

**TOWN OF CAREFREE, ARIZONA  
ORDINANCE NO. 2003-02**

**AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, GRANTING A SPECIAL USE PERMIT TO T-MOBILE TO USE CERTAIN REAL PROPERTY TO CONSTRUCT A WIRELESS TELEPHONE ANTENNA ARRAY ON THE SPIRIT OF THE DESERT LUTHERAN RETREAT CENTER, 7415 EAST ELBOW ROAD IN CAREFREE; AND IMPOSING CERTAIN CONDITIONS ON SUCH USE.**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA AS FOLLOWS:**

Section 1. Pursuant to Section 1601 of the 1996 Town of Carefree Zoning Ordinance, a special use permit shall be and hereby is granted to T-Mobile, a federally regulated public utility, to use the real property located at 7415 East Elbow Bend Road, show as Parcel 66A in the Maricopa County Assessor's Book No. 216 Map 83, for the construction of a wireless telephone antenna array to serve the public, as disclosed in Application No. Z02-08 and the accompanying site plan and elevations.

Section 2. The special use permit shall be and is subject to the following conditions:

- a) The antenna arrays, equipment and other improvements shall be installed in accordance to the site plan and elevations prepared by Lockwood Green and related documents submitted with the application in zoning case Z02-08 including all Conditions for Approval state herein.
- b) If, at any time, the antenna arrays, equipment and other improvements are not in compliance with zoning case Z02-08 including all Conditions for Approval state herein, the special use permit shall become null and void upon notice of the Zoning Administrator of said cancellation.
- c) Any modification of application Z02-08 that increases the number of antennas, size and or power of the facility shall constitute an amendment to the subject special use permit and are subject to approval of the Planning and Zoning Commission and Town Council.
- d) If the subject wireless communication facility is not developed and operating within twelve (12) months of approval by Town Council the special use permit becomes null and void.
- e) If the subject wireless communication facility is not in use for a period of sixty or more days, the facility shall be removed by operator or manager of such facility within a period of 30 days. Upon such condition the special use permit becomes null and void.

- f) All antenna arrays, equipment and other improvements shall be painted to match the color of the roof.
- g) All cabling shall be placed within a conduit to ensure no exposed wires. All wiring/conduit/connection to rooftop equipment/infrastructure shall be interior to the building façade; placement of any wiring/conduit/connection on the exterior face of the façade is not permitted.
- h) As-builts to verify the height of chimney and parapet from finished grade shall be submitted to the Town's Planning and Zoning Department prior to the operation of the facility. Failure to submit as-builts will result in the repeal of special use permit.
- i) Fiberglass material shall match the exact texture and color of existing surfaces (chimney and roof parapet) they are emulating.
- j) It is the responsibility of operator/managing entity to file with the Town's Planning and Zoning Department appropriate emergency contact information. If ownership or managing interest change it is the responsibility of previous and or new managing entity to relay new managing interest contact information to the Town's Planning and Zoning Department.

Section 3. The Town of Carefree Zoning Map is hereby amended to reflect the issuance of the special use permit granted hereunder.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Carefree, Arizona, the 4<sup>th</sup> day of February 2003.

Ayes   6                        Noes   0                        Abstentions   1                        Absent       

**TOWN OF CAREFREE**

By: \_\_\_\_\_  
Edward C. Morgan, Mayor

**ATTEST:**

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Elizabeth L. Wise, Town Clerk

**APPROVED AS TO FORM:**

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Thomas K. Chenal, Town Attorney