

**TITLE 23
WIRELESS COMMUNICATION FACILITIES**

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23.01 PURPOSE AND APPLICABILITY

23.01.01 Purpose

The purpose of this chapter is to establish the locations in the Town of Marana where communication facilities may be located and the regulations that apply to their placement. The regulations contained herein are designed to recognize the need to accommodate the approval of those types of public utility uses while still recognizing the need to promote the public health, safety and general welfare of the citizens of Marana. These regulations establish zoning standards that will maximize the use of existing communication facilities, minimize the adverse visual effects of towers through careful design, siting and screening, protect the integrity of single family neighborhoods and maintain the character, identity, and image of scenic areas.

23.01.02 Applicability

No wireless communication facility shall be erected or installed except in compliance with the provisions of this chapter. The provisions of this chapter apply to all communication equipment, whether such equipment is used as a main use or an accessory use. Where conflicts exist between this chapter and the remainder of the Marana Land Development Code, the more restrictive provision shall apply.

23.02. WIRELESS COMMUNICATION FACILITY DEFINITIONS

23.02.01 Definitions

- A. In this section, unless the context otherwise requires, the following definitions shall apply:
1. "Amateur Radio Operator" means a Federally Licensed member of the amateur radio service, which is a voluntary, noncommercial communication service, particularly with respect to providing emergency communications.
 2. "Antenna" means a device used in wireless communications which transmits or receives radio microwave signals. Antenna includes a dish antenna, panel antenna, or whip

antenna. An antenna not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such antenna.

- a. "Antenna, Building Mounted" means any antenna directly attached or affixed to a building, tank tower, building mounted mast or structure.
 - b. "Antenna, Direction or 'Panel'" means a device that receives or transmits signals in a directional pattern typically encompassing an arc of one hundred twenty (120) degrees.
 - c. "Antenna, Ground Mounted" means any antenna with its supports placed directly on the ground.
 - d. "Antenna, Omni-directional or 'Whip'" means a device that receives and transmits signals in a three hundred sixty (360) degree pattern, and which is up to fifteen (15) feet in height and up to four (4) inches in diameter.
 - e. "Antenna, Parabolic or 'Dish'" means a bowl-shaped device that receives and transmits signals in a specific directional pattern.
3. "Collocation" means a condition that exists when more than one wireless communication provider mounts equipment (antennas, dishes or similar devices) on a single communications tower.
 4. "Communication Facility" means a facility used exclusively for the transmission and reception of radio or microwave signals used for commercial wireless communications. The communication equipment may include, but is not limited to, communication towers with attached appurtenances (such as satellite dishes and antennas), equipment building and ground-mounted satellite dishes and antennas used by a communication provider.
 5. "Communication Facility Plan" means a development plan that is specific to a communication facility and includes, but is not limited to, a site plan showing the location of the antenna, tower, associated equipment building, existing buildings, if any, and parking. The plan shall include elevations of the facility that detail camouflage application.
 6. "Communication Tower" means a mast, pole, monopole, guyed tower, lattice tower, freestanding tower or other structure designed and primarily used to support antennas, used for transmitting, receiving and/or relaying of radio frequencies, such as used with cellular telephones, radio, telephone, microwave, short wave, paging, video and/or television signals. Furthermore, a lattice tower is a self-supporting support structure, erected on the ground which consists of metal crossed strips or bars to support antennas and related equipment.
 7. "Equipment Building" means an un-staffed structure attached to or made part of a wireless communication facility and used to house equipment needed to operate and maintain a wireless communication facility.
 8. "Industrial, Commercial or Residential Zoning Districts" as used in this Chapter, also includes an area within an approved Specific Plan which is designated for industrial, commercial or residential use, respectively. Residential zoning districts also include the Agricultural (AG) district.
 9. "Non-Ionizing Electromagnetic Radiation (NIER)" is electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

10. "Support Structure" means a component of a wireless communication facility, which is often a tower or other structure of sufficient verticality, used to support one or more antenna at a needed height for effective operation of the facility.
11. "Wireless Communication Facility." See "Communication Facility."

23.03 COMMUNICATION FACILITY PLAN AND STANDARDS

23.03.01 Communication Facility Plan

- A. A communication facility plan shall be submitted with each proposed wireless communication facility application, whether such facility is permitted by right or by a conditional use permit.
- B. A report from a professional engineer shall be submitted with the communication facility plan which describes the capacity of the tower, including the number and type of antennas that it can accommodate, and the basis for the calculation of capacity. This report shall be submitted after the Town approves the application, but before the building permit is issued.
- C. The applicant shall submit with the communication facility plan a written statement from the Federal Communications Commission (FCC) and Federal Aviation Agency (FAA) that the proposed tower and its communications use by the applicant complies with applicable regulations administered by those agencies, or that the tower is exempt from those regulations.

