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## CITY OF AZTEC

### Commercial Tower/Antennae Requirements

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#### **Sec. 26-143. Application Requirements.**

The applicant for a conditional use land use permit for construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted must file with the Planning Department an application accompanied by a fee of \$350.00 and the following documents, if applicable:

1. Specifications. One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
2. Site Plan. A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscaping plan, and existing land uses on adjacent property; (site plan not required if antenna is to be mounted on an approved existing structure).
3. Tower Location Map. A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the city.
4. Antenna Capacity / Wind Load. A report from a structural engineer registered in New Mexico showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
5. Antenna Owners. Identification of the owners of all antennae and equipment to be located on the site.
6. Owner Authorization. Written authorization from the site owner for the application.
7. FCC License. Evidence that a valid FCC License for the proposed activity has been issued.
8. Visual Impact Analysis. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
9. Removal Agreement. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.
10. Conditions Met. Evidence that applicable conditions are met.
11. Additional Information. Additional information required by the City Planner for determination that all applicable land use regulations are met.  
(Code 2007, 26-143)

#### **Sec. 26-144. Conditions.**

Applicant must show that all applicable conditions are met.

1. Collocation. A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for additional users.

Towers shall be designed to allow for future -rearrangement of antennas and to accept antennas mounted at varying heights.

2. Inability to Locate on Existing Property. Applicant must show that a proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirements without unreasonable modifications on any existing structure or tower under the control of applicant.
3. Location / Visual Impact. The proposed communications tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and applicant's technical design requirements.
4. Necessity for Location in Residential District. Applicant for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.
5. Public Property or Other Private Property Not Suitable. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.
6. Design for Multiple Use. Applicant must show that a new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.
7. Safety Codes Met. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
8. Paint; Illumination. A communications tower must not be painted or illuminated unless otherwise provided by state or federal regulations.
9. Distance from Existing Tower. A permit for a proposed tower site within 1,000 feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.
10. Indemnity; Claim Resolution. Applicant must show by certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules, and must file with the Planning Department a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, at no cost to the municipality, in form approved by the municipal attorney.
11. Application of Land Use Requirements. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general land use district regulations except setback and height, shall apply to the use. Setback and height conditions in this section apply.
12. Minimum Setbacks. A tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back

from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.  
(Code 2007, 26-144)