



**TOWN OF EAGAR**  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING & WORK SESSION**  
**MAY 12, 2026 at 6:00 PM**  
**COUNCIL CHAMBERS, 22 WEST 2ND STREET**

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## **AGENDA**

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PURSUANT TO A.R.S. 38-431.02 NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGAR AND THE GENERAL PUBLIC THAT THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGAR WILL HOLD A REGULAR MEETING AND WORK SESSION OPEN TO THE PUBLIC ON TUESDAY MAY 12, 2026 AT 6:00 PM, IN THE COUNCIL CHAMBERS LOCATED AT 22 W. 2<sup>ND</sup> STREET, EAGAR, AZ 85925.

- 1. WELCOME**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. INVOCATION**
- 5. PUBLIC COMMENTS**

PERSONS WISHING TO ADDRESS THE COMMISSION ON ANY ITEM NOT ALREADY ON THE AGENDA MAY DO SO, ALTHOUGH EACH SPEAKER IS LIMITED TO THREE MINUTES. THE CHAIR, WITH THE CONSENT OF THE COMMISSION, MAY LIMIT THE TOTAL TIME OFFERED SPEAKERS, IF NECESSARY. ALL SUCH REMARKS SHALL BE ADDRESSED TO THE COMMISSION AS A WHOLE, AND NOT TO ANY SPECIFIC MEMBER. NO PERSON OTHER THAN THE SPEAKER SHALL ENTER THE DISCUSSION WITHOUT PERMISSION OF THE CHAIR. THE COMMISSION MAY NOT ADDRESS, DISCUSS OR VOTE UPON ANY PETITION OR COMMENT RAISED BY THE PUBLIC AT ANY MEETING. THE ITEM MAY BE PLACED ON A FUTURE AGENDA WITH DIRECTION FROM THE PLANNING AND ZONING ADMINISTRATOR ON HOW TO PLACE AN ITEM ON THE AGENDA.

- 6. REPORTS**
  - A. COMMISSION**
  - B. STAFF**
- 7. DISCUSSION AND CONSIDERATION OF MINUTES**
  - A. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FEBRUARY 10, 2026 MEETING MINUTES**

**8. WORK SESSION**

**A. DISCUSSION RELATED TO AMENDING CHAPTER 18.72 – WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS OF THE TOWN OF EAGAR TOWN CODE**

**9. RECONVENE INTO REGULAR SESSION**

**A. DISCUSSION AND POSSIBLE ACTION TO DIRECT STAFF TO PROCEED WITH AMENDED CHAPTER 18.72 – WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS OF THE TOWN OF EAGAR TOWN CODE AND TO TAKE RECOMMENDED AMENDMENTS TO TOWN OF EAGAR COUNCIL FOR APPROVAL**

**10. ADJOURNMENT**

ANYONE WISHING TO ATTEND THIS MEETING AND HAS SPECIAL NEEDS DUE TO A DISABILITY, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 928-333-4128 EXT 222 FORTY-EIGHT HOURS PRIOR TO THE MEETING AND RESONABLE ACCOMMODATIONS WILL BE PROVIDED.

**POSTED BY:** William Gleeson      **Date:** May 6, 2026      **Time:** 3:00 P.M.



TOWN OF EAGAR  
**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING & WORK SESSION**  
**FEBRUARY 10, 2026 at 6:00 PM**  
**COUNCIL CHAMBERS, 22 WEST 2ND STREET**

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## MEETING MINUTES

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PURSUANT TO A.R.S. 38-431.02 NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGAR AND THE GENERAL PUBLIC THAT THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGAR WILL HOLD A REGULAR MEETING AND WORK SESSION OPEN TO THE PUBLIC ON TUESDAY FEBRUARY 10, 2026 AT 6:00 PM, IN THE COUNCIL CHAMBERS LOCATED AT 22 W. 2<sup>ND</sup> STREET, EAGAR, AZ 85925.

1. **WELCOME** - Commissioner Ciminski called the meeting to order at 6:06 p.m.

2. **ROLL CALL** – Commissioner Ciminski asked for roll call.

Present: Debra Seeley, Brenda Ciminski, Kristi Penrod, JoElla Younkin

Initially Absent: Becky Crosby [Arrived late 6:12 p.m.]

