

ORDINANCE NUMBER 600

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, RELATING TO THE PERMISSIBLE HEIGHT OF WIRELESS COMMUNICATIONS FACILITIES, AND AMENDING SECTION 404.H.8.b OF THE CITY'S ZONING ORDINANCE

WHEREAS, the City of Cottonwood Planning and Zoning Commission has recommended that the City's Zoning Ordinance be amended to allow for the possibility of allowing wireless communications facilities to exceed the current 60-foot height limitation by up to 30 additional feet in certain areas of the City, upon a specific showing of necessity similar to the showing that would entitle an applicant to relief from that limitation under the Federal Telecommunications Act of 1996; and

WHEREAS, the City Council finds that the amendment as recommended by the Planning and Zoning Commission is appropriate and in the City's best interests;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

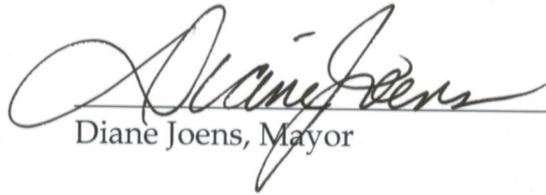
Section 1. That Section 404.H.8.b of the Cottonwood Zoning Ordinance is hereby amended to read as follows:

- b. The overall height of any wireless communications structure, antenna and/or antenna array shall not be greater than a maximum of sixty (60) feet from the ground to the highest physical point on the structure, provided, however, that a wireless communications structure, antenna and/or antenna array up to ninety (90) feet from the ground to the highest physical point on the structure may be permitted in any zoning district other than the R-1 District and the Old Town Historic District with the approval of the City Council, upon a showing by the applicant that the additional height is the least intrusive means of filling a significant gap in a wireless communications provider's coverage within the City. In making this determination and allowing a wireless communications structure, antenna and/or antenna array to exceed the sixty (60) foot height limitation by up to thirty (30) additional feet, the City Council shall consider the findings and recommendations of the Planning and Zoning Commission, which shall hold a public hearing on any proposal to exceed the sixty (60) foot height limitation. The Council may or may not hold a separate hearing on the proposal following its receipt of the Commission's findings and recommendations, and may impose reasonable

conditions on its approval of any proposal to exceed the sixty (60) foot height limitation, either based on the recommendations of the Commission or on its own motion.

Section 2. That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be unlawful, invalid or unenforceable by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

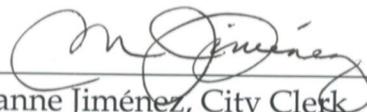
PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, ARIZONA, THIS 17TH DAY OF SEPTEMBER 2013.

  
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Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:

  
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Steven B. Horton, Esq.  
City Attorney

  
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Marianne Jiménez, City Clerk

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