

CITY OF BLUFFDALE, UTAH

ORDINANCE NO. 2015-03

AN ORDINANCE AMENDING SECTION 11-24 OF THE BLUFFDALE CITY CODE TO REVISE STANDARDS FOR AMATEUR RADIO TOWERS AND SUPPORT STRUCTURES.

WHEREAS the City of Bluffdale Land Use Ordinance sets forth lots standards for low power towers and cellular towers;

WHEREAS the existing regulations do not permit amateur radio towers in various zones throughout the City;

WHEREAS the proposed ordinance will facilitate emergency communications and radio hobbyists; and

WHEREAS the proposed text 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.

APPROVED, ADOPTED AND PASSED and ordered published by the Bluffdale City Council, this 22nd day of April, 2015.

CITY OF BLUFFDALE



Mayor

ATTEST:

[SEAL]

Wendy Deppe
Wendy Deppe
Bluffdale City Recorder



Council members

Voting:

	AYE	NAY
Alan Jackson	X	_____
Bruce Kartchner	X	_____
Ty Nielsen	X	_____
Heather Pehrson	X	_____
Justin Westwood	X	_____

Exhibit A – Amateur Radio Tower Text Changes

Chapter 24 CELLULAR AND LOW POWER TOWERS

11-24-1: PURPOSE AND GENERAL PROVISIONS:

11-24-2: DEFINITIONS:

11-24-3: APPROVAL PROCESS:

11-24-4: TYPES OF STRUCTURES:

11-24-5: LOCATION AND CRITERIA FOR CONDITIONAL USE:

11-24-6: CHART:

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.

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. 10-24-00-1, 10-24-2000)

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 by the board of adjustment 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.

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: 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.

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. 10-24-00-1, 10-24-2000)

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 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. Administrative Approval: If the proposed tower is a permitted use in the zone, the application may be approved administratively by staff. The staff may require the applicant for installation of any tower to obtain approval by the city council if deemed necessary. 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. (Ord. 10-24-00-1, 10-24-2000)

D. Appeal: Any interested party, including the applicant, may appeal the action of the planning commission pursuant to the appeal of conditional use permit procedures contained in section [11-20-6](#) of this title. (Ord. 10-24-00-1, 10-24-2000; amd. 2013 Code)

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. Standards for installation and construction of each type of structure are listed below: (Ord. 10-24-00-1, 10-24-2000; amd. 2013 Code)

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](#), "Chart", 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 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](#), "Chart", 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 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](#), "Chart", 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: 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](#), "Chart", 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.
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, 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. (Ord. 10-24-00-1, 10-24-2000)

E. Amateur radio towers, as defined in this chapter, shall comply with the following standards:

1. Amateur radio towers, including support structures, shall not exceed 50 feet in height as a permitted use. Towers and/or support structures exceeding 50 feet 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 70 percent 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. Guy wires 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 square feet in size and commercial advertising is expressly prohibited.
5. Every amateur radio tower shall be protected from trespassers in order to discourage the climbing of the tower by unauthorized persons.
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: (i) a complete plot plan containing a drawing showing the property boundaries, tower, guy wires, and other apparatus, fences, and existing land uses surrounding the site, (ii) a statement as to the height of the proposed amateur radio tower;

7. All amateur radio towers and support structures shall conform to all adopted building codes.

11-24-5: ~~LOCATION AND CRITERIA FOR CONDITIONAL USE~~ ADDITIONAL

CRITERIA:  

The city strongly supports the placement of facilities on existing structures and collocation of two (2) or more towers. The staff, planning commission and city council may use the following criteria for determining necessary conditions to ensure that:

- A. The proposed facility is compatible with the height and mass of existing buildings and utility structures.
- B. Collocation of antennas or other structures is possible without significantly altering the existing facility.
- C. The facility blends with existing vegetation, topography and buildings, including color and screening.
- D. Location of a facility will not create a detrimental impact to adjoining property owners.
- E. Sufficient guarantees for removal of a vacated facility are in place. (Ord. 10-24-00-1, 10-24-2000)

11-24-6: ~~CHART CHARTS:~~ CHARTS:  

The chart below indicates where low power radio communication towers, facilities and antennas may be located in the city and what type of approval is required:

Type Of Facility	Residential Zones	Commercial Zones	Industrial Zones	Agricultural Zones	City Owned Property
Lattice tower	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Monopole tower	Not permitted	Conditional use	Permitted use	Conditional use	Permitted use

Roof mounted facility	Not permitted	Conditional use	Conditional use	Not permitted	Permitted use
Wall mounted facility	Not permitted	Conditional use	Permitted use	Conditional use	Permitted use
Mounted on existing structure	Permitted use	Permitted use	Permitted use	Permitted use	Permitted use

The chart below indicates where amateur radio communication towers, facilities and antennas may be located in the city and what type of approval is required:

<u>Type Of Facility</u>	<u>Residential Zones</u>	<u>Commercial Zones</u>	<u>Industrial Zones</u>	<u>Agricultural Zones</u>	<u>City Owned Property</u>
<u>Amateur radio tower, up to 50 feet in height</u>	<u>Permitted use</u>	<u>Permitted use</u>	<u>Permitted use</u>	<u>Permitted use</u>	<u>Permitted use</u>
<u>Amateur radio tower, over 50 feet in height</u>	<u>Conditional use</u>	<u>Conditional use</u>	<u>Conditional use</u>	<u>Conditional use</u>	<u>Conditional use</u>

_(Ord. 10-24-00-1, 10-24-2000; amd. 2013 Code)