Excused: Chelsea Slade

Staff Present: Britney Reynolds – Director of Community Development

William Gleeson – Building Inspector

3. **PLEDGE OF ALLEGIANCE** – Commissioner Ciminski led the pledge of allegiance

4. **INVOCATION** – Commissioner Seeley offered an invocation

5. **PUBLIC COMMENTS** – There were no public comments

6. **REPORTS**

A. **COMMISSION** – None

B. **STAFF** – Director Reynolds advised the Commission there would be no meeting in March. Director Reynolds advised the Commission we plan to host a meeting in April that will involve review of an application for a Conditional Use Permit involving a wireless tower.

7. **DISCUSSION AND CONSIDERATION OF MINUTES**

**A. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE JANUARY 13, 2026 MEETING MINUTES**

Commissioner Seeley motioned to approve the January 13, 2026 meeting minutes. Commissioner Penrod seconded the motion. All were in favor. None opposed. The motion passed unanimously 4-0.

Ayes	Nays
Brenda Ciminski Debra Seeley Kristi Penrod JoElla Younkin	None

**8. WORK SESSION**

Commissioner Ciminski motioned to enter into work session at [6:11 p.m.]. Commissioner Penrod seconded the motion. All were in favor. None opposed. The motion passed unanimously 4-0.

Ayes	Nays
Brenda Ciminski Debra Seeley Kristi Penrod JoElla Younkin	None

**A. DISCUSSION RELATED TO AMENDING THE TOWN OF EAGAR GENERAL PLAN**

Director Reynolds advised the Commission that she has been in communication with Sonoran Land Resources which is a company that provides professional services specific to land use and general plans. Director Reynolds stated we will need at least one Commissioner from the Planning & Zoning Commission to serve on a Project Advisory Committee in the future.

[Vice Chair Crosby arrived at 6:12 pm]

Commissioner Penrod commented that portions of our Town Code specific to Industrial Zoning do not seem to be fully clear. Commissioner Penrod discussed business owner on-site living in Commercial and Industrial Zoning and a grandfather clause reference remodels and rebuilding due to disaster in a Commercial zone.

Commissioner Ciminski inquired about the progress of the Ethos fiber optic installation and the progress of the HAWK safety crossing at north Main Street and 6th Ave.

Commissioner Seeley expressed her concern about businesses stacking signs at Central and Main.

Commissioner Ciminski expressed her concern about duplicate realtor signs along Central Ave.

Commissioner Penrod reminded the Commission that high school senior graduation signs are historically allowed annually along north Main Street on graduation day.

Reference residential zoning, Commissioner Ciminski suggested it be better defined what a 'Casita' [Tiny Home] is and where they are allowed. Director Reynolds agreed that we should revisit the definition of a Tiny Home. Commissioner Penrod suggested that "under roof" and dimensions be visited when defining or re-defining a Tiny Home.

Commissioner Ciminski asked staff how the new shipping container code has been received. Director Reynolds advised the Commission that the code has generally been well received.

Commissioner Ciminski suggested we better define alternative power and provide a clause for private windmills.

Commissioner Penrod motioned to exit work session at [7:03 p.m.]. Vice Chair Crosby seconded the motion. All were in favor. None opposed. The motion passed unanimously 5-0.

Ayes	Nays
Brenda Ciminski Debra Seeley Kristi Penrod JoElla Younkin Becky Crosby	None

## 9. ADJOURNMENT

Commissioner Seeley motioned to adjourn at [7:05 p.m.]. Vice Chair Crosby seconded the motion. All were in favor. None opposed. The motion passed unanimously 5-0

Ayes	Nays
Brenda Ciminski Debra Seeley Kristi Penrod JoElla Younkin Becky Crosby	None

# Current Code (Original)

## Chapter 18.72 - WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

### 18.72.010 - Purpose.

The purpose of this chapter is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this chapter are to:

- A. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- B. Encourage the location of towers in non-residential areas;
- C. Minimize the total number of towers throughout the community;
- D. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- E. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- F. Consider the public health and safety of communication towers;
- G. Avoid potential damage to adjacent properties from tower failure through engineering, careful siting of tower structures; and

In furtherance of these goals, the town of Eagar shall give due consideration to the town's general plan, zoning map, and existing land uses in approving sites for the location of towers and antennas.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

### 18.72.020 - Definitions.

As used in this chapter, the following terms shall have the meanings set forth below:

