ORDINANCE NO. O2020.26

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF GUADALUPE, ARIZONA DECLARING THAT DOCUMENT ENTITLED "TOWN OF GUADALUPE ORDINANCE REGULATING WIRELESS COMMUNICATIONS FACILITIES AND TRANSMITTING TOWERS ON PRIVATE PROPERTY ORDINANCE" DATED AUGUST 27, 2020 AS A PUBLIC RECORD; ADOPTING THE "TOWN OF GUADALUPE ORDINANCE REGULATING WIRELESS COMMUNICATIONS FACILITIES AND TRANSMITTING TOWERS ON PRIVATE PROPERTY ORDINANCE" DATED AUGUST 27, 2020 AS THE ZONING REGULATIONS FOR WIRELESS COMMUNICATIONS FACILITIES ON PRIVATE PROPERTY IN THE TOWN, ALL RELATED TO USE AND DEVELOPMENT STANDARDS FOR WIRELESS FACILITIES AND TRANSMITTING TOWERS ON PRIVATE PROPERTY IN THE TOWN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town Council of the Town of Guadalupe desires to establish appropriate regulation of wireless communications facilities and transmitting towers within the Town except those exempt from zoning review pursuant to A.R.S. § 9-592, subsections I and J.

WHEREAS, encouraging competition in the telecommunications industry and removing regulatory barriers is important and should be carried out consistent with the Town's responsibility to protect the health, welfare and safety of its residents.

WHEREAS, the Town desires to preserve the Town's residential character and uncluttered appearance, ensure compliance with federal radio frequency emissions standards, provide for nondiscriminatory treatment of substantially equivalent telecommunications providers and allow for the provision of telecommunications services within the Town.

BE IT ORDAINED by the Mayor and Common Council of the Town of Guadalupe, Arizona as follows:

Section 1. In General.

1. That certain document entitled "Town of Guadalupe Ordinance Regulating Wireless Communications Facilities and Transmitting Towers on Private Property Ordinance" dated August 27, 2020, three copies of which are on file in the office of the Town Clerk, are hereby declared a public record.

2. That certain document "Town Of Guadalupe Ordinance Regulating Wireless Communications Facilities and Transmitting Towers on Private Property Ordinance" dated August 27, 2020 , three copies of which are on file in the Town Clerk's office, is hereby adopted by reference as the zoning regulations for wireless facilities on private property to read as set forth in said public record.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance, or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this code, except as otherwise provided in this code, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed one thousand dollars or by imprisonment for a period of six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

PASSED AND ADOPTED by the Common Council of the Town of Guadalupe, Arizona, this 27th day of August, 2020, by the following vote:

AYES: 6 NAYES: 0
ABSENT: 1 EXCUSED: 0
ABSTAINED: 0

Valerie Molina, Mayor

ATTEST:

Jeff Kulaga, Town Clerk

APPROVED AS TO FORM:

David E. Ledyard, Town Attorney

Exhibit A

TOWN OF GUADALUPE ZONING ORDINANCE REGULATING WIRELESS COMMUNICATIONS FACILITIES AND TRANSMITTING TOWERS ON PRIVATE PROPERTY
August 27, 2020

The Zoning Ordinance of the Town of Guadalupe is hereby amended by amending § 154.003 Definitions to add the following new definitions in alphabetical order:

ANTENNA. A device used in wireless telecommunications which transmits or receives radio or microwave signals. Antenna includes a dish antenna, panel antenna, or whip antenna. An antenna not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such antenna.

BASE STATION. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation: (i) equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks), and (iii) any structure other than a tower that, at the time the application is filed with the Town under this section, supports or houses equipment described in paragraphs (i) and (ii) above that has been reviewed and approved under the Town's zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

COLLOCATION. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

ELIGIBLE FACILITIES REQUEST. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE. Any tower or base station, provided that it is existing at the time the relevant application is filed with the Town.

EXISTING. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the Town's zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.

SITE. For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

SUBSTANTIAL CHANGE. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(i) for towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet measured from the bottom of the additional antenna, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater.

(ii) for towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

(iii) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure. "Equipment cabinet" does not include small pieces of equipment such as remote radio heads/remote radio units, amplifiers, transceivers mounted behind antennas, and similar devices if they are not used as physical if they are not used as physical container for smaller, distinct devices.

