



AGENDA
Special Session
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY, OCTOBER 13, 2016
6:30 PM

Because All Commission meetings will end at 9 PM, any remaining agenda items will be heard at the next Commission meeting.

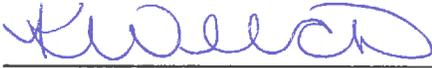
1. **Call To Order**
2. **Roll Call**
3. **Pledge Of Allegiance**
4. **Consent Agenda** - All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.
 - a. **Approval of Minutes:**
September 8, 2016 – Special Session
 - b. **Set Next Meeting, Date and Time:**
As Needed
5. **Call To The Public For Items Not On The Agenda**
(Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Commission from taking any action on items not on the agenda, except to set them for consideration at a future date.)
6. **Presentation and Introduction of the new Community Development Director, Carmen Ogden.**
–Staff Resource: Community Development Director Michael Jenkins
7. **Public Hearing, Discussion and possible Recommendation to Council for a Text Amendment to the Town of Camp Verde Planning & Zoning Ordinance amending the requirements of Part Three – General Regulations/Provisions, Section 306 – Mobile/Manufactured Home Parks (MHP & RV Parks), Subsection B. Mobile/Manufactured Home and Recreational Vehicle Park Standards by the deletion of Item 1.b.2. “Park models for placement in RV parks”.** – Staff Resource: Community Development Director Michael Jenkins
8. **Public Hearing, Discussion and possible Recommendation to Council for a Text Amendment to the Town of Camp Verde Planning & Zoning Ordinance amending the requirements of Part Three – General Regulations/Provisions, Section 306 – Mobile/Manufactured Home Parks (MHP & RV Parks), Subsection B. Mobile/Manufactured Home and Recreational Vehicle Park Standards, Item 2.b., replacing “Arizona Office of Manufactured Housing” with “Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing”.** – Staff Resource: Community Development Director Michael Jenkins
9. **Public Hearing, Discussion and possible Recommendation to Council for a Text Amendment to the Town of Camp Verde Planning & Zoning Ordinance amending the requirements of Part Eight – Wireless Communication Facility Regulations.** – Staff Resource: Community Development Director Michael Jenkins

There Will Be No Public Input On The Following Items:

10. **Current Events**
(Individual members of the Commission may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Commission will take no discussion, consideration, or action on any such item, except that an individual Commission member may request an item be placed on a future agenda.)
11. **Staff Comments**
12. **Adjournment**

Please note: The Planning and Zoning Staff makes every attempt to provide a complete agenda packet for public review. However, it is not always possible to include all information in the packet. You are encouraged to check with The Community Development Department prior to a meeting for copies of supporting documentation, if any that were unavailable at the time agenda packets were prepared.

Posted by:



Date/Time:

10/6/16 3:30 pm

Note: Pursuant to A.R.S. §38-431.03A.2 and A.3, the Planning & Zoning Commission may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item. The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

DRAFT MINUTES
Special Session
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY, SEPTEMBER 8, 2016
6:30 PM

Because All Commission meetings will end at 9 PM, any remaining agenda items will be heard at the next Commission meeting.

1. Call to Order

Chairman B.J. Davis called the meeting to order at 6:30 p.m.

2. Roll Call

Chairman B.J. Davis, Commissioners Teresa Helm, Dave Freeman, Greg Blue and Jim Hisrich are present. Commissioner Chip Norton is absent.

Also Present

Community Development Director Michael Jenkins, Assistant Planner Kendall Welch, Economic Development Director Steve Ayers and Recording Secretary Jennifer Shilling.

3. Pledge Of Allegiance

Commissioner Helm led the Pledge.

4. Consent Agenda - All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.

a. Approval of Minutes:

March 10, 2016 – Special Session

March 17, 2016 – Special Session

b. Set Next Meeting, Date and Time:

Thursday, October 6, 2016 – Special Session (Zoning Map Change)

Thursday, October 13, 2016 – Special Session (P&Z Ord. – Misc. Updates)

Motion was made by Commissioner Blue to approve the Consent Agenda. Second was made by Commissioner Hisrich. The Commission unanimously approved the Consent Agenda.

5. Call to the Public for Items Not On the Agenda: NONE

6. Update and Discussion of Planning & Zoning Commission Seat Vacancy.

Assistant Planner Kendall Welch stated that Commissioner Burnside was holding the Vice Chair seat, and due to his recent passing the Commission needs to elect a new Vice Chairman. Welch also stated that Town Clerk, Virginia Jones has posted a notice of the Planning & Zoning Commission seat vacancy and applications/letters of interest are due by September 26th at noon. Welch also added that the Town Council is scheduled to review those applications and make a possible appointment on October 5th – Commissioner Burnside's seat is up for reappointment in January of 2017. Welch confirmed one application has already been received. Chairman Davis requested staff to check for past applications on file.

7. Election of Officer (Vice Chairman)

Chairman Davis entertained nominations for the election of Vice Chairman. **Motion** was made by Commissioner Blue to nominate Commissioner Helm for the Vice Chair position. There were no other nominations. Commissioner Helm confirmed that she is willing to serve as Vice Chair. Second was made by Commissioner Hisrich. **Motion** carried unanimously.

8. Update and Discussion on the Verde River Recreation Master Plan approved by Council on February 3, 2016.

Community Development Director Michael Jenkins introduced Economic Development Director Steve Ayers.

Mr. Ayers gave a presentation to the Commission on the Verde River Recreation Master Plan that was approved by Council on February 3, 2016. Mr. Ayers reviewed the three general expressed needs that created this plan - first is to manage a situation where property owners were impacted by unmanaged recreation, second is to

develop public accessible recreation sites and third to protect the river's natural resources, wildlife and habitats.

Ayers stated that neighborhood meetings were held to get the public's input, and also added that there was consultation with various agencies such as the Arizona Department of Game and Fish, the National Parks Service, Arizona State Land Department, as well as the US Forest Service for their input and expertise. Ayers explained that some portions of the Verde River is currently used for homeless camps and is full of trash and debris. Ayers added there is also a high volume of traffic that travels through private property that runs along the Verde River.

Ayers stated the Town of Camp Verde has been awarded multiple grants to see this plan through, and added that work has already begun in certain areas by installing gates, donated by the US Forest Service and by placing boulders in specific spots to keep unwanted traffic out.

Mr. Ayers also explained the master plan calls for the future development of four additional public accessible parks. Mr. Ayers explained that by creating these recreational parks it will help beautify the community and make people want to invest in the community.

There will be a public presentation of the Verde River Master Plan in the high school cafeteria, next Tuesday, September 13th from 5:30pm to 8:30pm.

9. Update and Discussion on the August 30, 2016 Election Results regarding the Ratification of the Town of Camp Verde 2016 General Plan.

Assistant Planner Kendall Welch stated she is unofficially giving that Commission the official results from the August 30th election. Welch explained that the Town Clerk did get the canvass of the vote back, and the General Plan was ratified by voters, with 61.92% in favor and 38.08% opposed. Welch stated that moving forward a Resolution is being prepped by the Town Clerk for Council to officially adopt the results of the election. After the Resolution is approved by Council then the new General Plan will be in place.

Chairman Davis asked about the trails map. Welch stated the 2005 trails map was inserted into the new General Plan with a disclaimer on it. Welch added that subcommittee member Tony Gioia has been trying to get updated GIS information from Coconino National Forest, and that staff is still working on the revised trail map behind the scene. Chairman Davis requested this topic to come back on a future agenda for a more official update.

Chairman Davis expressed his appreciation to the Commission, subcommittee members, and staff for all their time and efforts in putting the plan together.

**10. There Will Be No Public Input on the Following Items
Current Events**

Chairman Davis stated that he would like to take a brief moment to remember Commissioner Bob Burnside. Davis stated that even though they sometimes didn't see eye to eye, they still talked things through. Davis stated he had a lot of respect for Commissioner Burnside, considered him to be a friend, and closed by stating that his presence on the Planning & Zoning Commission would be greatly missed.

Commissioner Freeman added that he remembers working with Commissioner Burnside. Freeman stated that Commissioner Burnside was helpful in giving him a better feel for what Planning & Zoning and the Town was all about. Freeman added that Commissioner Burnside was a great mentor to him, and agreed with Chairman Davis that he would be missed.

11. Staff Comments

Assistant Planner Kendall Welch stated that there are items scheduled for both meeting dates in October.

Community Development Director Michael Jenkins added that his replacement is officially coming on board October 17th. Jenkins stated that he participated in the reviews of the applicants and stated there were many kudos expressed by the applicants regarding the General Plan.

Commissioner Blue and Chairman Davis asked when the Commission might be seeing then new Community Development Director. Assistant Planner Kendall Welch stated that it would probably be sometime in October.

12. Adjournment

Motion was made by Commissioner Freeman to adjourn the meeting. Second was made by Commissioner Helm. **Motion** carried unanimously. Meeting was adjourned at 7:23 PM

Chairman B.J. Davis

Planning & Zoning

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Planning & Zoning Commission of the Town of Camp Verde during the Special Session of the Planning & Zoning Commission of the Town of Camp Verde, Arizona, held on the 17th day of March, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of September, 2016.

Jennifer Shilling

Jennifer Shilling, Recording Secretary



Exhibit A - Agenda Item Submission Form – Section I

Meeting Date: 10/13/16 – Planning & Zoning Commission

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation

Requesting Department: Community Development

Staff Resource/Contact Person: Michael Jenkins, Community Development Director

Agenda Title (be exact): *Public Hearing, Discussion and possible Recommendation to Council for a Text Amendment to the Town of Camp Verde Planning & Zoning Ordinance amending the requirements of Part Three – General Regulations/Provisions, Section 306 – Mobile/Manufactured Home Parks (MHP & RV Parks), Subsection B. Mobile/Manufactured Home and Recreational Vehicle Park Standards by the deletion of Item 1.b.2. “Park models for placement in RV parks”.*

List Attached Documents:

- Part Three, Section 306, Subsection B. Mobile/Manufactured Home and Recreational Vehicle Park Standards
- ARS §33-2102 (Definitions)
- RVIA Park Model RVs (aka Recreational Park Trailers): Definition and Use
- U.S. Department of Housing and Urban Development (HUD) Title 24 §3282

Estimated Presentation Time: 5 minutes

Estimated Discussion Time: 10 minutes

Reviews Completed by:

Department Head: Michael Jenkins **Town Attorney Comments:**

Background Information: As previously directed by Town Council, Community Development Department Staff has been encouraged to bring to light any omissions, errors or conflicts within the Planning & Zoning Ordinance.

Arizona Revised Statute §33-2102 defines a Recreational Vehicle as: a vehicular type unit that is any of the following:

- (a) a portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold for camping.
- (b) a motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
- (c) a park trailer or park model built on a single chassis, mounted on wheels or originally mounted

on wheels and from which the wheels have been removed and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty square feet and not more than four hundred square feet when it is set up, except that it does not include fifth wheel trailers.

(d) a travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and that has a trailer area of less than three hundred twenty square feet. This subdivision includes fifth wheel trailers. If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers in section A 119.5 of the American national standards institute code.

(e) a portable truck camper constructed to provide temporary living quarters for recreational, camping or travel use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

Further the Recreation Vehicle Industry Association (RVIA) defines a park model RV (PMRV) as "...a unique trailer-type RV that is designed to provide temporary accommodation for recreation, camping or season use. PMRVs (also sometimes referred to as recreational park trailers) are built on a single chassis, mounted on wheels and have a gross trailer area not exceeding 400 square feet in the set – up mode. They are certified by their manufacturers as complying with the ANSI A119.5 standard for recreational park trailers."

RIVA further states that "...PMRVs are most often used in recreational vehicle campground. They may be owned by the campground and rented to guests or they may be brought in and used exclusively by their owners on a site rented or leased from the campground. They can also be placed by their owners on private property. These units are designed and built to be used for recreational/camping purposes only. They are not meant to be affixed to the property in any way, they do not improve property values in any way, and they are neither designed nor intended by their manufactures to be used as permanent residences. Park model RVs are titled as motor vehicles by the various states just like other RV types."

Most importantly RIVA states the following "...Although the distinctive appearance of park model RVs may sometimes lead people to think they look like small manufactured homes, appearances can be deceiving. PMRVs are actually titled and registered just like any other RV. Due to their design, small size and use as recreation, vacation and seasonal units, PMRVs are explicitly excluded from being considered or used as a manufactured home under the codes and regulations of the U.S. Department of Housing and Urban Development (HUD) specifically because they are a type of recreation vehicle (Title 24 §3282.8(g))."

A copy of the U.S. Department of Housing and Urban Development (HUD) Title 24 §3282 has been included in the agenda packet for the Commission's review.

Based on this information the Community Development Department Staff is recommending the deletion of "Park models for placement in RV parks" as they do not qualify for any type of installation permit since they are considered to be a recreational vehicle.

