



CITY OF SURPRISE
Regular City Council Work Session Agenda
16000 N. Civic Center Plaza
Surprise, AZ 85374

Tuesday, December 19, 2017 @ 4:00 PM
COUNCIL CHAMBERS

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- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Call To The Public:

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[Download the Call to the Public form](#) (PDF download requires [Adobe Acrobat Reader](#))

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H)- During this time members of the public may address City Council only on issues within the jurisdiction of the City Council which are not an item on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

E. Regular City Council Work Session Agenda:

Regular Agenda Item - Non-Public Hearing:

- | | | |
|----|---|---|
| 1. | District Citywide Presentation and discussion pertaining to an update on FY2018 transit services. | None
David
Kohlbeck,
Public
Works |
| 2. | District Citywide Consideration and action pertaining to City Council's support of legislation to allow for the expansion and consolidation of street lighting districts and expanding the authority of Arizona cities to acquire, construct, and maintain street lighting facilities; Resolution # 2017-150. | None
Lindsey
Duncan,
Finance
Director |
| 3. | District Citywide Presentation and discussion pertaining to Wireless Facilities located in the Right-Of-Way. | No Action
Hobart |

F. Executive Session:

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

G. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED:

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.



CITY OF SURPRISE
Regular City Council Work Session

December 19, 2017 @ 4:00:00 PM

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Council Meeting Date:	December 19, 2017	Contact Person:	David Kohlbeck, Public Works
Submitting Department:	Public Works	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion pertaining to an update on FY2018 transit services.

Motion:

None

Background:

Provide and update to Council on changes in paratransit services for FY2018, report on survey results from the September work session, and provide first quarter ridership numbers.

Objective Analysis:

The presentation will show both positive and negative results from the survey and ridership changes.

Policy Compliant:

This item is policy compliant

Financial Impact:

None

Budget Impact:

None

FTE Impact:

There are no FTE's associated with this item.

ATTACHMENTS:

Click to download

☐ [Transit Update Presentation](#)



Transit Survey and First Quarter Performance

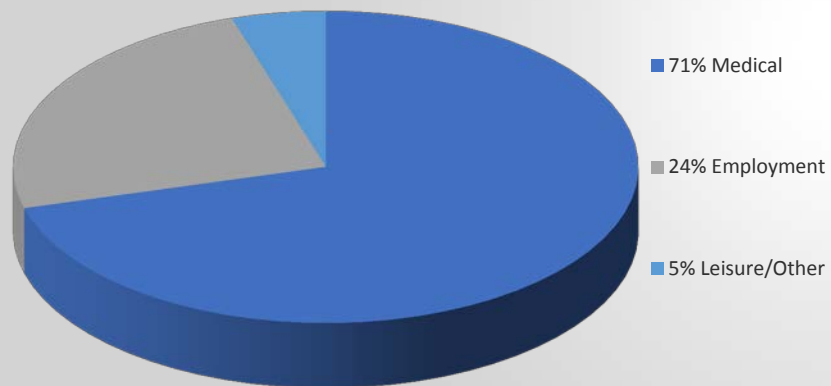
PUBLIC WORKS DEPARTMENT DECEMBER 19, 2017

OVERVIEW

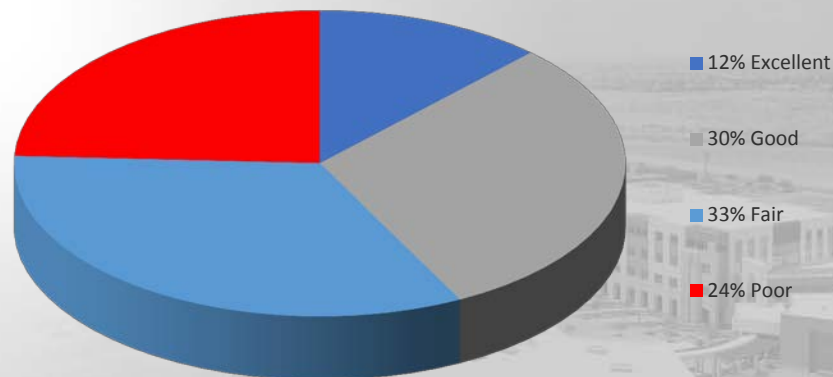
- Review Survey Results
- Discuss Communications Updates
- First Quarter Performance
 - ❖ Senior Center Shuttle
 - ❖ Regional ADA
 - ❖ RideChoice
- Update on Express Service

RIDER SURVEY

Trip Purpose

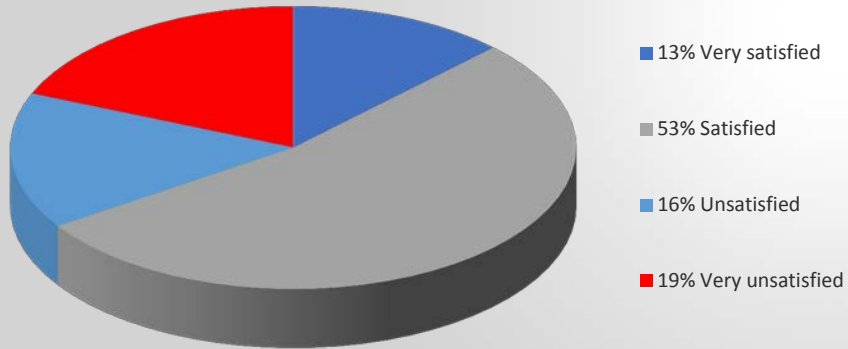


Booking Trips for Paratrasnit

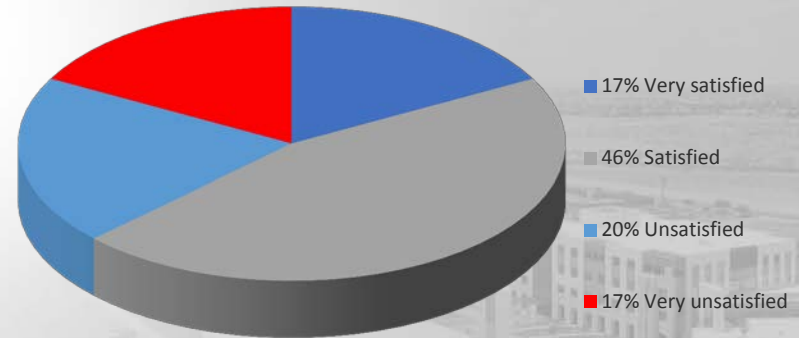


RIDER SURVEY

Paratransit Service Performance

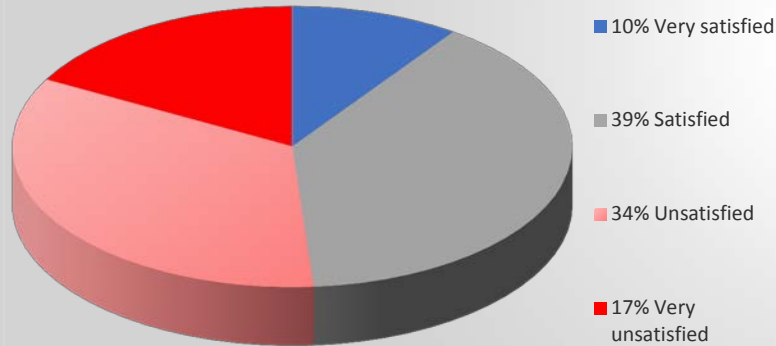


RideChoice Service Performance

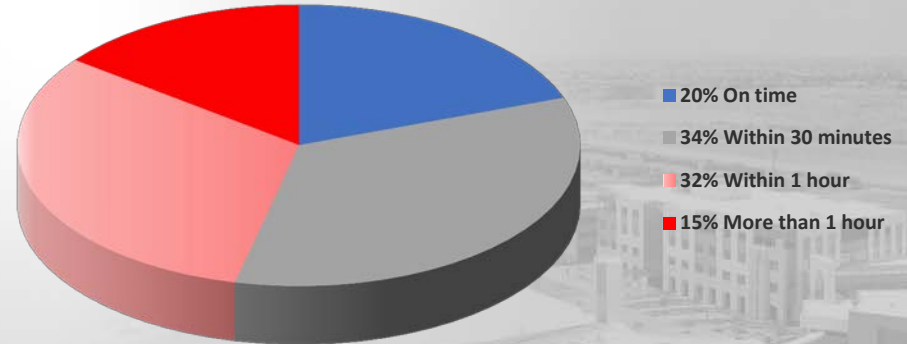


RIDER SURVEY

Satisfaction of On-Time Pick Ups

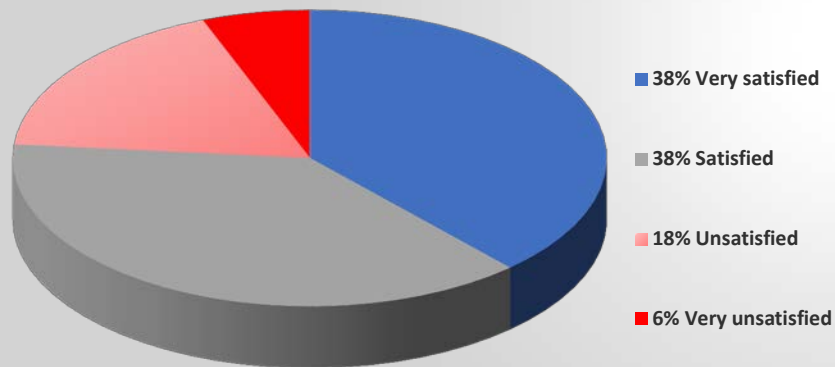


Additional Wait Times from Scheduled Pick Up

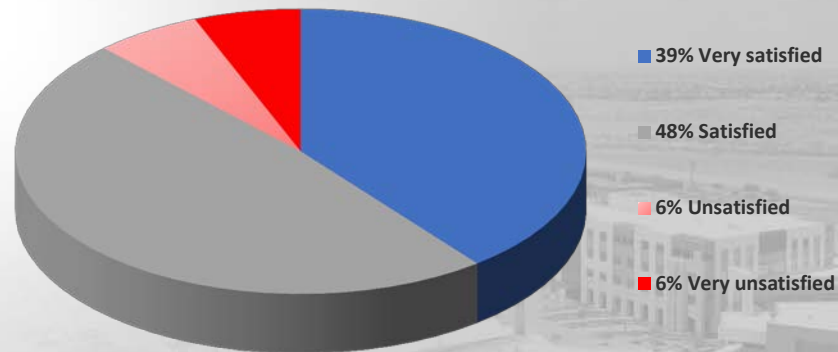


RIDER SURVEY

Paratransit Driver Patience and Sensitivity

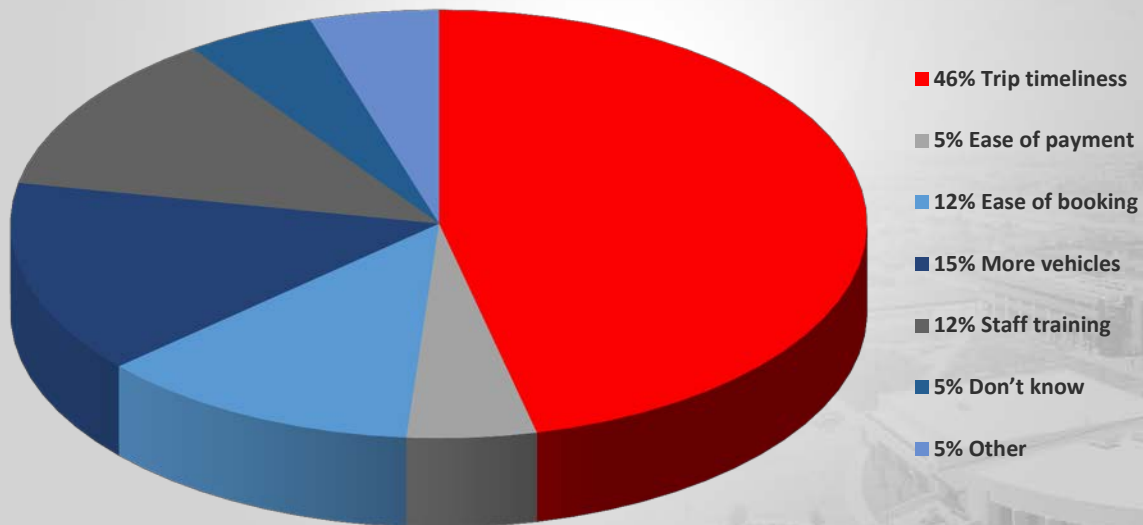


RideChoice Driver Patience and Sensitivity



RIDER SURVEY

Area of Service Needing Improvement



COMMUNICATION PLAN

Residents using any of the services should contact Valley Metro Customer Service for all service related issues

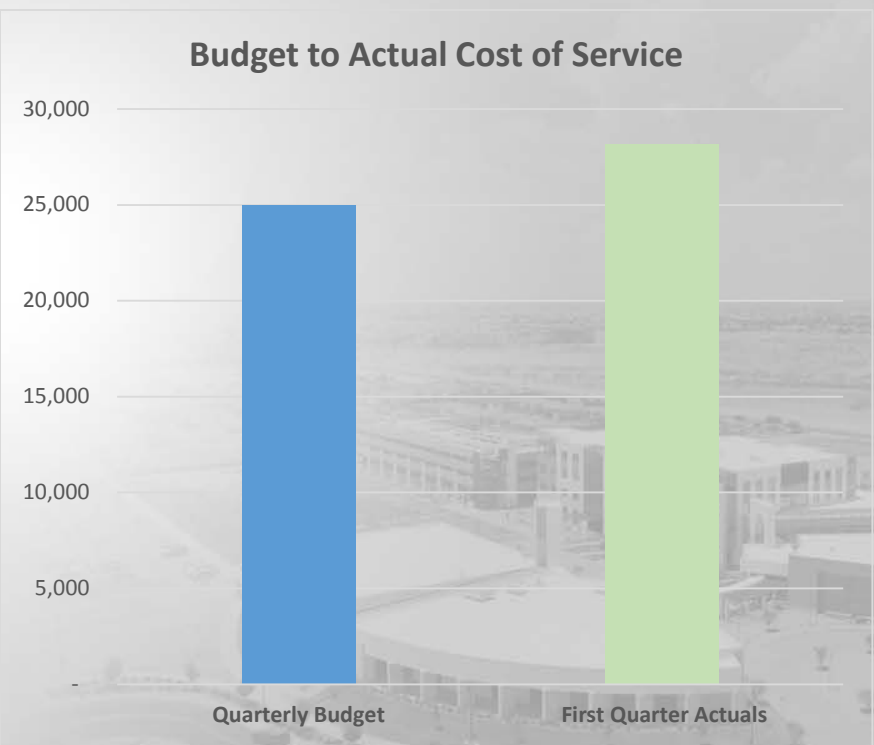
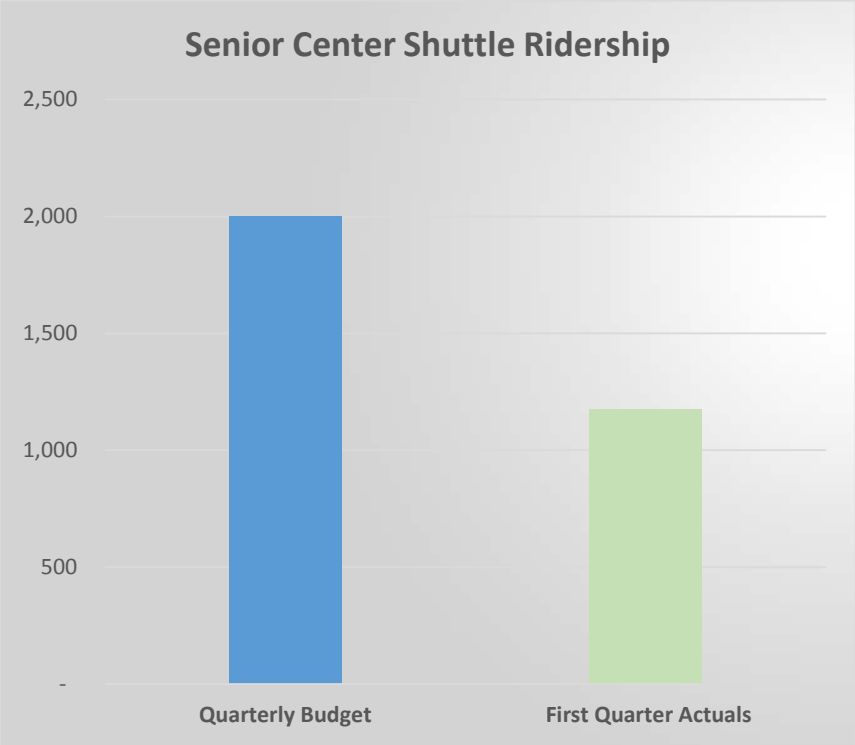
- ❖ By Phone 602-253-5000
- ❖ By Phone TTY 602-251-2039
- ❖ Register On-line www.valleymetro.org
- ❖ Email csr@valleymetro.org

COMMUNICATION PLAN

- RideChoice Users should also contact MJM for service issues with cab contractors

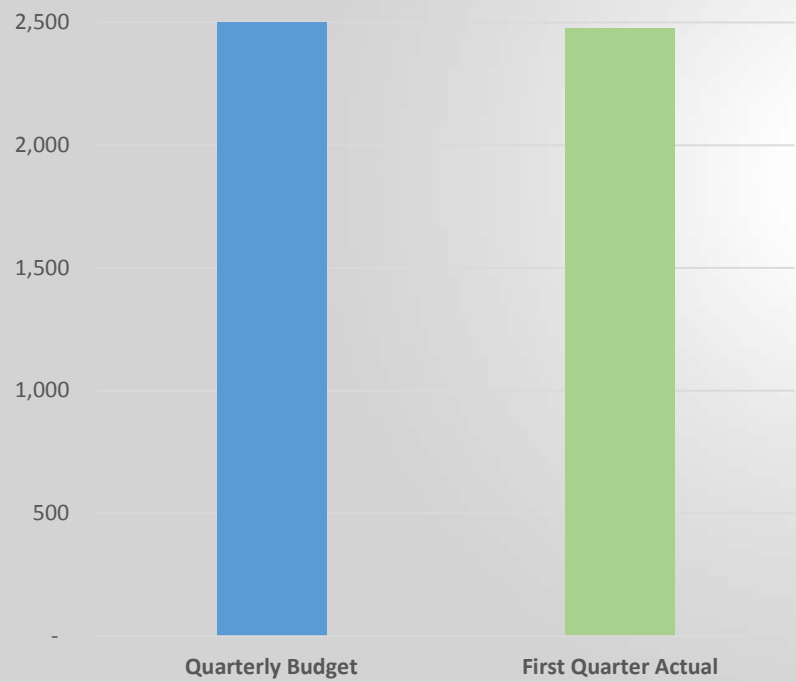
1-866-715-8960

SENIOR CENTER SHUTTLE RIDERSHIP AND COST OF SERVICE



PARATRANSIT REGIONAL TRIPS AND COST OF SERVICE

Paratransit Regional Trips

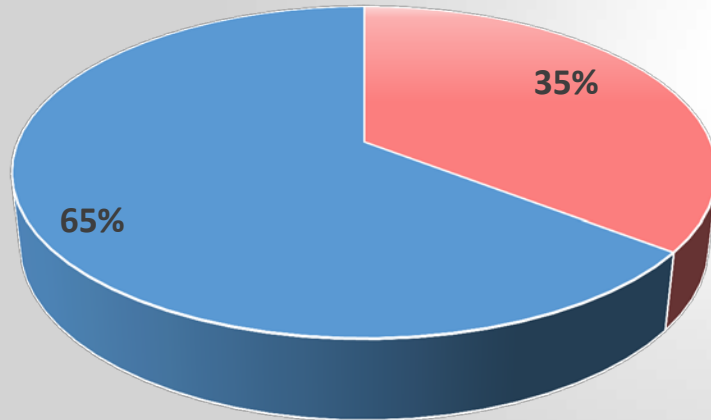


Budget to Actual Regional Cost of Service



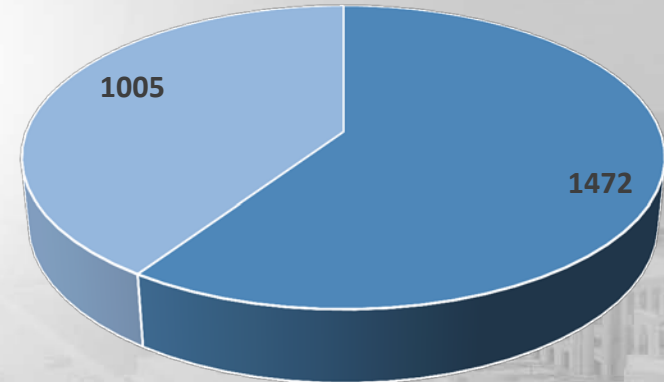
PARATRANSIT ON-TIME PICKUPS AND SERVICE PROVIDER

Paratransit On-Time Pick-Ups



■ No ■ Yes

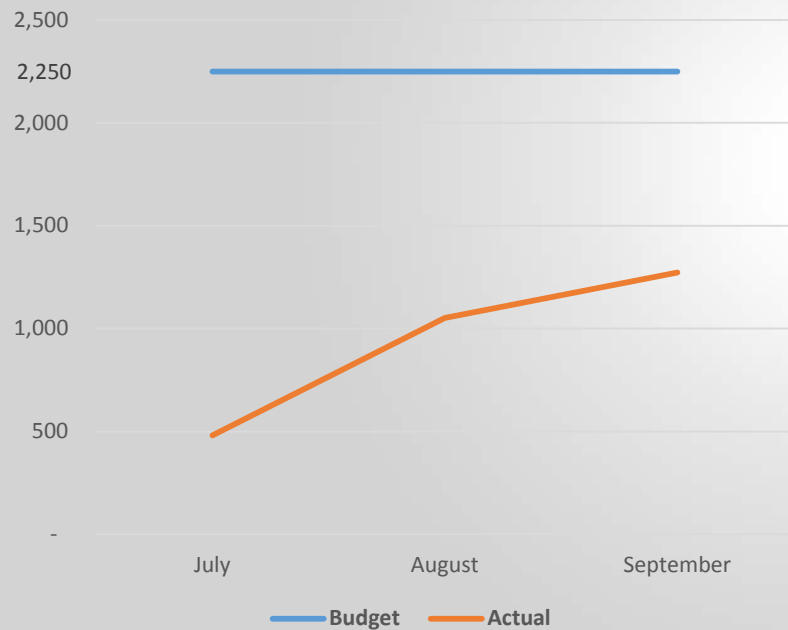
Paratransit Trip Provider



■ AAA Supplemental ■ TransDev

RIDECHOICE TRIPS AND DISTANCE

RideChoice Trips

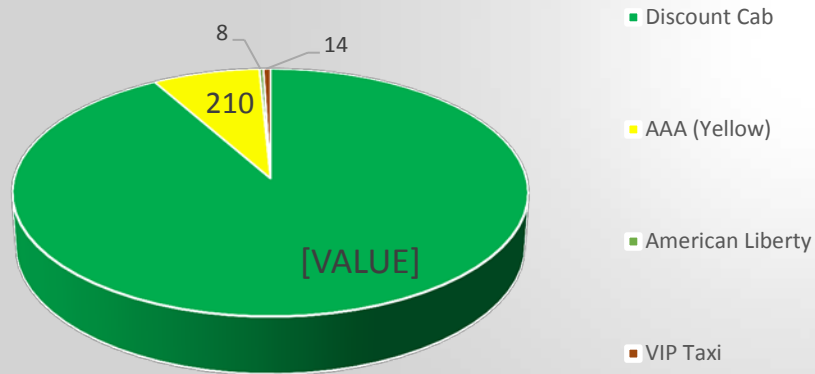


Trips by Distance

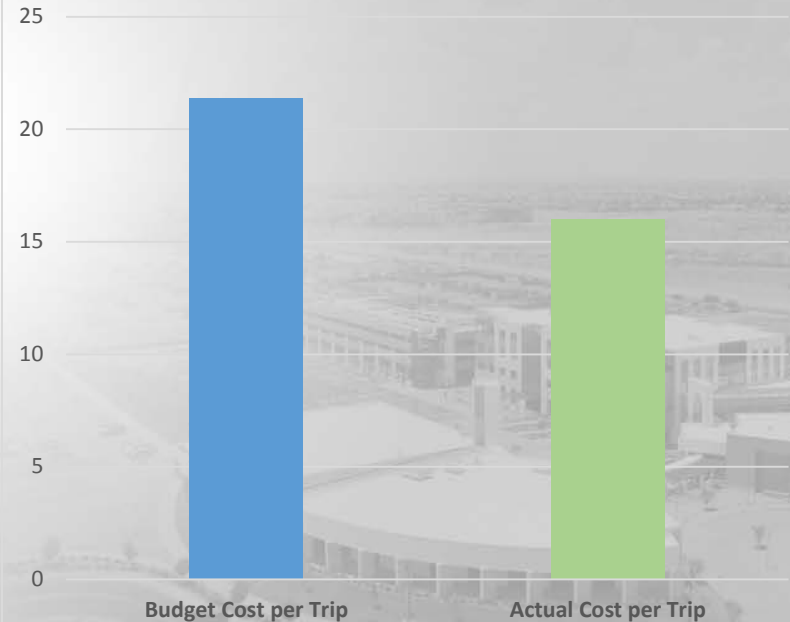


RIDECHOICE PROVIDERS AND COST OF SERVICE

Trips by Provider



RideChoice Budget to Actual Cost of Service



571 EXPRESS BUS SERVICE

- Based on rider input from survey there will be no changes to the 571 service in April

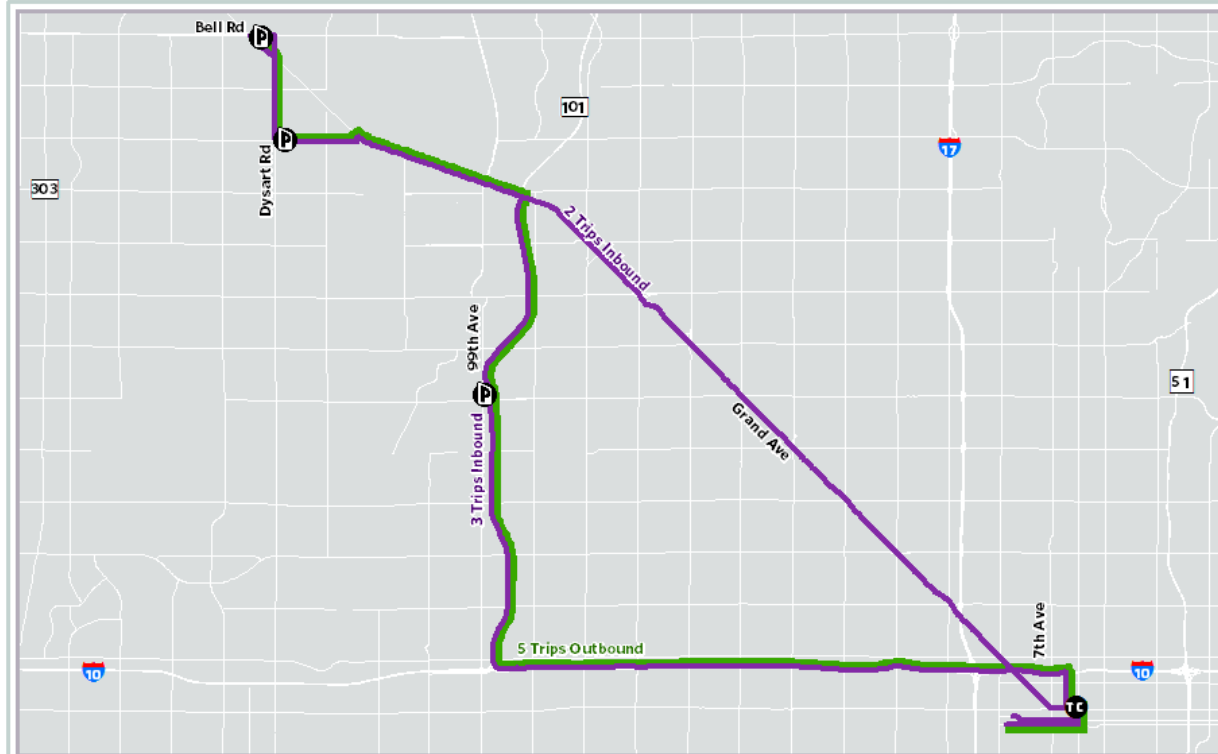
Questions and Comments

EXPRESS BUS SERVICE

571 – Surprise Express Changes

- ❖ Add a fifth trip
- ❖ 3 inbound trips would divert down the 101 and serve the Glendale Park N Ride along with the 573
- ❖ 2 inbound trips would remain on Grand Ave with no additional stops
- ❖ All outbound trips along I10 with all trips stopping at the Glendale Park N Ride.

EXPRESS BUS SERVICE



**Route 571
Proposal
April 2018**

LEGEND

— Inbound Trips
— Outbound Trips





CITY OF SURPRISE
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December 19, 2017 @ 4:00:00 PM

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Council Meeting Date:	December 19, 2017	Contact Person:	Lindsey Duncan, Finance Director
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to City Council's support of legislation to allow for the expansion and consolidation of street lighting districts and expanding the authority of Arizona cities to acquire, construct, and maintain street lighting facilities; Resolution # 2017-150.

Motion:

I move to approve resolution # 2017-150.

Background:

Arizona Revised Statutes (48-616, and others) authorize cities to form special taxing districts known as Streetlight Improvement Districts (SLIDs) for the presently limited purpose of purchasing electricity for street lights in a specified area. The City of Surprise currently requires these districts for streetlights on all roadways except parkways, major arterials, and minor arterials, and administers over 100 SLIDs at present. With a growing city, the number of SLIDs continues to expand causing a greater need for administration of the districts and coordination with the energy provider. In addition, each district has a different taxing rate resulting in a wide variety of taxes for property owners.