(iv) it entails any excavation or deployment outside the current site.

(v) it would defeat the concealment elements of the eligible support structure. In order for a modification to be substantial, the proposed modification must cause a reasonable person to view the intended stealth deign as no longer effective after the modification. The original approval of the stealth design must explicitly state that the stealth elements are conditions of that approval.

(vi) it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (i)-(g)(iv) above.

TRANSMISSION EQUIPMENT. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

TOWER. Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, such as transmitting towers and wireless facilities.

TRANSMITTING TOWER. An unmanned structure that transmits or receives communications by electromagnetic or optical means, such as a radio antenna, television antenna, radar station, or microwave tower, but excluding wireless facilities.

WIRELESS COMMUNICATIONS FACILITY OR WIRELESS FACILITY. A facility used exclusively for the transmission and reception of radio or microwave signals used for commercial communications. A wireless communication facility is generally composed of the following components: At least one (1) antenna; a support structure, which may be a tower or which may be a structure (such as, without limitation, a building or a light pole) constructed primarily for purposes other than supporting an antenna; and, in some cases, an equipment building.

WIRELESS FACILITY, ALTERNATIVE STRUCTURE. A wireless facility that is either: (a) virtually invisible to the casual observer, such as an antenna behind louvers on a building, or located inside a clock tower, steeple, or similar structure; or (b) camouflaged with stealth design to blend in with surroundings to the extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surroundings in which it is located, such as structures commonly referred to as "mono-palms," "mono-pines" or "flag pole" designs. Other stealth designs may be available subject to approval by the Town manager.

WIRELESS FACILITY, FREESTANDING. A self-supported structure, including monopoles, lattice towers, guyed wireless facilities and alternative structures, designed for use as a wireless facility.

WIRELESS FACILITY, GUYED. A wireless facility that is supported by the use of cables (guy wires) that are permanently anchored to the ground and designed to support wireless antennas. Guyed wireless facilities shall not be considered alternative structures.

WIRELESS FACILITY, LATTICE TOWER. A tower that is self-supporting with multiple legs and cross bracing of structural steel and that is designed to support wireless facilities. Lattice wireless facilities shall not be considered alternative structures.

WIRELESS FACILITY, MONOPOLE. A single, upright pole, engineered to be self-supporting and requiring no guy wires or lateral cross-members, that is designed to support wireless antennas. Monopoles are not alternative structures.

WIRELESS FACILITY, SMALL. Has the same definition as in the Wireless Facilities in Right-of-Way Standard Terms and Conditions adopted pursuant to Section 16A-1-3(a) of the Town code.

WIRELESS FACILITY, STRUCTURE-MOUNTED, A wireless facility that is located on an existing non-residential building.

The Zoning Ordinance of the Town of Guadalupe is hereby amended by adding new § 154.150 Purpose and Applicability, § 154.151 General Requirements, § 154.152 Wireless Facilities Permitted, § 154.153 Transmitting Towers (Excluding Wireless Facilities), § 154.154 Applicant's Submittal Requirements, § 154.155 Modifications, § 154.155 Approval Process, § 154.156 Permit Term And Limitations, and § 154.157 Renewal Of Permit to read as follows:

WIRELESS COMMUNICATIONS FACILITIES AND TRANSMITTING TOWERS ON PRIVATE PROPERTY

§ 154.150 PURPOSE AND APPLICABILITY.

The purpose of this ordinance is to establish appropriate regulation of towers within the Town except those exempt from zoning review pursuant to A.R.S. § 9-592, subsections I and J. These regulations are intended to encourage competition in the telecommunications industry and remove regulatory barriers consistent with the Town's responsibility to protect the health, welfare and safety of its residents. It is further the purpose of this ordinance to preserve the Town's residential character and uncluttered appearance, ensure compliance with federal radio frequency emissions standards, provide for nondiscriminatory treatment of substantially equivalent telecommunications providers and allow for the provision of telecommunications services within the Town.

§ 154.151 GENERAL REQUIREMENTS.

