

ORDINANCE 2021-008

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ADOPTING AMENDMENTS TO THE CITY CODE OF ORDINANCES, TITLE XV, CHAPTER 151, DEVELOPMENT CODE, BY REFERENCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY. NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

WHEREAS, the City of Sierra Vista is proposing amendments to City Code Title XV, Chapter 151, Development Code Section 151.02.004-Definitions; Section 151.06.008-Communications Facilities; Section 151.20.002, Architectural and Design Review Applicability; and;

WHEREAS, the City Manager, the Assistant City Manager, and Director of Community Development recommend that the amendments to the Development Code, be adopted; and;

WHEREAS, as required by City Code, the Mayor and City Council held a public hearing on the amendments after proper notice had been given; and;

WHEREAS, the amendments have gone through the 30-day public comment period and no comments have been received.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

That Resolution 2021-056 is hereby reaffirmed, and that the amendments to the City Code Title XV, Chapter 151, Development Code are hereby adopted by reference.

SECTION 2

All other ordinances and parts of ordinances in conflict with the provisions of this provision are hereby repealed.

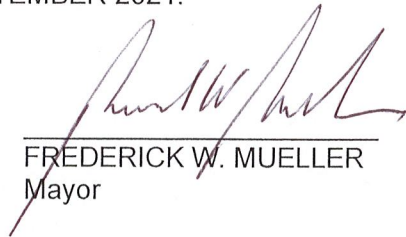
SECTION 3

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

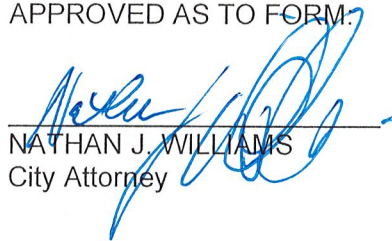
SECTION 4

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Ordinance.

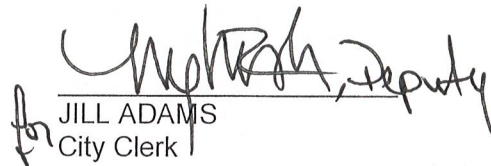
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 23rd DAY OF SEPTEMBER 2021.

  
FREDERICK W. MUELLER  
Mayor

APPROVED AS TO FORM:

  
NATHAN J. WILLIAMS  
City Attorney

ATTEST:

  
JILL ADAMS  
City Clerk

PREPARED BY:

Jeff Pregler, AICP  
Senior Planner

## EXHIBIT A

### Section 151.02.004, Definitions

#### **Building Height**

The vertical distance to the highest point of the roof for a flat roof and to the average height between the eaves and ridge for gable, hip, and gambrel roofs measured from finished grade. ~~of a building measured from the lowest grade adjacent to the building to the highest point of the roof, fascia, or parapet.~~

#### **Grade, Finished**

~~The final elevation of the ground surface after development. See Figure 4.~~ The final elevation of the ground surface after alteration at the highest point adjoining the building or structure.

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### Section 151.06.008, Communications Facilities

#### **E. Exclusions**

1. Essential communication facilities for emergency, police, and medical service dispatch shall be permitted by right on public property and may be exempt from the requirements of this Section.

#### **FE. Telecommunications Towers**

1. Telecommunications Towers shall be permitted by right as an accessory use on non-residentially zoned or used property, including City-owned property, or as a primary use on property located within the General Commercial, Light Industrial, Industrial Park and Heavy Industrial zoning districts; provided, however, any telecommunications tower located within 150 feet of a property zoned or used for residential purposes shall be subject to the conditional use review and approval procedures under [Article 151.26](#) of this Code.

2. The minimum setback distance from the property line shall be equal to 110 percent of the height of the proposed tower; provided, however, when the subject property adjoins a property zoned or used for residential purposes, the minimum setback distance shall be equal to twice the height of the proposed tower from the residentially zoned property line, excluding the property on which the proposed tower is located. The Development Review Committee may reduce the required setback for towers that do not adjoin residentially zoned property and are constructed using breakpoint design technology as certified by a registered professional engineer which in that case the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater.