The city is seeking a solution to optimize the use and to streamline the efficiency of administration of the districts in terms of assessment of costs and maintenance of the facilities. The goal is to create greater consistency for tax payers and to reduce the burden of administration. As a result, city staff have engaged outside Counsel along with two other cities and the League of Arizona Cities and Towns to draft a bill allowing cities to expand and consolidate street lighting districts and adding powers to acquire, construct, and maintain street lighting facilities.

Objective Analysis:

The creation of these districts throughout the development of the city has led to over 100 taxable districts citywide. The variability in the number of properties and lights in each district can lead to very different tax bills for each property owner. In addition, the administration of these districts and coordination with the energy provider is both time and work intensive.

Policy Compliant:

This action is consistent with the Public Safety, Community Lifestyle, and Sustainability elements of the Council Strategic Plan.

Financial Impact:

There is no financial impact associated with this item.

Budget Impact:

There is no budget impact associated with this item.

FTE Impact:

This item does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- ☐ [Presentation](#)
 - ☐ [Resolution 2017-150 SLID Legislation](#)
 - ☐ [Draft Legislation](#)
-



Street Light Improvement Districts Proposed Legislation

December 5, 2017

Arizona Revised Statutes §48-616

Special Taxing District

Purpose of purchasing and not generating energy for the lighting of the public streets and parks



Process

- Developer prepares a petition w/ legal description of boundary
- City Council action to approve formation
- Developer installs the streetlights
- Property tax levied through annual budget

SLID Statistics

Formed SLIDs	128
Taxed SLIDs	99
Tax Levy	\$2.5M
Levy Rate	\$0.11 - \$1.20
Parcels	50,173
Street lights	15,017

Challenges

- Size of each district varies
- Tax paid by each unit varies
- Count of districts growing
- Gaps exist
- Streetlights owned/maintained/billed by APS
- No mechanism for capital enhancements

Proposed Legislation

- Allow consolidation
- Allow for expansion
- Allow for construction, acquisition, and maintenance





SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

RESOLUTION # 2017-150

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA SUPPORTING EFFORTS SEEKING AMENDMENT TO THE CURRENT STREET LIGHT IMPROVEMENT DISTRICT LAWS TO ALLOW FOR CONSOLIDATION AND OR EXPANSION OF EXISTING STREET LIGHT IMPROVEMENT DISTRICTS AND EXPANSION OF MUNICIPAL AUTHORITY PERTAINING TO ACQUIRING, CONSTRUCTING, AND MAINTAINING STREET LIGHT FACILITIES; AND AUTHORIZING STAFF TO COLLABORATE WITH OTHER ENTITIES TO PURSUE THIS END.

WHEREAS, the City of Surprise currently has over one hundred distinct Street Light Improvement Districts, with more being formed as development continues;

WHEREAS, the current statutory scheme pertaining to Street Light Improvement Districts constrains the City's ability to consolidate and or expand current Street Light Improvement Districts and its ability to efficiently and economically administer these Districts;

WHEREAS, the current statutory scheme imposes an administrative burden on the City with no feasible remedy other than legislative amendment;

WHEREAS, the League of Arizona Cities and Towns, in coordination with several other Arizona cities, is pursuing a legislative amendment which will promote greater municipal options and authority in administering current and future Street Light Improvement Districts; and

WHEREAS, it is in the best interests of the City of Surprise to join the League's efforts and support any legislative amendment seeking this outcome.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Surprise, Arizona, as follows:

Section 1. The Mayor and City Council hereby support the effort to seek legislative amendments which will allow for consolidation and or expansion of Street Light Improvement Districts and the expansion of Municipal authority in the administration of same.

Section 2. Staff is hereby authorized to collaborate with the Arizona League of Cities and Towns, other cities, and any other entity in their common pursuit of legislation to lessen the administrative burden of the current Street Light Improvement District scheme.

SIGNATURES ON THE FOLLOWING PAGE

APPROVED AND ADOPTED this ____ day of December, 2017.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Proposed Bill to permit Consolidated Street Lighting Districts and adding Powers to Acquire, Construct and Maintain Street Lighting Facilities

AN ACT AMENDING SECTION 48 – 616, RELATING TO CITIES AND TOWNS PROVIDING FOR THE CONSOLIDATION OF STREET LIGHTING IMPROVEMENT DISTRICTS AND PROVIDING FOR THE POWER TO ACQUIRE, CONSTRUCT AND MAINTAIN STREET LIGHTING FACILITIES IN STREET LIGHTING DISTRICTS; AND DECLARING AN EMERGENCY.

Be it enacted by the Legislature of the State of Arizona:

Sec. 1. Section 48-616, Arizona Revised Statutes, is amended:

48-616. Improvement districts for purchasing energy for lighting public streets and parks **AND CONSTRUCTION, ACQUISITION AND MAINTENANCE OF FACILITIES**

A. In addition to the purposes for which an improvement district may be formed under the provisions of section 48-572, an improvement district may be formed for the sole purpose of purchasing and not generating energy for the lighting of the public streets and parks of the improvement district, **FOR CONSTRUCTING, ACQUIRING AND MAINTAINING FACILITIES USED FOR LIGHTING OF PUBLIC STREETS AND PARKS.**

B. Subject to the limitations contained in this section, the powers and duties of the governing body of a municipality shall be as provided in this article for other types of improvement districts.

C. The governing body shall make annual statements and estimates of the expenses of the district which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the property real and personal in the district or by an equal apportionment of taxes based on the number and classification of properties within the district, publish notice of the statements and estimates, hold hearings on them and adopt them at the times and in the manner provided for incorporated cities and towns' statements and estimates by applicable portions of title 42, chapter 17, article 3, and the governing body, on or before the third Monday in August each year, shall fix, levy and assess the amount to be raised by ad valorem taxes or by an equal apportionment of taxes upon all of the property of the district and collect as county taxes are collected the amounts shown by the statements and estimates as adopted by the governing body. All statutes providing for the levy and collection of general county taxes, including collection of delinquent taxes and sale of property for nonpayment of taxes, are applicable to the district taxes as provided to be levied by this section.

D. An improvement district formed under the provisions of this section shall not be authorized to issue bonds, and no assessment for district purposes against the property within such district shall exceed one dollar twenty cents per one hundred dollars of assessed valuation thereof in any year.

E. No such district is authorized to engage in any activity other than contracting for and purchasing of energy for street and public park lighting, **CONSTRUCTING, ACQUIRING AND MAINTAINING FACILITIES USED FOR LIGHTING PUBLIC STREETS AND PARKS IN THE DISTRICT.**

F. In the event the municipality is willing to participate in the costs of the lighting of streets in such improvement districts, the governing body may by resolution summarily order such participation. If the municipality is willing to assume the total cost of such lighting, the council may summarily dissolve the district by resolution after payment of all liabilities.

G. The formation of an improvement district for street and public park lighting under the provisions of this section shall not prevent the subsequent establishment of improvement districts for other purposes, ~~including improvement districts for the purpose of constructing street lighting facilities within any part or all of the same territory.~~

H. In the event an improvement district is formed which includes the construction and operation of street lighting facilities within all or any part of the territory of a district formed under this section, the governing body may by resolution summarily delete from the district formed under this section any area covered by a subsequently formed district and form a new district from the balance of the original district formed under this section.

I. The rate to be paid for the purchase of energy may include a charge for electric power, natural gas and other forms of energy and a charge for the use of lighting facilities if the established rate of the public service corporation or public agency imposes such a charge for the type of lighting facilities which the governing body determines shall be installed in accordance with section 48-617, subsection C.

J. In either a new or existing improvement district organized for purposes prescribed by this section, a majority of the real property owners may petition the governing body to levy ad valorem taxes or to equally apportion the taxes based on the number and classification of properties within the district. If the petition is signed by the required number of owners of real property in the district, the governing body of the district shall declare the petition approved and shall provide that beginning on a date certain, all subsequent taxes levied for the benefit of the district shall be assessed and levied as prescribed by this subsection.

K. A CITY OR TOWN MAY, BY ORDINANCE OR RESOLUTION, CONSOLIDATE TWO OR MORE EXISTING IMPROVEMENT DISTRICTS FORMED PURSUANT TO THIS SECTION. THE DISTRICTS PROPOSED TO BE CONSOLIDATED SHALL BE CONTIGUOUS. PRIOR TO CONSOLIDATING THE DISTRICTS, THE GOVERNING BODY SHALL HOLD A PUBLIC HEARING ON THE PROPOSED CONSOLIDATION AT WHICH INTERESTED PERSONS MAY APPEAR AND GIVE COMMENT. NOTICE OF THE PUBLIC HEARING SHALL BE GIVEN BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OR TOWN AT LEAST FIFTEEN DAYS PRIOR TO THE DATE OF THE PUBLIC HEARING. AFTER THE PUBLIC HEARING, THE GOVERNING BODY MAY ADOPT THE ORDINANCE OR RESOLUTION CONSOLIDATING THE DISTRICTS INCLUDED IN THE NOTICE. THE CONSOLIDATION SHALL TAKE EFFECT ON THE NEXT JULY 1 FOLLOWING THE TIMELY FILING OF NOTICE OF THE CONSOLIDATION WITH THE DEPARTMENT OF REVENUE AND THE COUNTY ASSESSOR AS PROVIDED IN SUBSECTION L. OF THIS SECTION. PRIOR TO THE JUNE 1 OCCURRING BEFORE THE CONSOLIDATION, THE CITY OR TOWN SHALL ALSO NOTIFY THE COUNTY TREASURER OF THE CONSOLIDATION. UPON SUCH EFFECTIVE DATE, THE SEPARATE DISTRICTS THAT WERE CONSOLIDATED SHALL TERMINATE AND THE CITY OR TOWN SHALL PAY ALL REMAINING LIABILITIES OF THE FORMERLY SEPARATE DISTRICTS FROM MONEYS OF SUCH SEPARATE DISTRICTS, AND TRANSFER ANY REMAINING FUNDS AND ALL LATE TAX PAYMENTS THEREAFTER RECEIVED FOR THE SEPARATE DISTRICTS, TO THE ACCOUNT OF THE CONSOLIDATED DISTRICT.

L. NOTWITHSTANDING SECTION 42-17257, THE CITY OR TOWN SHALL NOTIFY THE DEPARTMENT OF REVENUE AND THE RESPECTIVE COUNTY ASSESSOR OF THE CONSOLIDATION NO LATER THAN THE JUNE 1 NEXT FOLLOWING SUCH CONSOLIDATION TO BE ELIGIBLE TO LEVY TAXES WITHIN THE CONSOLIDATED DISTRICT BY THE NEXT FORTHCOMING THIRD MONDAY IN AUGUST.

M. NEW TERRITORY MAY BE INCLUDED IN A DISTRICT FORMED PURSUANT TO THIS SECTION, INCLUDING A CONSOLIDATED DISTRICT PURSUANT TO PARAGRAPH L, BY GIVING THE NOTICE OF PROPOSED IMPROVEMENT IN THE MANNER SET FORTH IN THIS ARTICLE WITHIN THE TERRITORY TO BE ADDED TO A DISTRICT. NO SUCH NOTICE IS REQUIRED TO BE GIVEN WITHIN THE TERRITORY THEN IN THE DISTRICT; PROVIDED, HOWEVER, PROTESTS AND OBJECTIONS TO THE EXTENT OF THE ENLARGED DISTRICT MAY ONLY BE FILED BY THOSE OWNING PROPERTY WITHIN THE TERRITORY PROPOSED TO BE INCLUDED IN AN EXISTING DISTRICT.

Sec. 2. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.



CITY OF SURPRISE
Regular City Council Work Session

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Council Meeting Date:	December 19, 2017	Contact Person:	Hobart Wingard - Community Development
Submitting Department:	CD	District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion pertaining to Wireless Facilities located in the Right-Of-Way.

Motion:

Discussion, no action.

Background:

HB 2365 requires municipalities to allow what are known as “small wireless facilities” (SWFs) or “small cells” to be installed within the public right-of-way and easements. Small cells are different from typical wireless facilities. As the name implies, they are much smaller and cover limited areas. Small cells are low-powered wireless base stations that typically provide coverage for targeted indoor and outdoor areas of varying sizes (e.g., homes, office buildings, shopping malls, and stadiums). Small wireless facilities allow wireless service providers to add capacity to their networks by providing improved access for cell phone coverage and high-speed wireless data services not being served by traditional cell sites

Objective Analysis:

While the fees for locating wireless facilities are minimal, the increased wireless activities should expand and provide enhanced coverage for both residents and businesses.

Policy Compliant:

Surprise General Plan 2035: The Land Use element of the General Plan 2035 recognizes the significance of properly designed wireless facilities for community design and economic development. The proposed modifications to the code will be in compliance with the General Plan. Federal Law: Section 6409 (the “Spectrum Act”) of the Middle Class Tax Relief and Job Creation Act of 2012, and implementing regulations adopted by the Federal Communications Commission (“FCC”), mandate that states and local governments approve certain wireless broadband facility siting requests for modifications and collocations of wireless transmission equipment on existing towers or base stations that do not result in a substantial change to the physical dimensions of the tower or base station. The proposed modifications to the code will be in compliance with the Spectrum Act. Arizona State Law: HB 2365 establishes a

statewide policy surrounding the deployment of small wireless facilities – more commonly known as “small cells” – that will enhance the existing 4G LTE network, accelerate investment in mobile broadband infrastructure, and ready the State of Arizona for the next wave of economic development in the digital economy via 5G technology. The proposed modifications to the code will be in compliance with HB 2365.

Financial Impact:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [00-FS17-483 WF in ROW Staff Report](#)
 - ☐ [01 - FS17-483 - WTF ZTA - Track Changes](#)
 - ☐ [02 - FS17-483 - Wireless Facilities in Rights-Of-Way \(ROW\) - Clean](#)
 - ☐ [03 - FS17-483 - Wireless Facilities in Rights-Of-Way \(ROW\) - Terms and Conditions](#)
 - ☐ [04 - FS17-483 - Wireless Facilities in Rights-Of-Way \(ROW\) - Presentation](#)
-

SMALL WIRELESS FACILITIES IN ROW

REPORT TO THE MAYOR AND CITY COUNCIL

Case: FS17-483

Project Name: Small Wireless Facilities (SWF) in Public Rights-of-way (ROW)

Council District: Citywide

Meeting Date: December 19, 2017

Planner: Hobart Wingard, 623-222-3156, hobart.wingard@surpriseaz.gov

Owner: City of Surprise

Applicant: City of Surprise

Request: Discussion only regarding wireless facility technology, master license agreement, fees, and the proposed zoning text amendment for wireless facilities.

General Plan Conformance: The proposal is consistent with the Surprise General Plan

DESCRIPTION:

Discussion regarding the progression of Wireless Technology, the proposed Wireless Zoning Text Amendment, and Terms and Conditions for Wireless Facilities in the ROW.

TECHNOLOGY:

As time and research progress, wireless technology gets smaller. Currently Cell Towers relay information to and from the internet by way of cell towers. This phase of progression will see fewer towers and more Small Cell Sites. Advances in wireless technology may eventually deem cell towers as obsolete. Experts envision mobile phones themselves may become part of a transmission network, resulting in a decrease in dropped calls, less interference, and a fewer areas of spotty signals.

Wireless is increasingly popular. The attachment of small wireless facilities and associated equipment on pole structures significantly improves the coverage and capacity of 3G, 4G and soon-to-be-deployed 5G wireless networks. Installing wireless infrastructure at the precise location where it is needed improves the network and immediately benefits the community.

38 **ZONING TEXT AMENDMENT:**

39 HB 2365 requires municipalities to allow what are known as (SWFs) Small Wireless Facilities or
40 “small cells” to be installed within the public right-of-way and easements. Small cells are
41 different from typical wireless facilities. As the name implies, they are much smaller and cover
42 limited areas. Small cells are low-powered wireless base stations that typically provide
43 coverage for targeted indoor and outdoor areas of varying sizes (e.g., homes, office buildings,
44 shopping malls, and stadiums). Small wireless facilities allow wireless service providers to add
45 capacity to their networks by providing improved access for cell phone coverage and high-
46 speed wireless data services not being served by traditional cell sites.

47 HB 2365 limits the extent to which municipalities may regulate zoning approval, installation,
48 location, number, and appearance of SWFs and monopoles. Applications to install SWFs are
49 required to be approved unless the desired utility pole does not comply with:

- 50 (1) Applicable codes (e.g., Uniform Building Code, Uniform Electrical Code, etc.);
- 51 (2) Code provisions or regulations that concern public safety;
- 52 (3) Objective design standards;
- 53 (4) Reasonable stealth and concealment requirements;
- 54 (5) Undergrounding requirements (but such requirements may not prohibit the
55 replacement of utility poles or monopoles);
- 56 (6) Contractual requirements between a municipality and a private property owner
57 concerning design standards for utility poles in the public right-of-way (e.g., APS); or
- 58 (7) Reasonable spacing requirements concerning the location of new utility poles in the
59 right-of-way.

60 City staff is proposing changes and revisions to the Surprise Land Development Ordinances to
61 regulate small wireless facilities and monopoles within the parameters of HB 2365.

62
63 **TERMS AND CONDITIONS:**

64 Cities are required to establish and make available to wireless providers terms and conditions
65 for the following activities conducted in the ROW:

- 66 1. Construction, installation, mounting, maintenance, operation or replacement of utility
67 poles and monopoles;
- 68 2. Collocation of SWFs;
- 69 3. Collocation of wireless facilities on or within a monopole
- 70 4. Collocation of SWFs on authority utility poles.

71 The standard terms and conditions **MAY NOT:**

- 72 1. Be unreasonable or discriminatory
- 73 2. Require the placement of SWFs on any specific utility pole or category of poles
- 74 3. Require multiple antenna systems on a single utility pole
- 75 4. Require minimum separation distances for SWFs.

The standard terms and conditions may, however, include requirements that are applicable to other ROW users and require that the operation of SWFs do not interfere with public safety communications. The terms must reasonably accommodate power supply and electric metering for the SWF.

PROPOSED TIMELINE:

December 19, 2017: Discussion with Mayor and City Council during workshop on HB 2365, technical information about the SWF technology, the Zoning Text Amendment, and the Master License Agreement.

December 21, 2017: Presentation with public hearing to the Planning and Zoning Commission regarding the Zoning Text Amendment for Wireless Facilities followed by written recommendation to the City Council.

January 16, 2018: Discussion and action on Zoning Text Amendment and Terms and Conditions for SWFs. If approved by the City Council, the Terms and Conditions will be adopted as an emergency measure due to the statutory deadline of February 9, 2018 for implementation of the Terms and Conditions imposed by HB 2365.

February 6, 2018: Discussion and action on the fee schedule for wireless facilities in the ROW. If approved by the City Council, the fee schedule will be adopted as an emergency measure due to the statutory deadline of February 9, 2018 for implementation of the fee schedule imposed by HB 2365.

February 9, 2018: The new statute becomes effective.

February 15, 2018: The Zoning Text Amendment becomes effective.

CONFORMANCE WITH ADOPTED REGULATIONS:

Surprise General Plan 2035: The Land Use element of the General Plan 2035 recognizes the significance of properly designed wireless facilities for community design and economic development. The proposed modifications to the code will be in compliance with the General Plan.

Federal Law: Section 6409 (the "Spectrum Act") of the Middle Class Tax Relief and Job Creation Act of 2012, and implementing regulations adopted by the Federal Communications Commission ("FCC"), mandate that states and local governments approve certain wireless broadband facility siting requests for modifications and collocations of wireless transmission equipment on existing towers or base stations that do not result in a substantial change to the physical dimensions of the tower or base station. The proposed modifications to the code will be in compliance with the Spectrum Act.

Arizona State Law: HB 2365 establishes a statewide policy surrounding the deployment of small wireless facilities – more commonly known as “small cells” – that will enhance the existing 4G LTE network, accelerate investment in mobile broadband infrastructure, and ready the State of Arizona for the next wave of economic development in the digital economy via 5G technology. The proposed modifications to the code will be in compliance with HB 2365.

SUMMARY:

The proposed Zoning Text Amendment, Master License agreement, Terms and Conditions, and fee schedule for wireless facilities in the ROW will provide opportunity for the city to expand wireless services to the residents and businesses that are located within the city while conforming to federal and state law.

Attachments:

- 01 – Proposed Zoning Text Amendment
- 02 – Proposed Wireless Facilities Terms and Conditions

Zoning Text Amendment

FS17-483

Update From:

Section 122-112 - Wireless Telecommunications Facilities

(WTF)

To:

Section 122-112. – Definitions

Section 122-112.1 - Wireless Facilities

Section 122.112.2 – Monopoles

Section 122.112.3 – Alternative Wireless Facility Locations

Section 122-112.4 - Small Wireless Facilities (SWF)

Section 122-122.5 – Cellular on Wheels (COW)

Section 122-122.6 – Amateur Radio Antennae

December 6, 2017 Draft

~~Sec. 122-112. Wireless telecommunications facilities (WTF).~~

~~The purpose of the wireless telecommunications facility ("WTF") regulations is to encourage and promote wireless communications coverage for all areas of the city while minimizing the visual, environmental, and neighborhood impacts. WTFs are allowed in all zoning districts, but the preferred WTF locations include locations having the least amount of visual and neighborhood impact. The wireless communications service providers will adhere to all applicable federal regulations.~~

~~(a) *Definitions.* The following definitions will apply in the interpretation and enforcement of this section, unless the context clearly requires otherwise. Any term or phrase not defined herein will be defined by the city manager or designee. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The words "will" and "shall" will always be mandatory and not merely directory and the word "may" is always discretionary. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law, regulation or rule referred to herein be renumbered or amended, then the reference will be read to refer to the renumbered or amended provision.~~

~~(1) *Alternative tower structure.* An innovative wireless telecommunications tower design such as a clock tower, grain silo, bell tower, false chimney, steeple, light pole, flag pole, windmill, and similar design mounting structures that camouflage or conceal the presence of wireless telecommunications antennas or towers. Alternative tower structures may also include utilization of a traffic signal streetlight pole or similar structure, or freestanding structure within a public right-of-way as approved by the engineering department on a case-by-case basis.~~

~~(2) *Authorized person.* The person, employees, agents, consultants, and contractors, authorized in writing by applicant to complete and submit a WTF application, to include an eligible facilities (EF) application on behalf of applicant and who is authorized to receive any notices on behalf of applicant of any action taken by the city regarding the WTF application.~~

~~(3) *Backhaul.* The connection from a WTF base station to the core network of the Internet.~~

~~(4) *Base station.* The structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.~~

~~a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services.~~

- ~~b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).~~
 - ~~c. The term includes any structure other than a tower that, at the time the relevant WTF application is filed with the city under this chapter, supports or houses equipment, and that has been reviewed and approved under the applicable zoning or siting process, or under another state, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.~~
 - ~~d. The term does not include any structure that, at the time the relevant WTF application is filed with the city under this chapter, does not support or house equipment described in paragraphs a. and/or b. above.~~
- ~~(5) *Cell on wheels (COW).* A mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment on a truck or a trailer, designed to be part of a cellular network and temporary in nature.~~
 - ~~(6) *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.~~
 - ~~(7) *Conceal or concealment.* WTFs designed to look like some feature other than a wireless tower or base station.~~
 - ~~(8) *Deemed approved.* An EF modification application that has been deemed approved upon the city's failure to act, and has become effective, as provided pursuant the FCC eligible facilities request rules and this chapter.~~
 - ~~(9) *EF modification application.* Unless the context clearly requires otherwise, a written document submitted to the city pursuant to this chapter for review and approval of a proposed facilities modification.~~
 - ~~(10) *EF modification.* Any proposed facilities modification that has been determined pursuant to the provisions of this chapter to be subject to this chapter and which does not result in a substantial change in the physical dimensions of an eligible support structure.~~
 - ~~(11) *EF modification permit or permit.* Unless the context clearly requires otherwise, a written document issued by the approval authority pursuant to this chapter approving an EF modification application.~~
 - ~~(12) *Eligible support structure.* Any existing tower or base station, provided that it is in existence at the time the EF modification application is filed with the city under this chapter.~~
 - ~~(13) *Existing.* For purposes of this chapter and as applied to a tower or base station, a constructed tower or base station that has been reviewed and~~

~~approved under the applicable zoning or siting process, provided that, a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.~~

- ~~(14) — *EF request.* A proposal submitted by an applicant to modify an eligible support structure which the applicant asserts is subject to review under Section 6409 of the Spectrum Act on grounds that it does not substantially change the physical dimensions of such tower or base station, and involving:~~
- ~~a. — Collocation of new transmission equipment;~~
 - ~~b. — Removal of transmission equipment; or~~
 - ~~c. — Replacement of transmission equipment.~~
- ~~(15) — *FCC.* The Federal Communications Commission or its successor.~~
- ~~(16) — *FCC EF Request Rules.* 47 C.F.R. Part One (1) (Part One (1) — Practice and Procedure), Subpart CC § 1.40001 as established pursuant to its report and order in, In Re Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, WT Docket Nos. 13-238, 13-32; WC Docket No. 11-59; FCC 14-153, or as may be thereafter amended.~~
- ~~(17) — *Monopole.* A structure composed of a single spire used to support telecommunications equipment having no guy wires or ground anchors.~~
- ~~(18) — *Rooftop-mounted WTF.* A wireless telecommunication facility with the antennas located on the roof of a building or on top of a structure and consisting of antennas, support structures and accessory equipment, but are adequately screened so as not to appear as stand-alone devices above the top of the roof line.~~
- ~~(19) — *Site.* For towers other than towers in the public rights-of-way, will mean and refer to the current boundaries of the property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, will mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.~~
- ~~(20) — *Small cell facility.* A wireless telecommunication facility that may consist of one or more radio receivers, antennas, interconnecting cables, power supply, other associated electronics, and accessory equipment, which are attached to a structure and meet the parameters in subsections a. and b. below. For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or accessory equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.~~

- a. ~~All antennas are located inside an antenna enclosure of no more than 12 cubic feet in volume or, in the case of antennas that have exposed elements, the antennas and all of its exposed elements could fit within an imaginary enclosure of no more than 12 cubic feet; and~~
 - b. ~~Primary equipment enclosures are no larger than 50 cubic feet in volume. The following associated equipment may be located outside the primary equipment enclosure and if so located, are not included in the calculation of equipment volume: electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.~~
- (21) ~~*Small cell network.* A collection of interrelated small cell facilities designed to deliver personal wireless services.~~
- (22) ~~*Spectrum Act.* The Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).~~
- (23) ~~*Structure-mounted wireless telecommunication facility.* A wireless telecommunication facility with the antennas located on the wall or roof of a building or on the side or top of a structure, including co-locating on an existing freestanding wireless telecommunication facility and consisting of antennas, support structures and accessory equipment.~~
- (24) ~~*Substantial change.* That combination of factors described in section 122-12(b) of this chapter, entitled classifications and application processes.~~
- (25) ~~*Transmission equipment.* Equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.~~
- (26) ~~*Tower.* Any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.~~
- (27) ~~*Wireless telecommunication facility (WTF).* Any facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service, and paging service. A WTF can consist of one or more antennas, accessory equipment, support structures and a base station.~~

~~(b) Classifications and application processes.~~

~~(1) WTF collocation and modification requests governed by Section 6409 of the Spectrum Act ("Act"). Requests for collocation or modification that fall within the Act include qualifying modifications to existing towers, base stations and related facilities that do not substantially change the physical dimensions of the structure.~~

~~a. A requested change is "substantial" if it meets any of the following criteria:~~

- ~~1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater.~~
 - ~~i. Changes in height will be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Act;~~
- ~~2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;~~
- ~~3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;~~
- ~~4. It entails any excavation or deployment outside the current site;~~
- ~~5. It would defeat the concealment elements of the eligible support structure; or~~

- ~~6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in §§ 1.40001(B)(7)(I) through (IV).~~
- ~~7. All changes will be measured cumulatively to preserve the limits established by federal law.~~
- ~~8. The baseline for measuring changes for antennas on a building or structure will be the original building height, pre-antenna.~~
- ~~b. Review criteria: The community development director or designee shall approve an application for modifications to an existing wireless tower or base station that does not substantially change, as defined above, the physical dimensions of such tower or base station upon his determination that the application is both complete and compliant with this chapter.~~
- ~~c. Timing: An applicant seeking collocation or modification of an eligible support structure will file a proposed facilities modification application for review by the community development director or designee. Said decision will be rendered within 60 days of the filing of the application, unless tolled by mutual agreement. If the application is granted, an EF modification permit will be issued to the applicant.~~
- ~~d. Appeals: The decision of the community development director or designee may be appealed to the planning and zoning commission, whose decision will be final. The community development director or designee shall use the same criteria used to review the original application.~~
- ~~(2) WTF, collocation, and modification requests not governed by Section 6409 of the Spectrum Act. Requests to modify or collocate a WTF that fall outside Section 6409 of the Act are generally those requests that will substantially change the physical dimensions of the structure as described in the previous section.~~
 - ~~a. Review process. Requests to modify or collocate a WTF that fall outside Section 6409 of the Act will be processed as a Type 1 site plan design review found in article XII of this chapter, if they meet the criteria contained in these regulations.~~
 - ~~b. Timing. Applications processed pursuant to this subsection will be acted upon within 90 days of submittal of a complete application.~~
 - ~~c. Waiver. Applicants may file for a formal written request for waiver of the requirements for a site plan with the community development director. It is the responsibility of the applicant to establish evidence in support of the waiver criteria required by this section. The community~~

~~development director may waive the requirements for a site plan and instead require a facilities modification application for collocations and modifications that meet the following criteria:~~

- ~~1. The proposed facility or equipment is collocated on or adjoining an existing WTF;~~
- ~~2. The facility is located on a property or commercial center developed predominantly with commercial land uses;~~
- ~~3. The WTF is designed in conformance with the design standards found in this section;~~
- ~~4. The existing WTF was subject to CUP approval and complies with the current City of Surprise policies and regulations.~~

