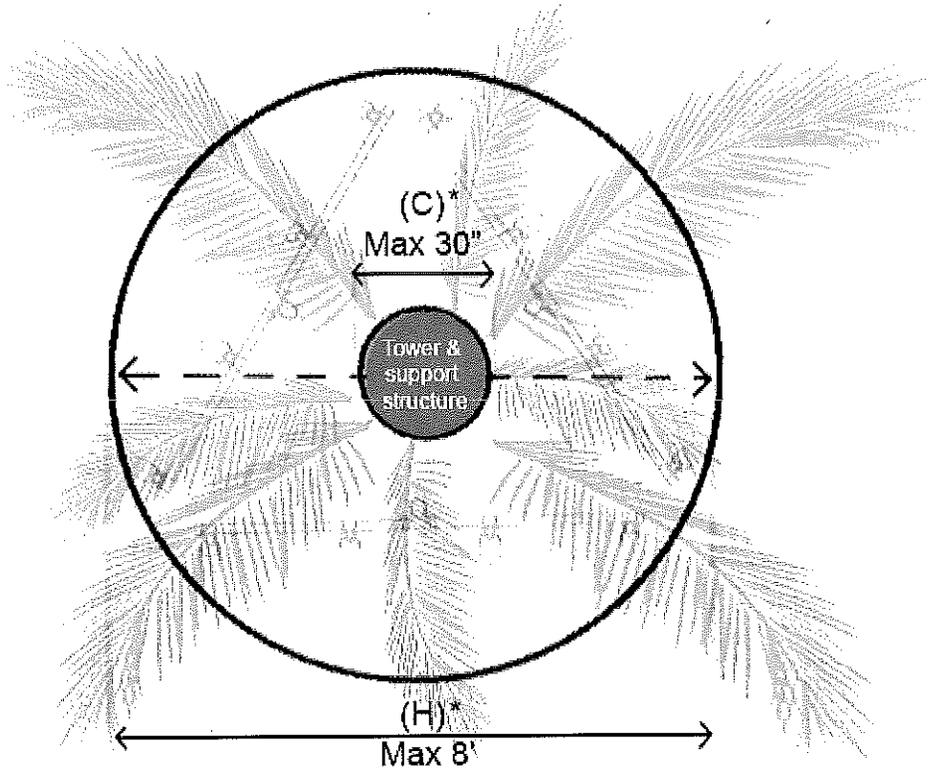
MARICOPA COUNTY ZONING ORDINANCE

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*Letters reference sub-articles of this Section of the Ordinance.

- h. The maximum diameter of antenna arrays shall be **eight feet** measured from circumference line to circumference line through the center of the tower structure but not including architectural features for stealth design such as tree limbs, palm fronds, and windmill blades.

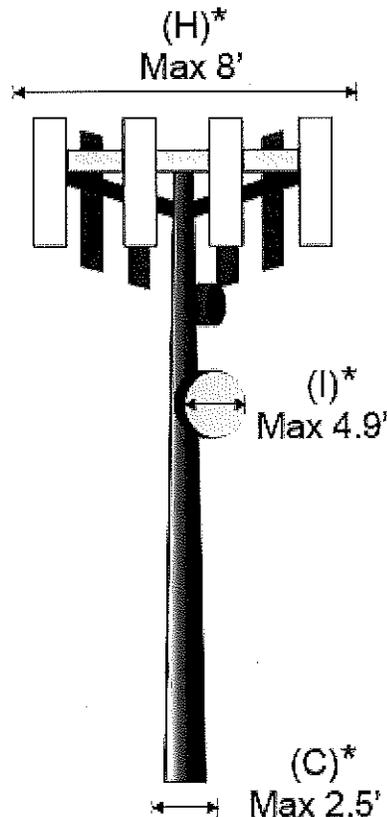


*Letters reference sub-articles of this Section of the Ordinance.

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- i. The maximum diameter of any microwave dish shall be **one and one half meters (4.9 feet)**.



*Letters reference sub-articles of this Section of the Ordinance.

- j. All ground-mounted equipment associated with a wireless communication facility shall be screened visually and to mitigate noise.
- k. Unless no greater in height than the maximum permitted building height for the respective zoning district or 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 (other than a wireless communication facility tower). 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.

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- b. The maximum height of a wireless communications facility including the base, platform and attached antennae, shall not exceed **120 feet above grade** or 15' above the height of the structure (other than a wireless communication facility tower) 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 1202.3.1.1 shall apply to facilities located within Commercial or Industrial zoning districts, unless specifically modified by the standards of Article 1202.3.1.2.
3. Any wireless communications facility or wireless information system 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, are subject to the following limitations:
- 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 structures (other than a wireless communication facility tower) 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.