Recommended Action (Motion): A motion to recommend (or deny) to Council a Text Amendment to the Town of Camp Verde Planning & Zoning Ordinance amending the requirements of Part Three – General Regulations/Provisions, Section 306 – Mobile/Manufactured Home Parks (MHP & RV Parks), Subsection B. Mobile/Manufactured Home and Recreational Vehicle Park Standards by the deletion of Item 1.b.2. "Park models for placement in RV parks".

Instructions to the Clerk: N/A

- i. The livestock market projects shall be of a limited duration specified by a start and stop date not to exceed ten months in one calendar year, allowing for care, feeding and grooming of such animals to be shown and/or sold annually at such events such as the Verde Valley, Yavapai County and/or Arizona State Fair.
- ii. In the instance that a prize-winning animal is to be entered into competition more than one time, an extension of the permit may be applied for, and after evaluation by the Community Development Department, conditionally extended.

3. Maintenance of Livestock Facilities.

- a. All structures and pens for animals shall be maintained in a clean and sightly manner so as not to be a nuisance to their neighbors.
- b. Stables, barns, or structures used for housing or feeding animals must observe the same setbacks or yards as the dwelling unit.

Exception: Lots directly abutting National Forest Service Land, Trust Land and BLM Land in the rear and/or lots directly abutting Designated Open Space may encroach in the rear setback requirement. The distance from the rear setback is twice the height of the structure. The side setback and front setback must be maintained in all instances.

- c. Where the keeping of such animals becomes a nuisance, as defined in the current Town Code, the Code Enforcement Official shall have the authority to determine a reduction in the number of and/or removal of the animals as necessary to comply with the current Town Code.
- d. The Code Enforcement Official has the authority to determine that removal of the animals in circumstances where they constitute a health or safety hazard to human beings is necessary to comply with the current Town Code.

SECTION 306 - MOBILE/MANUFACTURED HOME PARKS (MHP & RV PARKS)

A. Mobile/Manufactured Home and Recreational Vehicle Parks Placement Procedure:

- 1. **Permits:** Permits shall be required for all mobile and/or manufactured homes installed, placed, kept or stored within the limits of Camp Verde (except for unoccupied units on sales lots or authorized storage facilities). Permits shall be issued only for the placement of mobile homes/manufactured homes within mobile/manufactured home parks.
 - a. Permits shall be required for all building and structures within mobile/manufactured home or RV parks. It shall be unlawful for any person to construct, maintain or operate any mobile/manufactured home park or RV park within the limits of Camp Verde unless they hold a valid use permit and valid installation permits issued by the Community Development Department for each specific manufactured home, mobile home, or structure.

The fee for all permits shall be determined by resolution of the Town Council. Issuance of permits shall be made by the Community Development Department and shall be contingent upon compliance with all health laws and regulations of the State of Arizona and the County of Yavapai; and this Zoning Ordinance:

Permit applications shall be received and processed according to the current codes.

- b. Applications for permits to construct or enlarge mobile/manufactured home parks or RV parks shall be made in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner. The application shall contain a complete set of plans drawn to scale, showing the location of the proposed mobile/manufactured home park or RV park, and which shall include:
 - 1) The areas and dimensions of the tract of land.
 - 2) The maximum number, location and size of all mobile/manufactured home or RV spaces.
 - 3) The location of any existing buildings and any proposed structures.
 - 4) The location and width of access driveways, roadways, parking areas, walkways, and turn-arounds.
 - 5) The location of electrical, water, storm drainage, and sewer lines and the sewage disposal systems.
 - 6) The location and elevation of all flood hazard areas.
 - 7) A contour map showing the proposed grading of the park.

2. Use Permit Required for Constructing/Enlarging Park

- a. The Use Permit process is required to construct or enlarge a mobile/manufactured home park or RV park by obtaining a recommendation from the Planning and Zoning Commission and approval from the Town Council.
- b. Before a Use Permit may be issued:
 - 1) There must be a plan for park development or enlargement approved by the Town Council.
 - 2) The Town Council may require a performance bond from the operator of the park to assure that the park is constructed in a satisfactory manner.
 - 3) The Town Council may require any other improvements and facilities in the interest of public safety, health and welfare. before approving the mobile/manufactured home park or RV park.
 - 4) The Town Council may accept the proposed plan with recommended changes, or reject the plan.
 - 5) Utility service shall not be provided to any unit or other building until approved by the Building Official.

B. Mobile/Manufactured Home and Recreational Vehicle Park Standards:

The following regulations shall apply with respect to mobile/manufactured home parks and all mobile or manufactured homes in a park:

1. Mobile/manufactured home and Recreational Vehicle parks shall be developed in accordance with the following:
 - a. Mobile/manufactured home and Recreational Vehicle parks shall provide for individual mobile/manufactured home or recreational vehicle spaces, access driveways, parking and open spaces for recreation.
 - b. Installation permits shall be issued only to those units that qualify under the current codes as a:
 - 1) Manufactured Home. (HUD label, Arizona Office of Manufactured Housing)
 - ~~2) Park models for placement in RV parks.~~
 - 3)2) Factory built building used as a dwelling unit.
 - 4)3) Mobile home. (Pre June 15, 1976 must have rehabilitation certification issued from the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing. (2015 A409)
 - c. A current valid permit is required before installation or placement of an approved unit on a lot, subject to the following:
 - 1) Permanent piers, blocks, or foundations are required.
 - 2) Connections to utilities must be made.
 - 3) The exterior elements shall be installed in accordance with the current codes and maintained in good condition.
 - a) For the purpose of this section, skirting and retaining walls shall have an eighteen-inch by twenty-four inch (18" x 24") under floor area access.
 - b) Skirting shall be installed around the entire perimeter of the unit, prior to the issuance of a Certificate of Occupancy.
 - d. A minimum of two vehicular entrances shall be provided for each mobile/manufactured home and recreational vehicle park. One entrance may be kept closed to the general public if provision is made for emergency access.
 - e. All utility lines, cable TV, and electrical transmission lines shall be placed underground. Each mobile/manufactured home space shall be provided with water, sanitary facilities, electric lines, and telephone lines. Fire hydrants installed by the developer in compliance with applicable Town Ordinances.
 - f. Refuse collection areas shall be centrally located and screened from public view.
 - g. Street lighting shall be provided along the park streets for the safety of pedestrians.
 - h. A strip of land at least twenty feet in width shall be maintained as landscaped area abutting all mobile/manufactured home and recreational vehicle park property lines.

2. Mobile/Manufactured Homes: Installation and Maintenance Standards

- a. Mobile/manufactured homes shall be installed in compliance with the standards prescribed by the Arizona Department of Building and Fire Safety, Office of Manufactured Housing, for ground level installation; installation of a fully skirted mobile/manufactured home; or installation on a fully enclosed, permanent site-built foundation.
- b. No mobile home, (see Section 103 Definitions MOBILE HOME), may be moved into the Town of Camp Verde unless it has been completely rehabilitated pursuant to the requirements of the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing. Upon completion of all rehabilitation work the owner must obtain a certificate of rehabilitation issued by the Arizona-Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing certifying that the mobile/manufactured home was found to comply fully with mobile home rehabilitation standards prescribed by the Arizona Department of ~~Manufactured Housing~~ Fire, Building and Life Safety. The certificate and insignia must then be submitted to the Town of Camp Verde for approval prior to issuance of an installation permit.
- c. Mobile homes existing within the Town limits to be moved from a private property or from one mobile/manufactured home park to another mobile/~~manufactured~~ home park must be completely rehabilitated pursuant to a rehabilitation permit issued by the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing. Upon completion of all rehabilitation work the owner must obtain a certificate of rehabilitation issued by the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing certifying that the mobile home was inspected on (date) by (qualified inspector named) and found to comply fully with mobile home rehabilitation standards prescribed by the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing. (2015 A409)
- d. Mobile/manufactured homes shall be used as dwelling units only.
 - 1) No mobile/manufactured home or park model shall be placed on a property for use as an accessory structure or storage unit, nor shall be stored on the property unless zoned for such use.
 - 2) Permits shall be required for the installation, alteration or repair of accessory structures, additions and service equipment in a mobile/manufactured home or recreational vehicle park.
 - 3) If the Town Building Official finds that the work described in the permit application conforms with the Town's codes and that the fees have been paid, a permit shall be issued to the applicant.
- e. All existing and new mobile/manufactured units, and all parts thereof shall be maintained in a safe and sanitary condition.
 - 1) All devices or safeguards (including but not limited to smoke alarms and skirting) which are required by applicable codes or by the manufactured home standards to which it was installed shall be maintained in a safe and sanitary condition.
 - 2) The exterior elements (including, but not limited to: eaves, awnings, stairs, porches, skirting, and heating and cooling units) of the unit shall be painted and maintained in good condition.

3. **Community Use Area** shall be at least ten percent of the total area. Such land may include all land devoted to recreation and service facilities, landscaping not included in individual mobile/manufactured home spaces, and accessory parking areas. Such land shall not include recreational vehicle storage areas, private streets, boundary landscaping areas and refuse areas.
 - a. Mobile/manufactured home parks shall provide at least ten percent of their total area for recreation or other open space purposes.
 - b. Recreational vehicle storage areas:
 - 1) if provided, shall be at the minimum ratio of 50 square feet of land for each mobile/manufactured home space and shall be a dust-free surface with crushed rock or similar material.
 - 2) if no recreational vehicle storage is provided, recreational vehicles shall not be stored at mobile/manufactured home spaces.
4. **Parking Requirements:**
 - a. A minimum of two off-street parking spaces shall be provided for each mobile/manufactured home. The spaces and the drive shall be dust-proofed and surfaced with crushed rock or similar material.
 - b. Guest automobile parking shall be provided at a minimum ratio of one and one-half parking spaces for each five mobile/manufactured home spaces (See Section 404).
5. **Certificate of Compliance and Business Licenses:**
 - a. No certificate of compliance or business license for the park shall be issued unless and until thirty percent of the mobile/manufactured home spaces planned in any park, or ten such mobile/manufactured home spaces, whichever is greater, shall have been completely prepared, constructed and equipped for use in all respects.
 - b. No certificate shall be issued unless and until a like portion of the mobile/manufactured home park's community facilities such as driveways, laundry facilities, bath, wash and toilet rooms shall have been completely prepared, constructed and equipped for use in all respects.

C. Additional Recreational Vehicle Park Standards

In addition to the requirements of Section 306 B. The following regulations shall apply to all Recreational Vehicle Parks:

1. Recreational vehicle parks shall provide for individual recreational vehicle spaces, access driveways and parking.
2. Each recreational vehicle space shall be at least 1500 square feet in area, and at least thirty feet in width and have a compacted gravel surface at least ten feet in width and twenty feet in depth.
3. A strip of land at least twenty feet in width shall be maintained as a landscaped area abutting all recreational vehicle park property lines.
4. No certificate of compliance or business license for the park shall be issued unless and until all required improvements have been completely prepared, constructed and equipped for use in all respects.

33-2102. Definitions

In this chapter, unless the context otherwise requires:

1. "Action" includes recoupment, counterclaim, setoff, suit in equity and any other proceeding in which rights are determined, including an action for possession.
2. "Appurtenances" means awnings, sheds, porches and other attachments to the recreational vehicle.
3. "Change in use" means a change in the use of land from the rental of recreational vehicle spaces in a recreational vehicle park to some other use.
4. "Compatible" means a recreational vehicle that is in a similar condition as the majority of the other recreational vehicles in the recreational vehicle park, as determined by the maintenance, condition and overall appearance of the recreational vehicle.
5. "Factory-built building" means a residential or nonresidential building, including a dwelling unit or habitable room of the building, that is either wholly or in substantial part manufactured at an off-site location to be assembled on site, except that it does not include a manufactured home, recreational vehicle or mobile home as defined in section 41-4001.
6. "Good faith" means honesty in fact in the conduct or transaction concerned.
7. "Guest" means a nonresident of a recreational vehicle park, over and above the limit set for the resident's space under the terms of the rental agreement or by park rules, who stays at the home of a person with constructive possession of the home with the consent of the resident for one or more nights and not more than fourteen days in any twelve month period.
8. "Landlord" means:
 - (a) The owner, lessor, sublessor or operator, or any combination of these persons, of a recreational vehicle park.
 - (b) A manager of the premises.
9. "Mobile home" means either of the following:
 - (a) A residential structure that was manufactured on or before June 15, 1976, that is transportable in one or more sections, eight feet or more in body width, over thirty feet in body length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities and not originally sold as a travel trailer or recreational vehicle and that includes the plumbing, heating, air conditioning and electrical systems in the structure.
 - (b) A manufactured home built after June 15, 1976, originally bearing an appropriate insignia of approval issued by the United States department of housing and urban development.
10. "Mobile home park" means any parcel of land that contains four or more mobile home spaces and two or more recreational vehicle spaces.
11. "Mobile home space" means a parcel of land for rent that has been designed to accommodate a mobile home and provide the required sewer and utility connections.