~~d. Appeals. The decision of the community development director or designee may be appealed to the planning and zoning commission, whose decision will be final. The community development director or designee shall use the same criteria used to review the original application.~~

~~(3) [Type I site plan design review.] The following types of WCF applications will be processed as a type I administrative site plan design review, found in article XII of this chapter, if they meet the criteria contained in these regulations. Applications processed pursuant to this subsection will be acted upon within 90 days of submittal of a complete application:~~

- ~~a. Small cell facilities.~~
- ~~b. Structures located on city properties or rights-of-way.~~
- ~~c. Building or structure mounted facilities.~~
- ~~d. Rooftop-mounted facilities.~~

~~(4) [Type II site plan design review.] The following types of WCF applications will be processed as a type II site plan design review, found in article XII of this chapter, if they meet the criteria contained in these regulations. Applications processed pursuant to this subsection will be acted upon within 90 days of submittal of a complete application:~~

- ~~a. Monopalms.~~
- ~~b. Monocactus.~~
- ~~c. Monopine.~~
- ~~d. Broadleaf tree.~~
- ~~e. Recreation field light poles, located in a district that allows recreation fields with light poles.~~
- ~~f. Water towers or tanks, located in a district that allows water towers or tanks.~~

- ~~g. Public utility poles.~~
- ~~h. Alternative tower structure, located in a district that allows the alternative tower that is the subject of the application.~~
- ~~(5) [Type III CUP process.] All other WTF facilities that do not fall under subsections (1), (2), (3), or (4) will follow the type III CUP process found in article XII of this chapter. In addition to complying with the CUP criteria, any application under this subsection will comply with the following criteria:~~
 - ~~Aesthetics standards.~~
 - ~~Number and height restrictions.~~
 - ~~Safety concerns [fall zones, etc.].~~
 - ~~Environmental.~~
 - ~~Setbacks and other protections for residential areas and historic areas.~~
 - ~~Protections of property values.~~
 - ~~Timing: Applications processed pursuant to this subsection will be acted upon within 150 days of submittal of a complete application.~~
- ~~(6) Exceptions from regulations regarding legal nonconforming uses: Notwithstanding this chapter, towers or base stations that received express city zoning approval at the time they were constructed, or were built prior to annexation into the city, are deemed approved and therefore are not nonconforming so long as they comply with the provisions of this section.~~
- ~~(c) Design standards.~~
 - ~~(1) All WTFs will be designed to blend into the architecture and landscape of the zone in which it is placed.~~
 - ~~(2) All WTF antennas, mounting hardware, and cabling shall be covered or painted to match the color and texture of the building, tower, or pole on which it is mounted. When required, base stations will be screened by solid walls, landscaping, or berms. Screening shall blend with or enhance the surrounding context in terms of scale, form, texture, materials, and color.~~
 - ~~(3) The height of freestanding WTFs shall be measured from natural grade to the top of all appurtenances.~~
 - ~~(4) The setback of all WTFs shall meet the yard development standards and setback requirements of the underlying zoning district, except as otherwise permitted herein. The setback shall be measured from the lot line to the WTF facility. Additionally, all towers shall be set back from any residential lot lines a distance equal to twice the height of the tower.~~
 - ~~(5) Lighting of WTFs is only allowed when required by the Federal Aviation Administration (FAA) or other federal regulation.~~

~~(6) WTF identification. Each WTF shall be identified by a permanently installed plaque or marker on the door of the base station, no larger than four inches by six inches, clearly identifying the wireless communications service provider's name, address, e-mail contact, and emergency phone number. The plaque or marker required by this section shall be revised within 30 days of any change in the required information/content.~~

~~(7) Industrial zoning districts.~~

~~a. The stand-off mounting arm apparatus of the antenna array will not extend, in any direction, more than 30 inches from the structure to which it is attached.~~

~~1. The diameter of the pole structure will not exceed 26 inches at its widest point.~~

~~2. All cables will be concealed within the pole structure.~~

~~3. The maximum height of the pole structure, excluding antennae, will be limited to 65 feet above the finished grade of the site. The maximum height of the antennae attached to a WTF (entire WTF) will not exceed 80 feet above the finished grade of the site.~~

~~4. No more than two microwave dishes will be permitted on each WTF. Microwave dishes will be limited to two square feet in size.~~

~~5. Climbing pegs are prohibited on the pole structure.~~

~~6. When installing the WTF, installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced. Any change in site landscape must be consistent with a city-approved landscape plan as required by this chapter.~~

~~(8) Residential, mixed use, commercial and business park zoning districts.~~

~~a. *Small cell facility.*~~

~~1. The antenna or power-radiating components of a small cell or wireless mesh network facility must be mounted a minimum of 12 feet above ground.~~

~~2. Wireless small cell or wireless mesh networking facilities may not extend more than six feet above the facility or structure on which they are mounted.~~

~~3. Small cell facilities may not be installed on traffic signal poles or mast arms and may not utilize traffic signal pull boxes, vaults, conduit, cabinets, or other traffic signal infrastructure. Small cell facilities are permitted on mast arms only as long as they do not interfere with city communication equipment. Approval of these facilities on traffic signal poles or mast arms will be determined on a case-by-case basis by the public works department.~~

~~b. *WTFS located on city property or within rights-of-way.*~~

- ~~1. Base stations, towers, or facilities located within the street right-of-way will not be allowed on local residential streets.~~
- ~~2. Are exempt from all setback requirements of the underlying zoning district and are instead subject to those requirements found in this section.~~
- ~~3. The maximum allowable width of an antenna array is four feet.~~
- ~~4. The antenna, whether or not part of an array, will not extend more than 24 inches from the structure to which it is attached. This restriction shall not apply to recreation field light poles, monopoles, monopines, broadleaf trees, or alternative tower structures located on city property.~~
- ~~5. The addition of an antenna or WTF to a utility pole will not increase the height of the utility pole by more than ten feet.~~
- ~~6. All cables will be concealed within the public utility pole or a cable shroud.~~
- ~~7. Microwave dishes will be limited to two square feet in size.~~
- ~~8. No more than two external microwave dishes are permitted on each structure.~~
- ~~9. All microwave dishes, antennas, cable shrouds, and attaching apparatus will be painted to match the structure.~~
- ~~c. *Building or structure mounted facility.*~~
 - ~~1. Antennas will be mounted on a building wall or side of a structure to the maximum extent practicable. If the applicant demonstrates that it is not feasible to mount the antennas on a building wall or side of a structure, the antennas may be mounted on the roof or top of the structure, provided the facility complies with all other applicable standards.~~
 - ~~2. A building or structure-mounted wireless telecommunication facility shall not be located on a building with primarily residential uses.~~
 - ~~3. Antennas may encroach into a side or rear setback a maximum of two feet, but will not extend over a property line.~~
 - ~~4. Antennas mounted on a building wall or side of a structure shall comply with the following standards:~~
 - ~~i. Antennas will be mounted flush to the building wall or side of a structure to the maximum extent practicable unless technical reasons dictate another type of installation and will not extend above the roof line or parapet of the building or top of the structure.~~

- ~~ii. Support structures, accessory equipment including equipment cabinets, and all other appurtenances shall be fully screened from view and not visible from the ground.~~
- ~~iii. Antennas shall be painted a color to match the building or structure to which they are mounted or will be camouflaged as part of the building architecture in a city approved building elevation.~~

~~d. Rooftop-mounted facilities.~~

- ~~1. Rooftop-mounted WTFs are not permitted on portions of buildings with pitched roofs.~~
- ~~2. A rooftop-mounted WTF shall not be located on a building with primarily residential uses.~~
- ~~3. A WTF located on a building roof or top of structure shall comply with the following standards:~~
 - ~~i. Antennas, support structures, accessory equipment, and all other appurtenance shall be fully screened from view through the use of architecturally compatible features, screening materials and colors that match the building or structure to which the facility is mounted.~~
 - ~~ii. Antennas shall extend no more than ten feet above the parapet of the roof or the structure to which they are mounted.~~
 - ~~iii. Panel and microwave antennas shall extend no more than ten feet above the parapet of the roof or the structure to which they are mounted.~~
 - ~~iv. Accessory equipment structures shall extend no more than eight feet above any parapet of the roof or the structure to which they are mounted and must be fully screened from view.~~

~~e. Monopalms.~~

- ~~1. Will contain a minimum of 55 palm fronds that disguise the length of the antenna.~~
- ~~2. The stand-off mounting arm apparatus of the antenna array will not extend more than 30 inches from the structure to which it is attached.~~
- ~~3. The pole structure will be clad with faux bark that begins at the base of the pole structure and continues to the height of the first palm frond attachment. The balance of the pole structure and the attachments will be painted to blend with the palm fronds.~~
- ~~4. The diameter of the pole structure will not exceed 26 inches at its widest point.~~

- ~~5. All cables will be concealed within the pole structure.~~
- ~~6. The maximum height of the pole structure, excluding antennae, will be limited to 65 feet above the finished grade of the site. The maximum height of the antennae attached to a wireless communication monopalm will not exceed 80 feet above the finished grade of the site.~~
- ~~7. No more than two microwave dishes will be permitted on each monopalm. Microwave dishes will be limited to one square foot in size and will be concealed within the monopalm, trimmed leaf cluster, or palm fronds.~~
- ~~8. The trimmed leaf cluster will be mounted directly below the palm fronds and will be painted to blend with the pole structure.~~
- ~~9. Climbing pegs are prohibited on the pole structure.~~
- ~~10. When installing the monopalm, installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced. Any change in site landscape must be consistent with a city-approved landscape plan as required by this chapter.~~

~~f. *Monocactus.*~~

- ~~1. The monocactus structure will be clad with a faux finish that resembles a saguaro cactus from the base of the structure and continue to the top of the structure.~~
- ~~2. The diameter of the monocactus structure will not exceed 34 inches at its widest point and will have a natural appearing taper from the bottom to the top.~~
- ~~3. The height of the monocactus structure will not exceed 30 feet in height.~~
- ~~4. All antenna and cables will be concealed within the monocactus structure.~~
- ~~5. External microwave dishes and climbing pegs are prohibited on the monocactus structure.~~
- ~~6. When installing the monocactus, installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced. Any change in site landscape must be consistent with a city-approved landscape plan as required by this chapter.~~

~~g. *Monopine or broadleaf tree.*~~

- ~~1. The pole structure will be clad with faux bark. The faux bark will start at the base of the pole structure and continue to the height of the first branch attachment. The balance of the pole structure and the attachments will be painted to blend with the branches.~~

- ~~2. The diameter of the pole structure will not exceed 36 inches at the base and will taper to no greater than 28 inches at the top of the pole structure.~~
 - ~~3. All cables will be concealed within the pole structure.~~
 - ~~4. The maximum height of the pole structure will be limited to 65 feet above the finished grade of the site. The maximum height of the antennae attached the pole structure will not exceed 80 feet above the finished grade of the site.~~
 - ~~5. Branches:
 - ~~i. Will be constructed to a density of no less than two and one-half branches for each one vertical foot of pole.~~
 - ~~ii. Will start no less than 15 feet above finished grade and continue to the top of the pole structure.~~
 - ~~iii. Will be a minimum of eight feet long around the circumference of the lower level and will taper as the branches progress upward, consistent with the species of tree imitated by the structure. The branches will approximate the appearance of a particular tree species grown in the vicinity of the site and that grows to approximately the height of the monopine or broadleaf tree WTF.~~
 - ~~iv. The entire length of all antennae and their attaching apparatus will be disguised by the branches and the stand-off mounting arm apparatus of the antenna array will not extend more than 30 inches from the pole structure to which it is attached.~~~~
 - ~~6. Microwave dishes will be limited to one square foot in size. Dishes and attaching apparatus will be painted to blend with the branches.~~
 - ~~7. No more than four microwave dishes are permitted per monopine or broadleaf tree.~~
 - ~~8. Climbing pegs are prohibited on the pole structure.~~
 - ~~9. When installing the monopine or broadleaf tree, installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced. Any change in site landscape must be consistent with a city-approved landscape plan as required by this chapter.~~
- ~~h. *Recreation field light poles.*~~
- ~~1. The maximum allowable width of an antenna array is four feet.~~
 - ~~2. The stand-off mounting arm apparatus of the antenna array will not extend more than 30 inches from the structure to which it is attached.~~

- ~~3. The maximum allowable length of each antenna is ten feet.~~
- ~~4. The diameter of the pole structure will not exceed 36 inches.~~
- ~~5. The addition of a WTF to a recreation field light will not increase the height of the light structure by more than ten feet.~~
- ~~6. All cables will be concealed within the pole structure.~~
- ~~7. Microwave dishes will be limited to two square feet in size.~~
- ~~8. No more than two external microwave dishes are permitted on each recreation field light pole.~~
- ~~9. All microwave dishes, antennas, and attaching apparatus will be painted to match the recreation field light pole.~~
- ~~10. Installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced.~~

~~i. *Water towers/tanks.*~~

- ~~1. The maximum allowable width of an antenna array is four feet. There is no width limit for antenna arrays installed inside a faux water tower/tank.~~
- ~~2. The antenna will not extend more than 18 inches from the structure to which it is attached. This restriction does not apply to antennas installed inside a faux water tower/tank.~~
- ~~3. The maximum allowable length of each antenna array is ten feet.~~
- ~~4. The addition of a WTF will not increase the height of the water tower/tank structure.~~
- ~~5. All cables will be concealed within the support structure or fully enclosed within a cable shroud.~~
- ~~6. Microwave dishes will be limited to two square feet in size.~~
- ~~7. No more than two microwave dishes will be permitted on each water tower or water tank.~~
- ~~8. All microwave dishes, antennas, cable shrouds, and attaching apparatus will be painted to match the water tower or water tank.~~
- ~~9. Installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced.~~

~~j. *Alternative tower structure.*~~

- ~~1. The maximum allowable width of an antenna array is four feet. There is no width limit for antenna arrays installed inside an alternative tower structure.~~

- ~~2. The antenna will not extend more than 18 inches from the structure to which it is attached. This restriction does not apply to antenna arrays installed inside an alternative tower structure.~~
- ~~3. The maximum allowable length of each antenna array is ten feet.~~
- ~~4. All cables will be concealed within the support structure or fully enclosed within a cable shroud.~~
- ~~5. Microwave dishes will be limited to two square feet in size.~~
- ~~6. No more than two microwave dishes will be permitted on each alternative tower structure.~~
- ~~7. All microwave dishes, antennas, cable shrouds, and attaching apparatus will be painted to match the alternative tower structure.~~
- ~~8. Installation will minimize the removal of existing mature vegetation at the site or such vegetation will be replaced.~~
- ~~k. Base station(s) will be located inside buildings, screened behind walls, pole mounted, or buried underground.~~
 - ~~1. Will comply with the height and yard development standards of the underlying zoning district, except as provided below:~~
 - ~~i. Base stations located outside the right-of-way will not exceed eight feet tall and 300 cubic feet, measured above ground level.~~
 - ~~ii. All equipment cabinets that are located within the right-of-way or completely underground are exempt from yard development standards, but must be located as far away from the street as possible.~~

~~(d) Submittal requirements.~~

- ~~(1) A site plan showing the subject property and adjacent properties; all existing and proposed buildings on the subject property and their purpose; the specific placement of the base station and cell tower, including type and extent and point of entry on the site; all proposed changes to the existing site, including grading, vegetation, roads, sidewalks and driveways signed and sealed by a professional registrant from the State of Arizona including expiration date;~~
- ~~(2) A landscape plan showing specific placement of existing and proposed vegetation, trees, shrubs, identified by species and size of specimen at installation in accordance with city landscape guidelines;~~
- ~~(3) A grading and drainage plan of the entire project site as determined by the public works department.~~
- ~~(4) Photographs, diagrams, photosimulations and sight line representations as listed below:~~

- ~~a. Sight line representation unless deemed unnecessary by the community development director or designee;~~
 - ~~b. Existing (before condition) photographs and proposed (after condition) photosimulations of the proposed facility from residential properties or buildings, private roads and public rights of way adjacent to the site. Such photosimulations shall include, but not be limited to, superimposed representations of the proposed base station and tower to show what will be seen from residential buildings, properties, private roads and rights of way adjacent to the site;~~
 - ~~c. Aerial photograph(s).~~
- ~~(5) Elevations from all directions (north, south, east, and west) for a 50-foot radius around the proposed base station and tower. Elevations shall be at one-quarter inch equals one foot scale and show the following:~~
 - ~~a. Materials of the base station and security barrier, if any, specified by generic type and specific treatment, such as brick, masonry with stucco finish, anodized aluminum, stained wood, etc.;~~
 - ~~b. Colors represented by samples or a color board showing actual colors proposed;~~
 - ~~c. Dimensions of all equipment specified for all three dimensions: height, width and depth;~~
- ~~(6) Market and service maps. Except for those application covered by Section 6409(a) of the Spectrum Act, the applicant must submit the following market and service maps:~~
 - ~~a. A map showing the service area of the proposed facility and the explanation of the need for that facility;~~
 - ~~b. A map showing the locations and service areas of other base stations and tower sites operated by the applicant and those that are proposed by the applicant which are within a two-mile radius of the limits of the site;~~
- ~~(7) Collocation submittals, including signed statements indicating:~~
 - ~~a. The applicant agrees to allow for the potential collocation of additional WTFs by other wireless services and carriers on the applicant's structure or facility or within the same site;~~
 - ~~b. That the applicant agrees to remove the WTF as required by this section;~~
 - ~~c. That the applicant has made a good faith effort to achieve collocation with other carriers and facilities as required in this section, and if collocation is not feasible for this application for a substantial technical or other reason(s), a written statement of the reasons for the infeasibility.~~

- ~~(8) An executed lease agreement with the owner or landholder that:~~
- ~~a. Allows the landholder to enter into leases with other providers;~~
 - ~~b. Specifies that if the carrier fails to remove the base station and tower when required by this section, the responsibility for removal falls upon the landholder; and~~
 - ~~c. Allows entry by the city and its agent for the purpose of inspection and compliance with city codes.~~
- ~~(9) The city manager or designee may require additional information or may waive submittal requirements determined unnecessary for appropriate review of the project.~~
- ~~(e) Cellular on wheels (COW):~~
- ~~(1) COWs are allowed during:~~
- ~~a. Construction of a permanent WTF not to exceed duration of one year.~~
- ~~1. Utilization of the COW will require a type I administrative site review as per article XII of this chapter.~~
- ~~b. Maintenance or replacement of equipment.~~
- ~~1. Utilization of a COW will be included with the building permit associated with the WTF maintenance or replacement of equipment.~~
- ~~c. Special events.~~
- ~~1. Utilization of the COW for a special event will require a temporary use permit as per article VII of this chapter. COW placement will be limited to a duration not to exceed 30 days unless approved by the city manager or designee.~~
- ~~d. An emergency or disaster as determined by the city manager or designee.~~
- ~~(2) COWs will be set back from all residential lot lines a minimum distance equal to the fully extended height of the COW.~~
 - ~~(3) COWs are permitted on a utility trailer with a maximum width of ten feet and maximum length of 35 feet.~~
 - ~~(4) Permitted power sources:~~
- ~~a. A generator or other utility source will be used that emits an average noise level not to exceed 60 dB, measured at any property line that is zoned or used for residential purposes.~~
 - ~~b. Use of on-site utility services will require a building permit.~~
- ~~(f) Continued monitoring. Every five years, each wireless communications service provider shall submit to the city a written report verifying that, at its maximum load, including cumulative effects of multiple facilities, each WTF was tested~~

~~and certified to meet or exceed the FCC's radio frequency safety standards. The five years will be from the most recent approval of the respective WTF or from the effective date of this section, whichever is earlier, and every five years thereafter.~~

~~(g) — *Discontinuation of use.*~~

~~(1) — In the event the use of any WTF has been discontinued for a period of 90 consecutive days, the WTF will be deemed to be abandoned. Upon such abandonment, the owner and/or operator of the tower and/or property owner will have an additional 90 days to:~~

- ~~a. — Reactivate the use of the WTF or transfer the WTF to another owner/operator who makes active use of the WTF; or~~
- ~~b. — Dismantle and remove the WTF. Upon removal of the wireless service facility, the site will be returned to its built or natural state and topography and vegetated consistent with the natural surroundings.~~

SEC. 122-112. - DEFINITIONS.

DEFINITIONS. THE FOLLOWING DEFINITIONS WILL APPLY IN THE INTERPRETATION AND ENFORCEMENT OF THIS SECTION, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE. ANY TERM OR PHRASE NOT DEFINED HEREIN WILL BE DEFINED BY THE CITY MANAGER OR DESIGNEE. WHEN NOT INCONSISTENT WITH THE CONTEXT, WORDS USED IN THE PRESENT TENSE INCLUDE THE FUTURE, WORDS IN THE PLURAL INCLUDE THE SINGULAR, AND WORDS IN THE SINGULAR INCLUDE THE PLURAL. THE WORDS "WILL" AND "SHALL" ARE MANDATORY AND NOT MERELY DIRECTORY AND THE WORD "MAY" IS DISCRETIONARY. REFERENCES TO GOVERNMENTAL ENTITIES (WHETHER PERSONS OR ENTITIES) REFER TO THOSE ENTITIES OR THEIR SUCCESSORS IN AUTHORITY. IF SPECIFIC PROVISIONS OF LAW, REGULATION OR RULE REFERRED TO HEREIN BE RENUMBERED OR AMENDED, THEN THE REFERENCE WILL BE READ TO REFER TO THE RENUMBERED OR AMENDED PROVISION.

- (a) *ALTERNATIVE TOWER STRUCTURE.* AN INNOVATIVE WIRELESS TOWER DESIGN SUCH AS A CLOCK TOWER, GRAIN SILO, BELL TOWER, FALSE CHIMNEY, STEEPLE, LIGHT POLE, FLAG POLE, WINDMILL, AND SIMILAR

DESIGN MOUNTING STRUCTURES THAT CAMOUFLAGE OR CONCEAL THE PRESENCE OF WIRELESS ANTENNAS OR TOWERS. ALTERNATIVE TOWER STRUCTURES MAY ALSO INCLUDE UTILIZATION OF A TRAFFIC SIGNAL STREETLIGHT POLE OR SIMILAR STRUCTURE, OR FREESTANDING STRUCTURE WITHIN A PUBLIC RIGHT-OF-WAY AS APPROVED BY THE CITY MANAGER OR DESIGNEE ON A CASE-BY-CASE BASIS.

- (b) AMATEUR RADIO ANTENNAE. A FREESTANDING OR BUILDING-MOUNTED STRUCTURE, INCLUDING ANY BASE, TOWER, POLE, ANTENNA, AND APPURTANCES, INTENDED FOR AIRWAY TELECOMMUNICATIONS PURPOSES BY A PERSON HOLDING A VALID AMATEUR RADIO (HAM) LICENSE ISSUED BY THE FEDERAL TELECOMMUNICATIONS COMMISSION (FCC).
- (c) ANTENNA. COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS AND THAT IS USED IN PROVIDING WIRELESS SERVICES.
- (d) AUTHORIZED PERSON. THE PERSON(S), EMPLOYEES, AGENTS, CONSULTANTS, AND CONTRACTORS, AUTHORIZED IN WRITING BY APPLICANT TO COMPLETE AND SUBMIT A WIRELESS FACILITY APPLICATION ON BEHALF OF APPLICANT AND WHO IS AUTHORIZED TO RECEIVE ANY NOTICES ON BEHALF OF APPLICANT OF ANY ACTION TAKEN BY THE CITY REGARDING THE WIRELESS FACILITY APPLICATION.
- (e) BACKHAUL. THE CONNECTION FROM A WIRELESS FACILITY BASE STATION TO THE CORE NETWORK OF THE INTERNET.
- (f) BASE STATION. THE STRUCTURE OR EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS LICENSED OR AUTHORIZED BY THE FCC, BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK. THE TERM DOES NOT ENCOMPASS A

TOWER OR MONOPOLE AS DEFINED IN THIS CHAPTER OR ANY EQUIPMENT ASSOCIATED WITH A TOWER OR MONOPOLE:

- a. THE TERM INCLUDES, BUT IS NOT LIMITED TO, EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS SERVICES SUCH AS PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES.
- b. THE TERM INCLUDES, BUT IS NOT LIMITED TO, RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, REGULAR AND BACKUP POWER SUPPLIES, AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION (INCLUDING DISTRIBUTED ANTENNA SYSTEMS AND SMALL-CELL NETWORKS).
- c. THE TERM INCLUDES ANY STRUCTURE OTHER THAN A TOWER OR MONOPOLE THAT, AT THE TIME THE RELEVANT WIRELESS FACILITY APPLICATION IS FILED WITH THE CITY UNDER THIS CHAPTER, SUPPORTS OR HOUSES EQUIPMENT, AND THAT HAS BEEN REVIEWED AND APPROVED UNDER THE APPLICABLE ZONING OR SITING PROCESS, OR UNDER ANOTHER STATE, COUNTY OR LOCAL REGULATORY REVIEW PROCESS, EVEN IF THE STRUCTURE WAS NOT BUILT FOR THE SOLE OR PRIMARY PURPOSE OF PROVIDING SUCH SUPPORT.
- d. THE TERM DOES NOT INCLUDE ANY STRUCTURE THAT, AT THE TIME THE RELEVANT WIRELESS FACILITY APPLICATION IS FILED WITH THE CITY UNDER THIS CHAPTER, DOES NOT SUPPORT OR HOUSE EQUIPMENT DESCRIBED IN SUBSECTIONS A. AND/OR B. ABOVE.
- (g) CELL ON WHEELS (COW). A MOBILE CELL SITE THAT CONSISTS OF A CELLULAR ANTENNA TOWER AND ELECTRONIC RADIO TRANSCEIVER EQUIPMENT ON A TRUCK OR A TRAILER, DESIGNED TO BE PART OF A CELLULAR NETWORK AND TEMPORARY IN NATURE.

- (h) COLLOCATE OR COLLOCATION. TO INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE, OR REPLACE WIRELESS FACILITIES ON, WITHIN, OR ADJACENT TO A WIRELESS SUPPORT STRUCTURE OR UTILITY POLE.
- (i) COLLOCATION, MINOR. A COLOCATION OF A WIRELESS FACILITY WHERE THE PROPOSED WIRELESS FACILITY EQUIPMENT DOES NOT EXCEED TEN (10) FEET ABOVE THE SUPPORTING STRUCTURE AND DOES NOT EXCEED 50 FEET ABOVE GROUND LEVEL.
- (j) COLLOCATION, MAJOR. A COLOCATION OF A WIRELESS FACILITY WHERE THE PROPOSED WIRELESS FACILITY EQUIPMENT EXCEEDS TEN (10) FEET ABOVE THE SUPPORTING STRUCTURE AND/OR EXCEEDS 50 FEET ABOVE GROUND LEVEL.
- (k) CONCEAL OR CONCEALMENT. WIRELESS FACILITIES DESIGNED OR DISGUISED TO LOOK LIKE SOMETHING OTHER THAN A WIRELESS FACILITY OR BASE STATION.
- (l) DEEMED APPROVED. A WIRELESS FACILITY MODIFICATION OR BUILDING PERMIT APPLICATION THAT HAS BEEN DEEMED APPROVED UPON THE CITY'S FAILURE TO ACT, AND HAS BECOME EFFECTIVE, AS PROVIDED PURSUANT THE FCC, THE STATE OF ARIZONA, AND THIS CHAPTER.
- (m) EXISTING. FOR PURPOSES OF THIS CHAPTER AND AS APPLIED TO WIRELESS FACILITIES THAT HAVE BEEN REVIEWED AND APPROVED UNDER THE APPLICABLE ZONING OR SITING PROCESS, PROVIDED THAT, A TOWER THAT HAS NOT BEEN REVIEWED AND APPROVED BECAUSE IT WAS NOT IN A ZONED AREA WHEN IT WAS BUILT, BUT WAS LAWFULLY CONSTRUCTED, IS EXISTING FOR PURPOSES OF THIS DEFINITION.
- (n) FCC. THE FEDERAL COMMUNICATIONS COMMISSION OR ITS SUCCESSOR.
- (o) MICROCELL. A DEVICE THAT IS CONNECTED TO AERIAL FACILITIES AND USED SOLELY FOR TRANSMITTING, PROCESSING AND RECEIVING VOICE AND DATA WIRELESS TELECOMMUNICATIONS SERVICES, WITHOUT ANY

ASSOCIATED GROUND MOUNTED EQUIPMENT. THE DEVICE IS OFTEN REFERRED TO AS AN ASME (AERIAL STRAND MOUNTED EQUIPMENT).

- (p) MONOPOLE. A WIRELESS SUPPORT STRUCTURE COMPOSED OF A SINGLE SPIRE USED TO SUPPORT COMMUNICATIONS EQUIPMENT AND HAVING NO GUY WIRES OR GROUND ANCHORS. A MONOPOLE SHALL NOT BE GREATER THAN FORTY (40) INCHES IN DIAMETER AT GROUND LEVEL AND HAVE ALL OF THE WIRELESS FACILITIES MOUNTED ON THE POLE AND WIRING CONTAINED INSIDE OF THE POLE. INCLUDES MONOPALMS, MONOCACTUS, MONOPINES, AND MONOBROADLEAF WIRELESS TOWERS.
- (q) PUBLIC RIGHT-OF-WAY (ROW). AN AREA DEDICATED TO PUBLIC USE FOR MULTIMODAL MOVEMENT, AND MAY INCLUDE PUBLIC AND PRIVATE UTILITIES.
- (r) ROOFTOP-MOUNTED WIRELESS FACILITY. A WIRELESS FACILITY WITH THE ANTENNAS LOCATED ON THE ROOF OF A BUILDING OR ON TOP OF A STRUCTURE AND CONSISTING OF ANTENNAS, SUPPORT STRUCTURES AND ACCESSORY EQUIPMENT WHICH ARE ADEQUATELY SCREENED SO AS NOT TO APPEAR AS STAND-ALONE DEVICES ABOVE THE TOP OF THE ROOF LINE.
- (s) SITE. FOR WIRELESS FACILITIES OTHER THAN WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY, WILL MEAN, AND REFER TO, THE CURRENT BOUNDARIES OF THE PROPERTY SURROUNDING THE WIRELESS FACILITY AND ANY ACCESS OR UTILITY EASEMENTS CURRENTLY RELATED TO THE SITE, AND, FOR OTHER WIRELESS SUPPORT STRUCTURES, WILL MEAN AND BE FURTHER RESTRICTED TO, THAT AREA IN PROXIMITY TO THE STRUCTURE AND TO OTHER TRANSMISSION EQUIPMENT ALREADY DEPLOYED ON THE GROUND.
- (t) SITE PLAN. A REQUIRED PLAN, TO SCALE, OF A PROJECT AREA SHOWING USES AND STRUCTURES BOTH EXISTING AND PROPOSED.