(A) Approvals. Wireless facilities, other than structure-mounted wireless facilities that comply with the requirements of § 154.152(B) below, and transmitting towers are subject to approval of a conditional use permit. The Town council may approve a conditional use permit subject to all the conditions of §§154.150 through 154.157 and requirements for a conditional use permit. In approving a conditional use permit, the Town council may impose conditions to the extent it concludes such conditions are necessary to minimize any adverse effect of the proposed wireless facility or transmitting tower on adjacent properties. Structure-mounted wireless facilities that comply with § 154.152(B) below may be approved by the Town manager.

(B) Compliance with Federal Requirements. Permittees shall be responsible for registering all qualifying wireless facilities or transmitting towers with the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC).

(C) Access. The site of a tower shall provide access that is paved or surfaced with permeable paving and at least one (1) parking space designed to applicable Town standards which parking space may be incorporated as part of the maneuvering areas and access drives. This requirement may be waived by the Town manager when hard surfaced adjacent or nearby parking already exists, or when the Town manager concludes that the goals of the Town are better served by modifying the parking requirement.

(D) Signage. Signs warning against trespassing and climbing support structures shall be posted near all scalable wireless facilities and transmitting towers located outside of secured areas. Step pegs shall not be placed lower than fifteen (15) feet from grade.

(E) Aesthetics. To the extent possible and in addition to any specific requirements set forth in § 154.152, all components of a tower shall be finished or painted so as to minimize the visual obtrusiveness of the structure and shall not be illuminated unless otherwise required by state or federal regulations. Arrays and associated cables shall be painted to match the tower to reduce visual impact.

(F) Compliance with Codes. All towers shall be constructed and maintained in a structurally sound manner and comply with OSHA regulations, FCC Radio Frequency Exposure Guidelines (FCC OET Bulletin 65), ANSI/TIA-G-2 Standards and all other applicable laws and regulations in effect from time to time. If, upon inspection, the Town determines that a tower fails to comply with said codes and standards, the Town shall provide a notice to the owner, and the owner shall have thirty (30) days to bring the tower into compliance. If the owner fails to bring the tower into compliance, then the Town may remove the tower and charge such costs to the owner or property owner where the tower is located or take such other legal action permitted by law.

(G) Public Right-of-Way. No towers are permitted in the public right-of-way, except for those small wireless facilities permitted pursuant to Chapter 155 of the Town code.

(H) Cessation of Operations. If a tower ceases operation, the wireless facility or transmitting tower and related equipment shall be removed by the permittee or the permittee's representative within six (6) months of the shutdown date.

(I) Radio Frequency Standards; Interference; Noise.

(1) Towers shall comply with federal standards for radio frequency emissions. Failure to meet federal standards may result in termination or modification of the permit.

(2) The permittee shall ensure that the tower will not cause interference with the reception of existing wireless facilities, cable television, community antennae television systems, or satellite broadcast television systems. If at any time the Town finds that the tower interferes with such reception, and if such interference is not cured within thirty days, the Town may revoke or modify the permit.

(3) A tower and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of forty decibels (dBa) measured at the property line of any residential property, and shall not generate continuous noise in excess of fifty decibels (dBa) during the hours of 7:00 a.m. to 10:00 p.m. and forty decibels (dBa) during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any non-residential property.

§ 154.152 TYPES OF WIRELESS FACILITIES PERMITTED

(A) Freestanding Wireless Facilities.

(1) Permitted Districts.

(a) Freestanding monopole wireless facilities less than thirty-five (35) feet in height are permitted in C-2 General Commercial and C-M Mixed Use Commercial zoning districts subject to approval of a conditional use permit.

(b) No lattice wireless facilities or guyed wireless facilities are permitted.

(c) Freestanding monopole wireless facilities are permitted in any zoning district, if the wireless facility is located on property owned by a governmental entity, including a school district or community college district, so long as such property is used for its governmental purposes.

(2) Collocation. Prior to approval, the applicant shall demonstrate an inability, or technical rationale, for not collocating the wireless facilities on an existing vertical element. The applicant shall provide the following information for Town review:

(a) A comprehensive list of all existing vertical elements of within a two (2) mile radius of the proposed site which are: (a) of sufficient height to be used for wireless facility collocation, and (b) eligible for collocation under Town requirements.

(b) A written narrative statement explaining why collocation on the existing vertical elements identified according to subsection A above was not pursued or is not a viable alternative to the proposed site.

(c) Map exhibits displaying: (a) the existing gap in signal coverage of the new wireless facility will remediate and, (b) the projected signal coverage of the new wireless facility.