12. "Notice" means delivery by hand or mailed by registered or certified mail to the last known address of the landlord or tenant. If notice is mailed by registered or certified mail, the landlord or tenant is deemed to have received the notice on the date the notice is actually received or five days after the date the notice is mailed, whichever occurs first.
13. "Organization" includes a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest and any other legal or commercial entity that is a landlord, owner, manager or designated agent.
14. "Owner" means one or more persons, jointly or severally, in whom is vested all or part of the legal title to property or all or part of the beneficial ownership and a right to present use and enjoyment of the premises. Owner includes a mortgagee in possession.
15. "Person" includes a company, partnership or firm as well as a natural person.
16. "Premises" means the recreational vehicle park and existing facilities and appurtenances in the park, including furniture and utilities, if applicable, and grounds, areas and existing facilities held out for the use of tenants generally or whose use is promised to the tenant.
17. "Prospective tenant" means a person who expresses an interest to a landlord in becoming a tenant.
18. "Recreational vehicle" means a vehicular type unit that is any of the following:
- (a) A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold for camping.
 - (b) A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
 - (c) A park trailer or park model built on a single chassis, mounted on wheels or originally mounted on wheels and from which the wheels have been removed and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty square feet and not more than four hundred square feet when it is set up, except that it does not include fifth wheel trailers.
 - (d) A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and that has a trailer area of less than three hundred twenty square feet. This subdivision includes fifth wheel trailers. If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers in section A 119.5 of the American national standards institute code.
 - (e) A portable truck camper constructed to provide temporary living quarters for recreational, camping or travel use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.
19. "Recreational vehicle space" means a parcel of land for rent that has been designed to accommodate a recreational vehicle and provide the required sewer and utility connections.

20. "Rent" means payments to be made to the landlord or designated agent in full consideration for the rented premises.

21. "Rental agreement" means oral or written leases or agreements and valid rules embodying the terms and conditions concerning the use and occupancy of a recreational vehicle space.

22. "Resident" means a person entitled under a rental agreement to occupy a recreational vehicle space to the exclusion of others.

23. "Security deposit" means money or property given to assure payment or performance under a rental agreement.

24. "Tenant" means a person signing a rental agreement or otherwise agreeing with a landlord for the occupancy of a recreational vehicle space for more than one hundred eighty days.

25. "Visitor" means a nonresident of a recreational vehicle park who stays at the home of a resident with the consent of the resident but does not stay overnight.



Park Model RVs (aka Recreational Park Trailers): Definition and Use

What a Park Model RV is:

A park model RV (PMRV) is a unique trailer-type RV that is designed to provide temporary accommodation for recreation, camping or seasonal use. PMRVs (also sometimes referred to as recreational park trailers) are built on a single chassis, mounted on wheels and have a gross trailer area not exceeding 400 square feet in the set-up mode. They are certified by their manufacturers as complying with the ANSI A119.5 standard for recreational park trailers.

PMRVs are most often used in recreational vehicle campgrounds. They may be owned by the campground and rented to guests or they may be brought in and used exclusively by their owners on a site rented or leased from the campground. They can also be placed by their owners on private property. These units are designed and built to be used for recreational/camping purposes only. They are not meant to be affixed to the property in any way, they do not improve property values in any way, and they are neither designed nor intended by their manufacturers to be used as permanent residences. Park model RVs are titled as motor vehicles by the various states just like other RV types.

What makes PMRVs unique is that they are up to 15 feet in width or 36 feet long with a peaked and shingled or metal roof. Some offer gabled windows, and siding choices of cedar, aluminum, vinyl, masonite or even split logs for a rustic look, while others are made of full solid logs. They are often designed with built-in porches, decks and/or storage areas. Many look like tiny summer cottages. Others look more like traditional but slightly longer RV travel trailers.

Most park model RV owners (67%) locate their unit within several hours of drive time from their primary residences and use them for weekend camping get-aways. Some owners may place their PMRV in a warm climate location and use them as a seasonal/temporary get-away to escape the cold gray winter weather, while others place their PMRVs in cooler climate locations to escape the summer heat and humidity back home.

In the off-season, these units are typically winterized (i.e. have antifreeze in the water lines; and are unusable because water and sewage facilities are not operational). These units are left in "onsite storage" when not being used.

The Recreation Vehicle Industry Association (RVIA) operates a safety standards and inspection program that requires member manufacturers of all recreation vehicles, including park model RVs, to affix a RVIA standards program seal to every unit they build in their factories. This seal indicates the manufacturer's certification that the unit complies with the requirements of the applicable standards. A park model RV can always be identified by the blue and gold RVIA ANSI A119.5 certification seal (or its predecessor green RPTIA seal) affixed to the right of main door of the unit.



RECREATION VEHICLE INDUSTRY ASSOCIATION

1896 Preston White Dr. P.O. Box 2999 Reston, VA 20195-0999 Tel: 703/620-6003 Fax: 703/620-5071 www.rvia.org

What a Park Model RV is Not:

Although the distinctive appearance of park model RVs may sometimes lead people to think they look like small manufactured homes, appearances can be deceiving. PMRVs are actually titled and registered just like any other RV. Due to their design, small size and use as recreation, vacation and seasonal units, PMRVs are explicitly excluded from being considered or used as a manufactured home under the codes and regulations of the U.S. Department of Housing and Urban Development (HUD) specifically because they are a type of recreation vehicle (Title 24 § 3282.8(g)).

Park model RVs are built in accordance with the national safety standards set forth under a nationally recognized standard, the American National Standards Institute (ANSI) A119.5 Standard, not the HUD requirements that manufactured homes are mandated to comply with. The key distinction is that manufactured homes are single-family dwellings that are designed and built for *permanent* residency under standards set by the Department of Housing and Urban Development. Park models RVs, as noted, are designed and built to be used by families as a recreational, camping, or seasonal accommodation. PMRVs are not intended for, nor should they be used for, anything other than recreational camping or seasonal use. They are not permanent residences and should never be used as such.

Like RV motor homes, travel trailers and fifth-wheel trailers, park model RVs are built to ensure safety but are not required to meet the building codes or installation codes that stick-built or manufactured homes are required to meet. Although they are sometimes stabilized and/or skirted, they are designed to remain on their axles and wheels, ready for movement and are not connected to the ground by footers, foundations, or columns (some local units of government do require them to be anchored to the ground due to excessive local winds, but even then they can easily be detached in minutes with only hand tools).

PMRVs are not housing. There is no practical difference in the use of PMRVs than travel trailers or fifth-wheel trailers. They are not 'improvements' to campgrounds any more than a travel trailer placed and used in a campground is. They are simply one choice among many in the RV camping environment.

For more information about park model RVs, contact Matt Wald, RVIA Executive Director of Park Model RVs at (703) 620-6003 x. 313 or mwald@rvia.org.

§3282.8 Applicability.

(a) *Manufactured homes.* This part applies to all manufactured homes that enter the first stage of production on or after June 15, 1976, and to all manufactured homes that enter the first stage of production before June 15, 1976, to which labels are applied under §3282.205(d).

(b) *States.* This part applies to States that desire to assume responsibility under the Federal manufactured home construction and safety standards enforcement program. It includes requirements which must be met in order for State agencies to be approved by the Secretary under section 623(c) of the Act, 42 U.S.C. 5422(c). It also includes requirements for States wishing to act as primary inspection agencies, as defined in §3282.7, or to participate in monitoring activities under §3282.308.

(c) *Primary inspection and engineering organizations.* This part applies to each private inspection and engineering organization that wishes to qualify as a primary inspection agency under subpart H.

(d) *Manufactured home manufacturers.* This part applies to all manufacturers producing manufactured homes for sale in the United States. It includes:

- (1) Inspection procedures to be carried out in the manufacturing plants.
- (2) Procedures by which a manufacturer obtains approval of manufactured home designs.
- (3) Procedures by which a manufacturer obtains approval of manufacturing quality control and assurance programs.
- (4) Procedures by which a manufacturer may obtain production inspections and certification labels for its manufactured homes.

(e) *Manufactured home retailers and distributors.* This part applies to any person selling, leasing, or distributing new manufactured homes for use in the United States. It includes prohibitions of the sale of new manufactured homes to which labels have not been affixed pursuant to subpart H of these regulations or that have been altered, damaged, or otherwise caused not to be in compliance with the Federal standards.

(f) *Purchasers, owners and consumers.* This part applies to purchasers, owners and consumers of manufactured homes in that it sets out procedures to be followed when purchasers, owners and consumers complain to manufacturers, States, the Secretary or others concerning problems in manufactured homes for which remedies are provided under the Act.

(g) *Recreational vehicles.* Recreational vehicles are not subject to this part, part 3280, or part 3283. A recreational vehicle is a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 Square feet or less when measured at the largest horizontal projections;
- (3) Self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(h) *Imported manufactured homes.* Imported manufactured homes are covered by the regulations except as modified by regulations promulgated jointly by the Secretary and the Secretary of the Treasury.

(i) *Export manufactured homes.* Manufactured Homes intended solely for export are not governed by this part or by part 3280 of this title if a label or tag stating that the manufactured home is intended solely for export is placed on the manufactured home or the outside of the container, if any, in which it is to be exported. However, any manufactured home so tagged or labeled that is not exported but is sold to a purchaser in the United States is subject to this part and part 3280 of this title.

(j) *Add-on.* An add-on added by the retailer or some other party not the manufacturer (except where the manufacturer acts as a retailer) as part of a simultaneous transaction involving the sale of a new manufactured home, is not governed by the standards and is not subject to these regulations. However, the addition of the add-on must not affect the ability of the basic manufactured home to comply with the standards. If the addition of an add-on causes the basic manufactured home to fail to conform to the standards, sale, lease, and offer for sale or lease of the home is prohibited until the manufactured home is brought into conformance with the standards. While the standards do not govern add-ons, the Secretary has the authority to promulgate standards for add-ons and may do so in the future.

(k) A structure (including an expandable room, tip-out, or tag-along unit) which is designed and produced as an integral part of a manufactured home when assembled on site, is governed by the standards and these regulations regardless of the dimensions of such structure.

(l) *Multifamily homes.* Mobile homes designed and manufactured with more than one separate living unit are not covered by the standards and these regulations.

[41 FR 19852, May 13, 1976, as amended at 41 FR 24970, June 21, 1976; 42 FR 35013, July 7, 1977; 44 FR 68733, Nov. 29, 1979; 47 FR 28093, June 29, 1982; 80 FR 53727, Sept. 8, 2015]



Exhibit A - Agenda Item Submission Form – Section I

Meeting Date: 10/13/16 – Planning & Zoning Commission

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation

Requesting Department: Community Development

Staff Resource/Contact Person: Michael Jenkins, Community Development Director

Agenda Title (be exact): *Public Hearing, Discussion and possible Recommendation to Council for a Text Amendment to the Town of Camp Verde Planning & Zoning Ordinance amending the requirements of Part Three – General Regulations/Provisions, Section 306 – Mobile/Manufactured Home Parks (MHP & RV Parks), Subsection B. Mobile/Manufactured Home and Recreational Vehicle Park Standards, Item 2.b., replacing “Arizona Office of Manufactured Housing” with the “Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing”*

List Attached Documents:

- Part Three, Section 306, Subsection B. Mobile/Manufactured Home and Recreational Vehicle Park Standards

Estimated Presentation Time: 5 minutes

Estimated Discussion Time: 5 minutes

Reviews Completed by:

- Department Head:** Michael Jenkins **Town Attorney Comments:**

Background Information: As previously directed by Town Council, Community Development Department Staff has been encouraged to bring to light any omissions, errors or conflicts within the Planning & Zoning Ordinance.

Community Development Department Staff is recommending to correctly identify the agency known as the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing throughout this entire section to eliminate unnecessary confusion for future staff and members of the general public that may need to reference this section.

Recommended Action (Motion): *A motion to recommend (or deny) to Council a Text Amendment to the Town of Camp Verde Planning & Zoning Ordinance amending the requirements of Part Three – General Regulations/Provisions, Section 306 – Mobile/Manufactured Home Parks (MHP & RV Parks), Subsection B. Mobile/Manufactured Home and Recreational Vehicle Park Standards, Item 2.b., replacing “Arizona Office of Manufactured Housing” with the “Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing”*

Instructions to the Clerk: N/A

- i. The livestock market projects shall be of a limited duration specified by a start and stop date not to exceed ten months in one calendar year, allowing for care, feeding and grooming of such animals to be shown and/or sold annually at such events such as the Verde Valley, Yavapai County and/or Arizona State Fair.
 - ii. In the instance that a prize-winning animal is to be entered into competition more than one time, an extension of the permit may be applied for, and after evaluation by the Community Development Department, conditionally extended.
- 3. Maintenance of Livestock Facilities.**
- a. All structures and pens for animals shall be maintained in a clean and slightly manner so as not to be a nuisance to their neighbors.
 - b. Stables, barns, or structures used for housing or feeding animals must observe the same setbacks or yards as the dwelling unit.