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- 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
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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 wireless communication and information system 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}

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- 1202.2.3. The construction and location of cellular-wireless communication facilities and facilities for wireless information systems 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 (other than a wireless communication facility tower) 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, unless said lighting is specific to the purpose of a structure upon which a wireless communication facility is co-located. ^{*1}
- 1202.2.5 Facilities for public safety agencies are exempt from the requirements of this Section.
- 1202.2.6 The standards contained in this Section with regard to height, diameter, and design are concealment elements to ensure structures do not have an adverse visual impact or harm the public welfare.
- 1202.2.7 Any wireless communication facility properly permitted that existed as of June 10, 2015 shall be considered legal non-conforming with regard to this Section. Any change to a legal non-conforming wireless communication facility shall bring it into conformance with this Section or shall be subject to a Special Use Permit.
- 1202.2.7.8. 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. A facility that meets the standards shall be processed administratively as a Conditional Use Permit prior to obtaining construction permits. 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}

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- ~~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:

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1. In Rural, ~~or Single-Family Residential Zoning Districts, land classified by the Assessor as Agricultural or Multiple-Family Residential 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 (other than a wireless communication facility tower) onto which it will be attached. ~~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** (2.5 feet).~~
 - e.d. The color of a wireless communication facility shall be compatible with the surrounding environment. Exposed portions of the tower structure shall be non-reflective. ^{*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}

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- 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 (including tower and antenna attachments but not to include architectural features for stealth design), unless co-locating on a building/structure (other than a wireless communication facility tower). Structures that are no greater in height than the maximum permitted building height for the respective zoning district may be permitted at a minimum **3 foot** setback but shall not be located within a required front yard. 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 line to circumference line 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 screened visually 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 no greater in height than the maximum permitted building height for the respective zoning district or 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)

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from any existing wireless communication facility tower structure. There is no separation requirement for facilities mounted on a building/structure (other than a wireless communication facility tower). 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. Unless located within a building, a ~~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's ground equipment, and shall visually screen all equipment and mitigate noise. Associated panels for solar power generation do not require screening.^{*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 height of the wireless communication facility (including tower and antenna attachments but not to include architectural features for stealth design), unless mounted on a building/structure other than a wireless communication facility tower. 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~~ Structures that are no greater in height than the maximum permitted building height for the respective zoning district may be permitted at a minimum **3 foot** setback but shall not be located within a required front yard.^{*1}

b. The maximum height of a wireless communications facility including the base, platform and attached antennae, shall not exceed **80 feet**

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~~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 (other than a wireless communication facility tower) 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 1202.3.1.1 shall apply to facilities located within Commercial or Industrial zoning districts, unless specifically modified by the standards of Article 1202.3.1.2. 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}~~

~~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}~~

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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 or wireless information system 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, are subject to the following limitations:
- 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 structures (other than a wireless communication facility tower) 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

MARICOPA COUNTY ZONING ORDINANCE

Chapter 13 – Use Regulations

SECTION 1303. CONDITIONAL USE

ARTICLE 1303.1 PURPOSE: There are certain uses that may be permitted in zoning districts subject to conditions.

ARTICLE 1303.2 CONDITIONAL USES: Conditional Uses shall be limited to the following:

- 1303.2.1. Wireless Communication and information system facilities in accordance with Section 1202 of this Ordinance.
- 1303.2.2. Uses listed as a Conditional Use in the Use Regulations of a zoning district.

ARTICLE 1303.3 SUBMITTALS: All Conditional Use approvals shall be subject to the following:

- 1303.3.1. Before permitting any of the above uses, plans together with a narrative or supporting statement as to the proposed use of the buildings, structures and premises, shall be submitted to the Department for administrative review and approval. No application shall be administratively approved unless and until all fees and fines owed to the Department as a result of activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be.
- 1303.3.2. Application procedures and informational requirements for a Conditional Use shall be established by the zoning inspector. The application shall provide all information needed for an administrative approval.

MARICOPA COUNTY ZONING ORDINANCE

Chapter 13 – Use Regulations

SECTION 1303. CONDITIONAL USE

~~This entire Section has been deleted 07-07-06. (TA2003005)~~

ARTICLE 1303.1 PURPOSE: There are certain uses that may be permitted in zoning districts subject to conditions.

ARTICLE 1303.2 CONDITIONAL USES: Conditional Uses shall be limited to the following:

1303.2.1. Wireless Communication and information system facilities in accordance with Section 1202 of this Ordinance.

1303.2.2 Uses listed as a Conditional Use in the Use Regulations of a zoning district.

ARTICLE 1303.3 SUBMITTALS: All Conditional Use approvals shall be subject to the following:

1303.3.1. Before permitting any of the above uses, plans together with a narrative or supporting statement as to the proposed use of the buildings, structures and premises, shall be submitted to the Department for administrative review and approval. No application shall be administratively approved unless and until all fees and fines owed to the Department as a result of activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be.

1303.3.2. Application procedures and informational requirements for a Conditional Use shall be established by the zoning inspector. The application shall provide all information needed for an administrative approval.