- A. "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. "Antenna" means an exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, microwave signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- C. "Backhaul network" or "interconnection facilities" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- D. "FAA" means the Federal Aviation Administration.
- E. "FCC" means the Federal Communications Commission.
- F. "Height" means, when referring to a tower, the distance measured from the base of the tower to the highest point on the tower or other structure including the base pad and any antenna. An applicant shall be prohibited from altering the natural grade/elevation of the site. No tower/antenna installations shall exceed one hundred ninety-nine feet in height, except as may be conditionally approved on industrially zoned properties.
- G. "Preexisting towers and preexisting antennas" means any tower or antennas for which a building permit or conditional use permit has been properly issued prior to the effective date of the ordinance codified in this chapter, including permitted towers and antennas that have not yet been constructed so long as such approval is current and not expired; and also means any tower or antenna erected prior to annexation or prior to the commencement of the town's building permit requirement.
- H. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative

tower structures, and the like. The term includes the structure and any support thereto.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

#### 18.72.030 - Applicability.

A. New Towers and Antennas. All new towers or new antennas in the town of Eagar shall be subject to these regulations, except as follows:

1 .Amateur Radio Station Operators and/or Receive-Only Antennas. This chapter shall not govern any tower, or the installation of any antenna, that is under fifty feet in height provided that minimum setback requirements are met and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas. Extendable tower/antenna installations no greater than seventy-five foot extended height shall be permitted as of right, provided that minimum setback requirements are maintained for the installation's maximum extended height. The minimum required setbacks from adjacent properties of these installations shall be the height of the tower/antenna assembly (measured to the extended height of an extendable tower and antenna).

2.Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of Sections 18.72.040E., F., and G.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

#### 18.72.040 - General requirements.

A. Principle or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna on such plot.

B. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of

the entire lot shall control, even though the antennas may be located on leased parcels within such lot.

C. Aesthetics. Towers and antennas shall meet the following requirements:

1. Towers may be required to be painted, subject to any applicable FAA standards, a neutral color so as to reduce visual obtrusiveness. At a tower site, the design of the buildings and related structures shall, to the extent possible, utilize materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

2. If an antenna is installed on a structure other than a tower, the antenna and supporting mechanical equipment must be of a neutral color that is compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

D. Lighting. Towers shall not be artificially lighted, unless required by FAA, of the town and/or other applicable authority for safety reasons. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The owner of the tower shall ensure the ongoing maintenance of all required tower lighting.

E. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

F. Building Codes, Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and any other applicable standards as amended from time to time. If, upon inspection, the town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty days to bring such tower into

compliance with such standards. Failure to bring such tower into compliance within said thirty days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

G. Interference. The installation of any equipment or commencement of any frequencies that interfere with or compromise any public safety frequencies/installations shall be prohibited.

H. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the town of Eagar irrespective of municipal and county jurisdictional boundaries.

I. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

J. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the town of Eagar have been obtained and shall file a copy of all required franchises with the community development director.

K. Public Notice. For purposes of this chapter, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice in accordance with the zoning ordinance and applicable state law.

L. Signs. No signs shall be allowed on an antenna or tower, except as may be legally required.

M. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection H. of this section.

N. Visual Corridor Protection. Except for placement on existing structures or towers, no new tower shall be permitted within two hundred feet of the edge of the right-of-way for any arterial or collector roadways as identified in the town of Eagar's transportation plan.

O. Residential Land Use Zoning Districts. No new towers shall be permitted on any residentially zoned property, except for amateur radio or receive only

towers/antennas as described herein. Tower/antenna installations may be considered on publicly-owned residentially-zoned properties.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

#### 18.72.050 - Permitted uses.

The following uses are specifically permitted: Antennas or towers located on property owned, leased, or otherwise controlled by the town of Eagar provided a license or lease authorizing such antenna or tower has been approved by the town council.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

#### 18.72.060 - Administratively approved uses.

A.General. The following provisions shall govern the issuance of administrative approvals for towers and antennas:

1. The community development director may administratively approve the uses listed in this section.
2. Each applicant for administrative review shall apply to the community development director providing the information set forth in Sections 18.72.070B.1. and 18.72.070B.3. of this chapter and shall pay a nonrefundable fee as established by resolution of the town council to reimburse the town for the costs of reviewing the application.
3. The community development director shall review the application for administrative approval and determine if the proposed use complies with Sections 18.72.040, 18.72.070B.4. and 18.72.070B.5. of this chapter.
4. The community development director shall respond to each such application within sixty days after receiving it by approving, conditionally approving, or denying the application. If the community development director fails to respond to the applicant within said sixty days, then the application shall be deemed to be approved.
5. In connection with any administrative application, the community development director may, in order to encourage the use of self-supporting

poles, administratively allow the reconstruction of an existing tower to a method of self-supporting construction.

6. If an administrative approval is denied, the applicant shall file an application for a conditional use permit pursuant to Section 18.72.070 prior to filing any appeal that may be available under the zoning ordinance.