Exception: Lots directly abutting National Forest Service Land, Trust Land and BLM Land in the rear and/or lots directly abutting Designated Open Space may encroach in the rear setback requirement. The distance from the rear setback is twice the height of the structure. The side setback and front setback must be maintained in all instances.
 - c. Where the keeping of such animals becomes a nuisance, as defined in the current Town Code, the Code Enforcement Official shall have the authority to determine a reduction in the number of and/or removal of the animals as necessary to comply with the current Town Code.
 - d. The Code Enforcement Official has the authority to determine that removal of the animals in circumstances where they constitute a health or safety hazard to human beings is necessary to comply with the current Town Code.

SECTION 306 - MOBILE/MANUFACTURED HOME PARKS (MHP & RV PARKS)

A. Mobile/Manufactured Home and Recreational Vehicle Parks Placement Procedure:

- 1. **Permits:** Permits shall be required for all mobile and/or manufactured homes installed, placed, kept or stored within the limits of Camp Verde (except for unoccupied units on sales lots or authorized storage facilities). Permits shall be issued only for the placement of mobile homes/manufactured homes within mobile/manufactured home parks.
 - a. Permits shall be required for all building and structures within mobile/manufactured home or RV parks. It shall be unlawful for any person to construct, maintain or operate any mobile/manufactured home park or RV park within the limits of Camp Verde unless they hold a valid use permit and valid installation permits issued by the Community Development Department for each specific manufactured home, mobile home, or structure.

The fee for all permits shall be determined by resolution of the Town Council. Issuance of permits shall be made by the Community Development Department and shall be contingent upon compliance with all health laws and regulations of the State of Arizona and the County of Yavapai; and this Zoning Ordinance:

Permit applications shall be received and processed according to the current codes.

- b. Applications for permits to construct or enlarge mobile/manufactured home parks or RV parks shall be made in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner. The application shall contain a complete set of plans drawn to scale, showing the location of the proposed mobile/manufactured home park or RV park, and which shall include:
 - 1) The areas and dimensions of the tract of land.
 - 2) The maximum number, location and size of all mobile/manufactured home or RV spaces.
 - 3) The location of any existing buildings and any proposed structures.
 - 4) The location and width of access driveways, roadways, parking areas, walkways, and turn-arounds.
 - 5) The location of electrical, water, storm drainage, and sewer lines and the sewage disposal systems.
 - 6) The location and elevation of all flood hazard areas.
 - 7) A contour map showing the proposed grading of the park.

2. Use Permit Required for Constructing/Enlarging Park

- a. The Use Permit process is required to construct or enlarge a mobile/manufactured home park or RV park by obtaining a recommendation from the Planning and Zoning Commission and approval from the Town Council.
- b. Before a Use Permit may be issued:
 - 1) There must be a plan for park development or enlargement approved by the Town Council.
 - 2) The Town Council may require a performance bond from the operator of the park to assure that the park is constructed in a satisfactory manner.
 - 3) The Town Council may require any other improvements and facilities in the interest of public safety, health and welfare. before approving the mobile/manufactured home park or RV park.
 - 4) The Town Council may accept the proposed plan with recommended changes, or reject the plan.
 - 5) Utility service shall not be provided to any unit or other building until approved by the Building Official.

B. Mobile/Manufactured Home and Recreational Vehicle Park Standards:

The following regulations shall apply with respect to mobile/manufactured home parks and all mobile or manufactured homes in a park:

1. Mobile/manufactured home and Recreational Vehicle parks shall be developed in accordance with the following:
 - a. Mobile/manufactured home and Recreational Vehicle parks shall provide for individual mobile/manufactured home or recreational vehicle spaces, access driveways, parking and open spaces for recreation.
 - b. Installation permits shall be issued only to those units that qualify under the current codes as a:
 - 1) Manufactured Home. (HUD label, Arizona Office of Manufactured Housing)
 - ~~2) Park models for placement in RV parks.~~
 - ~~3) 2) Factory built building used as a dwelling unit.~~
 - 4) 3) Mobile home. (Pre June 15, 1976 must have rehabilitation certification issued from the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing. (2015 A409)
 - c. A current valid permit is required before installation or placement of an approved unit on a lot, subject to the following:
 - 1) Permanent piers, blocks, or foundations are required.
 - 2) Connections to utilities must be made.
 - 3) The exterior elements shall be installed in accordance with the current codes and maintained in good condition.
 - a) For the purpose of this section, skirting and retaining walls shall have an eighteen-inch by twenty-four inch (18" x 24") under floor area access.
 - b) Skirting shall be installed around the entire perimeter of the unit, prior to the issuance of a Certificate of Occupancy.
 - d. A minimum of two vehicular entrances shall be provided for each mobile/manufactured home and recreational vehicle park. One entrance may be kept closed to the general public if provision is made for emergency access.
 - e. All utility lines, cable TV, and electrical transmission lines shall be placed underground. Each mobile/manufactured home space shall be provided with water, sanitary facilities, electric lines, and telephone lines. Fire hydrants installed by the developer in compliance with applicable Town Ordinances.
 - f. Refuse collection areas shall be centrally located and screened from public view.
 - g. Street lighting shall be provided along the park streets for the safety of pedestrians.
 - h. A strip of land at least twenty feet in width shall be maintained as landscaped area abutting all mobile/manufactured home and recreational vehicle park property lines.

2. Mobile/Manufactured Homes: Installation and Maintenance Standards

- a. Mobile/manufactured homes shall be installed in compliance with the standards prescribed by the Arizona Department of Building and Fire Safety, Office of Manufactured Housing, for ground level installation; installation of a fully skirted mobile/manufactured home; or installation on a fully enclosed, permanent site-built foundation.
- b. No mobile home, (see Section 103 Definitions MOBILE HOME), may be moved into the Town of Camp Verde unless it has been completely rehabilitated pursuant to the requirements of the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing. Upon completion of all rehabilitation work the owner must obtain a certificate of rehabilitation issued by the Arizona-Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing certifying that the mobile/manufactured home was found to comply fully with mobile home rehabilitation standards prescribed by the Arizona Department of Manufactured Housing Fire, Building and Life Safety. The certificate and insignia must then be submitted to the Town of Camp Verde for approval prior to issuance of an installation permit.
- c. Mobile homes existing within the Town limits to be moved from a private property or from one mobile/manufactured home park to another mobile/~~manufactured~~ home park must be completely rehabilitated pursuant to a rehabilitation permit issued by the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing. Upon completion of all rehabilitation work the owner must obtain a certificate of rehabilitation issued by the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing certifying that the mobile home was inspected on (date) by (qualified inspector named) and found to comply fully with mobile home rehabilitation standards prescribed by the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing. (2015 A409)
- d. Mobile/manufactured homes shall be used as dwelling units only.
 - 1) No mobile/manufactured home or park model shall be placed on a property for use as an accessory structure or storage unit, nor shall be stored on the property unless zoned for such use.
 - 2) Permits shall be required for the installation, alteration or repair of accessory structures, additions and service equipment in a mobile/manufactured home or recreational vehicle park.
 - 3) If the Town Building Official finds that the work described in the permit application conforms with the Town's codes and that the fees have been paid, a permit shall be issued to the applicant.
- e. All existing and new mobile/manufactured units, and all parts thereof shall be maintained in a safe and sanitary condition.
 - 1) All devices or safeguards (including but not limited to smoke alarms and skirting) which are required by applicable codes or by the manufactured home standards to which it was installed shall be maintained in a safe and sanitary condition.
 - 2) The exterior elements (including, but not limited to: eaves, awnings, stairs, porches, skirting, and heating and cooling units) of the unit shall be painted and maintained in good condition.

3. **Community Use Area** shall be at least ten percent of the total area. Such land may include all land devoted to recreation and service facilities, landscaping not included in individual mobile/manufactured home spaces, and accessory parking areas. Such land shall not include recreational vehicle storage areas, private streets, boundary landscaping areas and refuse areas.
 - a. Mobile/manufactured home parks shall provide at least ten percent of their total area for recreation or other open space purposes.
 - b. Recreational vehicle storage areas:
 - 1) if provided, shall be at the minimum ratio of 50 square feet of land for each mobile/manufactured home space and shall be a dust-free surface with crushed rock or similar material.
 - 2) if no recreational vehicle storage is provided, recreational vehicles shall not be stored at mobile/manufactured home spaces.
4. **Parking Requirements:**
 - a. A minimum of two off-street parking spaces shall be provided for each mobile/manufactured home. The spaces and the drive shall be dust-proofed and surfaced with crushed rock or similar material.
 - b. Guest automobile parking shall be provided at a minimum ratio of one and one-half parking spaces for each five mobile/manufactured home spaces (See Section 404).
5. **Certificate of Compliance and Business Licenses:**
 - a. No certificate of compliance or business license for the park shall be issued unless and until thirty percent of the mobile/manufactured home spaces planned in any park, or ten such mobile/manufactured home spaces, whichever is greater, shall have been completely prepared, constructed and equipped for use in all respects.
 - b. No certificate shall be issued unless and until a like portion of the mobile/manufactured home park's community facilities such as driveways, laundry facilities, bath, wash and toilet rooms shall have been completely prepared, constructed and equipped for use in all respects.

C. Additional Recreational Vehicle Park Standards

In addition to the requirements of Section 306 B. The following regulations shall apply to all Recreational Vehicle Parks:

1. Recreational vehicle parks shall provide for individual recreational vehicle spaces, access driveways and parking.
2. Each recreational vehicle space shall be at least 1500 square feet in area, and at least thirty feet in width and have a compacted gravel surface at least ten feet in width and twenty feet in depth.
3. A strip of land at least twenty feet in width shall be maintained as a landscaped area abutting all recreational vehicle park property lines.
4. No certificate of compliance or business license for the park shall be issued unless and until all required improvements have been completely prepared, constructed and equipped for use in all respects.



Exhibit A - Agenda Item Submission Form – Section I

Meeting Date: 10/13/16 – Planning & Zoning Commission

- Consent Agenda
 Decision Agenda
 Executive Session Requested
 Presentation Only
 Action/Presentation

Requesting Department: Community Development

Staff Resource/Contact Person: Michael Jenkins, Community Development Director

Agenda Title (be exact): *Public Hearing, Discussion and possible Recommendation to Council for a Text Amendment to the Town of Camp Verde Planning & Zoning Ordinance amending the requirements of Part Eight – Wireless Communication Facility Regulations.*

List Attached Documents:

- Part Eight – Wireless Communication Facility Regulations
- Section 605 Wireless Communications Facilities for the Yavapai County Planning & Zoning Ordinance

Estimated Presentation Time: 15 minutes

Estimated Discussion Time: 30 minutes

Reviews Completed by:

- Department Head:** Michael Jenkins
 Town Attorney Comments:

Background Information: As previously directed by Town Council, Community Development Department Staff has been encouraged to bring to light any omissions, errors or conflicts within the Planning & Zoning Ordinance.

During a Special Session of the Planning & Zoning Commission on February 4, 2016 members of the Planning & Zoning Commission recommended that Part Eight – Wireless Communication Facility Regulations of the current Planning & Zoning Ordinance needed to be examined and potentially updated to provide better clarity within the performance criteria and characteristics section of the ordinance.

Community Development Department Staff has taken some time to research amendments that were made to Yavapai County's Wireless Communications Facilities Ordinance – which is where the Town's wireless communications ordinance originated from. Staff has included suggested changes in the attached track changed document.

Recommended Action (Motion): *A motion to recommend (or deny) to Council a Text Amendment to the Town of Camp Verde Planning & Zoning Ordinance amending the requirements of Part Eight – Wireless Communication Facility Regulations.*

Instructions to the Clerk: N/A



Planning & Zoning Ordinances And Subdivision Regulations

PART EIGHT. WIRELESS COMMUNICATION FACILITY REGULATIONS

SECTION 800 - ADMINISTRATION

1. Purpose & Intent:

~~The purpose of this Section is to establish rules and regulations for the siting of wireless communication facilities and to~~ The purpose of this ordinance is to provide for the development of wireless communication services throughout the Town of Camp Verde while protecting the public's health, safety, welfare by; ~~and property of the citizens and to ensure the community's remarkable scenic, wildlife, historic and cultural qualities.~~

1. Encouraging the consideration of the goals and provisions of the Wireless Communications Plan;
2. Encouraging configurations which minimize additional visual impact through careful and innovative siting, design, landscape and camouflage techniques;
3. Providing wireless communication services to the community in a broad, quick, effective, and efficient manner;
4. Encouraging the joint use (collocation) of facilities;
5. Encouraging the use of existing vertical components;
6. Ensuring the community's remarkable scenic, wildlife, historic and cultural qualities and environmentally sensitive areas are preserved.

