

ORDINANCE NO. (O)18-10

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 25, USE REGULATIONS, SECTION 25.1.B.22, NEW UTILITY POLES AND WIRES 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, adopting that certain document entitled "Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, it has become necessary to amend Chapter 25, Use Regulations, Section 25.1.B.22, New Utility Poles and Wires, to modify the Conditional Use Permit requirements related to maintenance and installation of utility poles, wires and pole mounted equipment; and

WHEREAS, the Planning and Zoning Commission held a meeting on December 5, 2017 and voted to recommend approval of amending Chapter 25, Use Regulations, Section 25.1.B.22, New Utility Poles and Wires; 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.22, New Utility Poles and Wires of the Oro Valley Zoning Code Revised, attached hereto as Exhibit "A" and incorporated herein by this reference, and declared a public record on June 6, 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parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.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 6th day of June, 2018.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

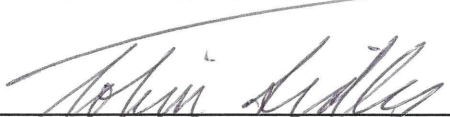
ATTEST:



Michael Standish, Town Clerk

Date: 6/8/18
PUBLISH: DAILY TERRITORIAL
JUNE 11, 12, 13, 14, 2018

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

Date: 6/8/18
POSTED: 6/11/18 - 7/11/18

EXHIBIT "A"

Exhibit A
New Utility Poles and Wires
TEP Zoning Code Amendment
OV1700002

Deletions have been **struck**
Additions shown in **CAPS**

Section 25.1.B

22. New Utility Poles and Wires

a. Applicability

- i. It is unlawful to erect, possess or maintain any utility poles or wires above the surface of the ground except after obtaining a Conditional Use Permit therefore, UNLESS AS OTHERWISE PROVIDED IN SECTION 22.A.II.
 - ii. Exceptions
 - a) Utility poles and wires erected prior to December 31, 1983.
 - b) New utility poles and wires erected for temporary use for periods not in excess of four (4) months for purely temporary purposes such as for providing temporary building construction power or for emergency power or telephone service, or for the furnishing of power to temporary outdoor activities. This four (4)-month period may be extended by the ~~Town Council~~ PLANNING AND ZONING ADMINISTRATOR AND TOWN ENGINEER if good cause is shown.
 - c) ~~Replacements involving less than six hundred (600) feet of continuous poles and wires on any transmission or distribution line in any twelve (12)-month period where the remainder of such transmission or distribution line is not also being replaced within said period; such replacement excluded from being new utility poles under the latter clause must be poles of the same or less size, diameter, height and in the same location as the pole or poles being replaced, and in addition, must be of the same classification as to strength and purpose within the utility industry as pole or poles being replaced.~~
 - d) Erection on the ground surface and flush to the ground of transformers, pullboxes, service terminals, pedestal type telephone facilities normally used with and as a part of an underground distribution system. The size, type and design of these are to be approved by the Town Engineer.
 - e) Erection on the ground surface and flush to the ground of wires in encased concrete or conduit where underground wire installation is not feasible due to special features of the terrain.
- E) REPLACEMENTS, RELOCATIONS AND NEW INSTALLATIONS INVOLVING ONE OR MORE OF THE FOLLOWING IMPROVEMENTS:
- i. POLES
 - a) FIFTY (50%) PERCENT OR LESS INCREASE TO A POLE HEIGHT AND/OR DIAMETER, PROVIDED THE NEW POLE HAS A TAPERED DESIGN.
 - b) STRUCTURAL SUPPORT POLE(S) USED FOR A CHANGE IN LINE DIRECTION OR LINE TERMINATION ONLY.
 - ii. WIRES AND POLE MOUNTED EQUIPMENT
 - a) CHANGES TO WIRE DIAMETER NOT TO EXCEED TWO (2") INCHES IN THICKNESS.

- b) TWENTY FIVE (25%) PERCENT OR LESS INCREASE TO THE TOTAL NUMBER OF WIRES, NOT TO EXCEED TEN (10) WIRES.
- c) POLE MOUNTED EQUIPMENT, EXCLUDING WIRES, INSULATORS, AND ATTACHMENT DEVICES, WITH A SIZE OF 160 CUBIC FEET OR LESS ON MAJOR OR MINOR ARTERIAL ROADS AS DEPICTED IN THE *YOUR VOICE, OUR FUTURE*, GENERAL PLAN CIRCULATION MAP.
- d) POLE MOUNTED EQUIPMENT EXCLUDING WIRES, INSULATORS, AND ATTACHMENT DEVICES, WITH A SIZE OF 64 CUBIC FEET OR LESS ON MAJOR COLLECTOR, MINOR COLLECTOR OR LOCAL ROADS AS DEPICTED IN THE *YOUR VOICE, OUR FUTURE*, GENERAL PLAN CIRCULATION MAP.

iii. OTHER

- a) ALL REPLACEMENT PROJECTS INVOLVING 5,000 FEET OR LESS OF CONTINUOUS POLES AND WIRES WITHIN A TWELVE (12) MONTH PERIOD.

b. Approval Criteria FOR CONDITIONAL USE PERMITS:

- i. APPLICABLE ADDITIONS, MODIFICATIONS OR NEW UTILITY POLES WHERE NONE PREVIOUSLY EXISTED MAY HAVE A SIGNIFICANT VISUAL IMPACT AND REQUIRE CONSIDERATION BY THE PLANNING AND ZONING COMMISSION AND TOWN COUNCIL AS A CONDITIONAL USE PERMIT.
- ii. A Conditional Use Permit for ~~the erection of new utility poles and wires will be granted~~ ANY REQUEST SHALL BE REVIEWED in accordance with Section 22.5.
- iii. ~~In addition,~~ The primary consideration shall be aesthetics with the following factors also considered:
 - a) The location and height of such poles and wires and the relation to the present or potential roads;
 - b) The crossing of such lines over much traveled highways and streets;
 - c) Proximity of such lines to schools, religious institutions and other places where people may congregate;
 - d) Fire or other accidental hazards from the presence of such poles and wires and the effect, if any, of the same upon the effectiveness of fire-fighting equipment;
 - e) The availability of a suitable right-of-way for the installation;
 - f) Future conditions which may be reasonably anticipated in the area in view of a normal course of development;
 - g) The type of terrain;
 - h) The practicality and feasibility of underground installation of such poles and wires with due regard for the comparative costs between underground and over ground installations (provided, however, that a mere showing that an underground installation shall cost more than an over-ground installation shall not, in itself, necessarily require issuance of a permit).

THE APPLICANT MUST PROVIDE A VIEWSHED ANALYSIS THAT CONTRASTS EXISTING AND PROPOSED CONDITIONS AND ADDRESS EACH OF THE FACTORS ABOVE.

- iv. In the event such poles and wires are for the sole purpose of carrying electricity or power or for transmitting of telephone, telegraph, or television communication through or beyond the Town's boundaries or from one (1) major facility to another, the practicality or feasibility of alternative or other routes shall also be considered.