



Maricopa County

Planning & Development Department

Department Directive

Department Directive:
DD-2015-04
Supersedes: n/a

Effective: Immediately

Initiator: Darren Gerard - *DG*

Director: Debra Stark - *DS*

PURPOSE: In accordance with Federal Communication Commission rule, to appropriately permit changes to existing Wireless Communication Facilities (WCF) where the WCF does not comply with current zoning codes.

REFERENCE: Maricopa County Zoning Ordinance, Section 1202; and Federal Communication Commission Rule # FCC14-153

POLICY/PROCEDURE:

Maricopa County Zoning Ordinance, Article 1202.2.7 states that *“Any wireless communication facility properly permitted that existed as of June 10, 2015 shall be considered legal non-conforming with regard to this Section. Any change to a legal non-conforming wireless communication facility shall bring it into conformance with this Section or shall be subject to a Special Use Permit.”* [Emphasis added.]

However, FCC14-153 expresses that co-location on an existing, approved WCF shall be considered to be in substantial conformance with the approved WCF under certain conditions. Co-locations, even if they increase height, can be permitted.

Therefore, for the purposes of implementing MCZO, Art. 1202.2.7, “any change” shall be interpreted to mean the following:

- An increase to the land area / ground compound or new equipment added outside the ground compound.
- A physical change to a monopole stealth design that defeats the concealment elements (architectural treatment for stealth design, and not just overall height and diameter of the structure) of the tower structure or ground compound.
- An increase in height of a monopole tower by a maximum of 20’ or 10% whichever is greater.
- A new appurtenance that protrudes from a monopole greater than the width of the tower structure at the level of the appurtenance, or greater than the protrusion of existing appurtenances (staff will assume existing appurtenances are permitted without evidence otherwise), whichever is greater.

The above items shall be considered to be in substantial conformance with the approved WCF, and thus will not trigger requirement for an SUP. Also, any antenna or appurtenance added to a steel lattice support structure or a guyed-wire supported structure shall be considered to be in substantial conformance with the approved WCF, and thus will not trigger requirement for an SUP.

MCZO, Art. 1202.2.8 states any proposed WCF that cannot meet the current standards must obtain a Special Use Permit (SUP). MCZO, Art. 1202.2.8 states any proposed WCF meeting the standards must obtain a Conditional Use Permit (CUP).

The CUP is for tracking purpose as the standards speak to a minimum separation distance between certain WCFs. Either an SUP or CUP is required for a WCF.

Existing WCF Special Use Permits that do not comply with current standards will remain subject to the approved SUP.

A CUP may be created for any existing WCF that meets current standards, an existing WCF that is legal non-conforming (LNC), or an existing WCF with a substantial conformance change as discussed above.