

October 27, 2020 -- City Council Study Session

CELL TOWER DISCUSSION

Current Yavapai County Code

- ◉ No new wireless communication facilities within one thousand feet (1,000') of any residences
- ◉ Exception of attached antenna and concealed antenna sites that do not exceed ten feet (10') above the maximum building height reviewed on a case-by-case basis
- ◉ For those wireless communication facility sites exceeding ten feet (10') above the maximum building height for the District, there is a ten (10) foot setback for every one (1) foot in tower height to nearest residence with a minimum of one thousand feet (1,000')
- ◉ Use Permits may be applied for to reduce the above setback requirements

Prescott Development Code

Special Use Permit setback requirements:

- ◉ Towers must meet the zoning district height and setbacks or obtain a SUP
- ◉ Towers must be set back from any lot line a distance equal to the height of the tower
- ◉ Guy wires and accessory structures must satisfy the minimum zoning district setback requirements
- ◉ SUP process allows Council to grant height and setback adjustments

Yavapai County Proposed Code

Towers will be permitted by right in R1L (Residential) District provided:

- Minimum parcel size = 2 acres
- Maximum height = 60 feet
- Towers must be set back from any lot line a distance equal to the height of the tower unless proof of collapse is provided by a registered engineer, then zoning district setbacks apply
- Full stealth design required as approved by the Development Services Director
- Stealth design to match the characteristics and colors of the surrounding community
- Tower shall utilize the least intrusive design to fill a significant gap in service coverage
- All ground equipment shall be concealed by an 8' CMU walled enclosure or similar design as approved by the Development Services Director
- Exceptions are possible through Use Permit process

Durango, CO

- ⦿ Not allowed within, or closer than 250 feet, to residential zone boundaries
- ⦿ No new tower within 8,000 feet of an existing tower unless demonstrated there is no capacity for additional antennas or needed for data coverage
- ⦿ Must be designed for co-location
- ⦿ Administrative process if all standards are met
- ⦿ No stealth requirement

Payson, AZ

- ⦿ CUP required in residential districts
- ⦿ Maximum height of 100 feet
- ⦿ Lattice type with guy wires prohibited
- ⦿ All towers to be set back 25 feet from any property line
- ⦿ Must be stealth / camouflage

Flagstaff, AZ

- Stealth Telecommunication Facilities are permitted by right with a Concept Site Plan approval (administrative process)
- Residential areas are considered “disfavored” and limit the height allowed to 60’, or 5’ above the average maximum height of the foliage within 200’ of the proposed facility, but in no case greater than 70’ with landscape screening around compound to mitigate the visual impact
- Shall allow for co-location

What authority does the City have to regulate Cell Towers?

- There are limitations on the City's ability to regulate cell towers:
 - i. Local jurisdiction's regulation on cell towers cannot “prohibit or have the effect of prohibiting the provisions of personal wireless services”
 - ii. This means a local jurisdiction cannot deny a cell tower application if the proposed cell tower is the “least intrusive means” to cover a “significant gap” in personal wireless service

Other requirements of the City:

- i. The City cannot discriminate, prohibit or have effect of prohibiting personal wireless service.
- ii. The City must act within a reasonable period of time.
- iii. The City cannot deny on the basis of environmental effects of radio frequency emissions.
- iv. Denial of application must be in writing and supported by substantial evidence.

Applicant must show:

- ⦿ That the proposed cell tower closes a significant gap in its own coverage in the least intrusive way possible.
- ⦿ A meaningful comparison of various sites.
- ⦿ That the proposed site is the best available to address the coverage gap.
- ⦿ That the proposed site is the best technologically feasible site.
- ⦿ That the application complies with the city's land development code and ordinances.

Additional Requirements of Applicants:

- ⦿ Applicant must show a lack of available and technologically feasible alternatives to its proposed cell tower.
- ⦿ It is appropriate to ask applicant to study:
 - Alternative sites
 - Alternative designs
 - Alternative technologies

QUESTIONS?