2. ~~Conformance with Applicable Ordinances~~ Applicability and Exemptions:

~~This Ordinance shall be an addendum to the Camp Verde Zoning Ordinance.~~ All wireless communications facilities shall ~~conform to~~ be subject to this ~~Ordinance section~~ except those used solely for transmission and receipt by a single user and not otherwise restricted within that zoning district, including but not limited to, amateur radio and devices necessary for the use of a subscription to a commercial wireless provider service such as wireless internet, satellite TV, and utility company meter reading devices.

In accordance to the Telecommunications Act of 1996, no legal statute or regulation, or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

SECTION 801 - DEFINITIONS

As used in this section, the following terms shall have the following meanings:

1. **Alternative tower structure:** vertical components not generally designed for use as antenna support structures including but not limited to structures such as church steeples, ballpark light poles and water towers.
2. **Antenna:** any exterior device for transmitting and receiving wireless communication mounted on a tower, alternative tower structure, building or structure and used for transmitting and receiving wireless communication for a fee to more than one (1) customer at one time.
3. **Antenna, attached:** an antenna mounted on the exterior of an existing building, silo, smokestack, water tower, utility or power pole, existing wireless communication tower, or an alternative support structure.
4. **Antenna, concealed (stealth):** an antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include but are not limited to manmade trees, clock towers, flagpoles that do not exceed ten (10') feet above the maximum building height, light structures, steeples, water tanks, and architectural façade and parapet features.
5. **Arbitrator:** person designated by the American Arbitration Association to resolve a dispute.
6. **Certification:** A written statement of the fact to be certified made under oath by the applicant or licensed professional working for the applicant and notarized.
7. **Collocation:** use by two (2) or more wireless communication providers located on the same tower or alternative tower structure.
8. **Commercial Coverage:** a single FCC licensee's network of wireless communications facilities providing a level of service to all areas of the community which, when fully developed, will permit viable commercial operation.
- 8.9. **Community Development Department:** the Director of the Community Development Department for the Town of Camp Verde or his/her designated representative.
- 9-10. **FAA:** Federal Aviation Administration.
- 10-11. **Facility, Existing:** a wireless communication facility in active use and for which a building permit has been properly issued and has not expired before the effective date of this section.

- 11.12. Facility, New:** a wireless communication facility proposed to be located where a facility does not currently exist.
- 12.13. FCC:** Federal Communications Commission.
- 13.14. Financial Assurance:** bond, cash, contract or other acceptable document on file with the Town, submitted by the applicant guaranteeing the return of the site to a condition approved by the Town.
- 14.15. Height:** the distance from the finished grade at the antenna tower base to the highest point of the tower. Overall tower height includes the base pad, mounting structures, and panel antennae, but excludes lightning rods and whip antennae.
- 15.16. Person:** includes a corporation, company, partnership, firm, association or society, as well as an individual property owner.
- ~~**16. Planning and Zoning Department:** the Director of the Planning and Zoning Department for the Town of Camp Verde or his/her designated representative.~~
- 17. Proposed Site:** boundaries of the parcel proposed for development.
- 18. Residence:** a home, abode, or place where an individual is actually living at a specific point in time.
- 19. Residential:** suitable or used for a residence.
- 20. Site Facility:** property as defined by parcel boundaries of where the facility is located.
- 21. Tower Lattice:** a self-support structure, erected on the ground, which consists of cross bracing of structural steel to support antennae and related equipment.
- 22. Tower Monopole:** a self-support structure, with a single shaft of wood, steel, or concrete, and a platform for antenna arrayed at the top known as a "top hat".
- 23. Use, permanent:** the active daily use of antennae for the commercial transmission and receipt of wireless communication intended at the time of its installation and approved to be actively used for a permanent basis.
- 24. Use, temporary:** the active daily use of antennae for the commercial transmission and receipt of wireless communication intended at the time of its installation and approved to be actively used for a specific period of time.
- 25. User, single:** a single dwelling or a single business.
- 26. Wireless Communication:** any technology for transmitting communication through the air.
- 27. Wireless Communication Facility:** any combination of one (1) or more antennae, towers and/or structures or equipment used for the transmission of wireless communication.

28. **Wireless Communication Provider:** any FCC licensed service provider for the Town of Camp Verde, and any supplier of wireless communication facilities for those providers.

SECTION 802 – GENERAL PROVISIONS

The following are applicable to all wireless communication requests:

1. Wireless communications facilities located on property owned, leased, or controlled by the Town of Camp Verde pursuant to agreement or approved by the Town of Camp Verde shall be a permitted use in all zoning districts, except residential districts, with a zoning clearance.
2. Principal or Accessory Use:
Antennas and towers may be considered either principal or accessory uses to the principal use of the property.
3. **Camouflaging:**
 - a. Improvements consisting of a wireless communication facility including tower structure, antennae and related electrical and mechanical equipment, shall, to the extent possible, use materials, colors, textures, screening, landscaping, and terrain to blend them into the natural and surrounding setting, unless subject to any applicable standards of the FAA.
 - b. The specific requirements for camouflaging will be determined on a case by case basis depending on the proposed location.
4. **Collocation:** The policy of this Section is to encourage collocation.
 - a. Priority will be given, after a complete and correct application, fee and all required documentation and information is filed, to applicants who collocate on Town facilities.
 - ~~b. Wireless communications facilities located on property owned, leased, or controlled by The Town of Camp Verde pursuant to agreement of or approved by The Town of Camp Verde shall be a permitted use in all zoning districts, except residential districts, with a zoning clearance.~~
 - ~~e-b.~~ An applicant who certifies in writing that the tower constructed will be suitable for collocating multiple providers of varying wireless technologies and, as a condition of zoning, executes a written agreement (collocation agreement) with ~~t~~The Town of Camp Verde on a form approved by the Town Attorney, consenting to application of the terms of this provision, shall, unless waived by the applicant, receive preferential treatment for a final approval or rejection of its application after a complete and correct application, fee and all required documentation and information is filed.
 - ~~e-c.~~ In addition to equipment proposed for the applicant's use, pProposed antenna facilities, including concealed antennas, shall be designed to accommodate collocation for not only equipment for the applicant's use, but also for the collocation for at least one (1) additional wireless communications provider for every thirty foot (30') segment of facility height, or portion thereof, over thirty feet (30'). of height proposed. The Town Council may reduce the required shared capacity, if a facility necessary to provide for such collocation, adversely alters the area's visual character.

e.d. Collocation Agreement: The collocation agreement shall provide for at least the following:

1. The applicant shall accept for collocation any FCC licensed wireless communication provider (additional user) using any compatible technology on commercially reasonable terms considering all of the factors a reasonable tower leasing company would deem relevant in entering into such an agreement;
- ii. Any additional user seeking collocation shall submit specifications for its equipment and use (request) to the applicant and applicant shall, within thirty (30) days thereafter, respond to such party in writing (response), furnishing all technical requirements which must be resolved before collocation;
- iii. The applicant and the additional user shall, thereafter in good faith, attempt to resolve any technical or business terms. If, after thirty (30) days from the response the additional user believes the applicant has not negotiated in good faith, the additional user may submit in writing, a request for arbitration to applicant and the American Arbitration Association which shall designate a person knowledgeable in collocation of wireless communication carriers, to act as arbitrator and decide all issues between the parties. Such arbitration shall be held within thirty (30) days of the request for arbitration. Upon the written agreement of both parties, a different procedure for binding dispute resolution may be used. The result of the arbitration or other resolution method agreed to by the parties shall be binding and non-appealable;
- iv. If the arbitrator certifies in writing to the Town of Camp Verde that the applicant has failed to comply with the decision of the arbitrator within fifteen (15) days of its issuance by the arbitrator, the Use Permit or administrative approval for the wireless communication facility in question shall be terminated and the wireless communications facility shall be removed within thirty (30) days of the date of the arbitrator's certification, failing which, the Town of Camp Verde shall have all of the remedies available to it for elimination of a use in violation of the zoning code;
- v. The additional party, upon submitting the request shall become a third party beneficiary to the collocation agreement;
- vi. The Town of Camp Verde shall not be a party to any contract between the applicant and the additional party and shall not be a required party and shall not be made a party to any dispute or arbitration and applicant shall indemnify, defend and hold the Town of Camp Verde harmless from any cost, including reasonable attorney fees, associated with such matters; and;
- vii. A lease or other agreement containing the business terms proposed by the applicant for collocation shall be attached as an exhibit to the collocation agreement.

5. Height Limitations

Collocations on towers or structures are allowed on a 15' height increase above the standard height restrictions for the second, third, and fourth collocations.

6. Lot Size

For purposes of determining whether the installation of a tower or antenna complies with district development regulations, even though the antennas or towers may be located on a separately leased portion of the lot, the density-district-dimensional standards requirements of the entire overall lot shall

control requirements, including but not limited to setbacks, lot coverage percentages, and other such requirements.

7. Equipment shall not generate noise levels that exceed forty five (45) DBA Sound Pressure Level (SPL) on directly adjacent properties. This maximum sound level does not apply to generators used in emergency situations when the regular power supply is temporarily interrupted and noise made during the regular maintenance and upkeep of the facility and site.

~~8. Principal or Accessory Use~~

~~Antennas and towers may be considered either principal or accessory uses to the principal use of the property.~~

9.8. Setbacks: The following setback requirements shall apply to all towers; provided, however, standard setback requirements may be decreased if the goals of this section would be better served thereby:

- a. Setbacks and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.
- b. Tower facilities must be set back from any lot line a distance equal to at least one hundred percent (100%) percent of the height of the tower unless a greater setback is required for the particular zoning district: i.e., the reclining length of any tower must be located on the lot so that in the case of collapse, the tower would be contained within the bounds thereof.
- c. **Tower facilities must be located no closer than 5,000 feet to residential areas.**
- d. Guys and accessory structures must satisfy the minimum zoning district setback requirements.
- e. If shown by proof of collapse safety with a certified Engineer's letter stating that in case of collapse, the tower would be contained on site, the Town Council could waive the one-to-one setback as required above.
- e.f. Facilities that are located on existing or replaced street lights, traffic signal poles or electrical utility poles are exempt from any setback requirements.

10.9. All wireless communication facilities shall be maintained in compliance with applicable state or local building codes under which they were constructed and any regulations of the FAA, the FCC, and any other federal government agency with the authority to regulate them or their components. If such Federal standards and regulations are changed, then the owners of the wireless communication facilities governed by this chapter, which are applicable to these new federal standards shall bring such towers and antennas into compliance with such revised standards and regulations within three months of the effective date of such standards and unless a different compliance schedule is mandated by controlling law. Wireless communications facilities that are not in compliance, shall be removed at the owner's expense if not brought into compliance within 30 days after written demand by the Town of Camp Verde.

11.10. Wireless communications facilities shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.

12.11. Zoning Districts

f.g. **All other locations must be exhausted before a wireless communication facility applies for location in a residential zone.**

- ~~g.h.~~ Except as provided in this section, all buildings and use processes and requirements, including height restrictions, within the applicable ~~in the~~ zoning district shall apply to wireless communication facilities.
- ~~13.12.~~ Above ground equipment shall be enclosed by concrete masonry unit walls with landscaped screening, if located within one thousand feet (-1,000') feet of existing residences.
12. Camp Verde Fire Department and Camp Verde Marshal's Office shall have access to the exterior and interior via keys or other method in case of emergency.

SECTION 803 - MODIFICATIONS

No existing wireless telecommunications facility may be changed or modified except as follows:

1. The change or modification is required by a change in user or technology, or -
2. The change is required for the collocation of additional carriers on the existing structure, and -
3. The change does not increase the height of the tallest component above the height approved in the Use Permit, administrative approval, or in the case of a pre-existing facility, its then current height, and -
4. At the conclusion of the change or modification, the facility complies with all requirements of the Town of Camp Verde Community Development Department.
5. An explanation is submitted to the Planning and Building Community Development Director stating why the modification is necessary, and an updated Provider's Communication Plan, including any proposed changes in the service area(s), antennae, towers, and policy direction is provided.

SECTION 804 - PROHIBITIONS

1. **Lighting**
Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the application shall contain a list of optional light devices and a statement of the reason for selection of the light device specified over each of the options. Lighting alternatives and the design chosen must cause the least amount of disturbance to the surrounding views.

2. Signs

No signs shall be allowed at a facility with the exception of a single one (1) square foot sign for each carrier providing emergency contact numbers for the facility.

3. Wireless communication facilities shall not be installed in environmentally sensitive areas, including but not limited to any riparian or watercourse areas.

SECTION 805 - PROVIDERS COMMUNICATION PLAN

1. Each wireless communication provider shall provide a plan of its facilities within the Town's area of interest to the Town of Camp Verde prior to any application for the installation of a wireless communication facility. The plan shall cover the entire Town extending five (5) miles beyond the Town border. The plan shall include the following.