(u) SMALL WIRELESS FACILITY (SWF). A WIRELESS FACILITY THAT MEETS BOTH OF THE FOLLOWING QUALIFICATIONS:

a. ALL ANTENNAS ARE LOCATED INSIDE AN ANTENNA ENCLOSURE OF NO MORE THAN SIX (6) CUBIC FEET IN VOLUME OR, IN THE CASE OF ANTENNA'S THAT HAVE EXPOSED ELEMENTS, THE ANTENNAS AND ALL OF ITS EXPOSED ELEMENTS COULD FIT WITHIN AN IMAGINARY ENCLOSURE OF NO MORE THAN SIX (6) CUBIC FEET; AND

b. ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE FACILITY IS CUMULATIVELY NOT MORE THAN TWENTY-EIGHT (28) CUBIC FEET IN VOLUME OR FIFTY (50) CUBIC FEET IN VOLUME IF THE EQUIPMENT WAS GROUND MOUNTED BEFORE THE EFFECTIVE DATE OF THIS SECTION. THE FOLLOWING TYPES OF ASSOCIATED ANCILLARY EQUIPMENT ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT VOLUME PURSUANT TO THIS SUBDIVISION:

1. AN ELECTRIC METER.
2. CONCEALMENT ELEMENTS.
3. A TELECOMMUNICATIONS DEMARCATION BOX.
4. GROUNDING EQUIPMENT.
5. A POWER TRANSFER SWITCH.
6. A CUTOFF SWITCH.
7. VERTICAL CABLE RUNS FOR THE CONNECTION OF POWER AND OTHER SERVICES.

(v) SMALL CELL NETWORK. A COLLECTION OF INTERRELATED SMALL CELL FACILITIES DESIGNED TO DELIVER PERSONAL WIRELESS SERVICES.

(w) STRUCTURE-MOUNTED WIRELESS FACILITY. A WIRELESS FACILITY WITH THE ANTENNAS LOCATED ON THE WALL OR ROOF OF A BUILDING OR ON THE SIDE OR TOP OF A STRUCTURE, INCLUDING CO-LOCATING ON AN

EXISTING FREESTANDING WIRELESS FACILITY AND CONSISTING OF ANTENNAS, SUPPORT STRUCTURES AND ACCESSORY EQUIPMENT.

(x) TRANSMISSION EQUIPMENT. EQUIPMENT THAT FACILITATES TRANSMISSION FOR ANY WIRELESS COMMUNICATION SERVICE LICENSED OR AUTHORIZED BY THE FCC, INCLUDING, BUT NOT LIMITED TO, RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLE, AND REGULAR AND BACK-UP POWER SUPPLY. THE TERM INCLUDES EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO, PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL.

(y) TOWER. ANY STRUCTURE BUILT FOR THE SOLE OR PRIMARY PURPOSE OF SUPPORTING ANY ANTENNAS AND THEIR ASSOCIATED FACILITIES, LICENSED OR AUTHORIZED BY THE FCC, INCLUDING STRUCTURES THAT ARE CONSTRUCTED FOR WIRELESS COMMUNICATIONS SERVICES INCLUDING, BUT NOT LIMITED TO, PRIVATE, BROADCAST, AND PUBLIC SAFETY SERVICES, AS WELL AS UNLICENSED WIRELESS SERVICES AND FIXED WIRELESS SERVICES SUCH AS MICROWAVE BACKHAUL, AND THE ASSOCIATED SITE.

(z) WIRELESS FACILITY.

a. EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK, INCLUDING BOTH OF THE FOLLOWING:

1. EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS.

2. RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLES, REGULAR AND BACKUP POWER SUPPLIES AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION.

- b. INCLUDES SMALL WIRELESS FACILITIES.
 - c. DOES NOT INCLUDE THE STRUCTURE OR IMPROVEMENTS ON, UNDER, OR WITHIN WHICH THE EQUIPMENT IS COLLOCATED, WIRELINE BACKHAUL FACILITIES, COAXIAL OR FIBER-OPTIC CABLE THAT IS BETWEEN WIRELESS SUPPORT STRUCTURES OR UTILITY POLES OR COAXIAL OR FIBER-OPTIC CABLE THAT IS OTHERWISE NOT IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, AN ANTENNA.
 - d. DOES NOT INCLUDE WI-FI RADIO EQUIPMENT DESCRIBED IN ARS REVISED STATUTES, SECTION 9-506, SUBSECTION I OR MICROCELL EQUIPMENT DESCRIBED IN ARS REVISED STATUTES, SECTION 9-584, SUBSECTION E.
- (aa) WIRELESS FACILITY MONOPOLE MODIFICATION, MINOR. A MODIFICATION OF AN EXISTING WIRELESS FACILITY MONOPOLE WHERE THE PROPOSED MONOPOLE AND BASE STATION DOES NOT EXCEED THE GREATER OF EITHER:
- a. AN INCREASE IN HEIGHT OF THE MONOPOLE LESS THAN TEN (10) FEET; OR
 - b. AN INCREASE OF BASE STATION AREA LESS THAN TEN (10) PERCENT OF THE EXISTING FACILITY.
- (bb) WIRELESS FACILITY MONOPOLE MODIFICATION, MAJOR. A MODIFICATION OF AN EXISTING WIRELESS FACILITY MONOPOLE WHERE THE PROPOSED MONOPOLE AND BASE STATION EXCEEDS THE GREATER OF EITHER:
- a. AN INCREASE IN HEIGHT OF THE TOWER GREATER THAN TEN (10) FEET; OR
 - b. AN INCREASE OF BASE STATION AREA GREATER THAN TEN (10) PERCENT OF THE EXISTING FACILITY.

(cc) WIRELESS SUPPORT STRUCTURE.

a. MEANS:

1. A FREESTANDING STRUCTURE, SUCH AS A MONOPOLE.
2. A TOWER, EITHER GUYES OR SELF-SUPPORTING.
3. A SIGN OR BILLBOARD.
4. ANY OTHER EXISTING OR PROPOSED STRUCTURE DESIGNED TO SUPPORT, OR CAPABLE OF SUPPORTING, SMALL WIRELESS FACILITIES (SWS).

b. DOES NOT INCLUDE A UTILITY POLE.

SEC. 122-112.1 - WIRELESS FACILITIES.

THE PURPOSE OF THE WIRELESS FACILITY REGULATIONS IS TO ENCOURAGE AND PROMOTE WIRELESS COMMUNICATIONS COVERAGE FOR ALL AREAS OF THE CITY WHILE MINIMIZING THE VISUAL, ENVIRONMENTAL, AND NEIGHBORHOOD IMPACTS. WIRELESS FACILITIES ARE ALLOWED IN ALL ZONING DISTRICTS, BUT THE PREFERRED WIRELESS FACILITY LOCATIONS INCLUDE LOCATIONS HAVING THE LEAST AMOUNT OF VISUAL AND NEIGHBORHOOD IMPACT. THE WIRELESS COMMUNICATIONS SERVICE PROVIDERS WILL ADHERE TO ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS.

(a) CUMULATIVE CLASSIFICATIONS AND APPLICATION PROCESS MATRIX.

<u>SECTION</u>	<u>REQUEST</u>	<u>PROCESS TYPE</u>	<u>MAXIMUM REVIEW TIME (DAYS)</u>
<u>122-112.2</u>	<u>NEW MONOPOLE</u>	<u>2</u>	<u>150</u>
	<u>MONOPOLE</u>	<u>1</u>	<u>90</u>

	<u>COLLOCATION</u>		
	<u>MINOR MONOPOLE MODIFICATION</u>	<u>BUILDING PERMIT</u>	<u>75</u>
	<u>MAJOR MONOPOLE MODIFICATION</u>	<u>1</u>	<u>90</u>
	<u>MONOPOLE ON CITY PROPERTY</u>	<u>1</u>	<u>90</u>
<u>122-112.3</u>	<u>ALTERNATIVE FACILITY LOCATION</u>	<u>1</u>	<u>150</u>
	<u>ALTERNATIVE FACILITY LOCATION COLLOCATION</u>	<u>1</u>	<u>90</u>
	<u>MINOR ALTERNATIVE FACILITY LOCATION MODIFICATION</u>	<u>BUILDING PERMIT</u>	<u>75</u>
	<u>MAJOR ALTERNATIVE FACILITY LOCATION MODIFICATION</u>	<u>1</u>	<u>90</u>
	<u>ALTERNATIVE FACILITY LOCATION ON CITY PROPERTY</u>	<u>1</u>	<u>90</u>
<u>122-112.4</u>	<u>SWF IN RIGHT-OF-WAY</u>	<u>ROW ENCROACHMENT PERMIT</u>	<u>75</u>
	<u>SWF OUTSIDE OF</u>	<u>1</u>	<u>90</u>

	<u>RIGHT-OF-WAY</u>		
<u>122-112.2</u>	<u>WIRELESS FACILITIES OTHER THAN DEFINED HEREIN</u>	<u>3</u>	<u>150</u>
<u>122-112.5</u>	<u>CELL ON WHEELS (COW)</u>	<u>1</u>	<u>90</u>
<u>122-112.5</u>	<u>AMATEUR RADIO ANTENNAE</u>	<u>BUILDING PERMIT</u>	<u>75</u>
	<u>AMATEUR RADIO ANTENNAE GREATER THAN 35 FEET</u>	<u>3</u>	<u>150</u>

(b) ALL CHANGES WILL BE MEASURED CUMULATIVELY TO PRESERVE THE LIMITS ESTABLISHED BY FEDERAL, STATE, AND LOCAL LAW.

(c) ALL WIRELESS FACILITIES WILL IDENTIFY A SINGLE PARKING SPACE FOR THE FACILITY. IF THE LOCATION IS ON A SEPARATE PARCEL, OWNER AUTHORIZATION WILL BE REQUIRED.

(d) BASE STATIONS:

(1) BASE STATIONS AND ALL GROUND MOUNTED EQUIPMENT WITH INTEGRATED AIR CONDITIONING WILL BE ENCLOSED BY A SOLID DECORATIVE WALL WITH A HEIGHT EQUAL TO OR EXCEEDING THE HEIGHT OF THE BASE STATION.

(2) UNLESS ALLOWED BY FEDERAL, STATE, OR LOCAL LAW, NO ADVERTISEMENTS OR IDENTIFYING LOGOS WILL BE PLACED ON ANY STRUCTURE IN THE ROW.

(3) LOCATED OUTSIDE THE ROW:

- a. WILL COMPLY WITH THE HEIGHT AND YARD DEVELOPMENT STANDARDS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS PROVIDED HEREIN;
- b. WILL BE LOCATED UNDERGROUND, INSIDE BUILDINGS, OR BEHIND SCREEN WALLS;
- c. ENCLOSURES FOR BASE STATIONS, OTHER THAN THOSE FOR SWFS, WILL BE CONSTRUCTED WITH DECORATIVE CMU BLOCK AND UTILIZE AN OPAQUE DOOR.
- d. SWF BASE STATIONS WILL BE LOCATED UNDERGROUND, BEHIND REMOVABLE SCREENING, OR PAINTED OR WRAPPED TO PROVIDE AN ARTISTIC RENDERING. ANY IMAGE WILL BE APPROVED BY STAFF DURING DESIGN REVIEW.
- e. AN ENCLOSED BASE STATION WILL OCCUPY NO MORE THAN 600 SQUARE FEET.

(4) LOCATED IN THE ROW:

- a. ARE EXEMPT FROM YARD DEVELOPMENT STANDARDS, BUT WILL BE LOCATED AS FAR AWAY FROM THE STREET AS POSSIBLE.
 - b. WILL BE LOCATED UNDERGROUND, BEHIND REMOVABLE SCREENING, OR PAINTED OR WRAPPED TO PROVIDE AN ARTISTIC RENDERING. ANY IMAGE WILL BE APPROVED BY STAFF DURING DESIGN REVIEW.
 - c. ENCLOSURES ARE LIMITED TO SIX (6) CUBIC FEET.
 - d. WILL BE LOCATED OUTSIDE THE SIGHT VISIBILITY TRIANGLE.
- (e) WHEN INSTALLING THE WIRELESS FACILITY, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED. ANY CHANGE IN SITE

LANDSCAPE MUST BE CONSISTENT WITH A CITY APPROVED LANDSCAPE PLAN AS REQUIRED BY THIS CHAPTER.

(f) APPEALS:

(1) THE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE MAY BE APPEALED TO THE PLANNING AND ZONING COMMISSION, WHOSE DECISION WILL BE FINAL. THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE SHALL USE THE SAME CRITERIA USED TO REVIEW THE ORIGINAL APPLICATION.

(2) THE DECISION OF THE PLANNING AND ZONING COMMISSION MAY BE APPEALED TO THE MAYOR AND CITY COUNCIL, WHOSE DECISION WILL BE FINAL. THE THE PLANNING AND ZONING COMMISSION SHALL USE THE SAME CRITERIA USED TO REVIEW THE ORIGINAL APPLICATION.

(g) DISCONTINUATION OF USE.

(1) IN THE EVENT THE USE OF ANY WIRELESS FACILITY HAS BEEN DISCONTINUED FOR A PERIOD OF 90 CONSECUTIVE DAYS, THE WIRELESS FACILITY WILL BE DEEMED TO BE ABANDONED. UPON SUCH ABANDONMENT, THE OWNER AND/OR OPERATOR OF THE TOWER AND/OR PROPERTY OWNER WILL HAVE AN ADDITIONAL 90 DAYS TO:

- a. REACTIVATE THE USE OF THE WIRELESS FACILITY OR TRANSFER THE WIRELESS FACILITY TO ANOTHER OWNER/OPERATOR WHO MAKES ACTIVE USE OF THE WIRELESS FACILITY; OR
- b. DISMANTLE AND REMOVE THE WIRELESS FACILITY. UPON REMOVAL OF THE WIRELESS SERVICE FACILITY, THE SITE WILL BE RETURNED TO ITS BUILT OR NATURAL STATE AND TOPOGRAPHY AND VEGETATED CONSISTENT WITH THE NATURAL SURROUNDINGS.

SEC. 122-112.2 MONOPOLES.

MONOPOLE INSTALLATIONS, MODIFICATIONS, COLLOCATIONS.

(a) TIMING: AN APPLICANT SEEKING A NEW MONOPOLE INSTALLATIONS, MODIFICATIONS, COLLOCATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:

(1) NEW MONOPOLE – MAXIMUM OF 150 DAYS.

(2) COLLOCATIONS OR MAJOR MODIFICATION – MAXIMUM OF 90 DAYS.

(3) MINOR MODIFICATION – MAXIMUM OF 75 DAYS.

(4) MAJOR MONOPOLE MODIFICATION – MAXIMUM OF 90 DAYS.

(5) NEW MONOPOLE ON CITY PROPERTY - MAXIMUM OF 90 DAYS.

(b) SUBMITTAL REQUIREMENTS:

(1) NARRATIVE DESCRIBING THE PROPOSED WIRELESS FACILITY SITE;

(2) A SITE PLAN SHOWING THE SUBJECT PROPERTY AND ADJACENT PROPERTIES; ALL EXISTING AND PROPOSED BUILDINGS ON THE SUBJECT PROPERTY AND THEIR PURPOSE; THE SPECIFIC PLACEMENT OF THE BASE STATION AND CELL TOWER, INCLUDING TYPE AND EXTENT AND POINT OF ENTRY ON THE SITE; ALL PROPOSED CHANGES TO THE EXISTING SITE, INCLUDING GRADING, VEGETATION, ROADS, SIDEWALKS AND DRIVEWAYS SIGNED AND SEALED BY A PROFESSIONAL REGISTRANT FROM THE STATE OF ARIZONA INCLUDING EXPIRATION DATE;

(3) A LANDSCAPE PLAN SHOWING SPECIFIC PLACEMENT OF EXISTING AND PROPOSED VEGETATION, TREES, SHRUBS, IDENTIFIED BY SPECIES AND SIZE OF SPECIMEN AT INSTALLATION IN ACCORDANCE WITH CITY LANDSCAPE GUIDELINES;

- (4) A GRADING AND DRAINAGE PLAN OF THE PROJECT SITE AS DETERMINED BY THE CITY MANAGER OR DESIGNEE.
- (5) EXISTING (BEFORE CONDITION) PHOTOGRAPHS AND PROPOSED (AFTER CONDITION) PHOTOSIMULATIONS OF THE PROPOSED WIRELESS FACILITY FROM PUBLIC RIGHTS-OF-WAY ADJACENT TO THE SITE. SUCH PHOTOSIMULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUPERIMPOSED REPRESENTATIONS OF THE PROPOSED BASE STATION AND TOWER TO SHOW WHAT WILL BE SEEN FROM RIGHTS-OF WAY ADJACENT TO THE SITE;
- (6) ELEVATIONS WILL SHOW THE FOLLOWING:
- a. DIMENSIONS OF ALL EQUIPMENT AND POLES SPECIFIED FOR ALL THREE DIMENSIONS: HEIGHT, WIDTH AND DEPTH; AND
 - b. MATERIALS OF THE BASE STATION AND SECURITY BARRIER, IF ANY, SPECIFIED BY GENERIC TYPE AND SPECIFIC TREATMENT, SUCH AS BRICK, MASONRY WITH STUCCO FINISH, ANODIZED ALUMINUM, STAINED WOOD, ETC.
- (7) COLLOCATION SUBMITTALS, INCLUDING SIGNED STATEMENTS INDICATING:
- a. THE APPLICANT AGREES TO ALLOW FOR THE POTENTIAL COLLOCATION OF ADDITIONAL WIRELESS FACILITIES BY OTHER WIRELESS SERVICES AND CARRIERS ON THE APPLICANT'S STRUCTURE OR FACILITY OR WITHIN THE SAME SITE; AND THAT THE APPLICANT HAS MADE A GOOD FAITH EFFORT TO ACHIEVE COLLOCATION WITH OTHER CARRIERS AND FACILITIES AS REQUIRED IN THIS SECTION, AND IF COLLOCATION IS NOT FEASIBLE FOR THIS APPLICATION FOR A SUBSTANTIAL TECHNICAL OR OTHER REASON(S), A WRITTEN STATEMENT OF THE REASONS FOR THE INFEASIBILITY.

(8) AN EXECUTED LEASE AGREEMENT WITH THE OWNER OR LANDHOLDER THAT:

- a. ALLOWS THE LANDHOLDER TO ENTER INTO LEASES WITH OTHER PROVIDERS;
- b. SPECIFIES THAT IF THE CARRIER FAILS TO REMOVE THE BASE STATION AND TOWER WHEN REQUIRED BY THIS CHAPTER, THE RESPONSIBILITY FOR REMOVAL FALLS UPON THE LANDHOLDER; AND
- c. ALLOWS ENTRY BY THE CITY AND ITS AGENT FOR THE PURPOSE OF INSPECTION AND COMPLIANCE WITH CITY CODES.

(c) REVIEW:

- (1) NEW MONOPOLE APPLICATIONS WILL BE PROCESSED AS A TYPE II SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.
- (2) COLLOCATIONS, MAJOR MODIFICATIONS, AND MONOPOLES ON CITY PROPERTY WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.
- (3) MINOR MODIFICATIONS WILL BE PROCESSED AS A BUILDING PERMIT.

(d) DESIGN STANDARDS:

- (1) ALL WIRELESS FACILITIES WILL BE DESIGNED TO BLEND INTO THE ARCHITECTURE AND LANDSCAPE OF THE AREA IN WHICH IT IS PLACED;
- (2) ALL WIRELESS FACILITY ANTENNAE, MOUNTING HARDWARE, AND CABLING SHALL BE COVERED OR PAINTED TO MATCH THE COLOR, MONOPOLE ON WHICH IT IS MOUNTED;
- (3) SETBACKS. THE SETBACK OF ALL WIRELESS FACILITIES MONOPOLES SHALL MEET THE YARD DEVELOPMENT STANDARDS AND SETBACK REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS OTHERWISE PERMITTED HEREIN. THE SETBACK SHALL BE

MEASURED FROM THE LOT LINE TO THE WIRELESS FACILITY TOWER. ADDITIONALLY, ALL TOWERS SHALL BE SET BACK FROM ANY RESIDENTIAL LOT LINES A DISTANCE EQUAL TO TWICE THE HEIGHT OF THE TOWER AND FROM ANY NONRESIDENTIALLY LOT LINE A DISTANCE EQUAL TO THE HEIGHT OF THE WIRELESS FACILITY STRUCTURE; AND

(4) WIRELESS FACILITY IDENTIFICATION. EACH WIRELESS FACILITY SHALL BE IDENTIFIED BY A PERMANENTLY INSTALLED PLAQUE OR MARKER ON THE DOOR OF THE BASE STATION, NO LARGER THAN FOUR (4) INCHES BY SIX (6) INCHES, CLEARLY IDENTIFYING THE WIRELESS SERVICE PROVIDER'S NAME, ADDRESS, E-MAIL CONTACT, AND EMERGENCY PHONE NUMBER. THE PLAQUE OR MARKER REQUIRED BY THIS SECTION SHALL BE REVISED WITHIN 30 DAYS OF ANY CHANGE IN THE REQUIRED INFORMATION/CONTENT.

(5) MONOPALM:

- a. WILL CONTAIN A MINIMUM OF 55 PALM FRONDS THAT DISGUISE THE LENGTH OF THE ANTENNA;
- b. THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED;
- c. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK THAT BEGINS AT THE BASE OF THE POLE STRUCTURE AND CONTINUES TO THE HEIGHT OF THE FIRST PALM FROND ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE PALM FRONDS;
- d. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT;
- e. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE;

- f. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A MONOPALM WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;
- g. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH MONOPALM. MICROWAVE DISHES WILL BE LIMITED TO ONE (1) SQUARE FOOT IN SIZE AND WILL BE CONCEALED WITHIN THE MONOPALM, TRIMMED LEAF CLUSTER, OR PALM FRONDS;
- h. THE TRIMMED LEAF CLUSTER WILL BE MOUNTED DIRECTLY BELOW THE PALM FRONDS AND WILL BE PAINTED TO BLEND WITH THE POLE STRUCTURE; AND
- i. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

(6) MONOCACTUS.

- a. THE MONOCACTUS STRUCTURE WILL BE CLAD WITH A FAUX FINISH THAT RESEMBLES A SAGUARO CACTUS FROM THE BASE OF THE STRUCTURE AND CONTINUE TO THE TOP OF THE STRUCTURE;
- b. THE DIAMETER OF THE MONOCACTUS STRUCTURE WILL NOT EXCEED 34 INCHES AT ITS WIDEST POINT AND WILL HAVE A NATURAL APPEARING TAPER FROM THE BOTTOM TO THE TOP;
- c. THE HEIGHT OF THE MONOCACTUS STRUCTURE WILL NOT EXCEED 30 FEET IN HEIGHT;
- d. ALL ANTENNA AND CABLES WILL BE CONCEALED WITHIN THE MONOCACTUS STRUCTURE; AND
- e. EXTERNAL MICROWAVE DISHES AND CLIMBING PEGS ARE PROHIBITED ON THE MONOCACTUS STRUCTURE.

(7) MONOPINE OR MONOBROADLEAF.

- a. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK. THE FAUX BARK WILL START AT THE BASE OF THE POLE STRUCTURE AND CONTINUE TO THE HEIGHT OF THE FIRST BRANCH ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE BRANCHES;
 - b. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES AT THE BASE AND WILL TAPER TO NO GREATER THAN 28 INCHES AT THE TOP OF THE POLE STRUCTURE;
 - c. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE;
 - d. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED THE POLE STRUCTURE WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;
1. BRANCHES:
 - i. WILL BE CONSTRUCTED TO A DENSITY OF NO LESS THAN TWO AND ONE-HALF (1 ½) BRANCHES FOR EACH ONE (1) VERTICAL FOOT OF POLE;
 - ii. WILL START NO LESS THAN 15 FEET ABOVE FINISHED GRADE AND CONTINUE TO THE TOP OF THE POLE STRUCTURE; AND
 - iii. WILL BE A MINIMUM OF EIGHT (8) FEET LONG AROUND THE CIRCUMFERENCE OF THE LOWER LEVEL AND WILL TAPER AS THE BRANCHES PROGRESS UPWARD, CONSISTENT WITH THE SPECIES OF TREE IMITATED BY THE STRUCTURE. THE BRANCHES WILL APPROXIMATE THE APPEARANCE OF A PARTICULAR DECIDUOUS TREE SPECIES GROWN IN THE VICINITY OF THE SITE AND THAT GROWS TO

APPROXIMATELY THE SAME HEIGHT OF THE MONOPINE OR MONOBROADLEAF.

- e. THE ENTIRE LENGTH OF ALL ANTENNAE AND THEIR ATTACHING APPARATUS WILL BE DISGUISED BY THE BRANCHES AND THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE POLE STRUCTURE TO WHICH IT IS ATTACHED;
- f. MICROWAVE DISHES WILL BE LIMITED TO ONE (1) SQUARE FOOT IN SIZE. DISHES AND ATTACHING APPARATUS WILL BE PAINTED TO BLEND WITH THE BRANCHES;
- g. NO MORE THAN FOUR (4) MICROWAVE DISHES ARE PERMITTED PER MONOPINE OR BROADLEAF TREE; AND
- h. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

(8) ALTERNATIVE MONOPOLE STRUCTURE:

- a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE AN ALTERNATIVE TOWER STRUCTURE.
- b. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNA ARRAYS INSTALLED INSIDE AN ALTERNATIVE TOWER STRUCTURE.
- c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.
- d. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.
- e. NO MORE THAN TWO (2) MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET IN SIZE EACH, WILL BE PERMITTED ON EACH ALTERNATIVE TOWER STRUCTURE.

- f. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE ALTERNATIVE TOWER STRUCTURE.
- (e) INDUSTRIAL ZONING DISTRICTS.
 - (1) THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND, IN ANY DIRECTION, MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.
 - a. THE DIAMETER OF THE MONOPOLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT;
 - b. ALL CABLES WILL BE CONCEALED WITHIN THE MONOPOLE STRUCTURE;
 - c. THE MAXIMUM HEIGHT OF THE MONOPOLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A MONOPOLE WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;
 - d. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH MONOPOLE. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE; AND
 - e. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.
- (f) ALL OTHER WIRELESS FACILITIES THAT DO NOT FALL UNDER ANY OF THE SUBSECTIONS REGARDING WIRELESS FACILITIES WILL FOLLOW THE TYPE III CONDITIONAL USE PERMIT PROCESS FOUND IN ARTICLE XII OF THIS CHAPTER. IN ADDITION TO COMPLYING WITH THE CUP CRITERIA, ANY APPLICATION UNDER THIS SUBSECTION WILL COMPLY WITH THE FOLLOWING CRITERIA:
 - a. AESTHETICS STANDARDS;
 - b. SETBACK AND HEIGHT RESTRICTIONS;

- c. SAFETY CONCERNS INCLUDING, BUT NOT LIMITED TO, FALL ZONES, AND BUFFERING;
- d. ENVIRONMENTAL;
- e. PROTECTIONS OF PROPERTY VALUES; AND
- f. TIMING: APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION WILL BE ACTED UPON WITHIN 150 DAYS OF SUBMITTAL OF A COMPLETE APPLICATION.

SEC. 122-112.3 ALTERNATIVE WIRELESS FACILITY LOCATIONS.

ALTERNATIVE WIRELESS FACILITIES INCLUDE LOCATIONS SUCH AS BUILDING/STRUCTURE MOUNTED, ROOF MOUNTED, RECREATIONAL LIGHT POLES, AND WATER TOWER/TANK FACILITIES. DESIGN OF THE MOUNTING STRUCTURES WILL CAMOUFLAGE OR CONCEAL THE PRESENCE OF A WIRELESS FACILITY.