3. Any tower proposed to exceed sixty (60) feet in height shall be subject to the conditional use review and approval procedures provided under [Article 151.26](#) of this Code.

4. Towers shall be engineered and constructed to encourage and allow for future co- location by other service providers. All towers taller than sixty (60) feet in height shall be engineered and constructed to accommodate no less than three (3) antenna arrays.

5. Tower guys and accessory facilities must satisfy the minimum setback requirements as set forth in this Code for the particular district.



6. Towers shall either maintain a galvanized steel finish, or subject to any standards of the FAA, and be painted a neutral color to reduce visual obtrusiveness. Camouflage techniques shall be utilized where feasible and, and if determined infeasible, the applicant shall submit a written justification as to the reason.

7. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. All lights on towers and antennas of any height shall be up-shielded.

8. Supporting equipment shall be designed to blend in with the natural setting or built environment through the use of color, screening, materials, textures or other technique.

9. Supporting equipment shall be fully concealed behind a masonry wall enclosure painted a neutral color.

10. The exterior perimeter of the masonry wall enclosure shall contain a minimum fifteen (15) foot wide landscape perimeter buffer containing at least one (1) row of large species trees with a minimum twelve (12) foot tall and two and one-half (2.5) inch diameter (caliper) and five (5) foot spread, twenty-five (25) foot on center. Shrubs capable of creating a continuous hedge and obtaining a height of at least six (6) feet shall be planted, minimum three (3) gallon and twenty-four (24) inches at the time of planting, five (5) foot on center. The City may administratively modify these requirements based on site constraints where the alternate landscape plan will fulfill the intent of this screening requirement.

11. Towers shall not be used for advertising.

12. Signage is required to be placed on the antenna support structure, equipment cabinets, or fence for the purpose of identifying the antenna support structure (either by the ASR registration number or other identifying information) as well as the party responsible for the operation and maintenance of the facility.

13. Towers shall only be permitted where the applicant has provided substantial competent evidence demonstrating that existing towers or structures cannot accommodate and provide the proposed telecommunications service for any of the following reasons:

a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related requirements.

d. Existing towers or structures would cause electromagnetic interference to existing or proposed antenna.

e. The costs or contractual provisions to adapt an existing tower or structure exceed the development costs for a new tower.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable or unable to provide adequate telecommunications service.

g. A visual line of site analysis, including photo-simulated post construction renderings shall be submitted to enable the City to assess the visual impact upon surrounding properties.

#### G.F. Amateur Radio Antennas

1. Amateur radio antennas and any ancillary structures shall be permitted by right as an accessory use in all Single-Family Residential Zoning Districts, provided the principal residence is a single-family detached structure.

2. Amateur radio antennas shall meet the following installation standards if they meet both of these criteria: 1) The antenna is connected to a permanent mounting or support structure; 2) The base diameter of the antenna is greater than 2.5 inches.

- a. The height shall not exceed 70 feet above ground level, measured from the base of the support structure or other structure or building to which an amateur radio antenna array is attached.
- b. The antennas and ancillary structures shall be located within the rear yard and must be located on the same lot as the principal structure.
- c. The antenna ancillary structures shall be made of corrosion-resistant materials.
- d. The antenna and ancillary structures shall be setback from a property line a distance equal to 50 percent of the antenna's height as measured in subsection 2 above.
- e. A building permit shall be required containing appropriate engineering data confirming compliance with all regulations set forth in the building code in effect at the time of the application submission.
- f. Any proposed antenna that exceeds the maximum height requirement as stated in subsection 2 above, shall be subject to the conditional use review and approval procedures provided under [Article 151.26](#) of this Code.

#### H.G. Federal Requirements and Safety Standards

1. All towers and antennas must meet or exceed current standards and regulations of the FAA and FCC, and any other agency of the federal government with authority to regulate towers and antennas. If such standards are changed, the owners of the towers and antennas governed by this Code shall bring such towers and antennas into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute a violation of this Code.
2. If upon inspection, the City Building Official at any time finds that the structural integrity of the tower or antenna constitutes a danger to persons or property, the owner of the tower or antenna shall be given written notice of the condition and shall have fifteen (15) days to make the tower or antenna structurally sound in accordance with the standard set forth in the applicable codes.

