

Article 4.7 **Wireless Communication Facilities**

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4.701 Purpose and Applicability

The purpose of these regulations is to:

- A. Establish uniform standards and procedures to manage the development, siting, installation, and operation of wireless communication facilities (WCFs) in compliance with the Federal Telecommunications Act of 1996.
- B. Provide for appropriate development of WCFs to provide services within the Town in a manner that will protect and promote public health and safety, preserve the Town's residential character and uncluttered appearance and prevent visual blight.
- C. This Article applies to all new WCFs and the expansion and/or alteration of any existing WCF.
- D. This Article shall not apply to those uses set forth in Article 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.

4.702 Procedures

- A. ***Wireless Communication Facilities, Support Structures Other Than Those Listed Above.*** In accordance with this Article and Article 5.4: Use Permits, an Administrative Use Permit may be approved for a wireless communication facility as specified in Tables 4.703C: Single Family and Multi-Family Residential Zoning Districts, 4.703D: Commercial and Office Zoning Districts, 4.703E: Heritage Village Center Zoning District, 4.703F: Employment Zoning Districts, 4.703F: Public Facility/Institutional Zoning District, and 4.703H: Gateway Zoning Districts.
- B. ***Wireless Communication Facilities, Alternative WCF Light Pole.*** In accordance with this Article and Article 5.4: Use Permits, an Administrative Use Permit may be approved for an Alternative WCF Light Pole as specified in Tables 4.703C: Single

Family and Multi-Family Residential Zoning Districts, 4.703D: Commercial and Office Zoning Districts, 4.703E: Heritage Village Center Zoning District, 4.703F: Employment Zoning Districts, and 4.703H: Gateway Zoning Districts.

- C. **Wireless Communication Facility Monopole.** In accordance with this Article and Article 5.4: Use Permits, a Conditional Use Permit may be approved for a Wireless Communication Facility Monopole facility as specified in Tables 4.703D: Commercial and Office Zoning Districts, 4.703F: Employment Zoning Districts, and 4.703G: Public Facility/Institutional Zoning District.
- D. **Public Safety Communication Facilities.**
1. In accordance with this Article and Article 5.4: Use Permits, an Administrative Use Permit may be approved for a Public Safety Communications Facility 75 feet in height or less as specified in Table 4.703G: Public Facility/Institutional Zoning District.
 2. In accordance with this article and Article 5.4: Use Permits, a Conditional Use Permit may be approved for a Public Safety Communication Facility greater than 75 feet in height as specified in Table 4.703G: Public Facility/Institutional Zoning District.
- E. **Application.** An application for a new WCF, or expansion or alteration of any existing WCF shall be filed in accordance with the application procedures set forth in Section 5.402: Procedures. In addition to any other requirements specified, applications shall include the following:
1. **Inventory.** An inventory list and map of existing WCFs operated within 2 miles of the proposed site including specific information as to location, height, and design of each facility.
 2. **Report on Alternatives.** A statement explaining why the WCF is needed at the requested location. If the applicant is seeking to construct a new monopole, the applicant shall explain why co-location or location on another kind of support structure is not feasible, including efforts made to develop such an alternative. If the Town has requested that the applicant co-locate its WCF on a site, the applicant shall explain why co-location is not feasible, including efforts made to develop such an alternative.
 3. **Facility Plans.**
 - a. Dimensioned elevations of the proposed facility, including equipment cabinets and buildings, antennas and fences. Elevations shall identify the separation between the proposed WCF and any existing WCFs on the same support structure;

- b. Proposed color and material palette;
 - c. A site plan illustrating the separation between the proposed WCF and any existing WCFs on the same site;
 - d. Method of screening for mechanical and electrical equipment;
 - e. Location and type of lighting fixtures proposed; and
 - f. Plans for a new monopole shall demonstrate that the structure will accommodate at least 1 additional WCF.
4. *Photographic Simulation.* A photographic simulation with a minimum of 4 views of the proposed facility from surrounding properties and streets. Specific locations shall be approved in advance by the Zoning Administrator. A map shall be submitted indicating the locations used for the analysis and their distances from the proposed WCF.
5. *Public Safety Communication Facilities.* An application for a Public Safety Communication Facility shall only be filed by a governmental entity or by an authorized agent of a governmental entity. An application for a Public Safety Communication Facility shall include:
- a. A statement explaining why the facility is needed at the requested location;
 - b. Information showing that the proposed height does not exceed the height necessary to accomplish public safety communication purposes; and
 - c. Alternatives to a proposed Public Safety Communication Facility greater than 75 feet in height that could feasibly accomplish the objectives of the project, including an explanation of efforts made to accomplish such alternatives, and why they were eliminated from further consideration. A cost comparison shall be provided for alternative locations, including the costs to affected governmental agencies.