- a. All of the provider's existing wireless communication facilities, by size, type and their coverage areas.
- b. All presently anticipated future service areas, anticipated deployment date, and types of wireless communication facilities and heights desired for each of the service areas.
- c. The various types of wireless communication facilities used by the provider to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antennae and equipment as well as written materials describing their application.
- d. The provider's policy direction for the mitigation and/or reduction of existing and proposed towers to avoid the proliferation of such facilities.
- e. The provider's policy direction on the mitigation and/or reduction of the negative visual impact created by existing towers, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings.
- f. The provider's policy direction on collocation of antennae on their own facilities, on facilities from other provider's, or on other structures ~~that~~ which provide the verticality required for the antennae. ~~to this Section.~~
- g. Designation of an agent of the provider who is authorized to receive communications and notices pursuant to this Section.

2. Information contained in each provider's communication plan shall be treated as confidential and not disclosed to other providers unless noted by the provider in the plan.

2.3. Information noted as non-confidential information, may be shared with other interested parties seeking to locate wireless communication facilities in the Town of Camp Verde, in an effort to promote collocation and co-development facilities.

SECTION 806 - APPLICATION SUBMITTAL AND REVIEW

1. General

The following provisions shall govern the issuance of permits for towers or antennas:

- a. If the wireless communication facility is not a permitted use, then an administrative approval or a use permit shall be required for the construction.
- b. Applications for ~~administrative approvals and~~ use permits for a wireless communication facility shall be subject to the procedures and requirements for use permits generally, except as modified in this section.
- c. Fees for applications under this section are listed in ~~Section K under Fee Schedule~~ the currently adopted fee schedule for the Town of Camp Verde.
- ~~d. All use permit or administrative review approvals for new wireless communication facilities shall be granted for a maximum period of ten (10) years with Council review after five (5) years. The applicant/structure owner shall be responsible for initiating an administrative renewal and possible extension of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the facility as approved. Applications for collocation on existing structures shall be set for a period of time so that the expiration date for the collocation expires simultaneously with the structure. If an extension is denied by the Planning and Zoning Department, the applicant may appeal the decision to the Planning and Zoning Commission and the Town Council by applying for a use permit.~~
- e.d. In granting approval of an application, ~~t~~The Town of Camp Verde may impose conditions to the extent that such conditions carry out the purposes of this section.
- f.e. Any information of an engineering nature that the applicant submits shall be certified by an Arizona licensed professional engineer.
- g.f. The Community Development Director is authorized to employ on behalf of the Town Council, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review.
- h.g. Prior to applying for a new facility, including collocation, the applicant shall meet with community groups and interested individuals who reside or own property within one thousand ~~feet~~ feet (1000) of the proposed site to explain the proposed project. The purpose of these meetings are to inform and educate the community on wireless communications and the restrictions placed on ~~t~~The Town of Camp Verde by the Federal Telecommunications Act of 1996, as well as to solicit suggestions from these groups about the applicant's proposal and impact mitigation measures. Applicant shall make a concerted effort to incorporate the community suggestions for impact mitigation generated by the meetings and describe the efforts in the application. Applicant shall be prepared to discuss information including but not limited to, technical aspects, visual aspects, including alternative sites and designs. Applicant shall provide detailed meeting minutes, copy of all materials delivered or received, and documentation of who attended the meetings from the community organization.

2. Performance Criteria:

The order of preferences for wireless communication facilities is, from most preferred to least preferred:

- ~~a. Concealed sites.~~
- b.a. Collocation on an existing facility, tower, or electrical utility pole located on Town property.

- b. Collocation on an existing facility, tower, or electrical utility pole.
- c. Attached antennas on an existing verticality.
- d. New sites located on public lands at least five thousand feet (5,000') from private land.
- e. New concealed or attached antenna sites located on/at public or quasi-public facilities.
- f. Concealed sites.
- f.g. New towers/facilities under ninety nine feet (99').
- g.h. New towers/facilities one hundred feet (100') to one hundred ninety nine feet (199').
- h.i. New towers/facilities two hundred feet (200') and over.

New facilities shall use the most preferred facility type where technically feasible, even if it results in an increase in the number of facilities, or a higher cost. A lesser preferred facility type may be permitted only if the applicant presents substantial evidence to show that it will have less of a visual impact than the use of more preferred facilities.

3. Characteristics

The following characteristics are deemed consistent with the purposes of this section and will be afforded favorable weight in considering the application:

- a. Sites located on an existing Town property.
- a.b. Sites located on public lands.
- b.c. Existing structures will be preferred over new structures.
- d. New structures that are camouflaged to blend into the location.
- e.e. New structures which appear to be structures commonly found within that Zoning District are preferred over apparent wireless structures.
- d.f. Wireless communication facilities that cannot be readily observed from adjacent streets.
- e.g. Structure heights that do not exceed the height limitations for that zoning district. When heights may exceed an adjacent district's jurisdiction's height restrictions, the owner of that that adjacent jurisdiction(s) will be notified of the application by the Town.
- f.h. Collocation of all licensed carriers for ~~t~~he Town of Camp Verde on a single wireless communication facility in remote locations will have significant favorable weight in evaluating the application.
- g.i. ~~The service provider's Network~~ development plans which achieves the fewest and least obtrusive wireless communication facilities of all providers reasonably necessary for commercial coverage.
- h.j. Location in the least restrictive zoning district starting with Industrial; and.
- i.k. Suitability of the location for collocation of governmental public service wireless communication facilities.

SECTION 807 - ADMINISTRATIVE REVIEW APPLICATIONS

Applications for collocation of antennae on, and equipment at, an existing, permitted wireless communications facility, shall be subject to review by the Community Development Department staff and approval by the Planning-Community Development Director. Applications to place antennae on top of, or attached to, an existing or replaced utility/power pole which does not extend the height of the existing pole by more than ten feet (10') feet shall also be evaluated by the Administrative Review process. A decision shall be rendered to approve or deny within fourteen (14) days of submittal of a complete application. If an Administrative Review application is denied by the Community Development Department, the applicant may then apply for a Use Permit and appeal the decision before the Planning and Zoning Commission and Town Council, if desired.

1. **Application Requirements:** the following shall be submitted with each Administrative Review application.
 - a. Completed hearing application submittal form, letter of authorization, and permission to enter property letter as contained in the application procedures information packet.
 - b. An updated Provider's Communication Plan, including any proposed changes within the Town's area of interest including but not limited to:; service areas, antennae, towers, and policy direction.
 - c. Study on impact of emissions.
 - d. Data on herbicides used on site.
 - e. Photographs of the site prior to construction of the facility.
 - f. Biological impact study.
 - g. The zoning classification of the site.
 - h. Plans showing; elevation drawings of the exterior of each element of the proposed wireless communication facility including method of fencing, coloration, and regulations landscaping.
 - i. Certification that the wireless communication facility, as represented in the application, will comply with all FAA, FCC and other applicable regulations.
 - j. Copies of all wireless telecommunication licenses; for all providers who will use the facility at the time of filing the application;
 - k. Copy of signed, redacted, lease agreement with landowner.
 - l. Semi-annual notification to the Town giving use status of the facility.
 - m. Reclamation Plan as specified in this ordinance.

SECTION 808 - ADMINISTRATIVE REVIEW WITH COMMENT PERIOD APPLICATIONS

Applications for new wireless communication facilities that do not exceed ten feet (10') above the maximum height allowed in that zoning district, or sites on public lands—located at least five thousand feet (5,000') feet from the nearest privately owned land, would be subject to administrative review with a twenty one (21)-day public comment period. Surrounding property owners and community organizations shall receive notice of the application.

Review with Comment Period application is denied by the Community Development Department, the applicant may then apply for a Use Permit, and appeal the decision before the Planning and Zoning Commission and Town Council, if desired.

1. Application Requirements: the following is to be submitted with each Administrative Review with Comment Period application:

- a. All material associated with the submittal of an Administrative Review application as stated above in addition to:-
- b. A mailing list of all property owners within one thousand 1,000 feet (1,000') of the facility site, and pre-addressed envelopes affixed with first class postage to each property owner_{:-}
- c. A map showing the adjacent roadways₁ and proposed means of legal access_{:-}
- d. RF propagation maps showing the coverage areas of the proposed site and how it interacts with the coverage areas of connecting sites_{:-}
- e. The setback distance between the proposed wireless communication facility, the nearest residential unit and/or the nearest residential zoned privately owned properties_{:-}
- f. Certification of whether the applicant is applying for collocation treatment, and how many carriers could be accommodated on the facility with adequate signal coverage_{:-}
- g. Certification that no Town owned pProperty₁ or municipally owned site, or existing wireless facility reasonably meets the needs of the applicant, listing all such sites within five (5) miles of the proposed site and the reason each is not physically adequate for reasonable commercial coverage, or not economically feasible for location_{:-}
- h. A visual analysis, which may include photo simulations, field mock-ups, or other techniques, which identify the potential visual impacts of the proposed facility. Photo simulations shall be provided from the three (3) closest residences within one-half-(1/2) mile of the proposed site and from the closest collector or arterial street. The Community Development Director may at his/her discretion, request additional photos from specific vantage points_{:-}
- i. Attendees list, minutes, and information obtained from required community meeting.

SECTION 809 - USE PERMIT APPLICATIONS – PUBLIC HEARING REQUIRED

Any new wireless communication facility that exceeds ten ~~(10)~~ feet (10') above the maximum height allowed in the density zoning district, or does not meet all of the criteria to be allowed in the Administrative Rreview processes, shall require a Use Permit.

1. Application Requirements: The following is to be submitted with each Use Permit application:

- a. All material associated with the submittal of an Administrative Review with Comment Period application as stated above in addition to:-
- b. A completed_d Use Permit application packet_{:-}
- c. A mailing list of all property owners within the distance required from the facility site, and pre-addressed envelopes affixed with first class postage to each property owner_{:-}

Notification required by tower height:

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- 99 feet and under = 1,000 feet radius
 - 100 to 199 feet = 2,500 feet radius
 - 200 feet and above = 5,000 feet radius
- d. RF frequency propagation maps showing the coverage areas of the proposed site and how it interacts with the coverage areas of connecting sites. If the applicant is seeking collocation of multiple carriers, the RF propagation coverage maps should also include on a separate map, the coverage areas obtained from the lowest collocation point on the tower.;
- e. Certification that policing, fire departments, public safety, water and local governments having jurisdiction within five (5) miles of the site have been notified of the application.;
- f. The applicant shall submit a visual analysis of the potential impact to the proposed site, which ~~will~~may include photo simulations, field mockups, or other techniques that identify the potential visual impacts of the proposed facility. Photo simulations shall be provided from the five (5) closest residences within two (2) miles of the proposed site and from the closest collector or arterial street. The Community Development Director may at his/her discretion, request additional photos from specific vantage points.;
- g. A written narrative/explanation of why it is necessary that the proposed wireless communications facility be located in the proposed location, and why it will exceed the maximum height allowance for the zoning district in which it is proposed. If the explanation is based on coverage maps, structural calculations, lease amounts, or any other information pertinent to the need for the structure or additional height, this information shall be included as appendices to the narrative.

2. Standards:

In addition to any standards for consideration of Use Permit applications, the following shall be considered in determining whether to issue a Use Permit or Aadministrative Aapproval:

- Height proposed
- Proximity to other uses
- Historic sites
- Landmarks
- Vehicle traffic routes
- Medical facilities
- Air routes
- Topographical features
- Utilities
- Access
- Suitability of alternative sites
- Visual impact

SECTION 810 - RECLAMATION PLAN

All applications must include a detailed reclamation plan. Implementation of the Reclamation Plan must begin within seven calendar days after the removal of the facility.

The reclamation plan must include:

- Conceptual drawing of what the site will look like after the reclamation plan is completed.
- Vegetation plan.
- Implementation plan.
- Completion schedule.
- Cost estimate.

Financial assurances equal to the cost estimate shall be posted by the applicant prior to the issuance of building permits. The applicant will add an amount equal to eight percent (8%) of the cost estimate ~~yearly to the financial assurance until the reclamation plan is completed.~~ to the financial assurance for each year of the use permit time limit as granted by the Town Council.

SECTION 811 - REMOVAL

Prior to building permits/zoning clearances being issued, and within thirty (30) days of Town Council approval, financial assurances shall be posted by the applicant to assure the removal of the tower and return of the site to its previous state in the event the use is discontinued or abandoned.