(d) Applicants shall cooperate and exercise good faith in collocating freestanding wireless facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of collocation, and may include negotiations for erection of a replacement support structure to accommodate collocation. A competitive conflict to collocation or financial burden caused by sharing such information normally will not be considered as an excuse to the duty of good faith.

(e) In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Town may require the permittee to obtain a third party technical study at permittee's expense. The Town may review any information submitted by the permittee and other providers in determining whether good faith has been exercised.

(f) No collocation may be required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunications facilities or failure of the existing wireless facility to meet federal standards for emissions.

(g) Failure to comply with collocation requirements when feasible may result in denial of a permit request or revocation of an existing permit.

(3) Alternative Structure Designs.

(a) Freestanding monopole wireless facilities shall be alternative structure designs, (otherwise referred to as "stealth designs") in character with the surrounding area (i.e., a flagpole at a public building, a palm tree in an area with mature palm trees, a pine tree in an area with mature evergreen trees, a spire or steeple at a religious institution, an architectural tower element associated with a building, or a saguaro cactus in an area with other mature saguaro cacti); provided, however, that monopole may be permitted without alternative structure designs, if the applicant provides such information as necessary to determine that the character of the proposed monopole will blend in with the surrounding area (i.e. within the confines of an electrical substation containing other structures of similar height).

(b) Alternative tower structures shall be limited to sixty-five (65) feet in height above the original grade, except a functioning security or recreational light pole shall have a height consistent with existing light poles or height usually allowed for such light poles. A greater height may be permitted by the Town council upon further review.

(4) Ground Equipment. Equipment cabinets shall not exceed eight (8) feet in height and a building shall not exceed one story. Associated ground equipment shall be completely screened by dense landscaping and either (1) a masonry enclosure that meets the requirements of this zoning code, (2) a decorative cabinet as approved by the Town manager. Equipment enclosures/cabinets which exceed four (4) feet in height shall not be located within the required building setback area for the zoning district in which the facility is located. Setback and screening requirements may be waived by the Town manager in instances where ground equipment is placed inside an existing walled electrical substation or similar facility which encroaches into a required setback. In no instance shall ground equipment be located within the public right-of-way.

(5) Setbacks. Freestanding monopole wireless facilities shall be set back from all property lines a minimum distance of one (1) foot for each one (1) foot of the monopole wireless facilities height above finished grade except that freestanding monopole wireless facilities located within electrical substations, receiving stations, or government facilities shall be exempt from setback requirements. For the purpose of determining whether a freestanding wireless facility complies with setback requirements, the dimensions of the entire lot shall control, even though the wireless facility may be located on leased parcels within such lot.

(6) Lighting. Artificial lighting of a wireless facility, including its components, is prohibited, unless otherwise required by the Federal Aviation Administration. A motion-sensor light may be used if the beam is directed downwards and shielded from adjacent properties.

(7) Safety.

(a) Security fencing, if any, shall not exceed six (6) feet in height, except fencing shall be eight (8) feet in height if screening a cabinet of such height. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.

(b) Anticlimbing features shall be incorporated into the freestanding wireless facility, as needed, to reduce potential for trespass and injury.

(8) Waiver of Requirements. The Town council may waive or modify requirements of this section only upon finding that strict compliance with the provisions of this chapter would result in noncompliance with applicable federal or state law. In this case, the Town council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements waived or modified.

(B) Structure-Mounted Wireless Facilities.

(1) Permitted Districts. Structure-mounted wireless facilities are permitted in all zoning districts subject to approval of the Town manager.

(2) Alternative Structures. Structure-mounted wireless facilities shall be alternative structures integrated into the design of the building as an integral architectural element or roof mounted and completely screened by the height of the parapet.

(3) Ground Equipment. Associated ground equipment shall be located within the building upon which antennae are placed if technically feasible. Otherwise, equipment cabinets shall be screened from view by a wall or landscaping, as approved by the Town. Any wall shall be architecturally compatible with the building or immediate surrounding area.

(C) Location of wireless facilities on existing or planned vertical elements.

(1) Vertical Elements. Wireless facilities may be mounted on the following existing or planned vertical elements subject to approval of Town manager:

(a) Utility provided electrical poles.

(b) Athletic field light towers.