4.703 Use and Development Regulations

- A. *Land Use Regulations.* The land use regulations for each base zoning district in Division 2: Land Use Designations, establish the districts in which Wireless Communication Facilities are permitted.
- B. *Regulations.* The permit type for each facility is established by letter designations as follows: "A" designates uses that require an Administrative Use Permit and "U" designates uses that require a Conditional Use Permit, pursuant to Article 5.4: Use Permits. Site development regulations are set forth in Tables 4.703C, 4.703D, 4.703E,

4.703F, 4.703G, and 4.703H. In addition, WCFs are subject to the development regulations set forth in Section 4.704: Additional Development Regulations.

C. Residential Zoning Districts. WCFs are permitted in single family and multi-family residential zoning districts only on property owned by:

1. The state, county, public school district, or community college district, if the primary use of such property is a governmental use;
2. An electric utility company, if the property is used for an electric utility use; or
3. A Place of Worship use, if the primary use of such property is for worship or social use.

Table 4.703C: WCF Site Development Regulations – Single Family and Multi-Family Residential Zoning Districts

WCF Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
Monopole, Portable	65'	--	--
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15' above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15' above light array	--	A
Alternative WCF Light Pole			
<i>Place of Worship</i>	40'	75'	A
<i>Schools</i>			
<i>Elementary, Middle School</i>	40'	75'	A
<i>High School</i>	75'	75'/110%	A
<i>Public Park</i>	75'	75'/110%	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40'	75'/110%	A

D. Commercial and Office Zoning Districts. WCFs are permitted in commercial and office zoning districts, subject to the following regulations:

Table 4.703D: WCF Site Development Regulations – Commercial and Office Zoning Districts

WCF Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
Monopole	75'	75'/110%	U
Monopole, Portable	65'	--	--

Table 4.703D: WCF Site Development Regulations – Commercial and Office Zoning Districts

WCF Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15' above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15' above light array	--	A
Alternative WCF Light Pole <i>Place of Worship</i>	40'	75'	A
<i>Schools</i>			
<i>Elementary, Middle School</i>	40'	75'	A
<i>High School</i>	75'	75'/110%	A
<i>Public Park</i>	75'	75'/110%	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40'	75'	A
Alternative WCF Structure	>40'-75'	75'/110%	U

E. ***Heritage Village Center District.*** WCFs are permitted in Heritage Village Center zoning district, subject to the following regulations:

Table 4.703E: WCF Site Development Regulations – Heritage Village Center Zoning District

WCF Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
Monopole, Portable	65'	--	--
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15' above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15' above light array	--	A
Alternative WCF Light Pole <i>Place of Worship</i>	40'	75'	A
<i>Schools</i>			
<i>Elementary, Middle School</i>	40'	75'	A
<i>Public Park</i>	75'	75'/110%	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40'	75'	A

F. **Employment Zoning Districts.** WCFs are permitted in employment zoning districts, subject to the following regulations:

Table 4.703F: WCF Site Development Regulations – Employment Zoning Districts

WCF Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
Monopole	75'	75'/110%	U
Monopole, Portable	75'	--	--
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15' above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15' above light array	--	A
Alternative WCF Light Pole	75'	75'/110%	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40'	75'	A
Alternative WCF Structure	>40'-75'	75'/110%	U

G. **Public Facility/Institutional Zoning District.** WCFs are permitted in the Public Facility/Institutional District, subject to the following regulations:

Table 4.703G: WCF Site Development Regulations – Public Facility/Institutional Zoning District

WCF Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
Monopole	75'	75'/110%	U
Public Safety Communications Facility	75'	75'/110%	A
Public Safety Communications Facility	250'	75'/110%	U
Monopole, Portable	75'	--	--
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15' above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15' above light array	--	A
Alternative WCF Light Pole			
<i>Place of Worship</i>	40'	75'	A
<i>Schools</i>			
<i>Elementary, Middle School</i>	40'	75'	A
<i>Public Park</i>	75'	75'/110%	A