23.03.02 Communication Facility Plan Standards

- A. Each communication facility plan submitted shall meet the following requirements, whether such facility is permitted by right or by a conditional use permit:
 1. For purposes of this section, the "site" for a communication facility may consist of one lot, or an area on a lot which is legally described on a lease. The lot must meet the minimum lot area or be a legal non-conforming lot of record for the applicable zone.
 2. Towers shall be located with access to a publicly maintained road.
 3. The tower base and accessory structures shall be screened from adjacent residential uses and public streets either by screening in accordance with Title 5 Zoning requirements, or landscaping in accordance with the provisions of Title 17 Landscaping, or by a solid masonry wall of not less than six (6) feet above finished grade level.
 4. Barbed wire may be used on fences and walls for security purposes in non-residential areas if the wire is a minimum of six (6) feet above finished grade level.
 5. The light source of any outdoor security lighting shall not be visible from adjoining residential properties and must comply with the Town of Marana adopted outdoor lighting code.
 6. Radiation from the antenna shall not interfere with any existing communication sites.
 7. No new towers shall be permitted within four hundred (400) feet of a designated Scenic Route or Gateway Route or on a protected peak or ridge in accordance with the Hillside Development Regulations unless the tower is compatible with the area and approved through the Conditional Use Permit process.

8. Equipment buildings shall comply with Uniform Fire Code Article 64 – Stationary Lead-acid Battery Systems.

23.04 PERMITTED USES

23.04.01 Requirements

- A. A wireless communication facility is a permitted use, and shall not require a conditional use permit in any zoning district, provided that the following requirements are complied within in their entirety:
 1. Compliance with general standards. The site plan, architectural design and building materials for the wireless communication facility shall be in accordance with the Development Plan requirements of this Title.
 2. Permitted Uses. The following shall be permitted uses as of right:
 - a. Building-mounted, wall-mounted and ground-mounted equipment up to fifteen (15) feet in height above the roof line.
 - b. Joint use installations onto existing communication equipment up to eighty-five (85) feet in total height or the height of the pole being replaced, whichever is greater.
 - c. Joint use installations on public school and Town park ballfield lights, up to seventy (70) feet in total height or the height of the pole being replaced, whichever is greater.
 - d. The addition of appurtenances onto existing communication equipment or structures up to eighty-five (85) feet in total height (except in approved conditional use permit cases which specifically preclude additions).
 3. Compliance with specific district requirements. A wireless communication facility located within an industrial zoning district shall comply with the requirements stated in Section 23.04.03 below. A wireless communication facility located within a commercial or residential zoning district shall comply with the requirements stated in Section 23.04.04 below.

23.04.02 Site Plan, Design, Use and Location Regulations

- A. The following criteria apply to all wireless communication facilities permitted as a matter of right or as a conditional use:
 1. Color. The color of all towers shall be painted a shade of light gray, or a color that is more compatible with the surrounding architecture or environment so as to make the tower visually unobtrusive as possible. Painted towers are not required in industrial districts.
 2. Screening and landscaping. The tower base and accessory structures shall be screened from adjacent residential uses and public streets either by screening in accordance with Title 5 Zoning requirements, or landscaping in accordance with the provisions of Title 17 Landscaping or by a solid masonry wall of not less than six (6) feet above finished grade level.
 3. Interference. Any new antenna or any other related communication equipment shall not interfere with existing communications.

4. Parking. The site must provide at least one (1) parking space designed to Town standards which may be incorporated as part of the maneuvering areas and access drives. This requirement can be waived by the Planning Director when hard surfaced parking already exists, or when the Planning Director concludes that the goals of the Town are better served thereby.
5. Separation. Unless approved through the Conditional Use Permit process, no wireless communication tower that is readily visible from off-site shall be installed closer than one-quarter (1/4) of a mile from another readily visible, un-camouflaged, unscreened, or unintegrated wireless communication facility unless it is an antenna installed on an existing structure in accordance with the applicable requirements of this Title.
6. Foundation design. The foundation of a wireless communication tower shall be engineered to accommodate a minimum of more than one service provider. However, collocation is encouraged and foundations that are able to accommodate multiple service providers are preferred.