#### I.H. Maintenance

1. The owner of any communication facility is responsible for maintaining all required landscaping and ancillary structures in good condition and in accordance with permit conditions as determined by the City. The City will notify the owner to replace or repair any portion of the communication facility that falls in disrepair or fails to maintain the approved design aesthetic. The owner shall correct any violation under this section within 60 days. Any violation of this section shall be subject to the penalties provided under Section [151.32.004](#) and may result in the revocation of the original permit.

#### J.I. Removal of Abandoned Towers and Antennas

1. Any tower or antenna that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such tower or antenna shall remove same within sixty (60) days of receipt from the City notifying the owner of such abandonment. If such tower or antenna is not removed within sixty (60) days, the facility shall be in violation of this Code. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower or antenna.

#### K.J. Variance Procedures

1. Any request to deviate from the requirements of this Section shall be processed in accordance with the requirements of [Article 151.30](#) of this Code.



2. In addition to the standards of Section [151.30.005](#) of this Code, the applicant shall be required to demonstrate that the regulation prevents the applicant from providing service to the area, and that other options for providing service are not available or reasonable.

#### L.K. Approval Process

1. All applications for telecommunications antenna and towers shall be reviewed for completeness. If any item required by this Section 151.04.018, or as required elsewhere by this Code, is not provided, the application shall be deemed incomplete.

2. Applicants shall be notified within 20 business days whether the application is complete. If the application is determined to be incomplete, the City shall identify the missing items or deficiencies that the applicant must correct and/or resubmit. After the information is resubmitted, the City shall have an additional 20 days to make a determination of completeness.

3. Once a determination has been made that an application is complete, applications for accessory telecommunications antenna shall be processed within 45 business days, and applications for telecommunications towers as a primary use shall be processed within 90 business days, unless the application is scheduled for City Council action at the regularly scheduled meeting following the 90-day period.

4. The applicant and the City may mutually agree upon a modification or waiver of these timeframes.

#### M.L. Permit Levels

1. Level 1. The development order (building permit) issued by the City to an individual, corporation, partnership, or other entity to engage in the creation of:

a. An accessory telecommunications antenna or ancillary structure.

b. Amateur radio antennas installed with permanent mounting or support, or antennas that have a base diameter greater than 2.5 inches.

c. A modification to an existing, lawfully constructed tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(1) Collocation of new transmission equipment;

(2) Removal of transmission equipment; or

(3) Replacement of transmission equipment.

2. Level 2. The development order (modified site plan and/or building permit) issued by the City to an individual, corporation, partnership, or other entity to engage in the creation of:

a. A telecommunications tower that is 60 feet or less in height .

3. Level 3. The conditional use permit issued by the City Council, pursuant to the public hearing process and requirements set forth in [Article 151.26](#) of this Code, to an individual, corporation, partnership, or other entity to engage in the creation of:

a. A telecommunications tower that exceeds 60 feet in height or is located within 150 feet of a property zoned or used for residential purposes.

b. Amateur radio antennas that exceed 70 feet or antennas with a base diameter that exceed 12 inches.

(Ord. 2016-002, passed 2-25-16; Am. Ord. 2018-005, passed 3-22-18)

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## ARTICLE 151.20, ARCHITECTURE AND DESIGN REVIEW

### Section 151.20.002, Applicability

A. Architectural and Design Review shall be required for:

1. New buildings and new site development;
2. Exterior facade modifications to existing buildings requiring a building permit;

B. Exceptions:

1. Single family detached dwelling units and related accessory structures.
2. Multi-family development where there are 4 or less units located on one lot and related accessory structures.
3. On all additional properties, accessory structures with less than 30 linear feet of building wall, per side, that can be viewed from a public right-of-way.