- (a) TIMING: AN APPLICANT SEEKING A NEW ALTERNATIVE WIRELESS FACILITY INSTALLATION, MODIFICATIONS, COLLOCATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:
 - (1) NEW ALTERNATIVE WIRELESS FACILITY – MAXIMUM OF 150 DAYS
 - (2) MINOR ALTERNATIVE WIRELESS FACILITY MODIFICATION – MAXIMUM OF 75 DAYS
 - (3) COLLOCATIONS OR MAJOR MODIFICATION OF ALTERNATIVE WIRELESS FACILITY – MAXIMUM OF 90 DAYS.
 - (4) NEW ALTERNATIVE WIRELESS FACILITY ON CITY PROPERTY - MAXIMUM OF 90 DAYS
- (b) SUBMITTAL REQUIREMENTS:
 - (1) NARRATIVE DESCRIBING THE PROPOSED WIRELESS FACILITY SITE;

- (2) A SITE PLAN SHOWING THE SUBJECT PROPERTY AND ADJACENT PROPERTIES; ALL EXISTING AND PROPOSED BUILDINGS ON THE SUBJECT PROPERTY AND THEIR PURPOSE; THE SPECIFIC PLACEMENT OF THE BASE STATION AND CELL TOWER, INCLUDING TYPE AND EXTENT AND POINT OF ENTRY ON THE SITE; ALL PROPOSED CHANGES TO THE EXISTING SITE, INCLUDING GRADING, VEGETATION, ROADS, SIDEWALKS AND DRIVEWAYS SIGNED AND SEALED BY A PROFESSIONAL REGISTRANT FROM THE STATE OF ARIZONA INCLUDING EXPIRATION DATE;
- (3) A LANDSCAPE PLAN SHOWING SPECIFIC PLACEMENT OF EXISTING AND PROPOSED VEGETATION, TREES, SHRUBS, IDENTIFIED BY SPECIES AND SIZE OF SPECIMEN AT INSTALLATION IN ACCORDANCE WITH CITY LANDSCAPE GUIDELINES;
- (4) A GRADING AND DRAINAGE PLAN OF THE PROJECT SITE AS DETERMINED BY THE CITY MANAGER OR DESIGNEE.
- (5) EXISTING (BEFORE CONDITION) PHOTOGRAPHS AND PROPOSED (AFTER CONDITION) PHOTOSIMULATIONS OF THE PROPOSED WIRELESS FACILITY FROM PUBLIC RIGHTS-OF-WAY ADJACENT TO THE SITE. SUCH PHOTOSIMULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUPERIMPOSED REPRESENTATIONS OF THE PROPOSED BASE STATION AND TOWER TO SHOW WHAT WILL BE SEEN FROM RIGHTS-OF WAY ADJACENT TO THE SITE;
- (6) ELEVATIONS WILL SHOW THE FOLLOWING:
- c. DIMENSIONS OF ALL EQUIPMENT AND POLES SPECIFIED FOR ALL THREE DIMENSIONS: HEIGHT, WIDTH AND DEPTH; AND
 - d. MATERIALS OF THE BASE STATION AND SECURITY BARRIER, IF ANY, SPECIFIED BY GENERIC TYPE AND SPECIFIC TREATMENT, SUCH AS BRICK, MASONRY WITH STUCCO FINISH, ANODIZED ALUMINUM, STAINED WOOD, ETC.

(7) COLLOCATION SUBMITTALS, INCLUDING SIGNED STATEMENTS INDICATING:

- b. THE APPLICANT AGREES TO ALLOW FOR THE POTENTIAL COLLOCATION OF ADDITIONAL WIRELESS FACILITIES BY OTHER WIRELESS SERVICES AND CARRIERS ON THE APPLICANT'S STRUCTURE OR FACILITY OR WITHIN THE SAME SITE; AND
- c. THAT THE APPLICANT HAS MADE A GOOD FAITH EFFORT TO ACHIEVE COLLOCATION WITH OTHER CARRIERS AND FACILITIES AS REQUIRED IN THIS SECTION, AND IF COLLOCATION IS NOT FEASIBLE FOR THIS APPLICATION FOR A SUBSTANTIAL TECHNICAL OR OTHER REASON(S), A WRITTEN STATEMENT OF THE REASONS FOR THE INFEASIBILITY.

(8) AN EXECUTED LEASE AGREEMENT WITH THE OWNER OR LANDHOLDER THAT:

- a. ALLOWS THE LANDHOLDER TO ENTER INTO LEASES WITH OTHER PROVIDERS;
- b. SPECIFIES THAT IF THE CARRIER FAILS TO REMOVE THE BASE STATION AND TOWER WHEN REQUIRED BY THIS CHAPTER, THE RESPONSIBILITY FOR REMOVAL FALLS UPON THE LANDHOLDER; AND
- c. ALLOWS ENTRY BY THE CITY AND ITS AGENT FOR THE PURPOSE OF INSPECTION AND COMPLIANCE WITH CITY CODES;

(c) REVIEW:

- (1) NEW ALTERNATIVE WIRELESS FACILITIES, COLLOCATIONS, MAJOR MODIFICATIONS, AND ALTERNATIVE WIRELESS FACILITIES ON CITY PROPERTY WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.

(2) MINOR MODIFICATIONS OF AN ALTERNATIVE WIRELESS FACILITY
WILL BE PROCESSED AS A BUILDING PERMIT.

(d) DESIGN STANDARDS:

(1) BUILDING- OR STRUCTURE-MOUNTED FACILITIES:

- a. ANTENNAS WILL BE MOUNTED ON A BUILDING WALL OR SIDE OF A
STRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE. IF THE
APPLICANT DEMONSTRATES THAT IT IS NOT FEASIBLE TO MOUNT
THE ANTENNAS ON A BUILDING WALL OR SIDE OF A STRUCTURE,
THE ANTENNAS MAY BE MOUNTED ON THE ROOF OR TOP OF THE
STRUCTURE, PROVIDED THE FACILITY COMPLIES WITH ALL
OTHER APPLICABLE STANDARDS;
- b. A BUILDING- OR STRUCTURE-MOUNTED WIRELESS FACILITY
SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY
RESIDENTIAL USES;
- c. ANTENNAS MAY ENCROACH INTO A SIDE OR REAR SETBACK A
MAXIMUM OF TWO (2) FEET, BUT WILL NOT EXTEND OVER A
PROPERTY LINE; AND
- d. ANTENNAS MOUNTED ON A BUILDING WALL OR SIDE OF A
STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:
 1. ANTENNAS WILL BE MOUNTED FLUSH TO THE BUILDING WALL
OR SIDE OF A STRUCTURE TO THE MAXIMUM EXTENT
PRACTICABLE UNLESS TECHNICAL REASONS DICTATE
ANOTHER TYPE OF INSTALLATION AND WILL NOT EXTEND
ABOVE THE ROOF LINE OR PARAPET OF THE BUILDING OR TOP
OF THE STRUCTURE;
 2. SUPPORT STRUCTURES, ACCESSORY EQUIPMENT INCLUDING
EQUIPMENT CABINETS, AND ALL OTHER APPURTENANCES

SHALL BE FULLY SCREENED FROM VIEW AND NOT VISIBLE FROM THE GROUND; AND

3. ANTENNAS SHALL BE PAINTED A COLOR TO MATCH THE BUILDING OR STRUCTURE TO WHICH THEY ARE MOUNTED OR WILL BE CAMOUFLAGED AS PART OF THE BUILDING ARCHITECTURE IN A CITY-APPROVED BUILDING ELEVATION.

(2) ROOFTOP-MOUNTED FACILITIES:

- a. ROOFTOP-MOUNTED WIRELESS FACILITIES ARE NOT PERMITTED ON PORTIONS OF BUILDINGS WITH PITCHED ROOFS.

1. A ROOFTOP-MOUNTED WIRELESS FACILITY SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY RESIDENTIAL USES.

2. A WIRELESS FACILITY LOCATED ON A BUILDING ROOF OR TOP OF STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:

- i. ANTENNAS, SUPPORT STRUCTURES, ACCESSORY EQUIPMENT, AND ALL OTHER APPURTENANCES SHALL BE FULLY SCREENED FROM VIEW THROUGH THE USE OF ARCHITECTURALLY COMPATIBLE FEATURES, SCREENING MATERIALS AND COLORS THAT MATCH THE BUILDING OR STRUCTURE TO WHICH THE FACILITY IS MOUNTED.

- i. ANTENNAS SHALL NOT EXTEND ABOVE THE PARAPET OF THE ROOF OR THE STRUCTURE TO WHICH THEY ARE MOUNTED.

(3) RECREATION FIELD LIGHT POLES:

- a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET;

- b. THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.
- c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA IS TEN (10) FEET.
- d. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES.
- e. THE ADDITION OF A WIRELESS FACILITY TO A RECREATION FIELD LIGHT WILL NOT INCREASE THE HEIGHT OF THE LIGHT STRUCTURE BY MORE THAN TEN (10) FEET.
- f. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.
- g. NO MORE THAN TWO (2) EXTERNAL MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET EACH, ARE PERMITTED ON EACH RECREATION FIELD LIGHT POLE.
- h. ALL MICROWAVE DISHES, ANTENNAS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE RECREATION FIELD LIGHT POLE.

(4) WATER TOWERS/TANKS:

- a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE A FAUX WATER TOWER/TANK.
- b. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNAS INSTALLED INSIDE A FAUX WATER TOWER/TANK.
- c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.

- d. THE ADDITION OF A WIRELESS FACILITY WILL NOT INCREASE THE HEIGHT OF THE WATER TOWER/TANK STRUCTURE GREATER THAN TEN (10) FEET.
- e. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.
- f. NO MORE THAN TWO (2) MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET IN SIZE WILL BE PERMITTED ON EACH WATER TOWER OR WATER TANK.
- g. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE WATER TOWER OR WATER TANK.

SEC. 122-112.4 SMALL WIRELESS FACILITY (SWF).

SMALL WIRELESS FACILITIES PROVIDE INCREASED DATA DISTRIBUTION BY CREATING AN INCREASED NUMBER OF SMALLER WIRELESS FACILITIES.

(a) GENERAL REQUIRMENTS:

(1) SWFS IN ROW REQUIRE A MASTER LICENSE AGREEMENT.

(b) TIMING: AN APPLICANT SEEKING A NEW SWF INSTALLATION OR MODIFICATIONS TO AN EXISTING SWF, ATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:

(1) SWFS IN RIGHT-OF-WAY – MAXIMUM OF 75 DAYS.

(2) SWFS OUTSIDE RIGHT-OF-WAY – MAXIMUM OF 90 DAYS.

(c) SUBMITTAL REQUIREMENTS:

(1) SWS IN ROW:

- a. COMPLETED SWS ROW ENCROACHMENT FORM;
- b. COMPLETED BUILDING PERMIT;
- c. SITE PLAN;

- d. BEFORE AND AFTER ELEVATIONS OF THE FACILITY; AND
- e. ADDITIONAL INFORMATION MAY BE REQUIRED BY THE CITY MANAGER OR DESIGNEE TO DETERMINE COMPLIANCE WITH FEDERAL, STATE, AND CITY CODE.

(2) SWS OUTSIDE OF ROW:

- a. COMPLETED SWS FORM;
- b. SITE PLAN;
- c. BEFORE AND AFTER ELEVATIONS OF THE FACILITY; AND

- (3) ADDITIONAL INFORMATION MAY BE REQUIRED BY THE CITY MANAGER OR DESIGNEE TO DETERMINE COMPLIANCE WITH FEDERAL, STATE, AND CITY CODE.

(d) REVIEW:

- (1) REVIEW OF SWF INSTALLATIONS AND MODIFICATIONS WITHIN THE RIGHT-OF-WAY WILL BE PROCESSED AS A BUILDING PERMIT.
- (2) NEW SWFS LOCATED ON PROPERTY OTHER THAN RIGHTS-OF-WAY WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.

(e) DESIGN STANDARDS:

- (1) THE COMPONENTS OF A SWF WILL BE MOUNTED A MINIMUM OF 12 FEET ABOVE THE EXISTING GRADE OF THE WIRELESS SUPPORT STRUCTURE IT IS ATTACHED TO;
- (2) A REPLACEMENT OR NEW POLE IS ALLOWED A TEN (10) PERCENT HEIGHT INCREASE, NOT TO EXCEED 50 FEET TOTAL.
- (3) ALL CABLES WILL BE CONCEALED WITHIN THE PUBLIC UTILITY POLE OR A CABLE SHROUD.

ALL ANTENNA MOUNTING HARDWARE, CABLE SHROUDS, AND OTHER EQUIPMENT WILL BE PAINTED TO MATCH THE STRUCTURE ON WHICH IT IS MOUNTED.

SEC. 122-112.5 - CELLULAR ON WHEELS (COW).

(1) COWS ARE ALLOWED DURING:

- a. CONSTRUCTION OF A PERMANENT WIRELESS FACILITY NOT TO EXCEED DURATION OF ONE (1) YEAR
- b. MAINTENANCE OR REPLACEMENT OF EQUIPMENT.
 - 1. UTILIZATION OF A COW WILL BE INCLUDED WITH THE BUILDING PERMIT ASSOCIATED WITH THE WIRELESS FACILITY MAINTENANCE OR REPLACEMENT OF EQUIPMENT.
- c. SPECIAL EVENTS.
 - 1. UTILIZATION OF THE COW FOR A SPECIAL EVENT WILL REQUIRE A TEMPORARY USE PERMIT AS PER ARTICLE VII OF THIS CHAPTER. COW PLACEMENT WILL BE LIMITED FOR A DURATION NOT TO EXCEED 30 DAYS UNLESS APPROVED BY THE CITY MANAGER OR DESIGNEE.
- d. AN EMERGENCY OR DISASTER AS DETERMINED BY THE CITY MANAGER OR DESIGNEE.

(2) COWS WILL BE SET BACK FROM ALL RESIDENTIAL LOT LINES A MINIMUM DISTANCE EQUAL TO THE FULLY EXTENDED HEIGHT OF THE COW.

(3) PERMITTED POWER SOURCES:

- a. A GENERATOR OR OTHER UTILITY SOURCE WILL BE USED THAT EMITS AN AVERAGE NOISE LEVEL NOT TO EXCEED 60 DB.

MEASURED AT ANY PROPERTY LINE THAT IS ZONED OR USED FOR RESIDENTIAL PURPOSES.

- b. USE OF ON-SITE UTILITY SERVICES WILL REQUIRE A BUILDING PERMIT.

SEC. 122-112.6 - AMATEUR RADIO ANTENNAS.

AMATEUR RADIO ANTENNAS FOR NON-COMMERCIAL USE.

- (a) ANTENNAS PERMITTED. AMATEUR RADIO ANTENNAS ARE PERMITTED IN ALL ZONING DISTRICTS SUBJECT TO THE FOLLOWING STANDARDS:

- (1) ANTENNA STRUCTURES ARE ALLOWED UP TO THIRTY-FIVE (35) FEET IN HEIGHT;

- (2) ANTENNA STRUCTURES SHALL COMPLY WITH SETBACK STANDARDS FOR THE ZONING DISTRICT IN WHICH IT IS LOCATED;

- (3) ANTENNA STRUCTURES SHALL BE LOCATED IN THE REAR HALF OF THE LOT;

- (4) ANTENNAS, INCLUDING SUPPORT STRUCTURES, SHALL NOT EXTEND BEYOND THE PROPERTY LINE; AND

- (5) WHEN A FEDERALLY LICENSED RADIO AMATEUR NO LONGER OCCUPIES THE SUBJECT PROPERTY, THE ANTENNA STRUCTURE SHALL BE REMOVED.

- (6) AMATEUR RADIO ANTENNAS WITH A CONDITIONAL USE PERMIT - ALL AMATEUR RADIO ANTENNAS THAT EXCEED THIRTY-FIVE (35) FEET IN HEIGHT SHALL REQUIRE APPROVAL OF A CONDITIONAL USE PERMIT. SUCH ANTENNAS SHALL BE OF TELESCOPING DESIGN AND LOWERED TO A HEIGHT OF NO MORE THAN THIRTY-FIVE (35) FEET WHEN NOT IN USE. IN NO EVENT SHALL AN AMATEUR RADIO ANTENNA EXCEED THE HEIGHT OF SEVENTY-FIVE (75) FEET.

Zoning Text Amendment

FS17-483

Update From:

Section 122-112 - Wireless Telecommunications Facilities

(WTF)

To:

Section 122-112. – Definitions

Section 122-112.1 - Wireless Facilities

Section 122.112.2 – Monopoles

Section 122.112.3 – Alternative Wireless Facility Locations

Section 122-112.4 - Small Wireless Facilities (SWF)

Section 122-122.5 – Cellular on Wheels (COW)

Section 122-122.6 – Amateur Radio Antennae

November 27, 2017 Draft

Sec. 122-112. - Definitions.

Definitions. The following definitions will apply in the interpretation and enforcement of this section, unless the context clearly requires otherwise. Any term or phrase not defined herein will be defined by the city manager or designee. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The words "will" and "shall" ARE mandatory and not merely directory and the word "may" is discretionary. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law, regulation or rule referred to herein be renumbered or amended, then the reference will be read to refer to the renumbered or amended provision.

- (a) *Alternative tower structure.* An innovative wireless tower design such as a clock tower, grain silo, bell tower, false chimney, steeple, light pole, flag pole, windmill, and similar design mounting structures that camouflage or conceal the presence of wireless antennas or towers. Alternative tower structures may also include utilization of a traffic signal streetlight pole or similar structure, or freestanding structure within a public right-of-way as approved by the CITY MANAGER OR DESIGNEE on a case-by-case basis.
- (b) AMATEUR RADIO ANTENNAE. A FREESTANDING OR BUILDING-MOUNTED STRUCTURE, INCLUDING ANY BASE, TOWER, POLE, ANTENNA, AND APPURTANCES, INTENDED FOR AIRWAY TELECOMMUNICATIONS PURPOSES BY A PERSON HOLDING A VALID AMATEUR RADIO (HAM) LICENSE ISSUED BY THE FEDERAL TELECOMMUNICATIONS COMMISSION (FCC).
- (c) ANTENNA. COMMUNICATIONS EQUIPMENT THAT TRANSMITS OR RECEIVES ELECTROMAGNETIC RADIO FREQUENCY SIGNALS AND THAT IS USED IN PROVIDING WIRELESS SERVICES.
- (d) *Authorized person.* The person(S), employees, agents, consultants, and contractors, authorized in writing by applicant to complete and submit a

WIRELESS FACILITY application on behalf of applicant and who is authorized to receive any notices on behalf of applicant of any action taken by the city regarding the WIRELESS FACILITY application.

- (e) *Backhaul*. The connection from a WIRELESS FACILITY base station to the core network of the Internet.
- (f) *Base station*. The structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower OR MONOPOLE as defined in this chapter or any equipment associated with a tower OR MONOPOLE:
 - a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services.
 - b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).
 - c. The term includes any structure other than a tower OR MONOPOLE that, at the time the relevant WIRELESS FACILITY application is filed with the city under this chapter, supports or houses equipment, and that has been reviewed and approved under the applicable zoning or siting process, or under another state, county or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
 - d. The term does not include any structure that, at the time the relevant WIRELESS FACILITY application is filed with the city under this chapter, does not support or house equipment described in SUBSECTIONS a. and/or b. above.

- (g) *Cell on wheels (COW)*. A mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment on a truck or a trailer, designed to be part of a cellular network and temporary in nature.
- (h) COLLOCATE OR Collocation. TO INSTALL, MOUNT, MAINTAIN, MODIFY, OPERATE, OR REPLACE WIRELESS FACILITIES ON, WITHIN, OR ADJACENT TO A WIRELESS SUPPORT STRUCTURE OR UTILITY POLE.
- (i) COLLOCATION, MINOR. A COLOCATION OF A WIRELESS FACILITY WHERE THE PROPOSED WIRELESS FACILITY EQUIPMENT DOES NOT EXCEED TEN (10) FEET ABOVE THE SUPPORTING STRUCTURE AND DOES NOT EXCEED 50 FEET ABOVE GROUND LEVEL.
- (j) COLLOCATION, MAJOR. A COLOCATION OF A WIRELESS FACILITY WHERE THE PROPOSED WIRELESS FACILITY EQUIPMENT EXCEEDS TEN (10) FEET ABOVE THE SUPPORTING STRUCTURE AND/OR EXCEEDS 50 FEET ABOVE GROUND LEVEL.
- (k) *Conceal or concealment.* WIRELESS FACILITIES designed OR DISGUISED to look like SOMETHING other than a wireless FACILITY or base station.
- (l) *Deemed approved.* A WIRELESS FACILITY modification OR BUILDING PERMIT application that has been deemed approved upon the city's failure to act, and has become effective, as provided pursuant the FCC, THE STATE OF ARIZONA, and this chapter.
- (m) *Existing.* For purposes of this chapter and as applied to WIRELESS FACILITIES that HAVE been reviewed and approved under the applicable zoning or siting process, provided that, a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
- (n) *FCC.* The Federal Communications Commission or its successor.
- (o) MICROCELL. A DEVICE THAT IS CONNECTED TO AERIAL FACILITIES AND USED SOLELY FOR TRANSMITTING, PROCESSING AND RECEIVING VOICE

AND DATA WIRELESS TELECOMMUNICATIONS SERVICES, WITHOUT ANY ASSOCIATED GROUND MOUNTED EQUIPMENT. THE DEVICE IS OFTEN REFERRED TO AS AN ASME (AERIAL STRAND MOUNTED EQUIPMENT).

- (p) *Monopole*. A WIRELESS SUPPORT structure composed of a single spire used to support COMMUNICATIONS equipment AND having no guy wires or ground anchors. A MONOPOLE SHALL NOT BE GREATER THAN FORTY (40) INCHES IN DIAMETER AT GROUND LEVEL AND HAVE ALL OF THE WIRELESS FACILITIES MOUNTED ON THE POLE AND WIRING CONTAINED INSIDE OF THE POLE. INCLUDES MONOPALMS, MONOCACTUS, MONOPINES, AND MONOBROADLEAF WIRELESS TOWERS.
- (q) PUBLIC RIGHT-OF-WAY (ROW). AN AREA DEDICATED TO PUBLIC USE FOR MULTIMODAL MOVEMENT, AND MAY INCLUDE PUBLIC AND PRIVATE UTILITIES.
- (r) *Rooftop-mounted* WIRELESS FACILITY. A wireless facility with the antennas located on the roof of a building or on top of a structure and consisting of antennas, support structures and accessory equipment WHICH ARE adequately screened so as not to appear as stand-alone devices above the top of the roof line.
- (s) *Site*. For WIRELESS FACILITIES other than WIRELESS FACILITIES in the public right-of-way, will mean, and refer to, the current boundaries of the property surrounding the WIRELESS FACILITY and any access or utility easements currently related to the site, and, for other WIRELESS support structures, will mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- (t) SITE PLAN. A REQUIRED PLAN, TO SCALE, OF A PROJECT AREA SHOWING USES AND STRUCTURES BOTH EXISTING AND PROPOSED.
- (u) *Small* WIRELESS facility (SWF). A wireless facility that MEETS BOTH OF THE FOLLOWING QUALIFICATIONS:

a. All antennas are located inside an antenna enclosure of no more than SIX (6) cubic feet in volume or, in the case of antenna's that have exposed elements, the antennas and all of its exposed elements could fit within an imaginary enclosure of no more than SIX (6) cubic feet; and

b. ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE FACILITY IS CUMULATIVELY NOT MORE THAN TWENTY-EIGHT (28) CUBIC FEET IN VOLUME OR FIFTY (50) CUBIC FEET IN VOLUME IF THE EQUIPMENT WAS GROUND MOUNTED BEFORE THE EFFECTIVE DATE OF THIS SECTION. THE FOLLOWING TYPES OF ASSOCIATED ANCILLARY EQUIPMENT ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT VOLUME PURSUANT TO THIS SUBDIVISION:

1. AN ELECTRIC METER.
2. CONCEALMENT ELEMENTS.
3. A TELECOMMUNICATIONS DEMARCATION BOX.
4. GROUNDING EQUIPMENT.
5. A POWER TRANSFER SWITCH.
6. A CUTOFF SWITCH.
7. VERTICAL CABLE RUNS FOR THE CONNECTION OF POWER AND OTHER SERVICES.

(v) *Small cell network.* A collection of interrelated small cell facilities designed to deliver personal wireless services.

(w) *Structure-mounted wireless facility.* A wireless facility with the antennas located on the wall or roof of a building or on the side or top of a structure, including co-locating on an existing freestanding wireless facility and consisting of antennas, support structures and accessory equipment.

(x) *Transmission equipment.* Equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular

and back-up power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(y) *Tower.* Any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(z) *Wireless facility.*

- a. EQUIPMENT AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK, INCLUDING BOTH OF THE FOLLOWING:
 - 1. EQUIPMENT ASSOCIATED WITH WIRELESS COMMUNICATIONS.
 - 2. RADIO TRANSCEIVERS, ANTENNAS, COAXIAL OR FIBER-OPTIC CABLES, REGULAR AND BACKUP POWER SUPPLIES AND COMPARABLE EQUIPMENT, REGARDLESS OF TECHNOLOGICAL CONFIGURATION.
- b. INCLUDES SMALL WIRELESS FACILITIES.
- c. DOES NOT INCLUDE THE STRUCTURE OR IMPROVEMENTS ON, UNDER, OR WITHIN WHICH THE EQUIPMENT IS COLLOCATED, WIRELINE BACKHAUL FACILITIES, COAXIAL OR FIBER-OPTIC CABLE THAT IS BETWEEN WIRELESS SUPPORT STRUCTURES OR UTILITY POLES OR COAXIAL OR FIBER-OPTIC CABLE THAT IS OTHERWISE NOT IMMEDIATELY ADJACENT TO, OR DIRECTLY ASSOCIATED WITH, AN ANTENNA.

- d. DOES NOT INCLUDE WI-FI RADIO EQUIPMENT DESCRIBED IN ARS REVISED STATUTES, SECTION 9-506, SUBSECTION I OR MICROCELL EQUIPMENT DESCRIBED IN ARS REVISED STATUTES, SECTION 9-584, SUBSECTION E.
- (aa) WIRELESS FACILITY MONOPOLE MODIFICATION, MINOR. A MODIFICATION OF AN EXISTING WIRELESS FACILITY MONOPOLE WHERE THE PROPOSED MONOPOLE AND BASE STATION DOES NOT EXCEED THE GREATER OF EITHER:
- a. AN INCREASE IN HEIGHT OF THE MONOPOLE LESS THAN TEN (10) FEET; OR
- b. AN INCREASE OF BASE STATION AREA LESS THAN TEN (10) PERCENT OF THE EXISTING FACILITY.
- (bb) WIRELESS FACILITY MONOPOLE MODIFICATION, MAJOR. A MODIFICATION OF AN EXISTING WIRELESS FACILITY MONOPOLE WHERE THE PROPOSED MONOPOLE AND BASE STATION EXCEEDS THE GREATER OF EITHER:
- a. AN INCREASE IN HEIGHT OF THE TOWER GREATER THAN TEN (10) FEET; OR
- b. AN INCREASE OF BASE STATION AREA GREATER THAN TEN (10) PERCENT OF THE EXISTING FACILITY.
- (cc) WIRELESS SUPPORT STRUCTURE.
- a. MEANS:
1. A FREESTANDING STRUCTURE, SUCH AS A MONOPOLE.
 2. A TOWER, EITHER GUYES OR SELF-SUPPORTING.
 3. A SIGN OR BILLBOARD.

4. ANY OTHER EXISTING OR PROPOSED STRUCTURE DESIGNED TO SUPPORT, OR CAPABLE OF SUPPORTING, SMALL WIRELESS FACILITIES (SWS).
- b. DOES NOT INCLUDE A UTILITY POLE.

DRAFT

Sec. 122-112.1 - Wireless facilities.

The purpose of the wireless facility regulations is to encourage and promote wireless communications coverage for all areas of the city while minimizing the visual, environmental, and neighborhood impacts. WIRELESS FACILITIES are allowed in all zoning districts, but the preferred WIRELESS FACILITY locations include locations having the least amount of visual and neighborhood impact. The wireless communications service providers will adhere to all applicable federal, STATE, AND LOCAL regulations.

(a) CUMULATIVE Classifications and application process MATRIX.

<u>SECTION</u>	<u>REQUEST</u>	<u>PROCESS TYPE</u>	<u>MAXIMUM REVIEW TIME (DAYS)</u>
<u>122-112.2</u>	<u>NEW MONOPOLE</u>	<u>2</u>	<u>150</u>
	<u>MONOPOLE COLLOCATION</u>	<u>1</u>	<u>90</u>
	<u>MINOR MONOPOLE MODIFICATION</u>	<u>BUILDING PERMIT</u>	<u>75</u>
	<u>MAJOR MONOPOLE MODIFICATION</u>	<u>1</u>	<u>90</u>
	<u>MONOPOLE ON CITY PROPERTY</u>	<u>1</u>	<u>90</u>
<u>122-112.3</u>	<u>ALTERNATIVE FACILITY LOCATION</u>	<u>1</u>	<u>150</u>
	<u>ALTERNATIVE FACILITY LOCATION COLLOCATION</u>	<u>1</u>	<u>90</u>

	<u>MINOR ALTERNATIVE FACILITY LOCATION MODIFICATION</u>	<u>BUILDING PERMIT</u>	<u>75</u>
	<u>MAJOR ALTERNATIVE FACILITY LOCATION MODIFICATION</u>	<u>1</u>	<u>90</u>
	<u>ALTERNATIVE FACILITY LOCATION ON CITY PROPERTY</u>	<u>1</u>	<u>90</u>
<u>122-112.4</u>	<u>SWF IN RIGHT-OF-WAY</u>	<u>ROW ENCROACHMENT PERMIT</u>	<u>75</u>
	<u>SWF OUTSIDE OF RIGHT-OF-WAY</u>	<u>1</u>	<u>90</u>
<u>122-112.2</u>	<u>WIRELESS FACILITIES OTHER THAN DEFINED HEREIN</u>	<u>3</u>	<u>150</u>
<u>122-112.5</u>	<u>CELL ON WHEELS (COW)</u>	<u>1</u>	<u>90</u>
<u>122-112.5</u>	<u>AMATEUR RADIO ANTENNAE</u>	<u>BUILDING PERMIT</u>	<u>75</u>
	<u>AMATEUR RADIO ANTENNAE GREATER THAN 35 FEET</u>	<u>3</u>	<u>150</u>

(b) ALL CHANGES WILL BE MEASURED CUMULATIVELY TO PRESERVE THE LIMITS ESTABLISHED BY FEDERAL, STATE, AND LOCAL LAW.

(c) ALL WIRELESS FACILITIES WILL IDENTIFY A SINGLE PARKING SPACE FOR THE FACILITY. IF THE LOCATION IS ON A SEPARATE PARCEL, OWNER AUTHORIZATION WILL BE REQUIRED.

(d) BASE STATIONS:

(1) BASE STATIONS AND ALL GROUND MOUNTED EQUIPMENT WITH INTEGRATED AIR CONDITIONING WILL BE ENCLOSED BY A SOLID DECORATIVE WALL WITH A HEIGHT EQUAL TO OR EXCEEDING THE HEIGHT OF THE BASE STATION.

(2) UNLESS ALLOWED BY FEDERAL, STATE, OR LOCAL LAW, NO ADVERTISEMENTS OR IDENTIFYING LOGOS WILL BE PLACED ON ANY STRUCTURE IN THE ROW.