B. List of Administratively-Approved Uses. The community development director may approve the following after conducting an administrative review:

1. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial zoning district.

2. Locating antennas on existing structures or towers consistent with the terms of subsections a. and b. below.

a. Antennas on Existing Structures. Any antenna that is not attached to a tower may be approved by the community development director as an accessory to any structure located in the commercial or industrial zoning district, provided:

i. The antenna and/or any supporting mechanism does not extend more than thirty feet above the highest point of the structure;

ii. The antenna complies with all applicable FCC and FAA regulations; and

iii. The antenna complies with all applicable town codes.

b. Antennas on Existing Towers. An antenna which is attached to an existing tower may be approved by the community development director and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers, provided such collocation is accomplished in a manner consistent to the following:

i. A tower that is modified or reconstructed to accommodate the collocation of an additional antenna shall be of similar type as the existing tower, unless the community development director allows reconstruction as a self-supporting pole.

ii. The antenna complies with all applicable FCC and FAA regulations.

3. Height.

a. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet over the tower's existing height, to accommodate the collocation of an additional antenna.

b. The height change referred to in subsection 3.a. [above] may only be increased by an approved conditional use permit.

4. Onsite Location.

a. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty feet of its existing location, as long as the separation distances for residential units or residentially zoned lands set forth in Section 18.72.070B.5. is met.

b. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

c. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 18.72.070B.5. The relocation of a tower hereunder shall in no way be deemed a violation of Section 18.72.070B.5.

C. Installing a cable micro-cell network through the use of multiple low-powered transmitters and/or receivers attached to existing wire-line systems, such as conventional cable or telephone wires or similar technology that does not require the use of towers.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

18.72.070 - Conditional use permits.

A. General. The following provisions shall govern the issuance of conditional use permits for towers or antennas by the planning and zoning commission:

1. If a tower or antenna is not a permitted use under Section 18.72.050 of this chapter or permitted to be approved administratively pursuant to Section 18.72.060 of this chapter, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna.
2. Applications for conditional use permits under this section shall be subject to the procedures and requirements of Chapter 18.84 of the zoning ordinance, except as modified in this section.
3. Each applicant for a conditional use permit shall provide the information set forth in this section and shall pay a nonrefundable fee as established by resolution of the town council to reimburse the town for the costs of reviewing the application. The town shall not collect this fee for consideration of a proposed amateur radio tower/antenna installation measuring greater than fifty feet in height.
4. Any information of an engineering nature submitted by the applicant, whether of a civil, mechanical, or electrical nature, shall be certified by a professional engineer licensed in the state of Arizona.

#### B. Towers.

1. **Application Information Required.** The community development director may waive certain of the following requirements in the case of commission consideration of any proposed amateur radio tower installation that does not fulfill the requirements of Section 18.72.030A.1. of this chapter. This information may be required in addition to any information required for applications for conditional use permits pursuant to Chapter 18.84 of the zoning ordinance applicants for a conditional use permit for a tower shall submit the following information:
  - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including any property adjacent to other municipalities or jurisdictions), general plan classification of the site and all properties within the applicable separation distances set forth in Section 18.72.070B.5., adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the community development director to be necessary to assess compliance with this chapter.

- b. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- c. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 18.72.040C. shall be shown on a plot plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- d. Legal description of the parent tract and leased parcel (if applicable).
- e. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the community development director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the town of Eagar or within one mile of the border thereof, including specific information about the location, height and type of each tower. The community development director may share such information with other applicants applying for administrative approvals or conditional use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of the town, provided, however that the community development director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- f. A landscape plan showing specific landscape materials and the type of security fencing.
- g. Finished color of the tower and, if applicable, the method of camouflage and illumination.
- h. A description of compliance with Sections 18.72.040C., D., E., F., G., J., K., L., and M., 18.72.070B.1.d., 18.72.070B.5. and all applicable federal, state or local laws.
- i. Certification by a structural engineer, licensed in the state of Arizona, of the carrying capacity of the tower.
- j. Identification of the entities providing in the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

k. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

l. A description of the feasible location(s) of the future towers or antennas within the town of Eagar based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

m. Evidence of the submittal of Form 7460 to the Federal Aviation Administration.

2. Factors Considered in Granting Conditional Use Permits for Towers. In addition to any standards for consideration of conditional use permit applications pursuant to Chapter 18.84 of the zoning ordinance, the planning and zoning commission shall consider the following factors in determining factors in determining whether to issue a conditional use permit:

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 18.72.070B.3. of this chapter.

3. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. An applicant shall submit information requested by the commission related to the availability of suitable existing towers, other structures or alternative

technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna should consist of any of the following:

- a. No existing towers or structures are located within the geographic area meeting the applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs significantly exceeding new tower development are presumed to be unreasonable.
- f. The application demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro-cell network using multiple low-powered transmitters and/or receivers attached to a wire line system, is unsuitable.

4. Setbacks: The following setback requirements shall apply to all towers:

- a. Towers must be set back a distance equal to at least one hundred percent of the height of the tower from any adjoining lot line, but may be reduced by the commission, if a certified engineer in the state of Arizona certifies that if the tower fails it will fall within a specified radius. In the case of amateur radio tower installations, the commission, through the conditional use permit process, considering such factors as topography and height of surrounding vegetation may further reduce these minimum setback requirements.
- b. Accessory buildings and/or structures must satisfy the minimum zoning district setback requirements.

5. Separation. The following separation requirements shall apply to all towers:

a. Separation from all residentially zoned properties shall be a minimum of two hundred feet, but may be reduced by the commission if the goals of this chapter would be better served thereby.

i. The tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designed areas.

b. Separation Distances Between Towers.

i. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances for all zoning districts shall be two thousand five hundred feet.

ii. The approving authority may reduce separation distances between the towers if multiple towers are to be placed on a single lot or if it is deemed in the community's best interest (i.e., the creation of a "tower farm").

6. Security Fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the commission may waive such requirements, as it deems appropriate. All fencing shall be properly maintained.

7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the commission may waive such requirements if the goals of this chapter would be better served thereby:

a. Tower facilities shall be landscaped with a buff of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buff shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound. All plant materials shall be properly maintained.

b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

c. Existing mature tree growth and natural landforms on the site shall be preserved. In some cases, such as towers sited on large, wooded lots, natural tree growth around the property may be sufficient buffer.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

18.72.080 - Buildings or other equipment storage.

A. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

1. The equipment cabinet or structure shall not contain more than ten square feet of gross floor area or be more than four feet in height. In addition, for buildings and structures which are less than sixty-five feet in height, the related unmanned equipment structure, if over ten feet square feet of the gross floor area or four feet in height, shall be located on the ground and shall not be located on the roof of the structure.

2. Equipment storage buildings or cabinets shall comply with applicable zoning and building codes.

B. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet used in association with antennas shall be located in accordance with the following:

1. In residential districts, the equipment cabinet or structure may be located:

a. In a front or side yard provided the cabinet is not greater than four feet in height or ten square feet of gross floor area. The cabinet shall be suitably screened and/or camouflaged to blend with its surroundings.

b. In a rear yard, provided the cabinet or structure is no greater than ten feet in height or one hundred forty-four square feet in gross floor area. The cabinet/structure shall be suitably screened.

2. In commercial or industrial districts the equipment cabinet or structure shall be no greater than twelve feet in height or four hundred square feet in gross floor area. The structure or cabinet shall be suitably screened and/or camouflaged to blend with its surrounding.

C. Antennas Located on Towers. The related equipment structure shall not exceed one thousand square feet of floor space or be more than twelve feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located. In the event of multiple antenna installations on a single location the construction of only one unmanned equipment storage building shall be permitted.

D. Modifications of Building Size Requirements. The requirements of subsections A. through C. may be modified by the community development director in the case of administratively approved uses or by the planning and zoning commission in the case of uses permitted by conditional use to encourage collocation.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

#### 18.72.090 - Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of twelve months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety days of receipt of notice from the town notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

#### 18.72.100 - Nonconforming uses.

A. Not Expansion of the Nonconforming Use. Towers that are constructed and antennas that are installed, in accordance with the provision of the chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

B. Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

# Proposed Code (Changes)

## Chapter 18.72 - WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

### 18.72.010 - Purpose.

The purpose of this chapter is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this chapter are to:

- A. Protect existing residential dwelling units and residential areas and land uses from potential adverse impacts of towers and antennas;
- B. Encourage the location of towers in non-residential areas;
- C. Minimize the total number of towers throughout the community;
- D. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- E. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- F. Consider the public health and safety of communication towers;
- G. Avoid potential damage to adjacent properties from tower failure through engineering, careful siting of tower structures; and

In furtherance of these goals, the town of Eagar shall give due consideration to the town's general plan, zoning map, and existing land uses in approving sites for the location of towers and antennas.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

### 18.72.020 - Definitions.

As used in this chapter, the following terms shall have the meanings set forth below:

