

**Town of Payson
Unified Development Code
Section 15-13**

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Adopted

By Ordinance #466

February 22, 1996

Updated June 1, 2011

This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.

15-13 Telecommunication Towers

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15-13-001 Telecommunication Towers

A. Findings

The Communications Act of 1934 as amended by the Telecommunications Act of 1996 ("the Act") grants the Federal Communications Commissions (FCC) exclusive jurisdiction over:

1. The regulation of the environmental effects of radio frequency (RF) emissions from telecommunication facilities; and
2. The regulation of radio signal interference among users of the RF spectrum.

Note: The regulation of towers and telecommunication facilities within the Town of Payson shall not have the effect of prohibiting any person from providing wireless telecommunications services in violation of the Act.

B. Purpose

The general purpose of this ordinance is to regulate the placement, construction, and modification of towers and telecommunication facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications market place.

Specific purposes include:

1. To regulate the location of towers and telecommunication facilities;
2. To protect residential areas and land uses from potential adverse impact of towers and telecommunication facilities;
3. To minimize adverse visual impact of towers and telecommunication facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
4. To promote and encourage shared use/co-locations of towers & antenna support structures as a primary option rather than construction of additional single use towers;
5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support antenna and telecommunication facilities;
6. To avoid potential damage to property caused by towers and telecommunication facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and
7. To ensure that towers and telecommunication facilities are compatible with surrounding land uses.

C. Town Owned Property

The Town Council reserves the exclusive right to establish all restrictions necessary or appropriate for the protection of the health, safety, and welfare of the citizens of the Town, on any towers or telecommunication facilities placed on Town owned property.

1. The contract between the Town and an applicant for the placement of a tower or

telecommunication facility on Town owned property shall determine the restrictions relating to the tower(s) and/or telecommunication facilities.

2. Applicants for towers on Town property shall complete a Citizen Participation Plan and Report as outlined in Section 15-09-013 and 15-09-014.
3. The Town Council shall use the provisions of this section (15-13) and the Citizen Participation Report as a guide when establishing such restrictions. All the provisions of the UDC, except this section, shall apply to the placement of towers on Town property.

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15-13-002 Development Standards

A. Development Standards

1. Towers shall be permitted or conditionally permitted in zoning districts as shown in the permitted use tables in 15-12-001, 15-12-002 and 15-12-003 of the Unified Development Code.
2. No person shall build, erect or construct a tower unless a building permit has been approved and issued. Prior to the issuance of a Building Permit, a bond approved by the Zoning Administrator in an amount sufficient to ensure compliance with 15-13-005 B., shall be posted.
3. Towers shall be permitted at a maximum height of 100 feet, plus additional appurtenances not to exceed 20 feet.
4. Lattice type structures or structures which require the use of guy wires are prohibited.
5. A conditional use permit application to allow a tower shall include:
 - a. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is situated. If the applicant is not the owner of the parcel of land upon which the tower is situated or proposed to be situated, the written consent of the owner shall be evidenced in the application.
 - b. The legal description, tax parcel number, and address of the parcel of land upon which the tower is situated.
 - c. The names, addresses, and telephone numbers of all owners of other towers within a one-half (1/2) mile radius of the proposed new tower site, including Town owned property.
 - d. A description of the design plan proposed by the applicant. The applicant must identify its utilization of the most recent technological design-as part of the design plan.
 - e. The applicant must demonstrate the need for an additional tower.
 - f. A written statement from an Engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services.
 - g. Color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as determined by staff.
 - h. Any other information that Town staff considers necessary or that the applicant has failed to supply.
6. Incomplete applications shall be returned to the applicant. Completed applications shall be

forwarded to the Planning and Zoning Commission for a hearing.

7. No new tower shall be built, constructed, or erected unless the tower is capable of supporting at least two telecommunication facilities.

B. Setback Requirements

1. All towers shall be set back at least twenty-five (25) feet from any property line.
2. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.
3. Setback requirements may be modified, as provided in Section 15-13-003 (C), when placement of a tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees which may visually hide the tower.

C. Method to Measure Tower Height

Tower height shall be measured from existing grade.

D. Illumination

Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA).

E. Stealth Design

All towers which require a conditional use permit must be of stealth design.

F. Structures Affecting Navigable Airspace

Any structure which may intrude on navigable airspace as defined in FAA bulletin Part 77, "Objects Affecting Navigable Airspace" must obtain approval from FAA prior to issuance of a conditional use permit or building permit.

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15-13-003 Telecommunication Facilities on Antenna Support Structures

Any telecommunication facilities which are not attached to a tower may be permitted on any antenna support structure at least 20 feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities attached to an antenna support structure shall not extend more than 20 feet above the antenna support structure. Telecommunication facilities are prohibited on all other structures.

15-13-004 Development Standards Modification

- A. Notwithstanding the tower standards provided in 15-13 the Planning & Zoning Commission, through the conditional use permit process, may grant specific modifications to such standards.
- B. If such modifications are requested, in addition to all other information required for a conditional use permit submittal, the applicant shall provide the following:
 1. A description of how the plan addresses and/or mitigates any foreseeable adverse impact(s) that might occur as result of the requested modification.
 2. A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by an

engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding right-of-ways and properties.

3. Identification of all parcels of land where the proposed tower could be located, without such modifications as requested, attempts by the applicant to contract and negotiate an agreement for collocation and the result of such attempts.

C. The Planning & Zoning Commission may consider the following criteria in addition to the criteria listed in Section 15-09-004:

1. Whether the tower, as modified, will be compatible with and not unduly impact the character and integrity of surrounding properties within 300 feet adversely.
2. Whether on-site and/or off-site conditions mitigate adverse impacts.
3. Whether alternatives exist that would not require the requested modification(s).

D. If the Commission grants any modifications pursuant to this section, it shall require as a condition of the Conditional Use Permit, conditions necessary to mitigate any adverse impacts which arise in connection with the approval of the modification(s).

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15-13-005 Maintenance & Discontinuance

- A.** All towers shall be maintained in compliance with all federal, state and local regulations; and in good condition, order and repair so as to not menace or endanger the life or property of any person.
- B.** In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the Town of its intent to discontinue use and the date when the use shall be discontinued. In the event that use is discontinued the tower owner shall be required to remove the tower within 180 days of last date of use, unless a written extension is granted by the Zoning Administrator. If the tower owner fails to remove a tower pursuant to this subsection, the Town may use the proceeds of any bond posted pursuant to 15-13-002.A.2., to effect removal of the tower.