(c) Other existing or planned vertical elements on which the mounting of antennas will not significantly alter the function and character of the structure as determined by the Town manager.

(2) Height. Wireless facilities mounted on existing vertical elements shall not cause the height of the element to increase, except that wireless facilities mounted on electrical poles may extend up to fifteen (15) feet above the existing height of the electrical pole.

(3) Size. Wireless facilities mounted on existing elements shall utilize the smallest antenna and array sizes technically and reasonably feasible. The maximum increase in pole diameter from the existing pole by the replacement pole is fifty (50) percent.

(4) Aesthetics. To the extent possible, all visible components of a wireless facility shall be finished or painted to match the existing vertical element, to minimize visual obtrusiveness, and shall not be illuminated unless otherwise required by state or federal regulations.

(5) Undergrounding. Wireless facilities located on power poles less than 69kV shall lose their right to operate and all components shall be removed when power lines are undergrounded as required of development projects occurring on properties abutting the Wireless Facility. This provision shall apply only to wireless facilities installed after the effective date of this ordinance.

(D) Small wireless facilities subject to zoning review pursuant to A.R.S. § 9-592, subparagraphs I and J.

(1) Utility poles. A new, replacement or modified utility pole (as that term is defined in the Wireless Facilities in the Right-of-Way Standard Terms and Conditions adopted pursuant to § 155.03 of the Town code) that is associated with the collocation of small wireless facilities is not permitted in the public right-of-way if the pole exceeds the greater of either:

(a) Ten (10) feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on August 9, 2017, that is located within five hundred (500) feet of the new, replacement or modified utility pole and that is in the same right-of-way within the jurisdictional boundary of the Town, but not more than fifty (50) feet above ground level.

(b) Forty (40) feet above ground level.

(2) Wireless facilities. New small wireless facilities collocated on a utility pole or wireless support structure are not permitted in the public right-of-way if they extend more than ten (10) feet above the utility pole or wireless support structure or exceed fifty (50) feet above ground level.

§ 154.153 ADDITIONAL REQUIREMENTS FOR TRANSMITTING TOWERS

(A) Permitted districts. Transmitting towers are allowed only in C-2 general industrial districts subject to approval of a conditional use permit.

(B) Setbacks. Transmitting towers exceeding thirty-five (35) feet shall be located at least one (1) foot from all property lines for every one (1) foot of the transmitting tower's height above finished grade.

§ 154.154 APPLICANT'S SUBMITTAL REQUIREMENTS

An applicant shall submit the following items to the Town manager:

(A) Inventory. For wireless facilities, an inventory list and map of existing wireless facilities operated by the applicant and other providers within two miles of the proposed site ("service area"). The inventory list must include specific information as to location, height and design of each facility. The Town may share such information with other applicants seeking to locate wireless facilities within the service area, in order to encourage collocation.

(B) Report on Alternatives. For wireless facilities, a report explaining why the wireless facility is needed at the requested location. If applicant is seeking to construct a new monopole wireless facility, applicant shall explain why collocation 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 applicant collocate its wireless facility on a site, applicant shall explain why collocation is not feasible, including efforts made to develop such an alternative. If the Town has requested applicant to consider location of the wireless facility in possible alternative sites in adjacent cities, applicant shall include in its report efforts made to develop such alternatives, and a discussion of the feasibility of such alternatives. Failure to make a report on alternatives and develop viable alternatives when so requested may result in denial of a permit.

(C) Structural plans for the tower. Plans shall include a diagram of the proposed facility and antennae, including height, shape, size and nature of construction. The plans shall include a diagram showing the separation between the proposed tower and any existing wireless facility or facilities on the same support structure or site, if collocation is planned.

(D) Site plan. A site/landscaping plan showing the specific placement of the tower on the site, including setbacks from adjacent property lines; showing the location of existing structures, trees, and other significant site features; and indicating type and locations of plant materials used to screen tower components and the proposed color(s) for the wireless facility.

(E) Photosimulations. Photosimulations of the view of the proposed tower from residential properties and public rights-of-way at varying distances.

(F) Signed statement. For wireless facilities, a signed statement stating that:

(1) The applicant agrees to allow collocation of additional wireless facility equipment by other providers on the applicant's support structure or within the same site location, when feasible; and

(2) If the applicant locates its wireless facility on leased property, the applicant agrees it will not request the landowner to exclude other providers from collocating a wireless facility on such site when collocation may be feasible.