~~Towers and antennae shall be removed, at the owners' expense, if not used for a permanent use for 180 consecutive days unless this period is extended pursuant to this section. If the tower or antennae is not removed, after 180 consecutive days of disuse, the Town of Camp Verde may give notice that it will contract for removal within 30 days following written notice to the owner. Thereafter, the Town of Camp Verde may cause removal at the cost of the owner.~~

Towers and antennae shall be removed, at the owner's expense, within one hundred eighty (180) days if not used for a permanent use within that time unless this period is extended pursuant to this Section. If the tower or antennae is not timely removed after one hundred eighty (180) consecutive days of disuse, the Town of Camp Verde may give notice that it will contract for removal within thirty (30) days following written notice to the owner. Thereafter, the Town of Camp Verde may cause removal at the cost of the owner.

An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The ~~Planning-Community Development~~ Director may extend the time for removal or reactivation up to sixty (60) additional days upon a showing of good cause.

Upon removal of the wireless telecommunications facility, the site shall be returned to its natural state and topography and vegetated consistent with the natural surroundings. ~~T~~he applicant will have seven (7) calendar days to begin the reclamation plan approved with the original application.

SECTION 812 - FEE SCHEDULE

Application fees for Wireless Communication Sites shall be as per the currently adopted fee schedule.

Applications ~~to~~ for review/renewal an existing approved facility – fifty percent (50%) of original fee.

SECTION 605 WIRELESS COMMUNICATIONS FACILITIES

- A. The purpose of this Section is to establish rules and regulations for the siting of wireless communications facilities. The goals of this Section are to provide for the development of wireless communication services county-wide by: (1) encouraging the consideration of the goals and provisions of the Wireless Communications Plan; (2) encouraging configuration which minimize additional visual impact through careful and innovative siting, design, landscape and camouflage techniques; (3) providing wireless communication services to the community in a broad, quick, effective, and efficient manner; (4) encouraging the joint use (collocation) of facilities; (5) considering the public health, safety and welfare; (6) encouraging the use of existing vertical components; (7) considering historical and environmentally sensitive areas; and, (8) considering impact on adjacent properties.

- B. DEFINITIONS: As used in this Section, the following terms shall have the following meaning:

Alternative Tower Structure: means vertical components not generally designed for use as antenna support structures including but not limited to structures such as church steeples, ballpark light poles and water towers.

Antenna: means any exterior device for transmitting and receiving wireless communication mounted on a tower, alternative tower structure, building or structure and used for transmitting and receiving wireless communication for a fee to more than one (1) customer at one time.

Antenna, Attached: An antenna mounted on the exterior of an existing building, silo, smokestack, water tower, utility or power pole, existing wireless communication tower, or an alternative support structure.

Antenna, Concealed (stealth): An antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include but are not limited to manmade trees, clock towers, flagpoles that do not exceed ten feet (10') above the maximum building height, light structures, steeples, watertanks, and architectural façade and parapet features.

Certification: A written statement of the fact to be certified made under oath by the applicant or licensed professional working for the applicant and notarized.

Collocation: means use by two (2) or more wireless communication providers located on the same tower or alternative tower structure.

Commercial Coverage: means a single FCC licensee's network of wireless communications facilities providing a level of service to all areas of the community which, when fully developed, will permit viable commercial operation.

FAA: means the Federal Aviation Administration.

Facility, Existing: means a wireless communication facility in active use and for which a building permit has been properly issued and has not expired before the effective date of this Section.

Facility, New: means a wireless communications facility proposed to be located where a facility does not currently exist.

FCC: means the Federal Communications Commission.

Height: The distance from the finished grade at the antenna tower base to the highest point of

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the tower. Overall tower height includes the base pad, mounting structures, and panel antennae, but excludes lightning rods and whip antennae.

Tower, Lattice: means a self-support structure, erected on the ground, which consists of cross-bracing of structural steel to support antennae and related equipment.

Tower, Monopole: means a self-support structure, with a single shaft of wood, steel, or concrete, and a platform for antenna arrayed at the top known as a "top hat."

Wireless Communication: means any technology for transmitting communication through the air.

Wireless Communication Facility: means any combination of one (1) or more antennae, towers and/or structures or equipment used for the transmission of wireless communication.

Wireless Communication Provider: means any FCC licensed service provider for Yavapai County, and any supplier of wireless communication facilities for those providers.

Use, Permanent: means the active daily use of antennae for the commercial transmission and receipt of wireless communication intended at the time of its installation and approved to be actively used for a permanent basis.

Use, Temporary: means the active daily use of antennae for the commercial transmission and receipt of wireless communication intended at the time of its installation and approved to be actively used for a specific period of time.

User, Single: means a single dwelling or a single business.

C. **APPLICABILITY:** All wireless communications facilities shall be subject to this Section except those used solely for transmission and receipt by a single user and not otherwise restricted within that Zoning District, including but not limited to, amateur radio and devices necessary for the use of a subscription to a commercial wireless provider service such as wireless internet and satellite TV

D. **GENERAL PROVISIONS:** The following are applicable to all wireless communication requests:

1. **Principal or Accessory Use:** Antennas and towers may be considered either principal or accessory uses to the principal use of the property
2. **Lot Size:** For purposes of determining whether the installation of a tower or antenna complies with district development regulations, even though the antennas or towers may be located on a separately leased portion of the lot, the Density District requirements of the entire overall lot shall control requirements, including but not limited to setbacks, lot-coverage percentages, and other such requirements.
3. **Characteristics**
 - a. Improvements comprising a wireless communication facility including tower structure, antennae and related electrical and mechanical equipment, shall, to the extent possible, use materials, colors, textures, screening, and landscaping blending them into the natural and surrounding setting, unless subject to any applicable standards of the FAA.
 - b. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the application shall contain a list of optional light devices and a statement of the reason for selection of the light device specified over each of the options.

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- c. All wireless communication facilities shall be maintained in compliance with applicable State or local building codes under which they were constructed and any regulations of the FAA, the FCC, and any other Federal government with the authority to regulate them or their components. If such Federal standards and regulations are changed, then the owners of the wireless communication facilities governed by this Section, which are applicable to these new Federal standards shall bring such towers and antennas into compliance with such revised standards and regulations within three (3) months of the effective date of such standards and unless a different compliance schedule is mandated by controlling law. Wireless communications facilities that are not in compliance shall be removed at the owner's expense if not brought into compliance within thirty (30) days after written demand by Yavapai County.
 - d. Setback and separation distances shall be calculated and applied irrespective of municipal and County jurisdictional boundaries.
 - e. Wireless communications facilities shall be regulated and permitted pursuant to this Section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
 - f. No signs shall be allowed at a facility with the exception of a single one (1) square foot sign for each carrier, to provide emergency contact numbers.
 - g. Except as provided in this Section all building and use processes and requirements, including height restrictions, within the applicable Zoning District shall apply to wireless communication facilities.
 - h. Equipment shall not generate noise levels that exceed fifty (50) dBA Sound Pressure Level (SPL) on directly adjacent properties. This maximum sound level does not apply to generators used in emergency situations when the regular power supply is temporarily interrupted and noise made during the regular maintenance and upkeep of the facility and site. All aboveground equipment shall be enclosed by concrete masonry unit walls if located within one thousand feet (1,000') of existing residences.
- E. PERMITTED USES: Wireless communications facilities located on property owned, leased, or controlled by Yavapai County pursuant to agreement of or approved by Yavapai County shall be a permitted use in all Zoning Districts with Zoning Clearance. Prior to entering into a lease agreement with Yavapai County, the potential lessee shall conduct an informational meeting for owners of property within one thousand feet (1,000') of the proposed facility and the nearest known community/homeowners' association(s).
- F. PROVIDER'S COMMUNICATION PLAN:
- 1. Each wireless communication provider shall provide a plan of its facilities to the County prior to any application for the installation of a wireless communication facility. The plan shall cover the entire County extending five (5) miles beyond the County border. The plan shall include the following:
 - a. All of the provider's existing wireless communication facilities, by size, type, and their coverage areas.

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- b. All presently anticipated future service areas, anticipated deployment date, and types of wireless communication facilities and heights desired for each of the service areas.
 - c. The various types of wireless communication facilities used by the provider to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antennae and equipment as well as written materials describing their application.
 - d. The provider's policy direction for the mitigation and/or reduction of existing and proposed towers to avoid the proliferation of such facilities.
 - e. The provider's policy direction on the mitigation and/or reduction of the negative visual impact created by existing towers, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings.
 - f. The provider's policy direction on collocation of antennae on their own facilities, on facilities from other providers, or on other structures which provide the verticality required for the antennae.
 - g. Designation of an agent of the provider who is authorized to receive communications and notices pursuant to this Section.
2. Information contained in each providers communication plan shall be treated as confidential and not disclosed to other providers unless noted by the provider in the plan.
 3. Information noted as non-confidential information, may be shared with other interested parties seeking to locate wireless communication facilities in Yavapai County, in an effort to promote collocation and co-development of facilities.

G. APPLICATION REVIEW:

1. General: The following provisions shall govern the issuance of permits for towers or antennas:
 - a. If the wireless communication facility is not a permitted use, then an administrative approval or a Use Permit shall be required for the construction.
 - b. Applications for administrative approvals and Use Permits for a wireless communication facility shall be subject to the procedures and requirements for use permits generally, except as modified in this Section.
 - c. Fees for applications under this section are listed in the Yavapai County Zoning Ordinance Fee Schedule.
 - d. All Use Permit or administrative review approvals for new wireless communication facilities shall be granted for a maximum period of ten (10) years with Staff review after five (5) years. The applicant/structure owner shall be responsible for initiating an administrative renewal and possible extension of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the facility as approved. Applications for collocation on existing structures shall be set for a period of time so that the expiration date for the collocation expires simultaneously with the structure. If an extension is denied by the Development

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Services Department, the applicant may appeal the decision to the Planning and Zoning Commission and Board of Supervisors, by applying for a Use Permit.

- e. In granting approval of an application, Yavapai County may impose conditions to the extent that such conditions carry out the purposes of this Section.
- f. Any information of an engineering nature that the applicant submits shall be certified by an Arizona licensed professional engineer.
- g. No new wireless communication facilities within one thousand feet (1,000') of any residences, including single and multiple family residences and residential facilities, such as group homes and nursing homes, with the exception of attached antenna and concealed antenna sites that do not exceed ten feet (10') above the maximum building height of the applicable Density District which will be reviewed on a case-by-case basis. For those wireless communication facility sites exceeding ten feet (10') above the maximum building height for their Density District, there shall be a ten (10) foot setback for every one (1) foot in tower height from existing residences with a minimum setback of one thousand feet (1,000') required.
- h. No new wireless communication facilities shall be installed atop of Glassford Hill, Thumb Butte, Badger ("P") Mountain or other promontories associated with Badger Mountain, 1 Granite Mountain and Little Granite Mountain or other promontories associated with these mountains.
- i. No new wireless communication facilities shall be installed in the Granite Dells area.
- j. No new wireless communication facilities shall be installed within unique or scenic areas/sites identified within community plan areas: for example, the Red Rock/Dry Creek Community Plan Conservation-Preservation District or the Big Park Community Plan Forest District.
- k. No new wireless communication facilities shall be installed in any area that may mar mountain views, or visually sensitive areas, particularly but not limited to the view of Glassford Hill, Thumb Butte, Bell Rock, Courthouse Rock and Cathedral Rock, from any direction unless the facility uses arrays, pole diameters, shapes and colors that shall blend it with other similar vertical objects and not be intrusive in its setting or obtrusive to views.
- l. The Development Services Director is authorized to employ on behalf of the County, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review.
- m. Prior to applying for a new facility, the applicant shall meet with community groups and interested individuals who reside or own property within one thousand feet (1,000') of the proposed site to explain the proposed project. The purpose of these meetings is to inform and educate the community on wireless communications, and the restrictions placed on Yavapai County by the Federal Telecommunications Act of 1996, as well as to solicit suggestions from these groups about the applicant's proposal and impact mitigation measures.

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Applicant shall make a concerted effort to incorporate the community suggestions for impact mitigation generated by the meetings and describe the efforts in the application. Applicant shall be prepared to discuss information including but not limited to, technical aspects, visual aspects, including alternative sites and designs. Applicant shall provide detailed meeting minutes, copy of all materials delivered or received, and documentation of who attended the meetings from the community organization.

2. Performance Criteria:

a. The order of preferences for wireless communication facilities is, from most preferred to least preferred:

- (1) Collocation on an existing facility or electrical utility pole.
- (2) Attached antennas on an existing verticality.
- (3) New sites located on public lands at least five thousand feet (5,000') from private land.
- (4) New concealed or attached antenna sites located on/at public or quasi-public facilities.
- (5) Concealed sites.
- (6) New towers/facilities under ninety-nine feet (99').
- (7) New towers/facilities one hundred feet (100') to one hundred ninety-nine feet (199').
- (8) New towers/facilities two hundred feet (200') and over.