(3) LOCATED OUTSIDE THE ROW:

a. WILL COMPLY WITH THE HEIGHT AND YARD DEVELOPMENT STANDARDS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS PROVIDED HEREIN;

b. WILL BE LOCATED UNDERGROUND, INSIDE BUILDINGS, OR BEHIND SCREEN WALLS;

c. ENCLOSURES FOR BASE STATIONS, OTHER THAN THOSE FOR SWFS, WILL BE CONSTRUCTED WITH DECORATIVE CMU BLOCK AND UTILIZE AN OPAQUE DOOR.

d. SWF BASE STATIONS WILL BE LOCATED UNDERGROUND, BEHIND REMOVABLE SCREENING, OR PAINTED OR WRAPPED TO PROVIDE AN ARTISTIC RENDERING. ANY IMAGE WILL BE APPROVED BY STAFF DURING DESIGN REVIEW.

- e. AN ENCLOSED BASE STATION WILL OCCUPY NO MORE THAN 600 SQUARE FEET.

(4) LOCATED IN THE ROW:

- a. ARE EXEMPT FROM YARD DEVELOPMENT STANDARDS, BUT WILL BE LOCATED AS FAR AWAY FROM THE STREET AS POSSIBLE.
- b. WILL BE LOCATED UNDERGROUND, BEHIND REMOVABLE SCREENING, OR PAINTED OR WRAPPED TO PROVIDE AN ARTISTIC RENDERING. ANY IMAGE WILL BE APPROVED BY STAFF DURING DESIGN REVIEW.
- c. ENCLOSURES ARE LIMITED TO SIX (6) CUBIC FEET.
- d. WILL BE LOCATED OUTSIDE THE SIGHT VISIBILITY TRIANGLE.

- (e) WHEN INSTALLING THE WIRELESS FACILITY, INSTALLATION WILL MINIMIZE THE REMOVAL OF EXISTING MATURE VEGETATION AT THE SITE OR SUCH VEGETATION WILL BE REPLACED. ANY CHANGE IN SITE LANDSCAPE MUST BE CONSISTENT WITH A CITY APPROVED LANDSCAPE PLAN AS REQUIRED BY THIS CHAPTER.

(f) APPEALS:

- (1) THE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE MAY BE APPEALED TO THE PLANNING AND ZONING COMMISSION, WHOSE DECISION WILL BE FINAL. THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE SHALL USE THE SAME CRITERIA USED TO REVIEW THE ORIGINAL APPLICATION.
- (2) THE DECISION OF THE PLANNING AND ZONING COMMISSION MAY BE APPEALED TO THE MAYOR AND CITY COUNCIL, WHOSE DECISION WILL BE FINAL. THE THE PLANNING AND ZONING COMMISSION SHALL USE THE SAME CRITERIA USED TO REVIEW THE ORIGINAL APPLICATION.

(g) DISCONTINUATION OF USE.

(1) IN THE EVENT THE USE OF ANY WIRELESS FACILITY HAS BEEN DISCONTINUED FOR A PERIOD OF 90 CONSECUTIVE DAYS, THE WIRELESS FACILITY WILL BE DEEMED TO BE ABANDONED. UPON SUCH ABANDONMENT, THE OWNER AND/OR OPERATOR OF THE TOWER AND/OR PROPERTY OWNER WILL HAVE AN ADDITIONAL 90 DAYS TO:

- a. REACTIVATE THE USE OF THE WIRELESS FACILITY OR TRANSFER THE WIRELESS FACILITY TO ANOTHER OWNER/OPERATOR WHO MAKES ACTIVE USE OF THE WIRELESS FACILITY; OR
- b. DISMANTLE AND REMOVE THE WIRELESS FACILITY. UPON REMOVAL OF THE WIRELESS SERVICE FACILITY, THE SITE WILL BE RETURNED TO ITS BUILT OR NATURAL STATE AND TOPOGRAPHY AND VEGETATED CONSISTENT WITH THE NATURAL SURROUNDINGS.

SEC. 122-112.2 MONOPOLES.

MONOPOLE INSTALLATIONS, MODIFICATIONS, COLLOCATIONS.

(a) TIMING: AN APPLICANT SEEKING A NEW MONOPOLE INSTALLATIONS, MODIFICATIONS, COLLOCATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:

(1) NEW MONOPOLE – MAXIMUM OF 150 DAYS.

(2) COLLOCATIONS OR MAJOR MODIFICATION – MAXIMUM OF 90 DAYS.

(3) MINOR MODIFICATION – MAXIMUM OF 75 DAYS.

(4) MAJOR MONOPOLE MODIFICATION – MAXIMUM OF 90 DAYS.

(5) NEW MONOPOLE ON CITY PROPERTY - MAXIMUM OF 90 DAYS.

(b) SUBMITTAL REQUIREMENTS:

(1) NARRATIVE DESCRIBING THE PROPOSED WIRELESS FACILITY SITE;

(2) A SITE PLAN SHOWING THE SUBJECT PROPERTY AND ADJACENT PROPERTIES; ALL EXISTING AND PROPOSED BUILDINGS ON THE SUBJECT PROPERTY AND THEIR PURPOSE; THE SPECIFIC PLACEMENT OF THE BASE STATION AND CELL TOWER, INCLUDING TYPE AND EXTENT AND POINT OF ENTRY ON THE SITE; ALL PROPOSED CHANGES TO THE EXISTING SITE, INCLUDING GRADING, VEGETATION, ROADS, SIDEWALKS AND DRIVEWAYS SIGNED AND SEALED BY A PROFESSIONAL REGISTRANT FROM THE STATE OF ARIZONA INCLUDING EXPIRATION DATE;

(3) A LANDSCAPE PLAN SHOWING SPECIFIC PLACEMENT OF EXISTING AND PROPOSED VEGETATION, TREES, SHRUBS, IDENTIFIED BY SPECIES AND SIZE OF SPECIMEN AT INSTALLATION IN ACCORDANCE WITH CITY LANDSCAPE GUIDELINES;

- (4) A GRADING AND DRAINAGE PLAN OF THE PROJECT SITE AS DETERMINED BY THE CITY MANAGER OR DESIGNEE.
- (5) EXISTING (BEFORE CONDITION) PHOTOGRAPHS AND PROPOSED (AFTER CONDITION) PHOTOSIMULATIONS OF THE PROPOSED WIRELESS FACILITY FROM PUBLIC RIGHTS-OF-WAY ADJACENT TO THE SITE. SUCH PHOTOSIMULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUPERIMPOSED REPRESENTATIONS OF THE PROPOSED BASE STATION AND TOWER TO SHOW WHAT WILL BE SEEN FROM RIGHTS-OF WAY ADJACENT TO THE SITE;
- (6) ELEVATIONS WILL SHOW THE FOLLOWING:
- a. DIMENSIONS OF ALL EQUIPMENT AND POLES SPECIFIED FOR ALL THREE DIMENSIONS: HEIGHT, WIDTH AND DEPTH; AND
 - b. MATERIALS OF THE BASE STATION AND SECURITY BARRIER, IF ANY, SPECIFIED BY GENERIC TYPE AND SPECIFIC TREATMENT, SUCH AS BRICK, MASONRY WITH STUCCO FINISH, ANODIZED ALUMINUM, STAINED WOOD, ETC.
- (7) COLLOCATION SUBMITTALS, INCLUDING SIGNED STATEMENTS INDICATING:
- a. THE APPLICANT AGREES TO ALLOW FOR THE POTENTIAL COLLOCATION OF ADDITIONAL WIRELESS FACILITIES BY OTHER WIRELESS SERVICES AND CARRIERS ON THE APPLICANT'S STRUCTURE OR FACILITY OR WITHIN THE SAME SITE; AND THAT THE APPLICANT HAS MADE A GOOD FAITH EFFORT TO ACHIEVE COLLOCATION WITH OTHER CARRIERS AND FACILITIES AS REQUIRED IN THIS SECTION, AND IF COLLOCATION IS NOT FEASIBLE FOR THIS APPLICATION FOR A SUBSTANTIAL TECHNICAL OR OTHER REASON(S), A WRITTEN STATEMENT OF THE REASONS FOR THE INFEASIBILITY.

(8) AN EXECUTED LEASE AGREEMENT WITH THE OWNER OR LANDHOLDER THAT:

- a. ALLOWS THE LANDHOLDER TO ENTER INTO LEASES WITH OTHER PROVIDERS;
- b. SPECIFIES THAT IF THE CARRIER FAILS TO REMOVE THE BASE STATION AND TOWER WHEN REQUIRED BY THIS CHAPTER, THE RESPONSIBILITY FOR REMOVAL FALLS UPON THE LANDHOLDER; AND
- c. ALLOWS ENTRY BY THE CITY AND ITS AGENT FOR THE PURPOSE OF INSPECTION AND COMPLIANCE WITH CITY CODES.

(c) REVIEW:

- (1) NEW MONOPOLE APPLICATIONS WILL BE PROCESSED AS A TYPE II SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.
- (2) COLLOCATIONS, MAJOR MODIFICATIONS, AND MONOPOLES ON CITY PROPERTY WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.
- (3) MINOR MODIFICATIONS WILL BE PROCESSED AS A BUILDING PERMIT.

(d) DESIGN STANDARDS:

- (1) ALL WIRELESS FACILITIES WILL BE DESIGNED TO BLEND INTO THE ARCHITECTURE AND LANDSCAPE OF THE AREA IN WHICH IT IS PLACED;
- (2) ALL WIRELESS FACILITY ANTENNAE, MOUNTING HARDWARE, AND CABLING SHALL BE COVERED OR PAINTED TO MATCH THE COLOR, MONOPOLE ON WHICH IT IS MOUNTED;
- (3) SETBACKS. THE SETBACK OF ALL WIRELESS FACILITIES MONOPOLES SHALL MEET THE YARD DEVELOPMENT STANDARDS AND SETBACK REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT, EXCEPT AS OTHERWISE PERMITTED HEREIN. THE SETBACK SHALL BE

MEASURED FROM THE LOT LINE TO THE WIRELESS FACILITY TOWER. ADDITIONALLY, ALL TOWERS SHALL BE SET BACK FROM ANY RESIDENTIAL LOT LINES A DISTANCE EQUAL TO TWICE THE HEIGHT OF THE TOWER AND FROM ANY NONRESIDENTIALLY LOT LINE A DISTANCE EQUAL TO THE HEIGHT OF THE WIRELESS FACILITY STRUCTURE; AND

(4) WIRELESS FACILITY IDENTIFICATION. EACH WIRELESS FACILITY SHALL BE IDENTIFIED BY A PERMANENTLY INSTALLED PLAQUE OR MARKER ON THE DOOR OF THE BASE STATION, NO LARGER THAN FOUR (4) INCHES BY SIX (6) INCHES, CLEARLY IDENTIFYING THE WIRELESS SERVICE PROVIDER'S NAME, ADDRESS, E-MAIL CONTACT, AND EMERGENCY PHONE NUMBER. THE PLAQUE OR MARKER REQUIRED BY THIS SECTION SHALL BE REVISED WITHIN 30 DAYS OF ANY CHANGE IN THE REQUIRED INFORMATION/CONTENT.

(5) MONOPALM:

- a. WILL CONTAIN A MINIMUM OF 55 PALM FRONDS THAT DISGUISE THE LENGTH OF THE ANTENNA;
- b. THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED;
- c. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK THAT BEGINS AT THE BASE OF THE POLE STRUCTURE AND CONTINUES TO THE HEIGHT OF THE FIRST PALM FROND ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE PALM FRONDS;
- d. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT;
- e. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE;

- f. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A MONOPALM WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;
- g. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH MONOPALM. MICROWAVE DISHES WILL BE LIMITED TO ONE (1) SQUARE FOOT IN SIZE AND WILL BE CONCEALED WITHIN THE MONOPALM, TRIMMED LEAF CLUSTER, OR PALM FRONDS;
- h. THE TRIMMED LEAF CLUSTER WILL BE MOUNTED DIRECTLY BELOW THE PALM FRONDS AND WILL BE PAINTED TO BLEND WITH THE POLE STRUCTURE; AND
- i. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

(6) MONOCACTUS.

- a. THE MONOCACTUS STRUCTURE WILL BE CLAD WITH A FAUX FINISH THAT RESEMBLES A SAGUARO CACTUS FROM THE BASE OF THE STRUCTURE AND CONTINUE TO THE TOP OF THE STRUCTURE;
- b. THE DIAMETER OF THE MONOCACTUS STRUCTURE WILL NOT EXCEED 34 INCHES AT ITS WIDEST POINT AND WILL HAVE A NATURAL APPEARING TAPER FROM THE BOTTOM TO THE TOP;
- c. THE HEIGHT OF THE MONOCACTUS STRUCTURE WILL NOT EXCEED 30 FEET IN HEIGHT;
- d. ALL ANTENNA AND CABLES WILL BE CONCEALED WITHIN THE MONOCACTUS STRUCTURE; AND
- e. EXTERNAL MICROWAVE DISHES AND CLIMBING PEGS ARE PROHIBITED ON THE MONOCACTUS STRUCTURE.

(7) MONOPINE OR MONOBROADLEAF.

- a. THE POLE STRUCTURE WILL BE CLAD WITH FAUX BARK. THE FAUX BARK WILL START AT THE BASE OF THE POLE STRUCTURE AND CONTINUE TO THE HEIGHT OF THE FIRST BRANCH ATTACHMENT. THE BALANCE OF THE POLE STRUCTURE AND THE ATTACHMENTS WILL BE PAINTED TO BLEND WITH THE BRANCHES;
 - b. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES AT THE BASE AND WILL TAPER TO NO GREATER THAN 28 INCHES AT THE TOP OF THE POLE STRUCTURE;
 - c. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE;
 - d. THE MAXIMUM HEIGHT OF THE POLE STRUCTURE WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED THE POLE STRUCTURE WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;
1. BRANCHES:
 - i. WILL BE CONSTRUCTED TO A DENSITY OF NO LESS THAN TWO AND ONE-HALF (1 ½) BRANCHES FOR EACH ONE (1) VERTICAL FOOT OF POLE;
 - ii. WILL START NO LESS THAN 15 FEET ABOVE FINISHED GRADE AND CONTINUE TO THE TOP OF THE POLE STRUCTURE; AND
 - iii. WILL BE A MINIMUM OF EIGHT (8) FEET LONG AROUND THE CIRCUMFERENCE OF THE LOWER LEVEL AND WILL TAPER AS THE BRANCHES PROGRESS UPWARD, CONSISTENT WITH THE SPECIES OF TREE IMITATED BY THE STRUCTURE. THE BRANCHES WILL APPROXIMATE THE APPEARANCE OF A PARTICULAR DECIDUOUS TREE SPECIES GROWN IN THE VICINITY OF THE SITE AND THAT GROWS TO

APPROXIMATELY THE SAME HEIGHT OF THE MONOPINE OR MONOBROADLEAF.

- e. THE ENTIRE LENGTH OF ALL ANTENNAE AND THEIR ATTACHING APPARATUS WILL BE DISGUISED BY THE BRANCHES AND THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE POLE STRUCTURE TO WHICH IT IS ATTACHED;
- f. MICROWAVE DISHES WILL BE LIMITED TO ONE (1) SQUARE FOOT IN SIZE. DISHES AND ATTACHING APPARATUS WILL BE PAINTED TO BLEND WITH THE BRANCHES;
- g. NO MORE THAN FOUR (4) MICROWAVE DISHES ARE PERMITTED PER MONOPINE OR BROADLEAF TREE; AND
- h. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

(8) ALTERNATIVE MONOPOLE STRUCTURE:

- a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE AN ALTERNATIVE TOWER STRUCTURE.
- b. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNA ARRAYS INSTALLED INSIDE AN ALTERNATIVE TOWER STRUCTURE.
- c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.
- d. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.
- e. NO MORE THAN TWO (2) MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET IN SIZE EACH, WILL BE PERMITTED ON EACH ALTERNATIVE TOWER STRUCTURE.

- f. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE ALTERNATIVE TOWER STRUCTURE.

(e) INDUSTRIAL ZONING DISTRICTS.

(1) THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND, IN ANY DIRECTION, MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.

- a. THE DIAMETER OF THE MONOPOLE STRUCTURE WILL NOT EXCEED 26 INCHES AT ITS WIDEST POINT;
- b. ALL CABLES WILL BE CONCEALED WITHIN THE MONOPOLE STRUCTURE;
- c. THE MAXIMUM HEIGHT OF THE MONOPOLE STRUCTURE, EXCLUDING ANTENNAE, WILL BE LIMITED TO 65 FEET ABOVE THE FINISHED GRADE OF THE SITE. THE MAXIMUM HEIGHT OF THE ANTENNAE ATTACHED TO A MONOPOLE WILL NOT EXCEED 80 FEET ABOVE THE FINISHED GRADE OF THE SITE;
- d. NO MORE THAN TWO (2) MICROWAVE DISHES WILL BE PERMITTED ON EACH MONOPOLE. MICROWAVE DISHES WILL BE LIMITED TO TWO (2) SQUARE FEET IN SIZE; AND
- e. CLIMBING PEGS ARE PROHIBITED ON THE POLE STRUCTURE.

(f) ALL OTHER WIRELESS FACILITIES THAT DO NOT FALL UNDER ANY OF THE SUBSECTIONS REGARDING WIRELESS FACILITIES WILL FOLLOW THE TYPE III CONDITIONAL USE PERMIT PROCESS FOUND IN ARTICLE XII OF THIS CHAPTER. IN ADDITION TO COMPLYING WITH THE CUP CRITERIA, ANY APPLICATION UNDER THIS SUBSECTION WILL COMPLY WITH THE FOLLOWING CRITERIA:

- a. AESTHETICS STANDARDS;
- b. SETBACK AND HEIGHT RESTRICTIONS;

- c. SAFETY CONCERNS INCLUDING, BUT NOT LIMITED TO, FALL ZONES, AND BUFFERING;
- d. ENVIRONMENTAL;
- e. PROTECTIONS OF PROPERTY VALUES; AND
- f. TIMING: APPLICATIONS PROCESSED PURSUANT TO THIS SUBSECTION WILL BE ACTED UPON WITHIN 150 DAYS OF SUBMITTAL OF A COMPLETE APPLICATION.

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SEC. 122-112.3 ALTERNATIVE WIRELESS FACILITY LOCATIONS.

ALTERNATIVE WIRELESS FACILITIES INCLUDE LOCATIONS SUCH AS BUILDING/STRUCTURE MOUNTED, ROOF MOUNTED, RECREATIONAL LIGHT POLES, AND WATER TOWER/TANK FACILITIES. DESIGN OF THE MOUNTING STRUCTURES WILL CAMOUFLAGE OR CONCEAL THE PRESENCE OF A WIRELESS FACILITY.

(a) TIMING: AN APPLICANT SEEKING A NEW ALTERNATIVE WIRELESS FACILITY INSTALLATION, MODIFICATIONS, COLLOCATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:

(1) NEW ALTERNATIVE WIRELESS FACILITY – MAXIMUM OF 150 DAYS

(2) MINOR ALTERNATIVE WIRELESS FACILITY MODIFICATION – MAXIMUM OF 75 DAYS

(3) COLLOCATIONS OR MAJOR MODIFICATION OF ALTERNATIVE WIRELESS FACILITY – MAXIMUM OF 90 DAYS.

(4) NEW ALTERNATIVE WIRELESS FACILITY ON CITY PROPERTY - MAXIMUM OF 90 DAYS

(b) SUBMITTAL REQUIREMENTS:

(1) NARRATIVE DESCRIBING THE PROPOSED WIRELESS FACILITY SITE;

(2) A SITE PLAN SHOWING THE SUBJECT PROPERTY AND ADJACENT PROPERTIES; ALL EXISTING AND PROPOSED BUILDINGS ON THE SUBJECT PROPERTY AND THEIR PURPOSE; THE SPECIFIC PLACEMENT OF THE BASE STATION AND CELL TOWER, INCLUDING TYPE AND EXTENT AND POINT OF ENTRY ON THE SITE; ALL PROPOSED CHANGES TO THE EXISTING SITE, INCLUDING GRADING, VEGETATION, ROADS, SIDEWALKS AND DRIVEWAYS SIGNED AND SEALED BY A PROFESSIONAL REGISTRANT FROM THE STATE OF ARIZONA INCLUDING EXPIRATION DATE;

- (3) A LANDSCAPE PLAN SHOWING SPECIFIC PLACEMENT OF EXISTING AND PROPOSED VEGETATION, TREES, SHRUBS, IDENTIFIED BY SPECIES AND SIZE OF SPECIMEN AT INSTALLATION IN ACCORDANCE WITH CITY LANDSCAPE GUIDELINES;
- (4) A GRADING AND DRAINAGE PLAN OF THE PROJECT SITE AS DETERMINED BY THE CITY MANAGER OR DESIGNEE.
- (5) EXISTING (BEFORE CONDITION) PHOTOGRAPHS AND PROPOSED (AFTER CONDITION) PHOTOSIMULATIONS OF THE PROPOSED WIRELESS FACILITY FROM PUBLIC RIGHTS-OF-WAY ADJACENT TO THE SITE. SUCH PHOTOSIMULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, SUPERIMPOSED REPRESENTATIONS OF THE PROPOSED BASE STATION AND TOWER TO SHOW WHAT WILL BE SEEN FROM RIGHTS-OF WAY ADJACENT TO THE SITE;
- (6) ELEVATIONS WILL SHOW THE FOLLOWING:
- c. DIMENSIONS OF ALL EQUIPMENT AND POLES SPECIFIED FOR ALL THREE DIMENSIONS: HEIGHT, WIDTH AND DEPTH; AND
 - d. MATERIALS OF THE BASE STATION AND SECURITY BARRIER, IF ANY, SPECIFIED BY GENERIC TYPE AND SPECIFIC TREATMENT, SUCH AS BRICK, MASONRY WITH STUCCO FINISH, ANODIZED ALUMINUM, STAINED WOOD, ETC.
- (7) COLLOCATION SUBMITTALS, INCLUDING SIGNED STATEMENTS INDICATING:
- b. THE APPLICANT AGREES TO ALLOW FOR THE POTENTIAL COLLOCATION OF ADDITIONAL WIRELESS FACILITIES BY OTHER WIRELESS SERVICES AND CARRIERS ON THE APPLICANT'S STRUCTURE OR FACILITY OR WITHIN THE SAME SITE; AND
 - c. THAT THE APPLICANT HAS MADE A GOOD FAITH EFFORT TO ACHIEVE COLLOCATION WITH OTHER CARRIERS AND FACILITIES

AS REQUIRED IN THIS SECTION, AND IF COLLOCATION IS NOT FEASIBLE FOR THIS APPLICATION FOR A SUBSTANTIAL TECHNICAL OR OTHER REASON(S), A WRITTEN STATEMENT OF THE REASONS FOR THE INFEASIBILITY.

(8) AN EXECUTED LEASE AGREEMENT WITH THE OWNER OR LANDHOLDER THAT:

- a. ALLOWS THE LANDHOLDER TO ENTER INTO LEASES WITH OTHER PROVIDERS;
- b. SPECIFIES THAT IF THE CARRIER FAILS TO REMOVE THE BASE STATION AND TOWER WHEN REQUIRED BY THIS CHAPTER, THE RESPONSIBILITY FOR REMOVAL FALLS UPON THE LANDHOLDER; AND
- c. ALLOWS ENTRY BY THE CITY AND ITS AGENT FOR THE PURPOSE OF INSPECTION AND COMPLIANCE WITH CITY CODES;

(c) REVIEW:

- (1) NEW ALTERNATIVE WIRELESS FACILITIES, COLLOCATIONS, MAJOR MODIFICATIONS, AND ALTERNATIVE WIRELESS FACILITIES ON CITY PROPERTY WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.
- (2) MINOR MODIFICATIONS OF AN ALTERNATIVE WIRELESS FACILITY WILL BE PROCESSED AS A BUILDING PERMIT.

(d) DESIGN STANDARDS:

(1) BUILDING- OR STRUCTURE-MOUNTED FACILITIES:

- a. ANTENNAS WILL BE MOUNTED ON A BUILDING WALL OR SIDE OF A STRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE. IF THE APPLICANT DEMONSTRATES THAT IT IS NOT FEASIBLE TO MOUNT THE ANTENNAS ON A BUILDING WALL OR SIDE OF A STRUCTURE, THE ANTENNAS MAY BE MOUNTED ON THE ROOF OR TOP OF THE

STRUCTURE, PROVIDED THE FACILITY COMPLIES WITH ALL OTHER APPLICABLE STANDARDS;

- b. A BUILDING- OR STRUCTURE-MOUNTED WIRELESS FACILITY SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY RESIDENTIAL USES;
- c. ANTENNAS MAY ENCROACH INTO A SIDE OR REAR SETBACK A MAXIMUM OF TWO (2) FEET, BUT WILL NOT EXTEND OVER A PROPERTY LINE; AND
- d. ANTENNAS MOUNTED ON A BUILDING WALL OR SIDE OF A STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:
 - 1. ANTENNAS WILL BE MOUNTED FLUSH TO THE BUILDING WALL OR SIDE OF A STRUCTURE TO THE MAXIMUM EXTENT PRACTICABLE UNLESS TECHNICAL REASONS DICTATE ANOTHER TYPE OF INSTALLATION AND WILL NOT EXTEND ABOVE THE ROOF LINE OR PARAPET OF THE BUILDING OR TOP OF THE STRUCTURE;
 - 2. SUPPORT STRUCTURES, ACCESSORY EQUIPMENT INCLUDING EQUIPMENT CABINETS, AND ALL OTHER APPURTENANCES SHALL BE FULLY SCREENED FROM VIEW AND NOT VISIBLE FROM THE GROUND; AND
 - 3. ANTENNAS SHALL BE PAINTED A COLOR TO MATCH THE BUILDING OR STRUCTURE TO WHICH THEY ARE MOUNTED OR WILL BE CAMOUFLAGED AS PART OF THE BUILDING ARCHITECTURE IN A CITY-APPROVED BUILDING ELEVATION.

(2) ROOFTOP-MOUNTED FACILITIES:

- a. ROOFTOP-MOUNTED WIRELESS FACILITIES ARE NOT PERMITTED ON PORTIONS OF BUILDINGS WITH PITCHED ROOFS.

1. A ROOFTOP-MOUNTED WIRELESS FACILITY SHALL NOT BE LOCATED ON A BUILDING WITH PRIMARILY RESIDENTIAL USES.
2. A WIRELESS FACILITY LOCATED ON A BUILDING ROOF OR TOP OF STRUCTURE SHALL COMPLY WITH THE FOLLOWING STANDARDS:
 - i. ANTENNAS, SUPPORT STRUCTURES, ACCESSORY EQUIPMENT, AND ALL OTHER APPURTENANCES SHALL BE FULLY SCREENED FROM VIEW THROUGH THE USE OF ARCHITECTURALLY COMPATIBLE FEATURES, SCREENING MATERIALS AND COLORS THAT MATCH THE BUILDING OR STRUCTURE TO WHICH THE FACILITY IS MOUNTED.
 - i. ANTENNAS SHALL NOT EXTEND ABOVE THE PARAPET OF THE ROOF OR THE STRUCTURE TO WHICH THEY ARE MOUNTED.

(3) RECREATION FIELD LIGHT POLES:

- a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET;
- b. THE STAND-OFF MOUNTING ARM APPARATUS OF THE ANTENNA ARRAY WILL NOT EXTEND MORE THAN 30 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED.
- c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA IS TEN (10) FEET.
- d. THE DIAMETER OF THE POLE STRUCTURE WILL NOT EXCEED 36 INCHES.
- e. THE ADDITION OF A WIRELESS FACILITY TO A RECREATION FIELD LIGHT WILL NOT INCREASE THE HEIGHT OF THE LIGHT STRUCTURE BY MORE THAN TEN (10) FEET.

- f. ALL CABLES WILL BE CONCEALED WITHIN THE POLE STRUCTURE.
- g. NO MORE THAN TWO (2) EXTERNAL MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET EACH, ARE PERMITTED ON EACH RECREATION FIELD LIGHT POLE.
- h. ALL MICROWAVE DISHES, ANTENNAS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE RECREATION FIELD LIGHT POLE.

(4) WATER TOWERS/TANKS:

- a. THE MAXIMUM ALLOWABLE WIDTH OF AN ANTENNA ARRAY IS FOUR (4) FEET. THERE IS NO WIDTH LIMIT FOR ANTENNA ARRAYS INSTALLED INSIDE A FAUX WATER TOWER/TANK.
- b. THE ANTENNA WILL NOT EXTEND MORE THAN 18 INCHES FROM THE STRUCTURE TO WHICH IT IS ATTACHED. THIS RESTRICTION DOES NOT APPLY TO ANTENNAS INSTALLED INSIDE A FAUX WATER TOWER/TANK.
- c. THE MAXIMUM ALLOWABLE LENGTH OF EACH ANTENNA ARRAY IS TEN (10) FEET.
- d. THE ADDITION OF A WIRELESS FACILITY WILL NOT INCREASE THE HEIGHT OF THE WATER TOWER/TANK STRUCTURE GREATER THAN TEN (10) FEET.
- e. ALL CABLES WILL BE CONCEALED WITHIN THE SUPPORT STRUCTURE OR FULLY ENCLOSED WITHIN A CABLE SHROUD.
- f. NO MORE THAN TWO (2) MICROWAVE DISHES, LIMITED TO TWO (2) SQUARE FEET IN SIZE WILL BE PERMITTED ON EACH WATER TOWER OR WATER TANK.
- g. ALL MICROWAVE DISHES, ANTENNAS, CABLE SHROUDS, AND ATTACHING APPARATUS WILL BE PAINTED TO MATCH THE WATER TOWER OR WATER TANK.

SEC. 122-112.4 SMALL WIRELESS FACILITY (SWF).

