

Ordinance No. 02-47

AN ORDINANCE AMENDING SECTION 15-4-14 OF THE LAND MANAGEMENT CODE, THE TELECOMMUNICATIONS ORDINANCE

WHEREAS, a land management code has been adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents of Park City; and

WHEREAS, it is in the best interest of the community to develop standards so that there is consistent criteria for review of telecommunications applications and the community has clear notice of the Telecommunications Ordinance standards; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to preserve the historic and resort nature of Park City, to safeguard and enhance property values, and to supplement existing zoning regulations; and

WHEREAS, the Planning Staff has considered standards in other resort communities and input from the Planning Commission and business community in recommending these changes to the Telecommunications Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah, that:

SECTION 1. AMENDMENT TO SECTION 15-4-14 OF THE PARK CITY MUNICIPAL CODE The language in Section 15-4-14(Q) of the Land Management Code is hereby eliminated:

~~(Q) **Olympic Telecommunications Facilities.** The regulations contained in this Subsection shall govern the use, installation, maintenance, and removal of temporary Telecommunications Facilities associated with the 2002 Olympic Winter Games. All applications for temporary Telecommunications Facilities not associated with the 2002 Olympic Winter Games shall be governed by Subsection 8.30(e).~~

~~1. **Purpose.** Park City recognizes that due to the influx of organizers, sponsors, competitors, and visitors associated with the 2002 Olympic Winter Games, Telecommunications companies require the use of temporary Telecommunications Facilities to meet increased demand. Park City also recognizes that the demand for increased coverage, as well as necessary set-up and take-down time, far exceeds the permitted time limit for temporary Telecommunications Facilities as described in Subsection 8.30(e). The purpose of this Subsection is to accommodate the unique increase in demand for Telecommunications associated with the 2002 Winter Olympic Games for a reasonable period of time, and to ensure that such temporary Telecommunications Facilities are compatible~~

with the unique characteristics of each zoning district of Park City. This Subsection further intends to ensure that any adverse impacts on community quality and safety are temporary and mitigated to the greatest extent possible.

2. **Definitions.** As used in this section, the following terms shall be defined as follows:

- a. "Cell on Wheels," or "COW" means a mobile temporary Telecommunications Facility which is located on a trailer.
- b. "City Park" means the City Park located at 1354 Park Avenue.
- c. "Olympic Telecommunications Facility" means a temporary Telecommunications Facilities associated with the 2002 Winter Olympic Games.

3. **Submittal Requirements.** A complete application for an Olympic Telecommunications Facility shall include all requirements as stated within the Olympic Telecommunications Facility Application available in the Community Development Department, as well as the following:

- a. Each applicant shall present documentary evidence regarding the need for additional capacity within the City. This information shall identify the applicant's existing Telecommunications Facilities and coverage areas to demonstrate the need for the proposed Telecommunications Facility within the City; and
- b. A visual impact study, graphically simulating through models, computer enhanced graphics or similar techniques, the appearance of any proposed Telecommunications Facility and indicating its view from at least five locations around and within one mile of the proposed Telecommunications Facility will be most visible.

4. **Administrative Review.** All applications for Olympic Telecommunications Facilities shall be administratively reviewed and either approved or denied by Community Development Staff, subject to the criteria provided below. At the applicant's option, any application that is denied for noncompliance with the administrative review criteria may be reviewed by the Planning Commission pursuant to the Land Management Code Section 8.30.

5. **Administrative Review Criteria.** The intent of these criteria is to locate Olympic Telecommunications Facilities where they are least visible from public streets, public areas, and designated view corridors, and to the greatest extent possible, provide screening from adjacent property owners:

- a. Rights of Way. No Olympic Telecommunications Facility shall be

located wholly or in part within any right of way, either public or private. No Olympic Telecommunications Facility shall be located in a manner that impedes vehicular, pedestrian, or other traffic in any way.

