

ORDINANCE NO. (O)18-02

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 25, USE REGULATIONS, SECTION 25.1.B.5.ii, COMMERCIAL ANTENNA STANDARDS, AND CHAPTER 31, DEFINITIONS, OF THE ORO VALLEY ZONING CODE REVISED; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, it is necessary to amend Chapter 25, Use Regulations, Section 25.1.B.5.ii, Commercial Antenna Standards, to bring the zoning in line with the standards established by the Arizona Revised Statutes related to Small Cell Wireless Facilities; and

WHEREAS, House Bill 2365, related to wireless facilities in the right-of-way was signed into law earlier this year, the Town is required to updated its Zoning Code to become in line with State regulations by February 9, 2018; and

WHEREAS, it is necessary to amend Chapter 31, Definitions, to add the definition of “Small Cell Wireless Facility; and

WHEREAS, the Planning and Zoning Commission held a meeting on January 9, 2018 and voted to recommend approval of amending Chapter 25, Use Regulations, Section 25.1.B.5.ii, Commercial Antenna Standards and Chapter 31, Definitions; and

WHEREAS, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission’s recommendation and finds that they are consistent with the Town's General Plan and other Town ordinances and are in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Oro Valley that:


SECTION 1. that certain document entitled Chapter 25, Use Regulations, Section 25.1.B.5.ii, Commercial Antenna Standards and Chapter 31, Definitions, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit “A” and incorporated herein by this reference, and declared a public record on January 17, 2018 is hereby adopted

SECTION 2. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of the resolution or any part of the General Plan Amendment adopted herein 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.


PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona, this 17th day of January, 2018.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

ATTEST:



Michael Standish, Town Clerk

Date: 1/22/18

**PUBLISH: DAILY TERRITORIAL
JANUARY 23, 24, 25, 26, 2018**

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

Date: 1/22/18

POSTED: 1/23/18 - 2/22/18

EXHIBIT "A"

Additions shown in ALL CAPS, Deletions shown in ~~strikethrough~~

Section 25.1.B.5.ii:

b. Communication Facilities

i. Applicability: This section applies to all new communication facilities or new appurtenances to existing facilities except:

A) ~~for~~ Facilities used for police, fire, ambulance, and other emergency dispatch functions.

B) SMALL CELL WIRELESS FACILITIES LOCATED IN THE PUBLIC RIGHTS-OF-WAY WHICH SHALL ADHERE TO THE STANDARDS, PROCESSES AND FEES ESTABLISHED IN THE SMALL CELL WIRELESS CODE.

Chapter 31

Add new definition:

SMALL CELL WIRELESS FACILITY

A WIRELESS FACILITY THAT MEETS BOTH OF THE FOLLOWING:

- a. ALL ANTENNAS ARE LOCATED INSIDE AN ENCLOSURE OF NOT MORE THAN SIX CUBIC FEET IN VOLUME OR, IN THE CASE OF AN ANTENNA THAT HAS EXPOSED ELEMENTS, THE ANTENNA AND ALL OF THE ANTENNA'S EXPOSED ELEMENTS COULD FIT WITHIN AN IMAGINARY ENCLOSURE OF NOT MORE THAN SIX CUBIC FEET IN VOLUME.
- b. ALL OTHER WIRELESS EQUIPMENT ASSOCIATED WITH THE FACILITY IS CUMULATIVELY NOT MORE THAN TWENTY-EIGHT CUBIC FEET IN VOLUME, OR FIFTY CUBIC FEET IN VOLUME IF THE EQUIPMENT WAS GROUND MOUNTED BEFORE AUGUST 9, 2017. THE FOLLOWING TYPES OF ASSOCIATED ANCILLARY EQUIPMENT ARE NOT INCLUDED IN THE CALCULATION OF EQUIPMENT VOLUME PURSUANT TO THIS SUBDIVISION:
 - 1) AN ELECTRIC METER
 - 2) CONCEALMENT ELEMENTS
 - 3) A TELECOMMUNICATIONS DEMARCATION BOX
 - 4) GROUNDING EQUIPMENT
 - 5) A POWER TRANSFER SWITCH
 - 6) A CUTOFF SWITCH
 - 7) VERTICAL CABLE RUNS FOR THE CONNECTION OF POWER AND OTHER SERVICES