- A. "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. "Antenna" means an exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, microwave signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- C. "Backhaul network" or "interconnection facilities" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- D. "FAA" means the Federal Aviation Administration.
- E. "FCC" means the Federal Communications Commission.
- F. "Height" means, when referring to a tower, the distance measured from the base of the tower to the highest point on the tower or other structure including the base pad and any antenna. An applicant shall be prohibited from altering the natural grade/elevation of the site. No tower/antenna installations shall exceed one hundred ninety-nine feet in height, except as may be conditionally approved on industrially zoned properties.
- G. "Preexisting towers and preexisting antennas" means any tower or antennas for which a building permit or conditional use permit has been properly issued prior to the effective date of the ordinance codified in this chapter, including permitted towers and antennas that have not yet been constructed so long as such approval is current and not expired; and also means any tower or antenna erected prior to annexation or prior to the commencement of the town's building permit requirement.
- H. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative

tower structures, and the like. The term includes the structure and any support thereto.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

18.72.030 - Applicability.

A. New Towers and Antennas. All new towers or new antennas in the town of Eagar shall be subject to these regulations, except as follows:

1 .Amateur Radio Station Operators and/or Receive-Only Antennas. This chapter shall not govern any tower, or the installation of any antenna, that is under fifty feet in height provided that minimum setback requirements are met and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas. Extendable tower/antenna installations no greater than seventy-five foot extended height shall be permitted as of right, provided that minimum setback requirements are maintained for the installation's maximum extended height. The minimum required setbacks from adjacent properties of these installations shall be the height of the tower/antenna assembly (measured to the extended height of an extendable tower and antenna).

2.Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of Sections 18.72.040E., F., and G.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

18.72.040 - General requirements.

A. Principle or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna on such plot.

B. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of

the entire lot shall control, even though the antennas may be located on leased parcels within such lot.

C. Aesthetics. Towers and antennas shall meet the following requirements:

1. Towers may be required to be painted, subject to any applicable FAA standards, a neutral color so as to reduce visual obtrusiveness. At a tower site, the design of the buildings and related structures shall, to the extent possible, utilize materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

2. If an antenna is installed on a structure other than a tower, the antenna and supporting mechanical equipment must be of a neutral color that is compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

D. Lighting. Towers shall not be artificially lighted, unless required by FAA, of the town and/or other applicable authority for safety reasons. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. The owner of the tower shall ensure the ongoing maintenance of all required tower lighting.

E. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

F. Building Codes, Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and any other applicable standards as amended from time to time. If, upon inspection, the town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty days to bring such tower into

compliance with such standards. Failure to bring such tower into compliance within said thirty days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

G. Interference. The installation of any equipment or commencement of any frequencies that interfere with or compromise any public safety frequencies/installations shall be prohibited.

H. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the town of Eagar irrespective of municipal and county jurisdictional boundaries.

I. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

J. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the town of Eagar have been obtained and shall file a copy of all required franchises with the community development director.

K. Public Notice. For purposes of this chapter, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice in accordance with the zoning ordinance and applicable state law.

L. Signs. No signs shall be allowed on an antenna or tower, except as may be legally required.

M. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection H. of this section.

N. Visual Corridor Protection. Except for placement on existing structures or towers, no new tower shall be permitted within ~~two~~ **three** hundred feet of the edge of the right-of-way for any arterial or collector roadways as identified in the town of Eagar's transportation plan.

O. Residential Land Use Zoning Districts. No new towers shall be permitted on any residentially zoned property **or within 300 feet of an existing residential dwelling unit**, except for amateur radio or receive only towers/antennas as

described herein. Tower/antenna installations may be considered on publicly-owned residentially-zoned properties.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

18.72.050 - Permitted uses.

The following uses are specifically permitted: Antennas or towers located on property owned, leased, or otherwise controlled by the town of Eagar provided a license or lease authorizing such antenna or tower has been approved by the town council.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

18.72.060 - Administratively approved uses.

A.General. The following provisions shall govern the issuance of administrative approvals for towers and antennas:

1. The community development director may administratively approve the uses listed in this section.
2. Each applicant for administrative review shall apply to the community development director providing the information set forth in Sections 18.72.070B.1. and 18.72.070B.3. of this chapter and shall pay a nonrefundable fee as established by resolution of the town council to reimburse the town for the costs of reviewing the application.
3. The community development director shall review the application for administrative approval and determine if the proposed use complies with Sections 18.72.040, 18.72.070B.4. and 18.72.070B.5. of this chapter.
4. The community development director shall respond to each such application within sixty days after receiving it by approving, conditionally approving, or denying the application. If the community development director fails to respond to the applicant within said sixty days, then the application shall be deemed to be approved.
5. In connection with any administrative application, the community development director may, in order to encourage the use of self-supporting

poles, administratively allow the reconstruction of an existing tower to a method of self-supporting construction.

