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LAURA DEAN-LYTTLE**

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ORDINANCE NO. PZ C-005-10



AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA, RELATING TO ZONING AND AMENDING THE PINAL COUNTY DEVELOPMENT SERVICES CODE, TITLE 2 (COUNTY ZONING ORDINANCE),

WHEREAS, the Board of Supervisors on February 10, 2010, approved the codification of all Development Services ordinances, and the codification as the Pinal County Development Services Code became effective on March 13, 2010;

WHEREAS, Ordinance No. 61862, as amended, is the Pinal County Zoning Ordinance as codified in Title 2 of the Pinal County Development Services Code;

WHEREAS, the county zoning ordinance is in need of revision to provide uniform laws and processes for the submittal, review and approval of wireless communication facilities.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA:

SECTION 1. Pinal County Zoning Ordinance, title 2 of the Pinal County Development Services Code ("PCDSC"), is amended by adding chapter 2.205, "Wireless Communication Facilities," to identify and define wireless communication facilities; establish general provisions for all facilities; establish design standards; to identify that facilities are a permitted use within the CI-B, CI-1, and CI-2 zones; identify facilities which are not required to obtain a special use permit; and establish an application process and identify application requirements and Chapter 2.205 shall read as follows:

**Chapter 2.205
WIRELESS COMMUNICATIONS FACILITIES**

Sections:

- 2.205.010 Purpose
- 2.205.020 Applicability
- 2.205.030 Definitions
- 2.205.040 General provisions for all wireless communication facilities ("facilities")
- 2.205.050 Design standards
- 2.205.060 Permitted use
- 2.205.070 Exempt facilities
- 2.205.080 Application process and requirements

2.205.010 PURPOSE.

To regulate the placement of wireless communications facilities; to establish zoning standards that will protect the integrity, character and identity of neighborhoods; to encourage co-location, stealth design and camouflaged facilities; to maximize the use of existing communication towers; and to minimize the adverse visual effects of towers through careful design, siting and screening.

2.205.020 APPLICABILITY.

All wireless communications facilities shall be subject to this Section except for commercial radio and TV, amateur radio, wireless communication facilities used by a governmental agency for its

governmental functions, wireless communication facilities used exclusively by public educational institutions for its communication purposes, and devices necessary for the use of a subscription to a commercial wireless provider service such as wireless internet and satellite TV.

2.205.030 DEFINITIONS.

- A. **ANTENNA.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- B. **EXEMPT.** Facilities that are not required to obtain a Special Use Permit as required in Section 2.150.020. Such facilities are required to attend the Concept Review pre-application meeting and meet the requirements set forth in Section 2.205.040 and Section 2.205.050.
- C. **TOWER, COMMUNICATIONS.** A structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, stealth tower structures and the like.
- D. **WIRELESS COMMUNICATIONS FACILITIES.** Any combination of one or more antennas, towers and/or structures with equipment used for the transmission of wireless communications except for commercial radio and TV, amateur radio, wireless communication facilities used by a governmental agency for its governmental functions, wireless communication facilities used exclusively by public educational institutions for its communication purposes and devices necessary for the use of a subscription to a commercial wireless provider service such as wireless internet and satellite TV.

2.205.040 GENERAL PROVISIONS FOR ALL WIRELESS COMMUNICATION FACILITIES ("FACILITIES"):

- A. **Attachment to Existing Structure.** The antennas must be attached to an existing pole or structure that has been in existence for at least one year and that otherwise meets applicable provisions of this Ordinance to be considered a co-location with the exception of antennas located on new utility poles/towers.
- B. **Building Permit.** A building permit is required for all facilities, new or co-locations, and accessory structures.
- C. **Certification.** A certification is required from a licensed engineer that the facilities will comply with all Federal Aviation Administration ("FAA"), Federal Communication Commission ("FCC") and other applicable regulations.
- D. **Co-Location.** Monopole and lattice tower facilities shall be designed in a manner that will allow for the co-location of at least one (1) additional antenna array on the facility.
- E. **Parking.** One parking space for the maintenance of the facility must be provided on-site. Said parking space shall be treated with materials which reduce the emission of dust.
- F. **Removal and Restoration.** When the operation of the wireless communications facilities is discontinued for a period of six months or a special use permit expires, the

facilities shall be removed and the site shall be restored to its natural state and topography and vegetated consistent with the natural surroundings at the expense of the owner of the facility.

- G. Signs. No advertising is permitted anywhere upon or attached to the facilities. Signage is limited to small non-illuminated warning and identification signs.
- H. Special Use Permit. Facilities that are not a permitted use within a zone or facilities that do not meet the requirements of Section 2.205.050 require a Special Use Permit ("SUP").
- I. Storage. Long-term vehicle storage and other outdoor storage are prohibited.
- J. Structurally Engineered. All communications towers, poles and co-location structures must be structurally engineered to show they are capable of supporting the proposed facilities and will meet the requirements of the County adopted building code.

