

APR 22 2010



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MEMORANDUM **Planning and Development – CC Memo No. 10-052**

DATE: APRIL 8, 2010

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
 PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *PKM*
 JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR *JK*
 KEVIN MAYO, PLANNING MANAGER *KM*

FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: ZCA10-0003 WIRELESS COMMUNICATION FACILITIES
 Introduction and tentative adoption of Ordinance No. 4216

Request: City initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code, by amending Section 35-2209, Subsections 3, 4, & 5 pertaining to wireless communication facilities

Applicant: City of Chandler

RECOMMENDATION

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval of a Zoning Code amendment as set forth in the attached Draft Ordinance No. 4216 (Exhibit “A”), pertaining to wireless communication facilities.

BACKGROUND

Planning Commission and Staff recommend amending in three ways the Zoning Code text addressing wireless communication facilities. Two of the amendments are intended to harmonize the Code text with the original intent of the Code in regard to co-locations and replacements of existing poles and towers. The third amendment is intended to recognize technological improvements and provide additional flexibility in locating antennas on ballfields. The amendments were discussed at a City Council subcommittee meeting in March at which it was suggested that the amendments be brought forward for formal consideration.

The attached proposed ordinance contains three subsections of the Zoning Code’s Wireless Communication Facilities Section for consideration. Bold text indicates a proposed amendment.

Subsection 35-2209(5) clarifies what is an “existing” pole in a residential or commercial district that would be eligible for administrative co-location or replacement by defining such pole as one “that has been erected and in continuous use for its originally intended purpose for at least two (2) years”. This amendment discourages a light pole or similar pole from being erected for the sole purpose of being immediately replaced with a wireless communication facility, a practice that has rarely been pursued in Chandler but that is plainly contrary to the intended spirit of the Zoning Code. Subsection 35-2209(3)(b) similarly clarifies “existing” poles with regard to industrial districts.

Subsection 35-2209(5)(b) eliminates the maximum of one service provider’s set of antennas per ballfield light pole, though the maximum of two providers total per ballfield remains intact. This proposed amendment recognizes that with recent design innovations, wireless antennas today are more slim and tightly mounted to the support pole in a manner with much less visual effect than the larger antennas of the past. The amendment would allow greater flexibility in antenna site selection in cases where one particular ballfield light pole is a substantially better option for the property owner (often a school district) due to ground equipment or other considerations. Protections for neighbors such as minimum separations from residential properties and maximum pole heights would remain unchanged.

NOTIFICATION

As required by the Arizona Revised Statutes, hearing dates for Planning Commission and City Council, as well as the complete text of the draft Code amendment, have been published in the newspaper at least fifteen days prior to the first public hearing for Planning Commission.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 6 Opposed: 0 Absent: 1 (Rivers)

RECOMMENDED ACTION

Upon finding consistency with the General Plan, Planning Commission and Staff recommend approval of a Zoning Code amendment as set forth in the attached Draft Ordinance No. 4216 (Exhibit “A”), pertaining to wireless communication facilities.

PROPOSED MOTION

Move to introduce and tentatively adopt Ordinance No. 4216, approving ZCA10-0003 WIRELESS COMMUNICATION FACILITIES Zoning Code amendment pertaining to wireless communication facilities as set forth in Exhibit “A”, as recommended by Planning Commission and Staff.

Attachment

1. Draft Ordinance No. 4216 (Exhibit “A”)

ORDINANCE NO. 4216

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE OF THE CITY OF CHANDLER.

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Sub-sections 39-2209(3), 39-2209(4), and 39-2209(5), of Chapter 39 of the Chandler Zoning Code are amended to read as follows:

35-2209. Wireless communication facilities.

(3) *Industrial zoning district requirements.* A wireless communication facility located in an industrial zoning district shall comply with the following:

(a) *Tower-supported facilities.* A wireless communication facility may use a tower as the support structure for its antenna provided that:

1. The height of the facility shall not exceed one hundred (100) feet in total height, including tower, antenna and attachments, as measured from finished grade of the site.
2. The location of such facility shall meet all applicable setback requirements for the zoning district, except that where such a wireless communication facility is located on property that is adjacent to any property that either contains a residence, is zoned for residential use, or is designated for residential use in an adopted area plan, then, in addition to any other applicable setback requirements, the facility shall be set back from such adjacent property a distance equal to two (2) feet for every one (1) foot in total height of the facility, including tower, any antenna and other attachments.

