

CITY OF BLUFFDALE, UTAH

Exhibit A – Proposed Changes to Ordinance 2015-03 (Cellular and Low Power Towers)

ORDINANCE NO. 2017-03

AN ORDINANCE AMENDING SECTION 11-24 OF THE BLUFFDALE CITY CODE (CELLULAR AND LOW POWER TOWERS), WHICH REVISES ORDINANCE TEXT AND ADDRESSES STEALTH FACILITIES WHICH HAVE NOT BEEN INCLUDED IN THIS ORDINANCE IN THE PAST.

WHEREAS the City of Bluffdale Land Use Ordinance has adopted a chapter regulating the placement and dimensions of cellular and low power towers;

WHEREAS an applicant has found a need to update the placement and dimensional regulations set forth in the Land Use Ordinance;

WHEREAS an applicant has made an application to amend the Cellular and Low Power Towers Ordinance to provide regulations and specifications for modern cellular technology and to clarify the land use authority and approval processes so they are consistent with other chapters of the City of Bluffdale Land Use Ordinances;

WHEREAS the proposed amendments set forth herein have been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held and public notice given in accordance with Utah law and local ordinance to obtain public comment regarding the proposed amendments to the Land Use Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH:

Section 1. Text Amendments. The City Council hereby adopts the following amendments to Title 11 of the Bluffdale City Code, as indicated in the attached Exhibit 'A'. (All parts of these sections and subsections not specifically listed shall remain unaffected).

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall take effect upon recording in the office of the City Recorder, publication, posting, or thirty (30) days after passage, whichever occurs first.

Chapter 24

CELLULAR AND LOW POWER TOWERS

11-24-1: PURPOSE AND GENERAL PROVISIONS:

- A. Purpose: The purpose of this chapter is to provide standards and regulations for the height, location and general design of low power communication towers in the city. The requirements of this chapter apply to both commercial and private low power radio systems, such as cellular or personal communication systems (PCS), amateur radio systems, and paging systems. All facilities approved under this chapter shall comply with these regulations and all other ordinances of the city and any pertinent state or federal regulations.
- B. Separate Use; Business License Required: Each facility shall be considered as a separate use and ~~an annual business license shall be required for each such facility~~ shall conform to all adopted business license requirements.
- C. Staff Review: The staff will review each application for approval to ensure that ~~the proposed facility is compatible with the height and mass of existing buildings and utility structures and that collocation of antennas or other structures is possible without significantly altering the existing facility. The facility shall blend with existing vegetation, topography and buildings. The location of a facility may not create a detrimental impact to adjoining property owners. (ord. 2015-03, 4-22-15)~~ conforms with adopted ordinances and standards and shall present their findings and recommendations to the Land Use Authority for review and approval.

11-24-2: DEFINITIONS:

The following list of definitions is provided to add clarification to the terms used in this chapter. If further clarification of these terms is required, it will be given **interpreted** by the zoning administrator **Zoning Administrator** pursuant to the land use ordinance:

AMATEUR RADIO TOWER: Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers and used by a licensed amateur radio operator for amateur radio reception and transmission, with no commercial activity. The term includes any antenna or antenna array attached to the tower structure.

ANTENNA: A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

COLOCATION: The act of siting Facilities on an existing tower or monopole without the need to construct a new tower, monopole or support structure.

Distributed Antenna System ("DAS") – A distributed antenna system network consisting of one or more nodes connected by a fiber system to a carrier's base transceiver station or other location commonly referred to in the communications industry as an "eNodeB", or "NodeB", or similar designation.

Existing Structure – Previously erected Support Structure or any other structure, including but not limited to, base stations, buildings, water tanks, transmission towers, poles, light poles, traffic signals, signs, or similar structures to which Facilities can be attached.

GUYED WIRE TOWER: An open steel frame supported by guyed wires that extend eighty percent (80%) of the height of the structure away from the structure.

LATTICE TOWER: A self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

LOW POWER RADIO SERVICES FACILITY(ies): Any facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, wireless services, wireless or mobile telephone service, cellular telephone service, personal communications service (PCS), and paging service. A Facility can consist of one or more Antennas and accessory equipment attached to a Support Structure, base station, light pole, structure, node, attachment, or facility, and associated frequencies, technologies, and equipment. A Facility may also include a Small Wireless Facility or Distributed Antenna System. ~~An unmanned structure that consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.~~

MONOPOLE: A single cylindrical steel or wood pole that acts as the support structure for antennas.