2.205.050 DESIGN STANDARDS

- A. Color. The color of wireless communication facilities shall be compatible with the surrounding environment. Muted colors, earth tones, and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earth tone colors.
- B. Fencing. New facilities, other than flagpoles, utility poles, or other camouflaged facilities, shall be enclosed by an eight foot tall solid masonry wall to prevent trespass.
- C. Generators. All permanent generators associated with any facilities shall be located behind the eight foot tall solid masonry wall.
- D. Ground Mounted Equipment. Ground mounted equipment shall be located behind an eight foot tall solid masonry wall.
- E. Lighting. Lighting on any new facility is prohibited unless required by the FAA or by other applicable state or federal requirements. Motion detector security lighting may be approved if the lights are fully shielded. Any outdoor lighting requires a separate lighting permit.
- F. Stealth design. New communication towers located on a parcel adjacent to residential zones shall be stealth design. A stealth facility shall be designed and constructed in a scale substantially in conformity with and/or architecturally integrated with surrounding building designs or natural settings to minimize the adverse visual impact and ensure the facility is compatible with the environment in which it is located. Methods of stealth design include:
 - 1. Design that mimics surrounding vegetation such as palm trees (monopalms), pine trees (monopines) and Saguaro cacti.
 - a. Setback Requirements for monopalm, monopine, and Saguaro cactus facilities:
 - (1) The facility shall be required to meet set back requirements of primary buildings or structures of the zone in which they are located, unless otherwise specified herein.
 - (2) If a facility exceeds the height requirements of the zone in which it is located, the facility shall be set back from the property line that abuts

land located in a Rural or Residential zone by one (1) foot for every one foot in height of the facilities.

- (3) If a facility exceeds the height requirements of the zone in which it is located, the facility shall be set back from the property line that abuts land located in zones other than Rural or Residential by one foot for every one foot in height above the maximum height permitted in the zone in which the facility is to be located.
- b. Monopalm facilities shall conform to the following development standards:
- (1) Not to exceed seventy (70) feet in height;
 - (2) Antennas shall be located within the palm frond cluster and painted a green color to match the palm fronds;
 - (3) No antennas shall extend beyond the palm frond coverage;
 - (4) Monopalm shall contain a minimum of fifty-five (55) palm fronds;
 - (5) The trunk of the monopalm shall be clad with faux bark starting at the base (at grade) to the height of the first palm frond;
 - (6) Co-location on a monopalm facility shall be limited to antennas located within the trimmed leaf cluster (often referred to as the "pineapple" or "bulb") of the monopalm trunk, located below the base of the palm fronds;
 - (7) The diameter of the pole shall not exceed twenty-six (26) inches at its widest point, with the exception of the trimmed leaf cluster;
 - (8) No climbing pegs are permitted on the pole structure; and
 - (9) There shall be no unpainted metal on the monopalm facility.
- c. Monopine facilities shall conform to the following development standards:
- (1) Not to exceed ninety (90) feet in height;
 - (2) Antennas shall be mounted within the foliage of the monopine and all branches at the height of the antennas shall extend beyond the antenna panels and all mounting hardware;
 - (3) All branches shall be arranged in a natural order with the widest branches at the lowest portion of the monopine tapering to the shortest branches at the top of the monopine;
 - (4) Antennas shall have camouflaged foliage covers;
 - (5) The monopine branches shall have a density of 2.5 branches for each one vertical foot of pole;
 - (6) The monopine branches shall begin at no greater than twelve (12) feet above finished grade and continue to the top of the pole;
 - (7) The monopine shall be painted a color to match the appearance of the surrounding pine trees;
 - (8) The trunk of the monopine facility shall be constructed to incorporate full bark cladding provided on the tree trunk starting at the base (at grade) to the top of the monopine;
 - (9) The diameter of the pole structure shall not exceed thirty-six (36) inches at the base and shall taper to no greater than twenty-eight (28) inches at the top of the of the monopine;
 - (10) All cables shall be concealed within the pole structure;
 - (11) No climbing pegs are permitted on the monopine structure; and
 - (12) There shall be no unpainted metal on the monopine facility.
- d. Saguaro cacti facilities shall conform to the following development standards:
- (1) Not to exceed fifty (50) feet in height;
 - (2) The diameter of the pole structure shall not exceed thirty (30) inches at its widest point;
 - (3) The saguaro cactus facility shall be painted and designed to mimic a

- natural saguaro cactus;
 - (4) Antenna panels and cables shall be entirely concealed within the cactus structure;
 - (5) No climbing pegs are permitted on the pole structure; and
 - (6) There shall be no unpainted metal on the saguaro cactus facility.
 - 2. Using church steeples, clock towers, bell towers, roof features or other such vertical architectural elements to conceal antennas and equipment.
 - a. All antennas, mounting hardware and cables shall be completely concealed within the structure.
 - b. Equipment cabinets, service panels and service connections shall be screened by a solid wall, painted to match the structure.