6. If an administrative approval is denied, the applicant shall file an application for a conditional use permit pursuant to Section 18.72.070 prior to filing any appeal that may be available under the zoning ordinance.

B. List of Administratively-Approved Uses. The community development director may approve the following after conducting an administrative review:

1. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial zoning district.

2. Locating antennas on existing structures or towers consistent with the terms of subsections a. and b. below.

a. Antennas on Existing Structures. Any antenna that is not attached to a tower may be approved by the community development director as an accessory to any structure located in the commercial or industrial zoning district, provided:

i. The antenna and/or any supporting mechanism does not extend more than thirty feet above the highest point of the structure;

ii. The antenna complies with all applicable FCC and FAA regulations; and

iii. The antenna complies with all applicable town codes.

b. Antennas on Existing Towers. An antenna which is attached to an existing tower may be approved by the community development director and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers, provided such collocation is accomplished in a manner consistent to the following:

i. A tower that is modified or reconstructed to accommodate the collocation of an additional antenna shall be of similar type as the existing tower, unless the community development director allows reconstruction as a self-supporting pole.

ii. The antenna complies with all applicable FCC and FAA regulations.

3. Height.

a. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet over the tower's existing height, to accommodate the collocation of an additional antenna.

b. The height change referred to in subsection 3.a. [above] may only be increased by an approved conditional use permit.

4. Onsite Location.

a. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty feet of its existing location, as long as the separation distances for existing residential dwelling units or residentially zoned lands set forth in Section 18.72.070B.5. is met.

b. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

c. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 18.72.070B.5. The relocation of a tower hereunder shall in no way be deemed a violation of Section 18.72.070B.5.

C. Installing a cable micro-cell network through the use of multiple low-powered transmitters and/or receivers attached to existing wire-line systems, such as conventional cable or telephone wires or similar technology that does not require the use of towers.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

18.72.070 - Conditional use permits.

A. General. The following provisions shall govern the issuance of conditional use permits for towers or antennas by the planning and zoning commission:

1. If a tower or antenna is not a permitted use under Section 18.72.050 of this chapter or permitted to be approved administratively pursuant to Section 18.72.060 of this chapter, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna.
2. Applications for conditional use permits under this section shall be subject to the procedures and requirements of Chapter 18.84 of the zoning ordinance, except as modified in this section.
3. Each applicant for a conditional use permit shall provide the information set forth in this section and shall pay a nonrefundable fee as established by resolution of the town council to reimburse the town for the costs of reviewing the application. The town shall not collect this fee for consideration of a proposed amateur radio tower/antenna installation measuring greater than fifty feet in height.
4. Any information of an engineering nature submitted by the applicant, whether of a civil, mechanical, or electrical nature, shall be certified by a professional engineer licensed in the state of Arizona.

#### B. Towers.

1. **Application Information Required.** The community development director may waive certain of the following requirements in the case of commission consideration of any proposed amateur radio tower installation that does not fulfill the requirements of Section 18.72.030A.1. of this chapter. This information may be required in addition to any information required for applications for conditional use permits pursuant to Chapter 18.84 of the zoning ordinance applicants for a conditional use permit for a tower shall submit the following information:
  - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including any property adjacent to other municipalities or jurisdictions), general plan classification of the site and all properties within the applicable separation distances set forth in Section 18.72.070B.5., adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the community development director to be necessary to assess compliance with this chapter.

- b. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- c. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 18.72.040C. shall be shown on a plot plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- d. Legal description of the parent tract and leased parcel (if applicable).
- e. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the community development director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the town of Eagar or within one mile of the border thereof, including specific information about the location, height and type of each tower. The community development director may share such information with other applicants applying for administrative approvals or conditional use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of the town, provided, however that the community development director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- f. A landscape plan showing specific landscape materials and the type of security fencing.
- g. Finished color of the tower and, if applicable, the method of camouflage and illumination.
- h. A description of compliance with Sections 18.72.040C., D., E., F., G., J., K., L., and M., 18.72.070B.1.d., 18.72.070B.5. and all applicable federal, state or local laws.
- i. Certification by a structural engineer, licensed in the state of Arizona, of the carrying capacity of the tower.
- j. Identification of the entities providing in the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

k. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

l. A description of the feasible location(s) of the future towers or antennas within the town of Eagar based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

m. Evidence of the submittal of Form 7460 to the Federal Aviation Administration.