23.04.03 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 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 the facility shall be set back from such adjacent property a distance equal to the applicable setback requirements or two feet for every one foot in total height of the facility, whichever is greater, 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 an existing support structure other than a tower (such as, without limitation, a building, sign, light pole, water tower, church steeple, or other free-standing structure) 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. Rooftop installation. Where the antenna is installed on the rooftop of a building and either (a) the antenna can be seen from street view, or (b) 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 type of panel or whip antenna shall be installed in conjunction with one dish on any single side of a building. More than one antenna may be installed if required by FCC regulations.
 - b. Height. The height of an antenna above the rooftop shall be restricted as follows:
 - (i) Ten (10) 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.
 - a) No more than four (4) panel antennas per sector.
 - b) No more than three (3) ship antennas.
 - c) No more than one (1) parabolic antenna.
 - d) The number of antennas permitted in Section 23.04.03 (B) (1) (iii) a), b), c) may be increased if required by FCC regulations.
- 2. Other installations. Where the antenna is installed on a structure other than the rooftop of a building (such as, without limitation, another portion of a building, or on a sign, light pole, water tower, or other free-standing structure) and either (a) the antenna can be seen from street view, or (b) 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.

23.04.04 Commercial and Residential Zoning District Requirements

- A. A wireless communication facility located in a commercial or residential zoning district shall comply with the following:
 - 1. A wireless communication facility in a commercial or residential zoning district shall not use a tower for its support structure except as indicated in Section 23.04.05 below.
 - 2. A wireless communication facility that is established by the installation of an antenna on an existing support structure other than a communication tower (such as, without limitation, a building, sign, light pole, water tower, church steeple, or other free-standing structure) is required to have its antenna architecturally compatible, visually unobtrusive, and designed to be an integral part of the support structure.

23.04.05 Replacement of an Existing Pole with a Tower Support

- A. For any commercial or residential zoning district where a wireless communication facility is established by the replacement of an existing pole (such as, without limitation, any light pole, electric power line pole, telephone pole or ballfield light pole, but expressly excluding any monopole) 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.
 - 1. Collocation exception. Where the tower supports the collocation of two (2) or more service providers, the maximum height of the facility shall not exceed eighty-five (85) feet in total height.
 - 2. Ballfield light poles. Notwithstanding any other requirement in Section 23.04.05, where the replacement is of a ballfield light pole: (1) the tower shall be of substantially the same diameter as the pole being replaced; (ii) the total height of the facility shall not exceed seventy (70) feet or the same height as the pole being replaced, whichever is greater;

(iii) no more than two (2) ballfield light poles serving a single ballfield may be used as wireless communication facilities; and (iv) no more than one service provider shall locate antennas on a single ballfield light pole.

23.04.06 Application and Inventory of Existing Facility Sites

- A. Application procedures shall be the same as provided under Article 10.10 of the Marana Land Development code, except that, in addition, an applicant for a conditional use permit for a wireless communication facility shall provide:
1. An inventory of its existing facilities that are either within the jurisdiction of the Town of Marana, or within one-quarter (1/4) mile of the border thereof, including specific information about the location, height, and design of each tower; and
 2. An inventory of all existing vertical towers or structures that are equal to or higher than the height of any proposed tower within one (1) square mile of the proposed location regardless of jurisdiction. Evidence and justification must be provided by the applicant to the Planning Commission to demonstrate that sufficient efforts were made to locate the antenna on all such tower and structures within a one (1) mile radius of the proposed location. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna.

23.04.07 Application Requirements

- A. The applicant shall follow the requirements set forth in Article 10.10 (Conditional Use Permits) of the Marana Land Development Code. In addition, the following shall be included with a conditional use application for a communication facility (additional information may be required of the applicant when needed by the Planning Commission for adequate review):
1. In all zones, applicants must demonstrate that they cannot provide service without the service of a monopole or lattice tower, and supply technical documentation that a new tower is required to provide the service, as opposed to collocation with an existing pole.
 2. Applicants must supply a definition of the area of service needed for coverage or capacity, and a plan demonstrating the total number of sites that will be needed in the future, in addition to the current site.
 3. Applicants must supply information showing that the proposed facility would provide the needed coverage or capacity.
 4. A site plan showing location and dimensions of all antenna and equipment structures.
 5. A photo simulation of the project, showing the addition of the tower to the site, demonstrating the visual impacts of the proposed tower.
 6. Native Plant Salvage and Landscape Plans, in accordance with Title 17 of the Marana Land Development Code.
 7. In all zones, collocation of equipment is preferred. To this end, applicants must identify, within all alternative sites, existing monopoles and lattice towers for which there are applications currently on file with the Planning Commission. If collocation on any such monopoles or lattice towers would result in less visual impact, justification must be presented why collocation is not being proposed.

8. All conditional use permits for wireless communication facilities shall require approval by the Planning Commission and the Town Council.