SMALL WIRELESS FACILITIES PROVIDE INCREASED DATA DISTRIBUTION BY CREATING AN INCREASED NUMBER OF SMALLER WIRELESS FACILITIES.

(a) GENERAL REQUIRMENTS:

(1) SWFS IN ROW REQUIRE A MASTER LICENSE AGREEMENT.

(b) TIMING: AN APPLICANT SEEKING A NEW SWF INSTALLATION OR MODIFICATIONS TO AN EXISTING SWF, ATIONS WILL BE RENDERED WITHIN THE FOLLOWING AMOUNT OF DAYS OF THE FILING OF THE APPLICATION, UNLESS TOLLED BY MUTUAL AGREEMENT:

(1) SWFS IN RIGHT-OF-WAY – MAXIMUM OF 75 DAYS.

(2) SWFS OUTSIDE RIGHT-OF-WAY – MAXIMUM OF 90 DAYS.

(c) SUBMITTAL REQUIREMENTS:

(1) SWS IN ROW:

- a. COMPLETED SWS ROW ENCROACHMENT FORM;
- b. COMPLETED BUILDING PERMIT;
- c. SITE PLAN;
- d. BEFORE AND AFTER ELEVATIONS OF THE FACILITY; AND
- e. ADDITIONAL INFORMATION MAY BE REQUIRED BY THE CITY MANAGER OR DESIGNEE TO DETERMINE COMPLIANCE WITH FEDERAL, STATE, AND CITY CODE.

(2) SWS OUTSIDE OF ROW:

- a. COMPLETED SWS FORM;
- b. SITE PLAN;
- c. BEFORE AND AFTER ELEVATIONS OF THE FACILITY; AND

(3) ADDITIONAL INFORMATION MAY BE REQUIRED BY THE CITY
MANAGER OR DESIGNEE TO DETERMINE COMPLIANCE WITH
FEDERAL, STATE, AND CITY CODE.

(d) REVIEW:

(1) REVIEW OF SWF INSTALLATIONS AND MODIFICATIONS WITHIN THE
RIGHT-OF-WAY WILL BE PROCESSED AS A BUILDING PERMIT.

(2) NEW SWFS LOCATED ON PROPERTY OTHER THAN RIGHTS-OF-WAY
WILL BE PROCESSED AS AN ADMINISTRATIVE TYPE I SITE PLAN
DESIGN REVIEW, FOUND IN ARTICLE XII OF THIS CHAPTER.

(e) DESIGN STANDARDS:

(1) THE COMPONENTS OF A SWF WILL BE MOUNTED A MINIMUM OF 12
FEET ABOVE THE EXISTING GRADE OF THE WIRELESS SUPPORT
STRUCTURE IT IS ATTACHED TO;

(2) A REPLACEMENT OR NEW POLE IS ALLOWED A TEN (10) PERCENT
HEIGHT INCREASE, NOT TO EXCEED 50 FEET TOTAL.

(3) ALL CABLES WILL BE CONCEALED WITHIN THE PUBLIC UTILITY POLE
OR A CABLE SHROUD.

ALL ANTENNA MOUNTING HARDWARE, CABLE SHROUDS, AND OTHER
EQUIPMENT WILL BE PAINTED TO MATCH THE STRUCTURE ON WHICH IT IS
MOUNTED.

SEC. 122-112.5 - Cellular on wheels (COW).

(1) COWs are allowed during:

- a. Construction of a permanent WIRELESS FACILITY not to exceed duration of one (1) year
- b. Maintenance or replacement of equipment.
 1. Utilization of a COW will be included with the building permit associated with the WIRELESS FACILITY maintenance or replacement of equipment.
- c. Special events.
 1. Utilization of the COW for a special event will require a temporary use permit as per article VII of this chapter. COW placement will be limited FOR a duration not to exceed 30 days unless approved by the city manager or designee.
- d. An emergency or disaster as determined by the city manager or designee.

(2) COWs will be set back from all residential lot lines a minimum distance equal to the fully extended height of the COW.

(3) Permitted power sources:

- a. A generator or other utility source will be used that emits an average noise level not to exceed 60 dB, measured at any property line that is zoned or used for residential purposes.
- b. Use of on-site utility services will require a building permit.

SEC. 122-112.6 - AMATEUR RADIO ANTENNAS.

AMATEUR RADIO ANTENNAS FOR NON-COMMERCIAL USE.

(a) ANTENNAS PERMITTED. AMATEUR RADIO ANTENNAS ARE PERMITTED IN ALL ZONING DISTRICTS SUBJECT TO THE FOLLOWING STANDARDS:

(1) ANTENNA STRUCTURES ARE ALLOWED UP TO THIRTY-FIVE (35) FEET IN HEIGHT;

(2) ANTENNA STRUCTURES SHALL COMPLY WITH SETBACK STANDARDS FOR THE ZONING DISTRICT IN WHICH IT IS LOCATED;

(3) ANTENNA STRUCTURES SHALL BE LOCATED IN THE REAR HALF OF THE LOT;

(4) ANTENNAS, INCLUDING SUPPORT STRUCTURES, SHALL NOT EXTEND BEYOND THE PROPERTY LINE; AND

(5) WHEN A FEDERALLY LICENSED RADIO AMATEUR NO LONGER OCCUPIES THE SUBJECT PROPERTY, THE ANTENNA STRUCTURE SHALL BE REMOVED.

(6) AMATEUR RADIO ANTENNAS WITH A CONDITIONAL USE PERMIT - ALL AMATEUR RADIO ANTENNAS THAT EXCEED THIRTY-FIVE (35) FEET IN HEIGHT SHALL REQUIRE APPROVAL OF A CONDITIONAL USE PERMIT. SUCH ANTENNAS SHALL BE OF TELESCOPING DESIGN AND LOWERED TO A HEIGHT OF NO MORE THAN THIRTY-FIVE (35) FEET WHEN NOT IN USE. IN NO EVENT SHALL AN AMATEUR RADIO ANTENNA EXCEED THE HEIGHT OF SEVENTY-FIVE (75) FEET.



City of Surprise Wireless Facilities Terms and Conditions

The City of Surprise City Council adopted the following Terms and Conditions (the “Terms”), by Ordinance No. [INSERT NUMBER] on [INSERT DATE], to govern and regulate the use of City-owned utility, traffic, and street light poles and rights-of-way for the placement, operation, and maintenance of Wireless Facilities (“WF” or “WFs”), pursuant to Section 704 of the Federal Telecommunications Act of 1996 and Arizona Revised Statutes (“A.R.S”), Title 9, Sections 9-591, *et seq.*, and any other applicable law, regulation, or policy (collectively, the “Telecommunications Laws”). These Terms are effective as of [INSERT DATE], and may be amended only upon approval of the City Council. These Terms shall be and are incorporated by reference into and are part of every Site License for Wireless Services approved and issued by the City.

RECITALS

- A. The City, in its governmental capacity, owns or holds a legal interest in public roads, streets, alleys, and public utility easements located in Surprise (collectively, the “ROW”). The City is responsible for management of the ROW within its municipal boundaries. Pursuant to A.R.S. §§ 9-240, 9-276, and 9-582, the City has exclusive control of the ROW.
- B. The City owns various street lights, traffic signals, utility poles, and signage at designated locations within the ROW (referred to herein as a “City Pole” or collectively as “City Poles”).
- C. The City anticipates that one or more Wireless Providers may desire to locate WFs and immediately related equipment at various Sites within the ROW.
- D. Pursuant to the Telecommunications Laws, the City may authorize Wireless Providers to attach a WF, including a Small Wireless Facility (“SWF”), to City Poles located within the ROW, and where permitted, erect Monopoles in the ROW.
- D. All City Poles approved for the location or collocation of WFs and SWFs for private use shall retain their primary governmental purpose, and no WF or SWF shall interfere with those purposes in any way, nor shall the activities of a Wireless Provider create an unreasonably dangerous condition to the public.
- E. The purposes of these Terms are to: (1) promote uniformity in Site Licenses; (2) streamline the preparation and administration of Site Licenses; (3) protect the public health, safety, and welfare; and (4) protect the value of and physical integrity of publicly-owned property and assets.

1. Definitions

Alternative Tower or Wireless Support Structure shall mean an innovative WF design, such as a clock-tower, grain silo, bell tower, false chimney, steeple, flag pole, windmill, and similar mounting structures that camouflage or Conceal the presence of a WF.

Antenna shall mean communications equipment that transmits or receives electromagnetic radio frequency signals and that is used in providing Wireless Services.

Applicable Law(s) shall mean the Federal, State, county, and City of Surprise laws, ordinances, rules, regulations, and permit requirements that apply to the placement, operation, and maintenance of WFs within the City of Surprise.

Authorized Person shall mean the person(s), employee(s), agent(s), consultant(s), or contractor(s) authorized in writing by a Wireless Provider to complete and submit a WF application to the City.

Base Station shall mean the structure or equipment at a fixed location that enables Wireless Services licensed or authorized by the FCC between user equipment and a telecommunications network, including, but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power. A Base Station shall be ground mounted on a concrete slab, located within a building, or placed underground in a vault. The term does not encompass a Tower (as defined herein) or any equipment associated with a Tower.

City Pole shall mean a city-owned street light, traffic signal, signage, or other Utility Pole at designated locations within the ROW.

Collocate or Collocation shall mean to install, mount, maintain, modify, operate, or replace a WTF on, within, or adjacent to a Wireless Support Structure or Utility Pole.

Conceal or Concealment shall mean to design or disguise a WTF to look like something other than a Tower or Base Station.

Enclosure shall mean the enclosure housing the electronic ground equipment shown on the Site Plan.

FCC shall mean the Federal Communications Commission.

Hazardous Substance shall mean any substance, chemical, or waste that is identified as hazardous or toxic in any Applicable Law, including but not limited to petroleum products and asbestos.

Monopole shall mean a Wireless Support Structure composed of a single spire used to support telecommunications equipment and having no guy wires or ground anchors. A Monopole shall not be more than forty (40) inches in diameter at the ground level, and all of the wireless equipment shall be mounted on or contained inside of the pole. “Monopole” includes, but is not limited to, a monopalm, monocactus, monobroadleaf, or monopine.

Permitted Uses shall mean, and is limited to, a Wireless Provider’s right to construct, install, operate, maintain, and repair any and all equipment associated with Wireless Facilities to deliver Wireless Services.

RF shall mean radio frequency.

RF Letter shall mean a letter attesting to the Wireless Provider’s compliance with FCC RF exposure guidelines from the Wireless Provider’s senior internal engineer.

Right-of-Way (“ROW”) shall mean, as defined for Wireless Facility Sites in A.R.S. § 9-591(18), the area on, below, or above a public roadway, highway, street, sidewalk, alley, or utility easement. Right-of-way does not include a Federal Interstate Highway, a State highway or State route under the jurisdiction of the Arizona Department of Transportation (“ADOT”), a private easement, property that is owned by a special taxing district, or a utility easement that does not authorize the deployment sought by the Wireless Services Provider.

Site shall mean and refer to, for WFs other than those in the ROW, the current boundaries of the property surrounding the WF and any access or utility easements currently related to the Site, and, for other Wireless_Support Structures, will mean and be further restricted to, that area in proximity to the structure and to other Transmission Equipment already deployed on the ground.

Site License shall mean a revocable, nonexclusive permission to attach a WF to a City Pole and encroach in the ROW that fully incorporates these Terms, but which does not create or confer any interest in the real or personal property of the City or a third party.

Site Plan shall mean a required plan, to scale, of a project area showing uses and structures, existing and proposed.

Small Wireless Facility (“SWF”) shall mean, as defined in A.R.S. § 9-591(19), a WF that may consist of one (1) or more radio receivers, Antennas, interconnected cable, power supply, other associated electronics, and accessory equipment, which are attached to a structure and meet the following parameters:

- (A) All Antennas are located inside an Antenna Enclosure of no more than six (6) cubic feet in volume, or, in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna’s exposed elements could fit within an imaginary Enclosure of not more than six (6) cubic feet; and
- (B) All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume, or fifty (50) cubic feet in volume if the equipment was ground mounted before February 9, 2018. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, Concealment, telecommunications demarcation box, ground-based Enclosures, battery back-up power systems, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Small Cell Network shall mean a collection of interrelated SWFs designed to deliver personal Wireless Services to the public.

Transmission Equipment shall mean equipment owned or used by the Wireless Provider or by any third party for Permitted Uses in connection with the Wireless Provider’s or a third party’s installation and operation of a WF pursuant to an individual Site License. Transmission Equipment includes, but is not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and back-up power supply. The term includes equipment associated with Wireless Services including, but not limited to,

private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Tower shall mean any structure built for the sole or primary purpose of supporting any Antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for Wireless Services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Use Area shall mean the area that a Wireless Provider is permitted to use pursuant to an approved Site License. The term “Use Area” includes the area depicted on the Site Plan that shows where the Antenna will be attached to the City Pole or where it will be placed in the ROW, and where the Base Station will be located.

Utility Pole shall mean a pole or similar structure that is used in whole or in part for telecommunications purposes, electricity distribution, lighting, or traffic signals. Utility Pole does not include Monopole.

Wireless Infrastructure Provider shall mean, as defined in A.R.S. § 9-591(23), any person that is authorized to provide telecommunications services in this State and that builds or installs wireless communications transmission equipment, WFs, Utility Poles, or Monopoles, but that is not a Wireless Provider. Wireless Infrastructure Provider does not include a special taxing district.

Wireless Provider shall mean a person or legal entity that provides Wireless Services to the public that is duly licensed by the FCC to provide such services and that holds a valid Site License to use one or more City Poles and the ROW for this purpose.

Wireless Service shall mean any FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), and enhanced specialized mobile radio (ESMR), as well as unlicensed wireless services, and common carrier wireless exchange access services

Wireless Facility (“WF”) or Wireless Facilities (“WFs”) shall mean, as defined in A.R.S. § 9-591(22):

- (A) Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including both of the following: (i) equipment associated with wireless communications; and (ii) radio transceivers, Antennas, coaxial or fiber-optic cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
- (B) Includes Small Wireless Facilities.
- (C) Does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber-optic cable that is between Wireless Support Structures or Utility Poles, or coaxial or fiber-optic cable that is otherwise not immediately adjacent to, or directly associated with, an Antenna.
- (D) Does not include Wi-Fi radio equipment or microcell equipment.

2. Licensing Scope, Standards, and Procedures

2.1 License Required. No person or entity shall attach any Antenna or WF to a City Pole, place its Transmission Equipment in the ROW, or erect a Monopole in the ROW without an approved Site License. Placement of any unauthorized facilities on a City Pole or in the ROW without a Site License shall constitute trespass, and the unauthorized facilities may be removed by the City with any costs incurred for such removal to be reimbursed to the City by the owner of the unauthorized facilities.

2.2 Removal of Unauthorized Facilities. The City may require a Wireless Provider to remove any unauthorized attachment to a City Pole or placement of facilities in the ROW. If the Wireless Provider fails to remove the unauthorized facilities within thirty (30) days after written notice, the City may remove the unauthorized facilities without incurring any liability, including but not limited to liability for interruption of service. The Wireless Provider shall reimburse the City for its actual costs of removal of the unauthorized facilities. The failure of the City to act to remove any unauthorized facilities shall not constitute permission or a *de facto* Site License in any manner nor shall subsequent issuance of a Site License operate retroactively.

2.3 Completed Application Required. An Authorized Representative of a Wireless Provider shall submit a completed application form to the City for a Site License, which application shall be accompanied by a Site Plan(s) for each Site, to the City. Once the Site License application is reviewed and approved, a Site License will be issued by the City. The City Manager/Engineer, or his designee, shall have authority to execute a Site License on behalf of the City.

2.4 Notification to Adjacent Property Owners. Concurrently with submittal of an application, the Wireless Provider shall notify all adjacent property owners and the owners of any residential property located within three hundred feet (300') of each proposed WF site. Such notice shall be by U.S. mail and shall include the project location, address, general description, equipment dimensions, Wireless Provider contact information, and a construction schedule. The Wireless Provider shall include a copy of the notification and the property owner notification list with an attestation of mailing with any application.

2.5 Only Permitted Uses. WFs may be used solely for the Permitted Uses, and Wireless Providers are not authorized to and shall not use the WFs, Site, or Use Area to offer or provide any other services not specified in the Site License. The WFs shall be owned by the Wireless Provider.

2.6 No Changes without City Approval. No approved Site Plan or Site License may be changed unless the City agrees to the change in writing. Any change that is not approved shall be null, void, and of no effect.

2.7 Site License Grants Non-Exclusive Right. A Site License gives the Wireless Provider a non-exclusive right to have WFs occupy space in the ROW and/or on a City Pole (including any replacement City Pole) as shown by an approved location(s) identified on the Site License and authorizes the installation, operation, use, and maintenance of WFs to provide Wireless Services.

2.8 No Ownership or Leasehold Interest. A Site License does not provide the Wireless Provider with any ownership interests in City Poles (including any City Poles that are replaced by the Wireless Provider), real property, or ROW, nor does a Site License constitute an assignment of any of the City's

rights to use the public property upon which the WFs are attached or is/are located (other than as expressly provided herein or in the Site License). Additionally, a Site License does not constitute or create a leasehold interest or right to the benefit of any City property or portion thereof.

2.9 Assumption of Risk. The Wireless Provider assumes all risk, costs, and expenses related to the WFs and loss of service that may occur due to damage, destruction, or collapse of any City Pole or due to any incompatibility of the Wireless Provider's use with the City's use, or another user's use, of the City Poles. The Wireless Provider shall be solely responsible for the relocation of any WFs placed on a structure or property not owned by the City or wrongly designated as a City Pole and/or ROW at any time.

2.10 Compliance with Applicable Laws. All WFs shall be designed, installed, and maintained during the term of a Site License in compliance with all Applicable Laws, including Section 122-11 of the City of Surprise Unified Development Code ("SUDC").

2.11 Wireless Provider Sole Cost and Expense. The Wireless Provider shall design, specify, and supply, at its sole cost and expense, all material associated with the installation, operation, and maintenance of the WFs.

2.12 Spare Light and Traffic Signal Poles. Wireless Providers shall purchase and store extra street light and traffic signal poles in anticipation of emergency or routine replacement of such poles utilized by the Wireless Provider or the City. All replacement poles shall be approved by the City prior to installation.

2.13 Blue Stake. To the extent that a Wireless Provider owns any fiber or conduits that will be placed underground, and to the extent that State law requires it, the Wireless Provider shall comply with Arizona Revised Statutes Title 40, Chapter 2, Article 6.3, by participating as a member of the Arizona Blue Stake Center (or other appropriate organization). A copy of the Wireless Provider's proof of membership shall be filed with the City.

2.14 Obtaining Permits. Wireless Providers shall comply with any necessary building permit, traffic control, ROW management requirements, non-City of Surprise utility permits, other permits as required, or other regulatory requirements ("Permits") that apply to the WFs.

2.15 Emergency Operations Permit. Wireless Providers shall apply for and obtain one annual permit for emergency operations (no excavation) occurring within the ROW and/or on City Poles.

2.16 Abandonment. If a Wireless Provider discontinues use of any of its WFs, or any portion thereof, installed under or pursuant to an approved Site License, for a period of ninety (90) consecutive days, the WF shall be deemed to have been abandoned. Upon such abandonment, the Wireless Provider of the WF shall have an additional ninety (90) days to (i) reactive the use of the WF or transfer the WF to another Wireless Provider who makes use of the WF; or (ii) dismantle and remove the WF. Upon removal of the WF, the Site shall be returned to its built or natural state and topography and vegetated consistent with the natural surroundings.

3. Installation and Replacement Poles

3.1 Other Required Permits and Approvals. The zoning processes, building permit processes, ROW management policies, and similar regulatory requirements that apply to the WFs are completely separate from the processes set forth in these Terms. The Wireless Provider's satisfaction of any requirement set forth in these Terms does not substitute for compliance with any other regulatory requirement. Similarly, the Wireless Provider's satisfaction of any other regulatory requirement does not substitute for compliance with any requirement of these Terms. To the extent that regulatory requirements and requirements of these Terms are the same, compliance with regulatory requirements shall constitute compliance with these Terms and vice versa.

3.2 Inspections. Wireless Providers shall order City of Surprise inspections during and upon completion of installation of any WFs. Installation will be inspected for adherence to Applicable Laws, plan specifications, safe operation, workmanship, aesthetics, and/or interference with street, streetlight, or traffic signal operations. Post-installation inspection of WFs by the City shall be performed within thirty (30) days of installation. In the event that the City objects to the installation, the Wireless Provider will be required to remove the WF and resubmit a design/installation plan. The Pole may not be altered without the City's written permission.

3.3 As-Built Drawings. Wireless Providers shall prepare and maintain As-Built Drawings of all WFs located on City Poles and within the ROW and furnish such record drawings in hard copy and/or electronic format at the City's request. Electronic copies shall be provided in Autocad 2014 DWG format or other City-approved electronic format.

3.4 Pole Replacement. Because the City's existing streetlight poles and traffic signed poles are not designed to safely support the additional weight and stress of WFs, Wireless Provider shall be required to provide poles designed to support these facilities to replace existing City Poles prior to attaching WFs. The following will apply:

3.4.1 The Wireless Provider shall pay all costs related to City Pole replacement, including but not limited to replacement, transfer of all existing facilities, and removal and salvage of the existing pole to the City of Surprise. Payment of City Pole replacement costs does not provide the Wireless Provider with any ownership interest in the replaced City Pole. The Wireless Provider shall transfer ownership of all replacement poles to the City.

3.4.2 Any replacement City Pole shall conform to the height restrictions imposed by the City, and the arm height of the street light or traffic signal must conform to the existing arm height of the other street light or traffic signal structures in the adjacent area. The City Pole must also conform to the City of Surprise Supplement to the M.A.G. Uniform Standard Details and Specifications for Public Works Construction.

3.4.3 If the replacement City Pole is damaged by the Wireless Provider or a third-party and needs to be replaced, the Wireless Provider shall repair or replace (if deemed necessary by the

City) the City Pole entirely at its expense within fourteen (14) days of discovery of the damage or receiving notice of the damage from the City. If the damage is caused by a third party, the City will reimburse the Wireless Provider for the cost of the repairs or a standard City Pole (if the pole is replaced) within forty five (45) days of the City's receipt of an invoice, but the Wireless Provider shall be responsible for any cost in excess of that amount.

3.4.4 The Wireless Provider may, with the consent of the City, place a temporary WF on a nearby City Pole or within the ROW during replacement. The City disclaims any and all liability to the Wireless Provider for any loss of services resulting from the need to install a temporary WF. Once the City Pole has been replaced, the Wireless Provider may re-install the WF at its sole expense (and the City will install its lighting and signal apparatus and wiring at its sole cost). In the event of localized interruptions (e.g. motor vehicle accidents), the City shall notify the Wireless Provider of the incident after taking any required actions to clear and restore the site. The Wireless Provider shall be responsible for collection of any damages from a third party that caused the damage to any WFs.

3.5 RF Letter. The Wireless Provider shall provide a RF Letter confirming its compliance with FCC Radio Frequency Exposure Guidelines ("FCC OET Bulletin 65") and all other applicable RF emissions laws and regulations (collectively, the "Guidelines") in effect at the time it submits its completed application. The Wireless Provider shall conduct an initial test for compliance with the Guidelines prior to placing a WF on a City Pole or in the ROW before the WF is activated for Wireless Services. The Wireless Provider shall perform additional tests upon any significant change in the WF on the City Pole or in the ROW. All such testing shall be performed by a qualified radio engineer, and a copy of the test results shall be provided to the City. If the tests show noncompliance with applicable Guideline exposure limits in effect, then the noncompliant WF attached to the City Pole or in the ROW shall be shut down (except for work necessary to bring it back into compliance) until subsequent tests again show compliance with the Guidelines. The City may, at its expense, perform tests to determine compliance of a WF with the Guidelines, as amended from time to time.

3.6 Notice. The Wireless Provider shall post a notice at each WF site providing a twenty-four (24) hour contact number and, as applicable, a RF emission hazards warning to the extent required by law.

3.7 Payment of Permit and License Fees. All WFs shall be installed and maintained in accordance with the requirements of the National Electric Code, the National Electrical Safety Code, the National Fire Protection Association Standards, the Occupational Safety and Health Administration ("OSHA"), and any other Applicable Laws. All fees, notices, permits, approvals, certifications, and licenses required for the installation, maintenance, and operation of the WFs shall be obtained and paid for by the Wireless Provider, and proof of such shall be provided to the City upon request at no charge prior to the start of work.

3.8 Payment of Utility Charges. The Wireless Provider shall install or cause to be installed a separate electric meter on each City Pole for any utilities used by the Wireless Provider and shall be responsible for payment of all electricity and other utility charges related to the usage of the WF and street light. No secondary power supply (generator or battery; permanent or temporary) may be attached to a City Pole and/or within the ROW without prior written consent of the City pursuant to an approved or amended Site License. Any third-party equipment needed to service the WFs shall require separate permits. In the

event of an emergency, maintenance, accident, or condition that causes the City to replace or remove any part of the WF, the Wireless Provider at its sole expense shall be responsible for reconnection of any disconnected utilities.

3.9 Concealment. Wireless Providers shall Conceal, as applicable, all pole-mounted, pad, and ground-mounted equipment used for Permitted Uses with required aesthetic features, such as canisters, screen walls, and landscaping, as approved by the City with each Site License. Concealment shall blend with or enhance the surrounding area with the use of artistic and/or architectural detail and shall take into account scale, form, texture, materials, and color. Concealment features shall be noted on the Site Plan and construction drawings submitted with each application.

4. Maintenance/Modifications

4.1 Maintenance Costs. Maintenance of WFs shall be performed by the Wireless Provider at its sole cost and expense. The Wireless Provider shall obtain the appropriate permits for work in the ROW (Special Use Permit for work on WF; Utility Permit for any work on ground mounted equipment) to access the City Poles and will also need to submit for a Barricade Permit (traffic control permit issued by Traffic Engineering), if applicable.

4.2 Correction of Violations. If the WFs are not placed and maintained in accordance with these Terms, and the Wireless Provider has not corrected any violation within thirty (30) days from its receipt of a written notice from the City (or such longer time as may be reasonable under the circumstances), the City may, at its discretion, correct the violation at the Wireless Provider's expense.

4.3 Approval Required for Modifications. Any upgrade and/or modification to the WFs other than a like replacement shall require specific approval from the City obtained in writing from the City Manager/Engineer or his designee.

5. Interference

5.1 No Interference. WFs shall only be used in a manner that will not cause interference, including, but not limited to, blocking or impeding access to the City Pole, electrical interference, RF interference, or mechanical interference to the City's and other users' use of the Pole, provided that such other users' installation predates the installation of the WFs. If applicable, the City will supply the Wireless Provider with a list of other users on any City Pole together with the respective transmission frequencies thereof.

5.2 Remedy Interference. The Wireless Provider shall not install, operate, or allow the use of equipment, methodology, or technology that may or would interfere with the optimum effective use or operation of the City's existing or future fire, emergency, or other communications equipment, methodology, or technology. The Wireless Provider shall be responsible to ensure compliance with this requirement by all persons using a City Pole or the ROW through or under the Wireless Provider.

5.1.1 In the event any such interference occurs, the Wireless Provider shall (i) remedy such interference as soon as possible but no later than within seventy-two (72) hours after receipt of written notice from the City, if required, or (ii) cease operation of the WFs until such interference is eliminated.

5.1.2 If such interference is not eliminated within the seventy-two (72) hour period, the City will have the right to take all necessary and reasonable steps, at the Wireless Provider's sole cost and expense, to disable the WFs to eliminate the interference.

5.3 Installation by the City or Third Parties. The City, or any other subsequent user of the City Pole or surrounding ROW within 500 feet of the Pole, will be permitted to install only such equipment that is of the type and frequency which will not cause harmful interference, as measured in accordance with then existing industry standards or the Guidelines, to the then existing equipment of the Wireless Provider.

5.4 No Liability of City for Interference. The City shall not have liability for any interference with the operation of WFs or a Wireless Provider's customer's equipment that may arise in any manner out of the Wireless Provider's use of City Poles or ROW.

6. City's Reserved Rights

6.1 Maintain Poles and Operate City Facilities. The City reserves the right to maintain its Poles and to operate City facilities on City Poles and within the ROW in such manner as will best enable it to fulfill its own service requirements, including but not limited to attachment of additional facilities to City Poles.

6.2 Relocation. If the City deems it necessary to relocate any of the WFs, the City may require the Wireless Provider to relocate the WFs to another location in the ROW that is comparable to the existing location. The Wireless Provider shall perform the relocation work at its own expense. If it fails to do so, the City may perform any part of the relocation work that has not been performed, and the Wireless Provider shall reimburse City its actual costs incurred in performing relocation work.

6.3 Abandonment or Removal of City Pole(s). The City reserves the right to abandon and remove any City Pole(s). The City shall give the Wireless Provider no less than one hundred eighty (180) days' notice of its intent to abandon a Pole. The City may offer to sell the Pole to the Wireless Provider at the then value thereof in which case the Wireless Provider shall have thirty (30) days from the date of the notice to purchase and remove the Pole. If the Wireless Provider has already paid for the Pole, there will be no charge for the Pole. If the Wireless Provider does not purchase and remove the Pole within the 30-day period, the Site License for the subject City Pole shall terminate, and unless the City notifies the Wireless Provider otherwise, the Wireless Provider shall immediately remove the WFs from the Pole. If the WFs are not timely removed, the City may remove them with no further notice to the Wireless Provider and charge the Wireless Provider for the City's costs incurred. The Wireless Provider shall immediately reimburse the City for these costs upon receipt of a written statement from the City.

6.4 Use by Third Parties. All Site Licenses shall be subject to the privilege to use City Poles as granted by the City to any third parties under prior Site Licenses, franchises, or other permissions, and the City reserves the right to continue, modify, and extend such attachment privileges and to approve future Site Licenses or other permissions authorizing third parties to attach Wireless Service and other facilities to City Poles and install them in the ROW.