ROOF MOUNTED ANTENNA: An antenna or series of antennas mounted on an existing roof, mechanical room or penthouse of a building.

Small Wireless Facility – Means wireless facilities and any support structure for the Small Wireless Facility that do not exceed the volume limitations for small wireless antennas and associated equipment in the First Amendment to Nationwide Programmatic Agreement for the Collocation of Wireless Antennas adopted by the Federal Communications Commission.

Support Structure(s) – A structure designed to support Facilities including, but not limited to, Monopoles, Vertical Facilities, utility poles, light poles, traffic signals, billboards, and other freestanding self-supporting structures.

Stealth Facility – Any Facility that is integrated as an architectural feature of an existing structure or changes a support structure design so that the purpose of the Facility or support structure for providing wireless services is not readily apparent and architecturally compatible with its natural surroundings including, but not limited to, monopines, water tanks, bell towers, small wireless facilities, utility poles, light poles, traffic signals, adornment poles, or similar structures to which a Facility or Small Wireless Facility may be attached.

WALL MOUNTED ANTENNA: An antenna or series of antennas mounted against the vertical wall of a building or structure.

WHIP ANTENNA: An antenna that is cylindrical in shape that can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed. (Ord. 2015-03, 4-22-2015)

11-24-3: APPROVAL PROCESS:

- A. Staff Review: All applications for approval of a low power or amateur radio tower or cellular or PCS facility will be reviewed by the staff **Staff for conformance to adopted standards**. ~~Staff will review the size, height, color, accessory facilities and general nature of the proposed tower.~~
- B. ~~Conditions Recommended: Staff may recommend conditions on any tower to address the items detailed above and any other appropriate conditions.~~
- C. **B. Administrative Approval and Land Use Authority:** If the proposed tower is a permitted use in the zone, the application may be approved administratively by staff **the Zoning Administrator**. ~~The staff may require the applicant for installation of any tower to obtain approval by the city council if deemed necessary. If the application does not clearly meet the requirements for administrative approval the Zoning Administrator shall refer the application to the Planning Commission. All applications that require a conditional use permit for approval of a low power radio tower or cellular or PCS facility, if approved, shall be in accordance with chapter 20 of this title. Review of the proposed tower shall be completed as follows:~~

~~Staff shall prepare a concise report indicating if all requirements of this chapter have been satisfied, along with a recommendation for approval, approval with conditions, or denial of the application.~~

- D. **C. Appeal:** Any interested party, including the applicant, may appeal the any action of the planning **Planning** ~~commission~~ **Commission** pursuant to the appeal

of conditional use permit procedures contained in section 11-20-6 of this title. (Ord. 2015-03, 4-22-2015) Appeals of an action of the Zoning Administrator shall be directed to the Board of Adjustment pursuant to the procedures contained in section 11-36-6.

- E. D. All structures or additions to structures shall conform to all adopted building codes.
- F. E. For all Facilities requiring a conditional use permit, it shall be within the discretion of the Zoning Administrator as to whether landscaping is required.

11-24-4: TYPES OF STRUCTURES:

Low power or amateur radio tower or cellular or PCS facilities are characterized by the type or location of the antenna structure. The general types of such antenna structures include wall mounted, roof mounted, monopoles less than two feet (2') in diameter, and monopoles greater than two feet (2') in diameter, **stealth facilities, and small wireless facilities**. Standards for installation and construction of each type of structure are listed below:

- A. Wall Mounted Antenna: A wall mounted antenna is an antenna or series of antennas mounted against the vertical wall of a building or structure. Structures include, but are not limited to, buildings, smokestacks, water tanks and grain elevators. Wall mounted antennas are a permitted use in the industrial zones of the city and on city owned property, and a conditional use in the agricultural and commercial zones of the city (see section 11-24-6, "Charts", of this chapter). Any wall mounted antenna shall comply with the following standards:
 1. Wall mounted antennas shall not extend above the wall line of the structure more than four feet (4'), nor shall it protrude more than four feet (4') from the wall.
 2. Wall mounted antennas and associated equipment shall be painted to match the color of the predominant background against which they are most commonly seen. All support structures and antennas should be architecturally compatible with the building or structure. Whip antennas are not allowed on a wall mounted antenna structure.
 3. If any associated equipment is located on the ground, it shall be enclosed by a sight obscuring fence and landscaped to match the surrounding landscaping **subject to the discretion of the Zoning Administrator** ~~or to the satisfaction of the planning commission.~~
 4. The owner of any structure on which a wall mounted antenna is located must, in person or in writing, agree to all conditions of approval, including the removal of a vacated antenna.
- B. Roof Mounted Antenna: A roof mounted antenna is an antenna or series of antennas mounted on the roof, mechanical room or penthouse of a building or structure. Roof mounted antennas are a permitted use on city owned property

and a conditional use in the industrial and commercial zones of the city (see section 11-24-6, "Charts", of this chapter). Any roof mounted antenna shall comply with the following standards:

1. Roof mounted antennas may only be erected on buildings or structures with a flat roof and shall be screened, constructed and/or colored to match the structure on which they are located.
 2. Antennas must be set back from the edge of the structure no less than one foot (1') for every one foot (1') of vertical antenna height to a maximum height of ten feet (10'). In no case shall a roof mounted antenna be closer than five feet (5') from the edge of the structure on which it is erected.
 3. If any associated equipment is located on the ground, it shall be enclosed by a sight obscuring fence and landscaped to match the surrounding landscaping **subject to the discretion of the Zoning Administrator** ~~or to the satisfaction of the planning commission.~~
 4. The owner of any structure on which a roof mounted antenna is located must, in person or in writing, agree to all conditions of approval, including the removal of a vacated antenna.
- C. **Monopole Structures Less Than Two Feet In Width:** A monopole structure less than two feet (2') in width is a single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of antennas. Monopole structures less than two feet (2') in width are a permitted use in the industrial zones of the city and on city owned property, and a conditional use in the commercial and agricultural zones of the city (see section 11-24-6, "Charts", of this chapter). These types of structures are intended to be placed on light poles, light standards, flagpoles and other existing or planned vertical structures. The following requirements must be satisfied prior to construction of a monopole less than two feet (2') in width:
1. The total antenna structure mounted on a monopole shall not exceed two feet (2') in width or diameter, nor exceed ten feet (10') in height. The entire monopole itself shall not exceed sixty feet (60') in height.
 2. No monopole antenna shall be placed in or within two hundred feet (200') of a residential zone.
- D. **Monopole Structures ~~Greater Than Two Feet In Width~~ **Two Feet or Greater In Width:**** A monopole structure greater than two feet (2') in width is a single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of antennas. Monopole structures greater than two feet (2') in width are a permitted use in the industrial zones of the city and on city owned property, and a conditional use in the commercial and agricultural zones of the city (see section 11-24-6, "Charts", of this chapter). The following requirements must be satisfied prior to construction of a monopole greater than two feet (2') in width:
1. The actual antennas and antenna support structure on a monopole shall not exceed thirteen feet (13') in width and eight feet (8') in height.
 2. No monopole shall be erected within two hundred feet (200') of a residential zone or within a one-half (1/2) mile radius to another monopole

- tower, unless grid documentation is supplied by an independent consultant stating that collocation will create an unreasonable hardship.
3. All monopoles shall be less than sixty feet (60') in height, unless the tower is designed for collocation of antenna structures. In the case of collocation, the height of the tower may be increased by twenty feet (20') for each potential collocation, not to exceed three (3) potential collocations or one hundred feet (100') in total monopole height.
 4. Collocation of more than one antenna structure is a permitted use on all approved monopoles and is approved administratively by the staff **Zoning Administrator**.
 5. The applicant must supply the city with a letter indicating that if technology renders the tower obsolete or the tower is vacated, the applicant will remove the tower and all associated equipment within ninety (90) days of the vacation of the tower.
 6. Monopole towers may not be constructed in the required setback, landscape buffer area or required parking area of any zone.
 7. All associated equipment located on the ground shall be enclosed by a ~~sight-obscuring~~ fence and landscaped similar to surrounding landscaping **subject to the decision of Zoning Administrator**, ~~or to the satisfaction of the planning commission.~~
 8. The owner of any property on which a monopole tower mounted antenna is located must, in person or in writing, agree to all conditions of approval, including the removal of a vacated antenna.

E. Stealth Facilities: Stealth Facilities are a permitted use in the industrial, commercial and agricultural zones of the city and on city owned property and a conditional use in the residential zones of the city (see section 11-24-6, "Charts", of this chapter). The following requirements must be satisfied prior to construction of Stealth Facility:

1. The actual antennas and antenna support structure on a Stealth Facilities shall not exceed thirteen feet (13') in width and ten feet (10') in height.
2. A Stealth Facility shall be setback from any residential property lines a distance equal to twenty-five percent (25%) of its height measured from the base of its structure to its highest point or within a one-half (1/2) mile radius to another Stealth Facility unless grid documentation is supplied by an independent consultant stating that collocation will create an unreasonable hardship.
3. All Stealth Facilities shall be no greater than eighty feet (80') in height, unless the Facility is designed for collocation of antenna structures. In the case of collocation, the height of the Facility may be increased by ten feet (10') for each potential collocation, not to exceed two (2) potential collocations or one hundred feet (100') in total height.
4. Collocation of more than one antenna structure is a permitted use on all approved Stealth Facilities and is approved administratively by the Zoning Administrator.