2.205.060 PERMITTED USE:

- A. Applicable Zones. Wireless communications facilities are a permitted use in CI-B, Industrial Buffer Zone; CI-1, Light Industry and Warehouse Zone; and CI-2, Industrial Zone.
- B. Setback Requirements.
 - 1. Wireless communication facilities shall be required to meet the setback requirements of primary buildings or structures of the zone in which they are located, unless otherwise specified herein.
 - 2. If a facility exceeds the height requirements of the zone in which it is located, the facility shall be set back from the property line that abuts land located in a Rural or Residential zone by one (1) foot for every one foot in height of the facilities.
 - 3. If a facility exceeds the height requirements of the zone in which it is located, the facility shall be set back from the property line that abuts land located in zones other than Rural or Residential by one foot for every one foot in height above the maximum height permitted in the zone in which the facility is to be located.

2.205.070 EXEMPT FACILITIES. The following are exempted from obtaining an SUP, but are not exempted from attending the Concept Review pre-application meeting and the requirements set forth in Section 2.205.040 and Section 2.205.050:

- A. Building mounted antennas on non-residential structures where the equipment does not extend beyond twelve inches (12") from the face of the building and the equipment is painted to match the building.
- B. Rooftop mounted equipment on non-residential buildings where the equipment is ten (10) feet or less in height and is fully screened from view.
- C. Co-locations on existing communication poles or towers where the antenna array width is four feet or less or the width of the antenna array does not exceed the width of the largest existing array on the pole or tower.
- D. Co-locations on existing school and park ball field light poles or towers that add no more than twelve (12) feet in height to the pole or tower and the antenna array width is four (4) feet or less.
- E. Co-locations on existing electrical utility poles with a minimum of sixty-nine (69) kilovolt: that adds no more than twelve (12) feet in height to the pole and the antenna array width is four (4) feet or less.

- F. Co-locations on existing electrical utility lattice towers with a minimum of sixty-nine (69) kilovolt that extend no more than three (3) feet from the tower.
- G. Co-locations on existing flagpoles (stealth) that are no more than sixteen (16) inches in diameter, and all pole mounted equipment are located inside the pole.
- H. Stealth designed facilities in non-residential zones.

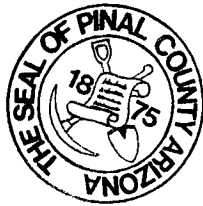
2.205.080 APPLICATION PROCESS AND REQUIREMENTS:

- A. Concept Review is required except where the facilities are a permitted use.
- B. Concept Review Procedure. Schedule a meeting to gather information and review the applicable procedure. The following information is required:
 - 1. Legal description and parcel number of the subject property;
 - 2. a site plan showing the location of the facilities; and
 - 3. drawings of the equipment and facilities.
- C. When the facility is a permitted use within a zone or an exempt facility, the applicant shall, as part of their building permit, submit:
 - 1. A scaled site plan with sufficient information to show that the facility meets all design criteria in Section 2.205.050 and other conditions of this title are met. The site plan shall also contain:
 - a. Access
 - b. All appurtenances
 - c. Antenna diagrams, including the width of the antenna arrays
 - d. Elevations
 - e. Equipment area
 - f. Parking area
 - g. Screen wall
 - h. Setbacks
 - i. Surrounding Zoning
 - j. Any other information deemed necessary by the County
 - 2. Before and after photo simulations showing the tower and the surrounding area
 - 3. Descriptions of the proposed colors for the facility
- D. When the facility is not a permitted use within a zone, or does not meet the criteria described in Section 2.205.050 the applicant shall follow the SUP procedure as set forth in Section 2.150.020. Applicants for an SUP for a wireless communication facility shall be required to submit as part of the SUP application the following:
 - 1. A map that shows all other wireless communications monopoles or towers, regardless of ownership, within two miles of the proposed site;
 - 2. A written narrative which describes any neighborhood opposition, either written or verbal, received by the applicant;
 - 3. A scale elevation drawing which shows the height and configuration of the monopole or tower, including the location of the antennas;
 - 4. A scale site plan which shows the width of the antenna array, access, parking and any ground based equipment;
 - 5. A description of the proposed color for the antennas and for the monopole or tower;
 - 6. A description of possibilities for camouflage that have been explored, and why the proposed option was chosen;
 - 7. A description of alternative sites that have been explored;

8. A description of the possibility for co-location on existing monopoles, towers, or electrical poles and towers that have been explored;
9. A description of possibilities for using a greater number of shorter monopoles or towers in place of the proposed facility;
10. Information on provisions for removal of the monopole or tower after it is no longer being used;
11. Information on the willingness of the landowner and the service provider to allow other service providers to co-locate on the proposed facility; and
12. A description of potential gaps that could impede the provision of services if this monopole or tower is not approved.

SECTION 2. This ordinance shall take effect 31 days from and after the date of its adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pinal County, Arizona, this 18th day of August, 2010.



Pete Rios
PETE RIOS, Chairman of the Pinal County Board of Supervisors

ATTEST:

Sheri Cluff
Clerk of the Board

APPROVED AS TO FORM:
JAMES P. WALSH, PINAL COUNTY ATTORNEY

By: James P. Walsh
Deputy County Attorney