New facilities shall use the most preferred facility type where technically feasible, even if it results in an increase in the number of facilities, or a higher cost. A lesser preferred facility type may be permitted only if the applicant presents substantial evidence to show that it will have a lesser visual impact than the use of more preferred facilities.

b. The following characteristics are deemed consistent with the purposes of this Section and will be afforded favorable weight in considering the application:

- (1) Sites located on public lands;
- (2) Existing structures will be preferred over new structures;
- (3) New structures which appear to be structures commonly found within that Zoning District are preferred over apparent wireless structures;
- (4) Wireless communication facilities which cannot be readily observed from adjacent streets;
- (5) Structure heights, which do not exceed the height limitations for that Zoning District. When heights may exceed an adjacent jurisdiction's height restrictions, that jurisdiction(s) will be notified of the application;
- (6) Collocation of all licensed carriers for Yavapai County on a single wireless communication facility in remote locations will have significant favorable weight in evaluating the application;
- (7) Network development plans which achieve the fewest number of

wireless communication facilities of all providers reasonably necessary for commercial coverage;

- (8) Location in the least restrictive Zoning District starting with Industrial; and,
- (9) Suitability of the location for collocation of governmental public service wireless communication facilities.

3. Review Procedures:

- a. **Administrative Review:** Applications for collocation of antennae on and equipment at an existing, permitted wireless communications facility, shall be subject to review by Development Services Department Staff and approval by the Development Services Director. Applications to place antennae on top of, or attached to, an existing or replaced utility/power pole which does not extend the height of the existing pole by more than ten feet (10') shall also be evaluated by the Administrative Review process. A decision shall be rendered to approve or deny within fourteen (14) days of submittal of a complete application. If an Administrative Review application is denied by the Development Services Department, the applicant may then apply for a Use Permit, and appeal the decision before the Planning and Zoning Commission and Board of Supervisors, if desired.

Application Requirements: The following shall be submitted with each Administrative Review application:

- (1) Completed hearing application submittal form, letter of authorization, and permission to enter property letter as contained in the application procedures information packet;
 - (2) An updated Provider's Communication Plan, including any proposed changes in the service areas, antennae, towers, and policy direction;
 - (3) The zoning classification of the site;
 - (4) Plans showing: elevation drawings of the exterior of each element of the proposed wireless communication facility, method of fencing, coloration, and landscaping;
 - (5) Certification that the wireless communication facility, as represented in the application, will comply with all FAA, FCC and other applicable regulations;
 - (6) Copies of all wireless telecommunication licenses for all providers who will use the facility at the time of filing the application;
 - (7) Copy of signed, redacted, lease agreement with landowner.
- b. **Administrative Review with Comment Period:** Applications for new wireless communication facilities that do not exceed ten feet (10') above the maximum height allowed in that Density District, or sites on public lands located at least five thousand feet (5,000') from the nearest privately owned land, would be subject to administrative review with a twenty-one (21) day public comment period. Surrounding property owners and community organizations shall receive notice of the application. If an Administrative Review with Comment

Period application is denied by the Development Services Department, the applicant may then apply for a Use Permit, and appeal the decision before the Planning and Zoning Commission and Board of Supervisors, if desired.

Application Requirements: The following is to be submitted with each Administrative Review with Comment Period application:

- (1) All material associated with the submittal of an Administrative Review application as stated above in addition to:
 - (2) A mailing list of all property owners within one thousand feet (1,000') of the facility site, and pre-addressed envelopes affixed with first class postage to each property owner;
 - (3) A map showing the adjacent roadways, and proposed means of legal access;
 - (4) RF propagation maps showing the coverage areas of the proposed site and how it interacts with the coverage areas of connecting sites;
 - (5) The setback distance between the proposed wireless communication facility the nearest residential unit and/or the nearest residential zoned privately owned properties;
 - (6) Certification of whether the applicant is applying for collocation treatment, and how many carriers could be accommodated on the facility with adequate signal coverage;
 - (7) Certification that no Yavapai County or municipal owned site, or existing wireless facility reasonably meets the needs of the applicant, listing all such sites within five (5) miles of the proposed site and the reason each is not physically adequate for reasonable commercial coverage, or not economically feasible for location;
 - (8) A visual analysis, which may include photo simulations, field mock ups, or other techniques which identify the potential visual impacts of the proposed facility. Photo simulations shall be provided from the three (3) closest residences within one-half (1/2) mile of the proposed site and from the closest collector or arterial street. The Development Services Director may at his/her discretion, request additional photos from specific vantage points;
 - (9) Attendees list, minutes, and information obtained from required community meeting.
- c. Use Permit: Any new wireless communication facility that exceeds ten feet (10') above the maximum height allowed in the density district, or does not meet all of the criteria to be allowed in the Administrative review processes, shall require a Use Permit.

Application Requirements: The following is to be submitted with each Use Permit application:

- (1) All material associated with the submittal of an Administrative Review with Comment Period application as stated above in addition to;
- (2) A completed Use Permit application packet;

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- (3) A mailing list of all property owners within the distance required from the facility site, and pre-addressed envelopes affixed with first class postage to each property owner;

Notification required by tower height:

99 feet and under = 1,000 feet radius

100 to 199 feet = 2,500 feet radius

200 feet and above = 5,000 feet radius

- (4) RF frequency propagation maps showing the coverage areas of the proposed site and how it interacts with the coverage areas of connecting sites. If the applicant is seeking collocation of multiple carriers, the RF propagation coverage maps should also include on a separate map, the coverage areas obtained from the lowest collocation point on the tower;
- (5) Certification that policing, fire departments, public safety, water and local governments having jurisdiction within five (5) miles of the site have been notified of the application;
- (6) The applicant shall submit a visual analysis, which may include photo simulations, field mock ups, or other techniques which identify the potential visual impacts of the proposed facility. Photo simulations shall be provided from the five (5) closest residences within two (2) miles of the proposed site and from the closest collector or arterial street. The Development Services Director may at his or her discretion, request additional photos from specific vantage points;
- (7) A written narrative/explanation of why it is necessary that the proposed wireless communications facility be located in the proposed location, and why it will exceed the maximum height allowance for the Zoning District in which it is proposed. If the explanation is based on coverage maps, structural calculations, lease amounts, or any other information pertinent to the need for the structure or additional height, this information shall be included as appendices to the narrative.

4. Standards: In addition to any standards for consideration of Use Permit applications, the following shall be considered in determining whether to issue a Use Permit or administrative approval: height proposed, proximity to other uses, historic sites, landmarks, vehicle traffic routes, medical facilities, air routes, topographical features, utilities, access, suitability of alternative sites and visual impact.

H. COLLOCATION: The policy of this Section is to encourage collocation.

1. Preference: An applicant who certifies in writing that the tower constructed will be suitable for collocating multiple providers of varying wireless technologies and, as a condition of zoning, executes a written agreement (collocation agreement) with Yavapai County on a form approved by the County Attorney, consenting to application of the terms of this provision shall, unless waived by the applicant, receive preferential treatment for a final approval or rejection of its application after a complete and correct application, fee and all required documentation and information is filed.

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2. In addition to equipment proposed for the applicant's use, proposed antenna facilities, including concealed antennas, shall be designed to accommodate collocation for at least one (1) additional wireless communications provider for every thirty foot (30') segment of facility height, or portion thereof, over thirty feet (30'). The Board of Supervisors may reduce the required shared capacity, if a facility necessary to provide for such collocation, adversely alters the area's visual character.
3. Collocation Agreement: The collocation agreement shall provide for at least the following:
 - a. The applicant shall accept for collocation any FCC licensed wireless communication provider (additional user) using any compatible technology on commercially reasonable terms considering all of the factors a reasonable tower leasing company would deem relevant in entering into such an agreement;
 - b. Any additional user seeking collocation shall submit specifications for its equipment and use (request) to the applicant and applicant shall, within thirty (30) days thereafter, respond to such party in writing (response) furnishing all technical requirements that must be resolved before collocation;
 - c. The applicant and the additional user shall, thereafter in good faith, attempt to resolve any technical or business terms. If, after thirty (30) days from the response the additional user believes the applicant has not negotiated in good faith, additional user may submit in writing, a request for arbitration to applicant and the American Arbitration Association which shall designate a person knowledgeable in collocation of wireless communication carriers to act as arbitrator and decide all issues between the parties. Such arbitration shall be held within thirty (30) days of the request for arbitration. Upon the written agreement of both parties, a different procedure for binding dispute resolution may be used. The result of the arbitration or other resolution method agreed to by the parties shall be binding and non-appealable;
 - d. If the arbitrator certifies in writing to Yavapai County that the applicant has failed to comply with the decision of the arbitrator within fifteen (15) days of its issuance by the arbitrator, the Use Permit or administrative approval for the wireless communication facility in question shall be terminated and the wireless communications facility shall be removed within thirty (30) days of the date of the arbitrator's certification, failing which, Yavapai County shall have all of the remedies available to it for elimination of a use in violation of the zoning code;
 - e. The additional party, upon submitting the request shall become a third party beneficiary to the collocation agreement;
 - f. Yavapai County shall not be a party to any contract between the applicant and the additional party and shall not be a required party and shall not be made a party to any dispute or arbitration and applicant shall indemnify, defend and hold Yavapai County harmless from any cost, including reasonable attorney fees, associated with such matters; and
 - g. A lease or other agreement containing the business terms proposed by the applicant for collocation shall be attached as an exhibit to the collocation agreement.

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I. **SETBACKS:** The following setback requirements shall apply to all towers; provided, however, standard setback requirements may be decreased if the goals of this section would be better served thereby:

1. Towers must be set back from any lot line a distance equal to at least one hundred percent (100%) of the height of the tower unless a greater setback is required for the particular Zoning District: i.e., the reclining length of any tower must be located on the lot so that in the case of collapse, the tower would be contained within the bounds thereof.
2. Guys and accessory structures must satisfy the minimum Zoning District setback requirements.
3. If shown by proof of collapse safety with a certified Engineer's letter stating that in case of collapse, the tower would be contained on site, the Board of Supervisors could waive the one-to-one setback as required above.
4. Facilities that are located on existing or replaced street lights, traffic signal poles or electrical utility poles are exempt from any setback requirements.

J. **REMOVAL:**

1. Within thirty (30) days of Board of Supervisors approval, Financial assurances shall be posted by the applicant for the occurrence or possible need for removal of the tower and returning the natural state of the site, prior to submittal and approval of building permits/zoning clearances.
2. Towers and antennae shall be removed, at the owner's expense, within one hundred eighty (180) days if not used for a permanent use within that time unless this period is extended pursuant to this Section. If the tower or antennae is not timely removed Yavapai County may give notice that it will contract for removal within thirty (30) days following written notice to the owner. Thereafter, Yavapai County may cause removal at the cost of the owner.
3. An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The Development Services Director or his designate may extend the time for removal or reactivation up to sixty (60) additional days upon a showing of good cause.
4. Upon removal of the wireless telecommunications facility, the site shall be returned to its natural state and topography and vegetated consistent with the natural surroundings.

K. **MODIFICATION:** No existing wireless telecommunications facility may be changed or modified except as follows:

1. The change or modification is required by a change in user or technology; or
2. The change is required for the collocation of additional carriers on the existing structure; and
3. The change does not increase the height of the tallest component above the height approved in the Use Permit, administrative approval, or in the case of an pre-existing facility, its then current height; and
4. At the conclusion of the change or modification, the facility complies with all requirements of the County Development Services Department.
5. An explanation is submitted to the Development Services Director stating why the

modification is necessary, and an updated Provider's Communication Plan, including any proposed changes in the service areas, antennae, towers, and policy direction is provided.

SECTION 606 SEX ORIENTED BUSINESS

A. **PURPOSE:** It is the purpose and intent of this Section to regulate sex oriented businesses to promote the health, safety, morals, and general welfare of the citizens of Yavapai County and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sex oriented businesses within the County, thereby reducing or eliminating the adverse secondary effects from such sex oriented businesses. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sex oriented materials. Similarly, it is not the intent or effect of this Section to restrict or deny access by the distributors and exhibitors of sex oriented entertainment to their intended market. Neither is it the intent nor effect of the Section to condone or legitimize the distribution of obscene material.

B. **DEFINITIONS:** For the purpose of this Section, certain terms and words are defined as follows:

Sex Oriented Businesses are those businesses defined as follows:

Adult Arcade: means any place to which the public is permitted or invited and in which coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images involving specified sexual activities or specified anatomical areas to persons in booths or viewing rooms.

Adult Bookstore, Adult Novelty Store or Adult Video Store: means a commercial establishment that offers for sale or rent any of the following as one of its principal business purposes:

- (1) Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, or reproductions or slides, or other visual representations that depict or describe specific sexual activities or specific anatomical areas.
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with specific sexual activities.

Adult Live Entertainment: means an establishment that features either:

- (1) Persons who appear in a state of nudity; or
- (2) Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

Adult Motion Picture Theater: means a commercial establishment in which for any form of consideration films, motion pictures, video cassettes, slides or similar photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas are predominantly shown.

Adult Oriented Business: means adult arcades, adult bookstores or video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, massage establishments that offer adult services or nude model studios.