2. Factors Considered in Granting Conditional Use Permits for Towers. In addition to any standards for consideration of conditional use permit applications pursuant to Chapter 18.84 of the zoning ordinance, the planning and zoning commission shall consider the following factors in determining factors in determining whether to issue a conditional use permit:

a. Height of the proposed tower;

b. Proximity of the tower to existing residential structures dwelling units and residential areas district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 18.72.070B.3. of this chapter.

3. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. An applicant shall submit information requested by the commission related to the availability of suitable existing towers, other structures or alternative

technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna should consist of any of the following:

- a. No existing towers or structures are located within the geographic area meeting the applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs significantly exceeding new tower development are presumed to be unreasonable.
- f. The application demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro-cell network using multiple low-powered transmitters and/or receivers attached to a wire line system, is unsuitable.

4. Setbacks: The following setback requirements shall apply to all towers:

- a. Towers must be set back a distance equal to at least one hundred percent of the height of the tower from any adjoining lot line, but may be reduced by the commission, if a certified engineer in the state of Arizona certifies that if the tower fails it will fall within a specified radius. In the case of amateur radio tower installations, the commission, through the conditional use permit process, considering such factors as topography and height of surrounding vegetation may further reduce these minimum setback requirements.
- b. Accessory buildings and/or structures must satisfy the minimum zoning district setback requirements.

5. Separation. The following separation requirements shall apply to all towers:

a. Separation from all residentially zoned properties and existing residential dwelling units shall be a minimum of three ~~two~~ hundred feet, but may be reduced by the commission if the goals of this chapter would be better served thereby.

i. The tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designed areas.

b. Separation Distances Between Towers.

i. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances for all zoning districts shall be two thousand five hundred feet.

ii. The approving authority may reduce separation distances between the towers if multiple towers are to be placed on a single lot or if it is deemed in the community's best interest (i.e., the creation of a "tower farm").

6. Security Fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the commission may waive such requirements, as it deems appropriate. All fencing shall be properly maintained.

7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required; provided, however, that the commission may waive such requirements if the goals of this chapter would be better served thereby:

a. Tower facilities shall be landscaped with a buff of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buff shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound. All plant materials shall be properly maintained.

b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

c. Existing mature tree growth and natural landforms on the site shall be preserved. In some cases, such as towers sited on large, wooded lots, natural tree growth around the property may be sufficient buffer.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

18.72.080 - Buildings or other equipment storage.

A. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

1. The equipment cabinet or structure shall not contain more than ten square feet of gross floor area or be more than four feet in height. In addition, for buildings and structures which are less than sixty-five feet in height, the related unmanned equipment structure, if over ten feet square feet of the gross floor area or four feet in height, shall be located on the ground and shall not be located on the roof of the structure.

2. Equipment storage buildings or cabinets shall comply with applicable zoning and building codes.

B. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet used in association with antennas shall be located in accordance with the following:

1. In residential districts, the equipment cabinet or structure may be located:

a. In a front or side yard provided the cabinet is not greater than four feet in height or ten square feet of gross floor area. The cabinet shall be suitably screened and/or camouflaged to blend with its surroundings.

b. In a rear yard, provided the cabinet or structure is no greater than ten feet in height or one hundred forty-four square feet in gross floor area. The cabinet/structure shall be suitably screened.

2. In commercial or industrial districts the equipment cabinet or structure shall be no greater than twelve feet in height or four hundred square feet in gross floor area. The structure or cabinet shall be suitably screened and/or camouflaged to blend with its surrounding.

C. Antennas Located on Towers. The related equipment structure shall not exceed one thousand square feet of floor space or be more than twelve feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located. In the event of multiple antenna installations on a single location the construction of only one unmanned equipment storage building shall be permitted.

D. Modifications of Building Size Requirements. The requirements of subsections A. through C. may be modified by the community development director in the case of administratively approved uses or by the planning and zoning commission in the case of uses permitted by conditional use to encourage collocation.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

#### 18.72.090 - Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of twelve months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety days of receipt of notice from the town notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

#### 18.72.100 - Nonconforming uses.

A. Not Expansion of the Nonconforming Use. Towers that are constructed and antennas that are installed, in accordance with the provision of the chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

B. Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.

(Ord. No. 2013-04, Exh. A, 5-7-2013)