5. The applicant, if technology renders the tower obsolete or the Stealth Facility is vacated, shall remove the Stealth Facility and all associated equipment within ninety (90) days of the vacation of the Stealth Facility, and shall provide the City with a letter to that effect.
6. Stealth Facilities may not be constructed in the required setback, landscape buffer area or required parking spaces of any zone.
7. All associated equipment located on the ground shall be enclosed by a sight obscuring fence and landscaped similar to surrounding landscaping, or to the satisfaction of the planning commission.
8. The owner of any property on which a Stealth Facility is located must, in person or in writing, agree to all conditions of approval, including the removal of a vacated Stealth Facility.

F. **Small Wireless Facilities and DAS:** Small Wireless Facilities and DAS are a permitted use in all zones of the city, on city owned property and public rights-of-way (see section 11-24-6, "Charts", of this chapter). The following requirements must be satisfied prior to construction of Small Wireless Facilities:

1. Small Wireless Facilities must be architecturally compatible with the natural surroundings and designed and located so as to minimize any adverse aesthetic impact.
2. Small Wireless Facilities shall be painted or reasonably screened to match as closely as possible the color and texture of the Existing Structure or pole on which it is mounted.
3. Applicants shall have the right to place Small Wireless Facilities on Existing Structures, including but not limited to, base stations, buildings, water tanks, transmission towers, poles, light poles, traffic signals, signs, or similar structures to which Small Wireless Facilities can be attached.
4. Monopole or Replacement Pole in Public Rights-of-Way. A Monopole or Replacement poles that will support a Small Wireless Facility shall be permitted within utility easements or Public Rights-of-Way, in accordance with requirements of this Section.
 - a. Small Wireless Facility located within utility easements or public rights-of-way are exempted from setback requirements.
 - b. The easement or public right-of-way may also contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.
 - c. The height of the Monopole or Replacement pole may not exceed by more than thirty (30) feet the height of the tallest existing utility Support Structures.

- d. Monopoles and the accessory equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.
 - e. Single carrier Monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by Subsection (c) above.
 - f. Small Wireless Facilities that use the structure of a utility tower for support are permitted under this Section. Such poles may extend up to twenty (20) feet above the height of the utility tower.
5. Monopoles or Replacement poles located on public property or within public rights-of-way that will support public facilities or equipment in addition to Small Wireless Facilities shall be permitted in accordance with requirements of this Section. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, street lights, and other types of utility poles in the public right-of-way.
 6. Applications for all Small Wireless Facilities, DAS and other similar networks shall be reviewed administratively and received administrative approval by the Zoning Administrator in accordance with Section 11-24-3(B), Approval Process.
 7. Small Wireless Facilities, DAS and other similar networks shall be allowed in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this Ordinance.
- G. Amateur Radio Towers: Amateur radio towers, as defined in this chapter, shall comply with the following standards:
1. Amateur radio towers, including support structures, shall not exceed fifty feet (50') in height as a permitted use. Towers and/or support structures exceeding fifty feet (50') in height shall obtain approval of a conditional use permit.
 2. Amateur radio towers shall not be placed within any front setback area and must be located on a site so as to provide a minimum distance equal to seventy percent (70%) of the height of the tower from all property lines. The minimum distance required by this paragraph shall be measured from the base of the amateur radio tower to all abutting property lines. Guywires must be anchored within the applicant's property boundary.
 3. No signals or illumination shall be permitted on any amateur radio tower unless required by the federal, state law or local ordinance. Should lighting be required by federal, state or local law or ordinance, the lighting shall be placed on the amateur radio tower and designed in such a way as to minimize the glare on adjacent residential and nonresidential properties.
 4. No signs shall be permitted on amateur radio towers with the exception of signs required by FCC regulations or signs containing warning or safety instructions. Signs are limited to four (4) square feet in size and commercial advertising is expressly prohibited.