(G) Radio frequency emissions. Prior to beginning operations, the permittee shall submit a verified report which provides a calculation of its installed peak radio frequency ("RF") emissions capacity at the site, the cumulative installed peak RF emissions capacity at the site (including a description of any collocation providers) and compare the results with established federal standards.

(H) Conditional use permit requirements. Any other information required by the Town for issuance of a conditional use permit.

(I) Waiver or modification. If applicant seeks a waiver or modification of any requirement herein, the Town will request applicant to submit additional information to determine whether strict compliance with this chapter is feasible.

(J) Fees. Applicants shall pay a permit fee as established by resolution of the council, which fee shall include all consulting costs as may be required by the Town to review the application.

§ 154.155 APPROVAL PROCESS

(A) Determination of completeness. An application for a tower shall be filed with the Town manager. The Town manager shall review the application for completeness and notify the applicant in writing if the application is incomplete. The notice shall describe any deficiencies.

(1) If the application is for collocation on an existing structure, notice of incompleteness shall be given within ten (10) days of the date of the application.

(2) If the application is for placement of an antenna on a new tower, notice of incompleteness shall be given within thirty (30) days of the date of the application.

(3) If the application is for a new monopole, notice of incompleteness shall be given within sixty (60) days of the date of the application.

(B) Approvals. All approvals shall be complete within the following time frames unless tolled by a notice of deficiency:

(1) For collocation on an existing structure, sixty (60) days of the date of the application.

(2) For an application for an antenna on a new structure, ninety (90) days of the date of the application.

(3) For a new monopole, one hundred fifty (150) days from the date of the application.

(C) Final decision. Any final decision to approve or deny a request shall be in writing and set forth the reasons and substantial evidence for the decision.

§ 154.155 MODIFICATIONS

(A) Applications for modification of an existing wireless facility that does not substantially change the physical dimensions of such wireless facility and that involves (i) collocation of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment shall be approved.

(B) All applications for modification of a wireless facility shall be submitted on a form provided by the Town. The application may not require the applicant to demonstrate a need or business case for the proposed modification.

(C) An application for modification of a wireless facility shall specifically state nature of the modification and include sufficient information and documentation for the Town to determine whether the modification constitutes a substantial change to the wireless facility and is therefore an eligible facilities request.

(D) Upon receipt of an application for an eligible facilities request, the Town Manager shall review such application to determine whether the application so qualifies.

(E) Within sixty days of the date on which an applicant takes the first procedural step and submits written documents showing that the proposed modification is eligible, the application shall be approved. The application shall be deemed approved if it is not approved within that timeframe. This time period may be tolled by mutual agreement or if the application is incomplete. If the Town determines that the application is incomplete, the Town shall provide notice to the applicant within thirty (30) days of the date of the application, which notice shall describe all missing documents or information. Following a supplemental submission, the Town shall notify the applicant that the supplemental submission did not provide the required information.

(F) If the Town determines the application is a substantial modification to the support structure, the timeframe for approving the application will begin to run from the issuance of the Town's decision that the application is not a covered request. To the extent such information is necessary, the Town may request additional information from the applicant to evaluate the application under applicable law.

§ 154.156 PERMIT TERM AND LIMITATIONS

(A) A conditional use permit for a wireless facility shall expire ten (10) years after the effective date of the permit approval.

(B) Any permitted wireless facility must be constructed and placed into use within twelve (12) months of the date of the Town council's approval or the approval shall expire. A collocation shall be completed within one hundred eighty (180) days from the issuance of the permit.

(C) Upon failure to comply with conditions of approval or discontinuance of the wireless facility use for over one (1) year, the permit may be revoked and permittee must remove the wireless facility or the Town may cause the facility to be removed at the expense of the permittee or property owner where the facility is located.

(D) Permittee shall maintain the wireless facility, including paint and landscaping, to standards imposed by the Town at the time of granting the permit. If the permittee fails to maintain the facility, the Town may undertake maintenance at the expense of the applicant or terminate the permit, at its sole option.

(E) The permittee shall notify the Town in writing of all changes in ownership of the facility within sixty (60) days of the change.

§ 154.157 RENEWAL OF PERMIT

A permittee may apply for a renewal of its permit within six (6) months prior to expiration.