Table 4.703G: WCF Site Development Regulations – Public Facility/Institutional Zoning District

WCF Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40'	75'	A
Alternative WCF Structure	>40'-75'	75'/110%	U
Building Mounted Public Safety Antenna	10' above building height	--	A

H. **Gateway Zoning Districts.** WCFs are permitted in the Gateway districts, subject to the following regulations:

Table 4.703H: WCF Site Development Regulations – Gateway Zoning Districts

WCF Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
Monopole, Portable	65'	--	--
Existing Vertical Element	Height of existing vertical element	--	A
Existing Vertical Element - Electric Utility Pole	15' above height of pole	--	A
Existing Vertical Element – Recreational Field Light Pole	15' above light array	--	A
Alternative WCF Light Pole <i>Place of Worship</i>	40'	75'	A
<i>Schools</i> <i>Elementary, Middle School</i>	40'	75'	A
<i>Public Park</i>	75'	75'/110%	A
Alternative WCF Building Element	Height of building	--	A
Alternative WCF Structure	40'	75'	A

4.704 Additional Development Regulations

A. *Setbacks.*

1. *Measurement.* Setbacks shall be measured from the boundary of the entire property prior to the WCF application even though the WCF may be sited on one or more smaller individual parcels within a larger lot or parcel.
2. *Required Setback Distances.* All Monopoles, Alternative WCF Light Poles, Alternative WCF Structures, and Public Safety Communication Facilities shall be set back a distance equal to the greater of:

- a. 75 feet from any lot or parcel designated for residential use in the General Plan; or
 - b. 110 percent of the height of the WCF, including attached antennas; or
 - c. A distance equal to the building setback for the district in which it is located.
3. *Additional Setbacks Required.* Notwithstanding the above setback requirements, Monopoles, Alternative WCF Light Poles, Alternative WCF Structures, and Public Safety Communication Facilities shall be set back from property designated for residential use in the General Plan to the maximum extent feasible.
 4. *Equipment Cabinets and Buildings.* WCF equipment cabinets and buildings shall comply with the required building setbacks of the base zoning district in which the WCF is located, except as provided for in Section 4.704A.5c.
 5. *Setback Exemptions.* The following WCFs are exempt from WCF setback requirements:
 - a. WCF antennas mounted on an existing vertical element;
 - b. WCF antennas incorporated as a building design element; and
 - c. Equipment cabinets or buildings located on an electric utility substation site.
- B. ***Height.*** Unless otherwise set forth in this article, height of WCFs shall be measured from finished grade to highest point of the structure, including antenna and attachments.
- C. ***Support Structures.***
1. *Alternative WCF Building Element.* A building used as a support structure for a WCF shall be a non-residential building.
 2. *Monopole.* Any new Monopole shall be constructed to allow for co- location of at least 1 other similar wireless communication antenna. If constructed to less than the maximum height permitted, the Monopole shall have the capability of having an additional vertical section added.
 3. *Alternative WCF Light Pole.* When an Alternative WCF Light Pole replaces one of a group of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible.

4. *Existing Vertical Element, Recreational Field Light Pole.* When a Recreational Field Light Pole replaces one of a group of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible.
5. *Nonconforming Support Structures.* A support structure that was lawfully constructed under the provisions of the code or regulations of the district in effect at the time of construction. No alteration to a non-conforming support structure shall be made unless required or permitted by law, unless the alteration will result in reduction or elimination of the nonconformity, or unless the alteration conforms to the following provisions:
 - a. Additions. Additional antennas may be authorized by a Conditional Use Permit to locate on a nonconforming support structure. In addition to the findings required for approval in Section 5.403: Required Findings and Section 4.705: Required Findings, the following findings shall establish the rationale for the granting of relief:
 - (1) The existing use of the property is conforming;
 - (2) The additional antenna conforms with the requirements of this article; and
 - (3) Any relief granted shall be the minimum required to implement the purposes of this article.