23.04.08 Additional Requirements

- A. The applicant shall follow the requirements set forth in Article 10.10 of the Marana Land Development Code. Once the conditional use permit has been obtained, a Communication Facility Plan shall be prepared and submitted for Planning Commission approval that includes, but is not limited to:
 1. A site plan showing location and dimensions of all antennas, towers, equipment structures and parking. Elevations and details of the application shall be provided to demonstrate the camouflaging.
 2. Native Plant Salvage and Landscape Plans, as required.
 3. A photo simulation of the project, showing the proposed addition of the camouflaged antenna to the building, structure or landscape treatment.
 4. The applicant shall submit written documentation demonstrating that the NIER emissions from the proposed project are within the limits set by the FCC.
 5. It must be demonstrated that the project will have minimal visual impact.
 6. The Town Building Inspection shall be contacted to determine if a building permit and inspection are required.
 7. Plans shall be submitted to the Fire Prevention Division in order to assure conformity with the Uniform Fire Code as adopted by the Town of Marana.

23.04.09 Review Procedures

Procedures for review of the application for a conditional use permit for a wireless communication facility shall be the same as for any other type of conditional use permit allowed under Article 10.10 of the Marana Land Development Code, except that a decision to deny an application for such permit shall be stated in writing, shall be based on substantial evidence justifying the denial, and shall be supported by a written record.

23.04.10 Review Factors

The review and approval of an application for a conditional use permit for a wireless communication facility shall include examination of those factors indicated in Article 10.10 of the Marana Land Development Code.

23.04.11 Conditional Use Permit Standards

- A. Visual impact will be considered by, but not limited to, the following:
 1. Proximity to significant views, natural features, scenic routes and existing or proposed major transportation corridors.
 2. Site location and development shall preserve the existing character of the surrounding community, buildings, land uses and zoning district. Wireless communication facilities

shall be integrated through location and design to blend with the existing characteristics of the site. Existing on-site vegetation shall be preserved or improved and disturbance of the existing topography shall be minimized. Landscaped native plant salvage and landscaping regulations shall be followed.

3. Collocation of antenna equipment and facilities on the monopole or tower, with other companies including public and quasi-public agencies shall be the primary design standard unless specific technical constraints prohibit such collocation.
- B. The number of antenna permitted on facilities used for collocation by multiple users shall be based upon the design capacity of the facility.
- C. Wireless communication facility. No conditional use permit for a wireless communication facility shall be granted unless the following conditions are met:
1. All miscellaneous equipment, other than defined communication equipment, shall be fully screened within a walled yard or placed in an enclosed building. The yard shall be enclosed by a solid fence or wall of an adequate height to completely screen all miscellaneous equipment from off-site views. All gates shall be opaque.
 2. All exterior lighting within the yard shall be mounted on poles or on the building wall below the height of the screening fence or wall.
 3. The setback of the communication equipment and of the accessory structures shall meet the building setbacks of each zoning district.
 4. All facilities shall require approval by the Planning Commission and/or approval by the Planning Commission and the Town Council.
 5. Rooftop mounted equipment shelters shall be screened from off-site sites to the extent possible by solid screen walls, or the building parapet, or be architecturally compatible with the building.

23.05 TEMPORARY TOWERS

A temporary tower located on a mobile base which does not have a substantial negative impact may be placed within commercial and industrial zones and less restrictive zones provided the placement is approved as a temporary use by the Planning Director. Such approvals shall be for no more than sixty (60) days and may be extended by the Planning Director one time for a similar period.

23.06 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

- A. Any wireless communication facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such facility shall remove the same, including any tower, antennae, attachments, foundation, fences, concrete slabs, other related appurtenances, and equipment building, within ninety (90) days of receipt of notice from the town notifying the owner of such abandonment. If there are two or more service providers using a single tower, then the abandonment period shall not begin until all such service providers have ceased using the tower.
- B. If, within the ninety (90) day notice period the abandoned wireless communication facility is not removed, the Town of Marana shall have the authority to remove said facility. In this instance, the Town of Marana shall bill the owner for all costs associated with the removal,

plus a ten percent (10%) penalty fee. Said charges shall be paid by the owner within ten (10) days of receipt of the bill.

23.07 EXEMPTIONS

A. The following shall be exempt from the provisions of this Title:

1. Small Satellite Receptors. Small satellite receptors include communications antennae located upon property in which the user has a direct or indirect ownership and which is designed to receive communications broadcasts via multi-point distribution services, including multi-channel multi-point distribution services, instructional television fixed services, and local multi-point distribution services. Small Satellite Receptors shall not exceed one meter in diameter or diagonal measurement.
2. Amateur (HAM) Antennae. Amateur (HAM) antennae which do not exceed forty-five (45) feet in height measured from the existing grade level which are used for hobby purposes by a residential owner or tenant of the property on which the antenna is located.

23.08 PENALTIES

Any violations of this Title shall be penalized in accordance with Title 13 Penalty of the Marana Land Development Code.