Stealth Facilities	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Not Permitted
Small Wireless Facilities or DAS (including Monopole for attachment)	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Permitted Use	Permitted Use

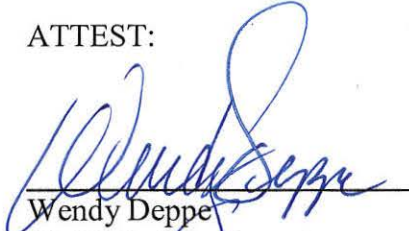
APPROVED, ADOPTED AND PASSED and ordered published by the Bluffdale City Council, this 12th day of April 2017.

CITY OF BLUFFDALE



Mayor

ATTEST:



Wendy Deppe
Bluffdale City Recorder



Council Members Voting:

	AYE	NAY
Alan Jackson	<u> X </u>	_____
Ty Nielsen	<u> X </u>	_____
Boyd Preece	<u> X </u>	_____
Justin Westwood	<u> X </u>	_____
James Wingate	<u> X </u>	_____

Wendy Deppe

From: Rob Rollins <rob@sterlingcodifiers.com>
Sent: Tuesday, May 16, 2017 9:00 AM
To: Wendy Deppe
Subject: ordinance question

Below are questions we had on some of your ords and the planning department's responses.

Since they are authorizing us to make some changes, I recommend you attach a copy of this email to your official copy of the ord.

Thanks -

Rob
rob@sterlingcodifiers.com
208-665-7193

From: Caitlyn Miller [mailto:Cmiller@bluffdale.com]
Sent: Tuesday, May 16, 2017 7:46 AM
To: rob@sterlingcodifiers.com
Cc: Grant Crowell <gcrowell@bluffdale.com>
Subject: RE: ordinance question

Good morning Rob,

Thank you for your questions. Please let me know if anything else comes up.

Ord 2017-03 page 11 section 11-24-5 charts --- we see that in a number of places what was conditional was changed to permitted ---however starting on page 6 section 11-24-4 the uses were not changed to match the chart. For example in wall mounted antenna, in section 11-24-4 it shows it as conditional for ag and commercial, however in the chart on page 11 (section 11-24-5) it was changed to permitted – this happens to all of the types of structures in this ord. Can you confirm that the chart on page 11 is correct? If so, we would recommend removing language in 11-24-4 listing out the different districts and replacing that with simply "...see section 11-24-5..." that way this issue won't arise in the future. Please advise.

I think your recommendation to remove the language in the 11-24-4 subsections and instead directing readers to the chart is the best course of action.

Same ord page 7 subsection 11-24-4D – the first sentence was changed from "greater than two feet in width" to "two feet or greater in width" – makes sense, however in all the remaining places in D, it wasn't changed. We will change to be consistent and it makes better sense.

Perfect, thank you.

Same ord page 8 subsection 11-24-4D7 – this sentence struck out and added some language – no problem. This exact same wording is found on the next page at E7, however it was not changed. Not sure if it was intentional or oversight. We will go per ord, just wanted to bring to your attention.

I believe that was oversight. Since the stealth facilities are now either permitted/not permitted they will be reviewed by the Zoning Administrator. Since the Planning Commission wouldn't really have any

hand in the approval of these structures I think it would be best to change the language in E7 to reflect that in D7.

Same ord page 10 subsection 11-24-4G deals with amateur radio --- we have no problem with this subsection --- however in ord 2015-03 which originally created this subsection, it also created a chart that was placed in 11-24-6 of your code stating if these uses are permitted or conditional. That chart was not listed in this new ord --- so technically we need to remove the chart from the code, however pretty sure that was not your intent. Please advise.

Sorry, I hadn't noticed that was struck out. At the hearing before the City Council when this ordinance was first reviewed the Council expressed continued support for amateur radio towers, so I think the best thing to do would be to leave the amateur radio tower chart in the ordinance.

One more comment on ord 2017-03 page 11 section 11-24-4G6 --- below is a screen shot of how it currently reads in the code book. In this new ord, the highlighted info is missing. I don't think it was your intent to omit -- or if it was, then something else needs to be put in its places as the sentence doesn't make sense. Please advise.

6 The application for a permit shall be submitted on a form designated by the zoning administrator and at a minimum shall include the following information: a) a complete plot plan containing a drawing showing the property boundaries, tower, guywires, and other apparatus, fences, and existing land uses surrounding the site, and b) a statement as to the height of the proposed amateur radio tower.

You're right, it wasn't our intent to omit that. Please leave it as the current ordinance shows.

Caitlyn Miller
Associate Planner
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