- _____ b. Setbacks. Olympic Telecommunications Facilities shall comply with the setbacks of the underlying zone as stated in the Land Management Code. Olympic Telecommunications Facilities shall comply with the setbacks for main structures and shall not be determined accessory structures.
- _____ c. Height. Olympic Telecommunications Facilities shall comply with the base height requirements, as stated in Title 15 of the Land Management Code, for the zone in which it is placed. The height shall be measured from the grade or roof beneath to the top of the Antenna or mounting hardware, whichever is higher. The following exemptions shall apply:

 - _____ i. Antenna, placed on a flat roof, may extend up to ten (10) feet above the existing structure, provided that the Antenna setback from the edge of the roof is a minimum distance equal to or greater than the height of the Antenna.
 - _____ ii. Roof Mounted Antenna, placed on a pitched roof, shall not extend up to five (5) feet above the existing structure.
 - _____ iii. Freestanding Antenna may exceed up to 30% of the base height of the zone when a majority of the facility and support structure is not visible from the right-of-ways by either existing vegetation or by the surrounding structures.
- _____ d. Design.

 - _____ i. Mechanical Equipment located outside of an existing building shall be secure and screened to prevent tampering. In cases where the Mechanical Equipment is visible from the right-of-ways or is adjacent to a pedestrian walkway, the equipment must be screened by a wood fence, or other appropriate material.
 - _____ ii. Antenna and associated equipment placed on existing structures shall incorporate materials and colors present in the context of the surrounding area.
- _____ e. Site Circulation. The location of the Temporary Facility shall not impede the traffic and/or pedestrian circulation of the site. The location of the Olympic Telecommunications Facility shall not cause the removal of any existing parking spaces, nor compromise parking, trash containers, deliveries or emergency access to adjacent structures or uses.

- ~~f. **Site Disturbance.** The Olympic Telecommunications Facility shall leave no lasting impacts on access to the site nor on the site where the facility was located, such as removal or disturbance of vegetation or soil. Upon removal of the Olympic Telecommunications Facility, the applicant shall return the site to its natural and/or original condition on the date of infrastructure permit approval.~~
- ~~g. **Zoning Restrictions.**~~

 - ~~i. Olympic Telecommunications Facilities in the HRC, HGB, HRL, HR-1, HR-2, HRM, E-40, E, SF, R-1, RM, Frontage Protection Zone, and POS zones are required to be reviewed pursuant to Section 8.30(F) of the Land Management Code. Olympic Telecommunications Facility are additionally to be reviewed pursuant to Section 8.30(F) of the Land Management Code in the ROS zone, except for the south end of City Park.~~
 - ~~ii. Olympic Telecommunications Facilities are permitted to be reviewed pursuant to Section 8.30(Q) within the RDM, GC, LI, RD and RC zones.~~
- ~~h. **Signs.** No signs may be attached to or associated with Olympic Telecommunications Facility except those relating to the health and safety of the general public.~~
- ~~6. **Exemptions.** Those Olympic Telecommunications Facilities located within the Olympic Venue areas at Deer Valley Resort and Park City Mountain Resort, which have received approval from the Salt Lake Organizing Committee (SLOC) regarding location within the venue fence, are permitted.~~
- ~~7. **Permits.** Approved Olympic Telecommunications Facility will receive three permits from the Community Development Department~~

 - ~~a. **Conditional Use Permit.**~~
 - ~~b. **Infrastructure Permit.** The infrastructure plan for the site shall be reviewed and approved or denied through an Engineering Department Permit prior to installation. Infrastructure permits shall specify a date not earlier than _____ upon which the applicant may begin infrastructure construction. This permit shall be separate and distinct from the Building Permit for the installation of the Antenna, Equipment Shelter, and any other non-infrastructure related components of the Olympic Telecommunications Facility~~
 - ~~c. **Antenna Installation Permit.** No Antenna, Equipment Shelter, or any other non-infrastructure related components of the Olympic~~

Telecommunications Facility shall be installed without first receiving approval of a Building Permit. No antenna installation permit for Olympic Telecommunications Facilities shall be granted prior to October 1, 2001.

8. **Olympic Telecommunications Facility Removal.** All conditional use permits for Olympic Telecommunications Facilities shall specify a date upon which the applicant must complete removal of the Olympic Telecommunications Facility, including infrastructure. The Community Development Department shall determine the removal date taking into consideration the location of the site and any possible environmental factors effecting the removal process. Removal of the Olympic Telecommunications Facility shall include returning the site to its natural and/or original condition at the date of infrastructure permit approval. The applicant shall be solely responsible for the removal of Olympic Telecommunications Facility by the date specified in the CUP. If such facility is not removed by the property owner, then the City may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the facility, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 17th day of October, 2001.

PARK CITY MUNICIPAL CORPORATION


Mayor Dana Williams

Attest:


Janet M. Scott, City Recorder

Approved as to form:


Mark D. Harrington, City Attorney

