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MAY 13 2010

**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;