6.5 Modify Terms. The City reserves the right to modify these Terms in order to bring them into compliance with Applicable Laws enacted in the future that would necessitate modification of these Terms.

6.6 “AS IS” Condition. The Wireless Provider is responsible for the study and inspection of the City-owned facilities, City Poles, and ROW to be utilized by the Wireless Provider and for determining the fitness for the use intended by the Wireless Provider. The City expressly disclaims all warranties of merchantability or fitness for a particular purpose or absence of hazardous conditions associated with City-owned facilities, City Poles, or the ROW. The Wireless Provider accepts City Poles and the ROW in “AS IS” condition, without representation or warranty of any kind by the City, its officers, agents, or employees, and subject to all Applicable Laws governing the use of City-owned facilities, the City Poles, or ROW for the Permitted Uses allowed by the Site License.

7. Fees

7.1 Schedule of Fees. The Wireless Provider shall pay the City the fees set forth on the Schedule of Fees approved by the City of Surprise City Council on [INSERT DATE] by Ordinance/Resolution No. [INSERT NUMBER]. These fees are subject to change by further action of the City Council from time to time. The fees paid and collected by the City shall be consideration for the Wireless Provider’s right to use the City Pole(s) or the ROW.

7.2 Application Fee. Wireless Providers shall pay the application fee shown on the Schedule of Fees when a Site License(s) application is submitted to the City.

7.3 Payment of Permit Fees. Wireless Providers shall pay all applicable permit fees at the time of issuance of a construction permit for each Site License, including, but not limited to, all applicable taxes, traffic control fees, and technology fees that are adopted by the City from time to time.

7.4 Payment in Advance. The fees shall be paid to the City in advance, on or before the anniversary date of the effective date of each Site License, without prior demand and without any deduction or offset whatsoever.

7.5 Nonrefundable. All fees paid are non-refundable.

7.6 Payment of Taxes. Wireless Providers shall pay all applicable city, county, and state taxes levied, assessed, or imposed by reason of the Wireless Services provided by the Wireless Provider. Such taxes are in addition to any non-tax amounts paid by the Wireless Provider to the City. The Wireless Provider consents to the disclosure of any and all information reported on the Wireless Provider’s transaction privilege tax returns submitted to the City by authorizing and allowing the City’s tax collector to release such information to the City Manager/Engineer or designees.

8. Term and Renewal

8.1 Term. A Site License shall be effective as of the date of issuance (the “Effective Date”) and unless sooner revoked in accordance with the provisions of Section 14, shall continue in effect for a period of ten (10) years (“Term”).

8.2 Renewal. A Site License shall be renewable for one additional Term of ten (10) years, upon mutual agreement, so long as the Wireless Provider and WFs are in compliance with these Terms, the Site

License, and all Applicable Laws. The Parties shall be deemed to have elected to extend the Term, unless a Party provides written notice to the other Party to the contrary within at least ninety (90) days prior to the end of the original Term.

8.3 Return of Premises. When a Site License either expires or is terminated before expiration of the Term due to revocation or other earlier termination, the Wireless Provider shall be subject to all obligations under these Terms to restore and rehabilitate all City Poles and ROW used for the WFs to their former condition and utility.

8.4 Holding Over. In any circumstances whereby the Wireless Provider would remain in possession or occupancy of the Site or Use Areas after expiration of the Term (as extended, if applicable), such holding over shall not be deemed to operate as a renewal or extension of the Site License(s), but shall only create a use right from month-to-month that may be terminated at any time by the City upon thirty (30) days' written notice to the Wireless Provider, or by the Wireless Provider providing sixty (60) days' written notice to the City.

8.5 Termination by City. Notwithstanding anything contained herein to the contrary, the City shall have the unconditional right, with or without cause, to terminate any Site License for reasons including, but not limit to, street widening, ROW abandonment, or development that may impact the location of the WFs, upon one hundred eight (180) days' written notice given at any time after the first one hundred eighty (180) days.

8.6 Termination by Wireless Provider. The Wireless Provider shall have the unilateral right to terminate any Site License without cause upon thirty (30) days' written notice to the City. However, there is no right to terminate after an event of default by the Wireless Provider has occurred (or an event has occurred that would become a default after passage of time or giving of notice).

9. ROW Use Requirements

9.1 Submittal of Application and Fees. A Wireless Provider shall submit the applicable permit application(s) together with the details, plans, and specifications required for City review and approval, and pay all applicable application, review, and inspection fees prior to any and all construction work performed pursuant to the rights granted under a Site License. The Wireless Provider and/or its contractor(s) shall abide by all stipulations of the Site License(s) and permits issued.

9.2 Denial of Application. The City may approve or deny such permits based on the availability of space at the location(s) sought by the Wireless Provider, safety, and other considerations in accordance with the City of Surprise City Code, applicable ROW construction regulations, and other Applicable Laws. The determination of whether a City Pole or location is available or unavailable for the attachment or placement of a WF or whether Collocation is required shall be within the City's sole, but reasonable discretion.

9.3 Removal of Temporary Facilities. The Wireless Provider and/or its Wireless Infrastructure Provider or other contractor(s) shall, during installation or relocation or removal of WFs, and upon completion of such work, remove all temporary construction facilities, debris, and unused materials provided for in the work, and put the work site and public ROW in a safe, neat, and clean condition.

9.4 Responsibility for Use Area. The Wireless Provider and/or its contractor(s) shall be solely and completely responsible for the conditions of any Use Area or Site where WFs are being placed, including safety of all persons (including employees) and property during performance of the work. This requirement shall apply continuously and not be limited to normal working hours. Safety provisions shall conform to all Applicable Laws, including, but not limited to, OSHA regulations. Where any of these are in conflict, the more stringent requirement shall be followed.

9.5 Repair of Damage. If the Wireless Provider damages City property, the Wireless Provider shall promptly, at its own expense, and in a manner acceptable to the City, repair the damage.

10. Traffic Control

10.1 Traffic Control Plan. If applicable, the Wireless Provider shall submit a Traffic Control Plan to Traffic Engineering for approval one week prior to beginning work under a Site License. The Wireless Provider shall not begin work until the Traffic Control Plan is approved by the City. An approved Traffic Control Plan shall be maintained onsite during all phases of work, otherwise work will cease until an approved Traffic Control Plan is present onsite. All traffic shall be regulated in accordance with MAG standards, the City of Surprise Barricade Manual, latest edition, the Manual on Uniform Traffic Control Devices (MUTCD), and any other requirements of the City.

10.2 Responsibility for Traffic Control. The Wireless Provider shall have the full responsibility and liability for traffic control for work performed by the Wireless Provider or its contractors. In the event the Wireless Provider or its contractor(s) damages any traffic signal equipment, traffic signal conduit, loop detectors, and/or circuits, it shall have them repaired immediately at its expense by an electrical contractor that has had traffic signal experience, as pre-approved by the City. Any damage caused by the Wireless Provider or its contractor(s) that is repaired by the City will be billed to the Wireless Provider at two (2) times the cost.

10.3 Pedestrian Access. Pedestrian access shall be maintained along the length of the project at all times per the requirements of the Americans with Disabilities Act and as approved by Traffic Engineering.

11. Insurance

11.1 Insurance Required in Advance. Prior to any access to City Poles, ROW, or any other City-owned property, the Wireless Provider shall procure and maintain for the duration of the Site License insurance against claims for (i) bodily injury, sickness or disease, or death of any person other than the Wireless Provider's employees; (ii) damages insured by usual personal and advertising injury liability coverage; (iii) damages because of injury to or destruction of tangible property, including loss of use resulting from; (iv) products/completed operations; and (v) damages involving contractual liability insurance applicable to the Wireless Provider's indemnity obligations under these Terms. Such insurance shall cover claims as may be occasioned by the operations, act, omission, or negligence of the Wireless Provider or its officers, agents, representatives, employees, or contractors during all times that the Site License(s) is in effect and/or the WTFs are on the City Poles. Insurance limits are inclusive of umbrella coverage.

11.2 Licensed Insurance Companies. Without limiting any obligations or liabilities, the Wireless Provider, at its sole expense, shall purchase and maintain the insurance specified below with companies duly licensed, authorized, or permitted or otherwise approved by the State of Arizona, Department of Insurance and with forms satisfactory to the City. Each insurer shall have a current A.M. Best, Inc., rating of not less than A-VII.

11.3 Required Insurance Coverage.

11.3.1 Commercial general liability insurance with a limit of \$5,000,000 per occurrence, with a \$5,000,000 general aggregate limit. The policy shall be primary and include coverage for bodily injury, property damage, personal and advertising injury, products, completed operations, and blanket contractual liability, which coverage will be at least as broad as Insurance Services Office Inc. policy form or equivalent thereof, including but not limited to severability of interests and waiver of subrogation clauses.

11.3.2 Worker's compensation insurance in compliance with the statutory requirements of the state of operation and employer's liability insurance with a limit of \$1,000,000 each accident, \$1,000,000 disease each employee and \$1,000,000 disease policy limit.

11.3.3 Commercial automobile liability insurance with a combined single limit for bodily injury and property damages of \$2 million per each accident covering all owned, hired, and non-owned vehicles assigned to or used in performance of the Wireless Provider's work. Coverage shall be at least as broad as coverage Symbol 1 "any auto" (Insurance Service Office policy form CA 0001 or any replacements thereof).

11.3.4 Unless waived by the City's Risk Management Division in writing, all risk property insurance covering damage to or destruction of all real and personal improvements to the Right-of-Way, including without limitation, all improvements existing upon the Right-of-Way prior to this Agreement or hereafter constructed in an amount equal to full replacement costs of all such improvements. Such insurance shall be special causes of loss policy form including perils of fire, lightning, explosion, windstorm, hail, smoke, aircraft, vehicles, riot, civil commotion, theft, vandalism, malicious mischief, collapse and flood.

11.4 City as Additional Insured. The insurance coverage, except for workers compensation and employer's liability, and property insurance, required by this Agreement, shall include the City, its directors, officials, employees and officers, as additional insureds as their interest may appear under this Agreement. This provision and inclusion of the City as an additional insured shall in no way be construed as giving rise to responsibility or liability of the City for applicable deductible amounts under such policy(s).

11.5 Duty to Maintain Coverage. All insurance required herein shall be maintained in full force and effect while any Site License is effective and until the Wireless Provider has completed all removal and restoration obligations. Failure to do so shall constitute a material breach of these Terms and can be a cause for revocation of a Site License.

11.6 Insurance Primary. The Wireless Provider's insurance shall be primary insurance to the City, and any insurance or self-insurance maintained by the City shall not contribute to it.

11.7 Claims Reporting. Any failure to comply with the claim reporting provisions of the policies or any breach of a policy warranty shall not affect coverage afforded under the policy to protect the City. The Wireless Provider shall promptly furnish the City's Risk Management Division with copies of any

accident or incident report(s) sent to the Wireless Provider's insurance carriers covering accidents/incident occurring in connection with and/or as a result of actions taken by the Wireless Provider or its contractor(s) pursuant to a Site License.

11.8 Waiver of Subrogation. The policies, including workers' compensation, shall contain a waiver of transfer rights of recovery (subrogation) against the City, its agents, representatives, directors, officers, and employees for any claims arising out of the Wireless Provider's acts, mistakes, omissions, work, or services.

11.9 Deductibles. The policies may provide coverage which contains deductibles or self-insured retentions. Such deductible and/or self-insured retentions shall be assumed by and be for the account of, and at the sole risk of the Wireless Provider who shall be solely responsible for deductible and/or self-insurance retention.

11.10 Certificates of Insurance. Within ten (10) days after issuance of any Site License, the Wireless Provider shall furnish to the City certificates of insurance with blanket additional insured endorsements issued by the Wireless Provider's insurer(s) as evidence that policies providing the required coverages, conditions, and limits are in full force and effect and obtain reasonable approval of such certificates from City. Notwithstanding the foregoing, no Site Licenses may be executed and the Wireless Provider may not perform any work pursuant to a Site License until a certificate of insurance is provided to the City. Such certificates shall include the blanket additional insured endorsement(s). Such certificates and all subsequent renewals that are required shall be sent directly to:

Procurement Manager
16000 N. Civic Center Plaza
Surprise, AZ 85374
Phone: 623.222.1857

11.11 Increase of Required Insurance. By written notice to the Wireless Provider, the City may elect to increase the amount or type of any insurance to account for inflation, changes in risk, or any other factor that the City reasonably determines to affect the reasonable amount of insurance to be provided.

11.12 No Limitation on Payment of Damages. Nothing contained in these insurance requirements shall be construed as limiting the extent of the Wireless Provider's responsibility for payment of damages resulting from the Wireless Provider's use of a City Pole, ROW, or other City-owned property, or limiting or diminishing the Wireless Provider's obligation to indemnify, defend, and hold harmless the City as set forth in Section 12.

11.13 Notice of Cancellation. Upon receipt of notice from its insurer(s), the Wireless Provider shall endeavor to provide the City with thirty (30) days' prior written notice of cancellation of any coverage required herein.

11.14 Expiration. If a policy does expire during the term of any of the Wireless Provider's Site Licenses, a renewal certificate(s) must be sent directly to the City's Risk Management prior to the expiration date.

11.15 Contractor's Insurance. The Wireless Provider shall require all contractors to obtain and maintain substantially the same coverage with substantially the same limits as required of the Wireless Provider and provide separate certificates of insurance and additional insured endorsements.

12. Indemnity

12.1 To the fullest extent permitted by law, the Wireless Provider shall pay, indemnify, defend, and hold harmless the City, its elected and appointed officials, employees, agents, successors, and assigns (“Indemnified Parties), for, from, and against any and all claims related to or arising from the Wireless Provider’s use of City Poles, the ROW, or any other City-owned facilities (including, without limitation, the negligence, gross negligence, or intentional misconduct of the Wireless Provider and/or its employees, contractors, and/or agents in connection therewith) (collectively, the “Indemnity”).

12.2 Without limitation, this indemnification shall include and apply to any and all claims that may arise in any manner out of any use by the Wireless Provider or its contractors of the ROW or other property related to a Site License, or any actions, acts, errors, mistakes, or omissions relating to work or services in the performance of or related to a Site License by the Wireless Provider or its contractor(s), including without limitation any injury or damages or cause of action claimed or caused by any employees, contractors, subcontractors, tenants, subtenants, agents, or other persons upon or using the ROW or surrounding areas related to a Site License. However, the Indemnity shall not include claims, liability, harm, or damage caused by the negligence, gross negligence, or willful misconduct of the City or any other Indemnified Party.

12.3 To the extent any provision of the Indemnity is not fully enforceable against the Wireless Provider for any reason whatsoever, the Indemnity shall be deemed automatically reformed to the minimal extent necessary to cause it to be enforceable to the fullest extent permitted by law.

12.4 The Indemnity shall also include and apply to any environmental injury, personal injury, or other liability relating to the Wireless Provider’s use of the ROW or any other City-owned property under a Site License or from the Wireless Provider’s non-compliance with the Site Plan, Site License, or any Applicable Law.

12.5 The Wireless Provider shall promptly notify the City in writing of any claims, demands, or lawsuits which may name or involve the Wireless Provider and/or name or involve the City in relation to a Site License and provide copies of all relevant accident reports, incident reports, statements, or other documents that are relevant to the claims, demands, or lawsuits, or which may lead to the discovery of relevant materials or information, in the possession of the Wireless Provider, its employees, agents, contractors, and/or others.

12.6 The Wireless Provider shall make its employees, agents, and contractors available to the City to gather any relevant information relating to an incident, which results in a claim, demand, or lawsuit which may involve the Wireless Provider and/or the City in relation to a Site License.

12.7 It is the purpose of the Indemnity to provide maximum indemnification to the City and, in the event of a dispute, the Indemnity shall be construed (to the greatest extent permitted by law) to provide for the indemnification of the City by the Wireless Provider against any and all claims, demands, or lawsuits. The sole exception shall be an express determination by a court of competent jurisdiction upon

full adjudication of the case that the damages either arose only from the City's active negligence or intentional acts or that the City was comparatively at fault for the damages.

12.8 The amount and type of insurance coverage requirements set forth in these Terms will in no way be construed as limiting the scope of the Indemnity.

12.9 The obligations set forth in the Indemnity shall survive completion of the work, revocation, termination, or expiration of the Site License.

13. Limitation of Liability

13.1 Under no circumstances shall the City be liable to the Wireless Provider for any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, whether under theory of contract, tort (including negligence, strict liability or otherwise), or in equity.

13.2 The Wireless Provider expressly acknowledges that the WFs are exposed to many risks beyond the reasonable control of the City, including acts of God or the public enemy, such as but not limited to, wind, rain, sleet, ice, floods, fire, riots, sabotage, expropriation, confiscation of facilities, or exercise of the power of eminent domain by a governmental entity other than the City. The Wireless Provider shall assume all risk of loss to WF that may arise in connection with these hazards and occurrences.

13.3 The Wireless Provider acknowledges and agrees that the Wireless Provider bears all risk of loss or damage to the WFs installed on the City Poles or ROW pursuant to its Site License from any cause, except for the cost of repairs to damaged WFs to the extent caused by the negligence or willful misconduct of the City and not covered by the Wireless Provider's insurance.

14. Revocation by the City

14.1 The City may revoke a Site License upon thirty (30) days written notice if the Wireless Provider neglects or refuses to comply with any of the provisions of the Site License or these Terms beyond all applicable cure periods. The Wireless Provider shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days, and the Wireless Provider commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion.

14.2 Failure by a Wireless Provider to operate a WF (except during specific periods expressly excused by these Terms) once installed under any Site License for a period of six (6) months within any twelve (12) month period will be grounds for revocation of the Site License at that location, unless the Wireless Provider recommences the use of such WF within thirty (30) days or any applicable cure period.

14.3 A Site License shall terminate and be revoked, without notice, (i) upon the institution by or against the Wireless Provider of an insolvency, receivership, or bankruptcy proceeding or any other proceedings for the settlement of the Wireless Provider's debts, (ii) upon the Wireless Provider making an assignment for the benefit of creditors, or (iii) upon the Wireless Provider's dissolution or ceasing to do business.

14.4 Upon revocation of a Site License, the Wireless Provider shall remove all WFs from the City Poles and the ROW within thirty (30) days of such revocation or termination, unless the City expressly agrees in writing to a longer time period, and to pay any fees then due and owing under the Site License or these Terms. The Wireless Provider's responsibility and obligation to indemnify and hold harmless the City, as required by Section 12, and duty to reimburse the City for all costs, expenses, and losses incurred by City shall survive revocation of a Site License.

14.5 In the event that the Wireless Provider fails to timely remove the WFs from the City Pole(s), the ROW, or other City-owned property, the City shall have the right, to remove the remaining WFs, in which event such equipment may be retained by City without accounting to the Wireless Provider therefore, and the expense of such removal and repairs shall be charged to and paid by the Wireless Provider without credit for the value, if any, of such WFs. If the WFs are attached to a third-party owned pole, the City will only remove the non-pole-attached portions of the WF.

14.6 Revocation of any Site License shall not affect the Wireless Provider's liabilities and obligations incurred under such Site License prior to the effective date of such revocation.

15. No Assignment

15.1 Each Site License is personal to the Wireless Provider and is for the Wireless Provider's use only. The Wireless Provider shall not assign, transfer, lease, sublicense, share with, convey, or resell to a third-party, any such space or rights granted hereunder without the express written consent of the City. Any unauthorized assignment, transfer, lease, sublicense, or sale of a Site license shall be void and not merely voidable.

15.2 In connection with any assignment/transfer approved by the City, the License shall pay to the City in advance the sum of Two Thousand Dollars (\$2,000.00) as a nonrefundable fee for legal, administrative, and other expenses related to every assignment/transfer.

15.3 Payment of any outstanding fees and/or any applicable attachment fee will need to be paid either by the Wireless Provider or the approved assignee or transferee before any permits will be issued.

16. No Liens

16.1 The Wireless Provider shall not do or allow or cause anything to be done whereby the City's Poles, ROW, or other City-owned property may be encumbered by a construction lien or any other type of lien. Notice is hereby given that the City will not be liable for any labor or materials furnished to the Wireless Provider on credit, and that no construction or other lien for any such labor or materials shall attach to or affect the City's interest in and to the City's Poles, ROW, or other City-owned property.

16.2 If any lien is filed against any City-owned property, the Wireless Provider shall discharge the lien or bond the lien off in a manner reasonably satisfactory to the City within thirty (30) days after the Wireless Provider receives written notice that the lien has been filed. The Wireless Provider shall immediately provide the City a copy of any written notice when received. The Wireless Provider shall indemnify, defend, and hold harmless the City from all claims, demands, costs, and liabilities, including reasonable attorney's fees and costs, in connection with or arising out of any such lien or claim of lien.

17. Contractors

17.1 The Wireless Provider shall only engage Wireless Infrastructure Providers and other contractors licensed by the Arizona Registrar of Contractors, pursuant to State law, to perform any work on City Poles or work within the ROW.

17.2 The Wireless Provider shall be responsible for ensuring that the work of Wireless Infrastructure Providers and other contractors is performed consistent with these Terms and Applicable Laws, shall be responsible for acts or omissions of its Wireless Infrastructure Providers and other contractors to the same degree it is responsible for the acts of its employees, shall be responsible for promptly correcting acts or omissions by any Wireless Infrastructure Providers or other contractor, and shall implement a quality control program to ensure that the work contemplated by the Site License is performed.

18. Hazardous Substances

Neither the Wireless Provider nor any Wireless Infrastructure Providers or any other contractor engaged by the Wireless Provider shall produce, dispose, transport, treat, use, generate, or store any Hazardous Substances on, under, about, or within the Site or Use Area in violation of the Arizona Hazardous Waste Management Act, A.R.S. § 49-901, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq., or the Toxic Substances Control Act, 15 U.S.C. § 2601, et seq. or any other federal, state, county, or local law or regulation. The Wireless Provider and any Wireless Infrastructure Providers or other contractor may not use the ROW in a manner that would require a permit or approval related to Hazardous Substances from the Arizona Department of Health Services or any governmental agency other than the City. The Wireless Provider will pay, indemnify, defend, and hold City harmless against any loss or liability incurred by reason of any Hazardous Substance produced, disposed of, or used by the Wireless Provider or any Wireless Infrastructure Provider or other contractor engaged by the Wireless Provider and must immediately notify City of any Hazardous Substance at any time discovered or existing upon the ROW. The Wireless Provider and any Wireless Infrastructure Provider or other contractor will ensure that any on-site or off-site storage, treatment, transportation, disposal, or other handling of Hazardous Substance will be performed by persons who are properly trained, authorized, licensed, and otherwise permitted to perform those services.



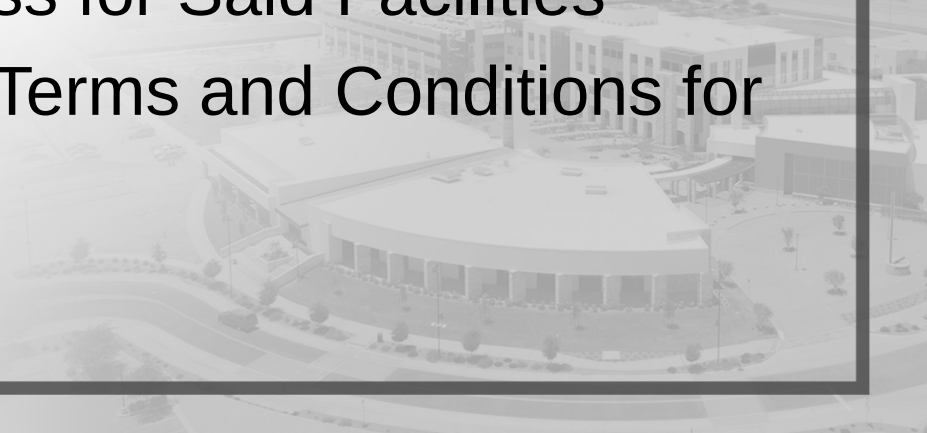
WIRELESS FACILITIES IN RIGHTS-OF-WAY

CITY COUNCIL WORKSHOP – DECEMBER 19, 2017



HB 2365

- Allows Wireless Providers to Install and Operate Wireless Facilities in City Rights-Of-Way (ROW)
- Sets Maximum Fees for Wireless Facilities in ROW
- Provides Application Process for Said Facilities
- Requires Establishment of Terms and Conditions for Wireless Providers



TECHNOLOGY



FEES

ROW use fee ²⁴	\$50/year x number of SWFs
ROW use fee for monopoles and associated wireless facilities ²⁵	Limited to not more than the direct and actual cost of managing the ROW
Authority utility pole attachment ²⁶	\$50/year

Application for collocating SWFs²⁷:

SWF collocation	\$100 per SWF up to five
	\$50 per additional SWF

Batched applications up to 25 SWFs²⁸:

First five SWFs @ \$100	\$500
Additional 20 sites @ \$50	\$1,000
Total for batch of 25	\$1,500

Utility pole and monopole applications:

New, replacement or modified utility poles NOT subject to zoning review ²⁹	\$750
New, replacement or modified monopoles and utility poles and collocation of wireless facilities subject to zoning review ³⁰	\$1,000

- Annual Use Fee
- Generally will be \$50 Per Year

FEES

ROW use fee ²⁴	\$50/year x number of SWFs
ROW use fee for monopoles and associated wireless facilities ²⁵	Limited to not more than the direct and actual cost of managing the ROW
Authority utility pole attachment ²⁶	\$50/year

Application for collocating SWFs²⁷:

SWF collocation	\$100 per SWF up to five
	\$50 per additional SWF

Batched applications up to 25 SWFs²⁸:

First five SWFs @ \$100	\$500
Additional 20 sites @ \$50	\$1,000
Total for batch of 25	\$1,500

Utility pole and monopole applications:

New, replacement or modified utility poles NOT subject to zoning review ²⁹	\$750
New, replacement or modified monopoles and utility poles and collocation of wireless facilities subject to zoning review ³⁰	\$1,000

- SWF Application Fee
- Utilizing Existing Support Structure
- Can be Batched

FEES

ROW use fee ²⁴	\$50/year x number of SWFs
ROW use fee for monopoles and associated wireless facilities ²⁵	Limited to not more than the direct and actual cost of managing the ROW
Authority utility pole attachment ²⁶	\$50/year

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Additional 20 sites @ \$50	\$1,000
Total for batch of 25	\$1,500

Utility pole and monopole applications:

New, replacement or modified utility poles NOT subject to zoning review ²⁹	\$750
New, replacement or modified monopoles and utility poles and collocation of wireless facilities subject to zoning review ³⁰	\$1,000

- Utility and Monopole Application Fee
- New Support Structure

FEES

ROW use fee ²⁴	\$50/year x number of SWFs
ROW use fee for monopoles and associated wireless facilities ²⁵	Limited to not more than the direct and actual cost of managing the ROW
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	\$50 per additional SWF

Batched applications up to 25 SWFs²⁸:

First five SWFs @ \$100	\$500
Additional 20 sites @ \$50	\$1,000
Total for batch of 25	\$1,500

Utility pole and monopole applications:

New, replacement or modified utility poles NOT subject to zoning review ²⁹	\$400
New, replacement or modified monopoles and utility poles and collocation of wireless facilities subject to zoning review ³⁰	\$400

- Utility and Monopole Application Fee
- New Support Structure



APPLICATION PROCESS

- Most Applications are Exempt From Zoning Review
 - Provides Time Frames for Completeness and Action on Applications
 - Allows City to Require **Reasonable** Appearance and Concealment Requirements
- 



TERMS AND CONDITIONS

The City is Required to Establish and Make Terms and Conditions for the Following Activities Conducted in the ROW:

- Construction, Installation, Mounting, Maintenance, Operation or Replacement of Utility Poles and Monopoles;
- Collocation of SWFs;
- Collocation of Wireless Facilities on or Within a Monopole
- Collocation of SWFs on Authority Utility Poles.

The standard terms and conditions **MAY NOT:**

- Be unreasonable or discriminatory
- Require the placement of SWFs on any specific utility pole or category of poles
- Require multiple antenna systems on a single utility pole
- Require minimum separation distances for SWFs.



NEXT STEPS

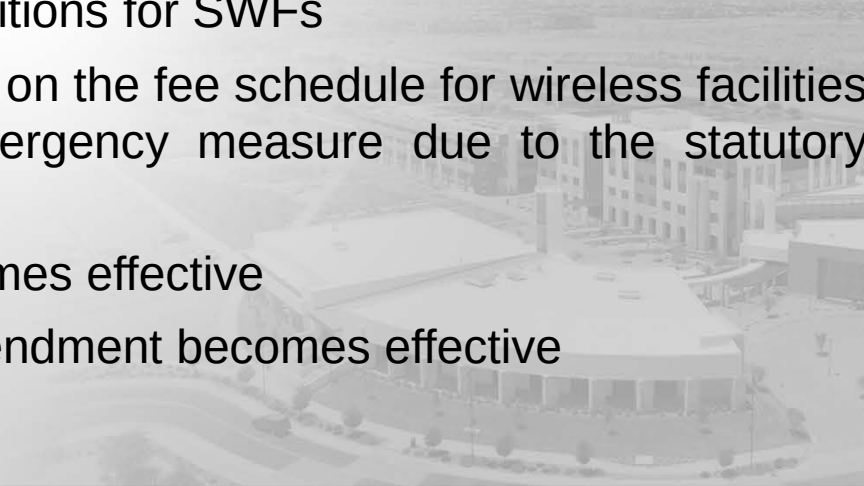
December 21, 2017: Presentation with public hearing to the Planning and Zoning Commission regarding the Zoning Text Amendment for Wireless Facilities followed by written recommendation to the City Council

January 16, 2018: Discussion and action on Zoning Text Amendment, Master License Agreement, and Terms and Conditions for SWFs

February 6, 2018: Discussion and action on the fee schedule for wireless facilities in the ROW to be enacted as an emergency measure due to the statutory deadline imposed by HB 2365

February 9, 2018: The new statute becomes effective

February 15, 2018: The Zoning Text Amendment becomes effective





SURPRISE

ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You