D. *Portable Monopoles.*

1. *Temporary Replacement Monopoles.* A portable monopole is permitted during the construction, modification, or replacement of an approved WCF. Placement of the portable monopole shall be approved by the Director of Planning.
2. *Special Event Monopoles.* A portable monopole is permitted during a special event. Placement of the portable monopole shall be approved as part of the Special Event permit, pursuant to Municipal Code Section Chapter 14: Businesses.

E. *Screening and Aesthetics.*

1. WCFs mounted on existing vertical elements shall be the smallest antenna and array size feasible.
2. WCF poles and antennas shall have a non-reflective finish.

F. ***Equipment Cabinets and Buildings.***

1. *Screening.*

- a. **Equipment Cabinets and Associated Equipment.** Equipment cabinets and associated equipment, including air conditioning units and emergency generators, shall be located within the building or structure upon which antennas are placed, or shall be fully screened from view by a decorative solid fence equal to or exceeding the height of the cabinets.
- b. **Equipment Buildings.** Equipment buildings shall be screened from view by an 8 foot decorative solid fence.
- c. **Waiver or Modification of Screening Requirement.** If the Zoning Administrator determines that the WCF cabinets and equipment will only be visible from permanently unoccupied areas, or are already screened from public view, the screening requirement may be waived or modified.

2. *Height.*

- a. Equipment cabinets shall not exceed 8 feet in height.
 - b. Equipment buildings shall not exceed 15 feet in height.
3. *Area.* An equipment cabinet or building may contain an area of up to 300 square feet for a single provider or 600 square feet for multiple providers.
4. *Public Safety Communications Facility Exception.* An equipment cabinet or building for a Public Safety Communications Facility may exceed the height and area limitations set forth in this Section and shall be established in the Conditional Use Permit.

G. ***Fencing.***

1. *Design.* Fencing shall be architecturally compatible with buildings or fencing on the property or adjacent properties.
2. *Height.* Fencing shall not exceed a maximum of 8 feet in height.
3. *Prohibitions.*
 - a. The use of barbed wire or razor wire is prohibited except as permitted in Gilbert Municipal Code Sec. 42-110: Fences, barbed wire and electric.
 - b. The use of chain link, woven wire, and similar fence material is prohibited, except at temporary construction sites.

H. **Lighting.**

1. Artificial lighting of a WCF, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes.
2. Alternative WCF Light Poles shall comply with Section 4.103: Light Standards.

I. **Co-Location.** The operator of any WCF shall permit co-location of at least one additional WCF on the same support structure or site. Applicants and operators shall share technical information to enable evaluation of the feasibility of co-location. Permit requirements may include permission for an additional operator to install, at their cost, an additional support structure to accommodate co- location. Failure to comply with co- location requirements when feasible as provided for in this Article is grounds for denial of a use permit application.

J. **Maintenance of Legal WCFs.** Maintenance of legal and conforming WCFs shall not require approval of a use permit. WCF maintenance is the realignment of antennas, replacement, or repair of a part or portion of a WCF required by ordinary wear, tear, or damage, with like material, size, color, and design. Maintenance of legal and conforming WCFs does not include changing the number, color, size, or design of the WCF and its components as set forth in Section 5.404.B.Modifications.

4.705 Required Findings

In addition to the findings required in Section 5.403: Required Findings, the Planning Commission or the Zoning Administrator, in the case of Administrative Use Permits, shall approve, approve with modifications and/or conditions, or deny a use permit after making the additional findings of fact set forth in this section:

- A. The proposed WCF conforms with the requirements of this article;
- B. The applicant has demonstrated the inability to co-locate the proposed WCF on an existing vertical element; and
- C. The visibility of the WCF is reduced to the extent feasible by decreasing its height, increasing its setback, locating it in proximity to other structures, using antenna designs which minimize horizontal projections, constructing it with colors and materials that de-emphasize its visibility.

4.706 Miscellaneous Provisions

- A. **WCFs on Utility Property.** The costs of improvements to utility facilities, poles, and property to accommodate a WCF shall not be charged against any municipal aesthetics program funding granted to the Town.
- B. **Independent Technical Study.** Should the Zoning Administrator require additional technical information that can not be obtained from the applicant, the Town may require the applicant to pay the cost of an independent technical study.
- C. **Revocation.** Failure to comply with co-location requirements as provided for in this Article is grounds for revocation of an existing Use Permit pursuant to Section 5.404C: Revocation.