(b) *Use of an existing support structure.* A wireless communication facility that is established by the installation of an antenna on ~~a~~ **an existing** support structure other than a tower (such as, without limitation, a building, sign, light pole, water tower, church steeple, or other freestanding structure) **that has been erected and in continuous use for its originally intended purpose for at least two (2) years** is not required to have its antenna architecturally compatible, visually unobtrusive, and designed to be an integral part of the support structure, except as indicated below:

1. *Roof-top installation.* Where the antenna is installed on the roof-top of a building and either (i) the antenna can be seen from street view or (ii) the building is adjacent to property that contains existing residences, is zoned for residential use, or is

designated residential in an adopted area plan, then the following restrictions shall apply:

- a. *Antenna type.* Only one (1) type of antenna (i.e., panel, whip or dish) shall be installed on any single side of a building.
 - b. *Height.* The height of an antenna above the roof-top shall be restricted as follows:
 - i. Six (6) feet measured to the top of a panel antenna above the roof proper of the existing building at the point of attachment.
 - ii. Fifteen (15) feet measured to the tip of a whip antenna above the roof proper of the existing building at the point of attachment.
 - iii. Six (6) feet measured to the top of a parabolic dish above the roof proper of the existing building at the point of attachment.
 - c. *Number.* The total number of roof-top antennas shall be as follows:
 - i. No more than four (4) panel antennas.
 - ii. No more than three (3) whip antennas.
 - iii. No more than one (1) parabolic antennas.
2. *Other installations:* Where the antenna is installed on a structure other than the roof-top of a building (such as, without limitation, another portion of a building, or on a sign, light pole, water tower, or other freestanding structure) and either (i) the antenna can be seen from street view or (ii) the structure is adjacent to property that contains existing residences, is zoned for residential use, or is designated residential in an adopted area plan, then the antenna shall be architecturally compatible, visually unobtrusive, and designed to be an integral part of the support structure.
- (4) *Commercial and residential zoning district requirements.* A wireless communication facility located in a commercial or residential zoning district shall comply with the following:
- (a) A wireless communication facility in a commercial or residential zoning district shall not use a tower for its support structure except as indicated in paragraph (5) below.

- (b) A wireless communication facility that is established by the installation of an antenna on an existing support structure other than a tower (such as, without limitation, a building, sign, light pole, water tower, church steeple, or other freestanding structure) is required to have its antenna architecturally compatible, visually unobtrusive, and designed to be an integral part of the support structure.
- (5) *Replacement of an existing pole with a tower support.* For any commercial or residential zoning district, where a wireless communication facility is established by the replacement of ~~a an-existing~~ pole, (such as, without limitation, any light pole, electric powerline pole, telephone pole or ballfield light pole, but expressly excluding any monopole) **that has been erected and in continuous use for its originally intended purpose for at least two (2) years** with a monopole that, in addition to providing the support structure for an antenna, also serves the function otherwise provided by the replaced pole, then the facility is permitted by right provided that the height of the facility, including tower, antenna and attachments, is not more than twenty-five (25) feet greater than the height of the original pole structure that was replaced, and does not exceed seventy (70) feet in total height, as measured from grade of the site.
- (a) *Co-location exception.* Where the tower supports the co-location of two (2) or more service providers, the maximum height of the facility shall not exceed eighty-five (85) feet in total height.
- (b) *Ballfield light poles.* Notwithstanding any other requirement in this paragraph (5), where the replacement is of a ballfield light pole:
1. The location of such facility shall meet all applicable setback requirements for the zoning district, except that where such a wireless communication facility is located on property that is adjacent to any property that either contains a residence, is zoned for residential use, or is designated for residential use in an adopted area plan, then, in addition to any other applicable setback requirements, the facility shall be set back from such adjacent property at a minimum distance of three hundred (300) feet as well as co-located on the furthest existing light pole away from said property. If the distance cannot be met, a use permit is required.
 - a. An existing structure located within a distance of three hundred (300) feet cannot be expanded or moved closer to a residence, or property residentially zoned or designated without a Use Permit.
 2. The tower shall be of substantially the same diameter as the pole being replaced;

