

ORDINANCE NO. 2009-11

ORDINANCE AMENDING THE SOUTH JORDAN MUNICIPAL CODE; TITLE 17, SECTIONS 17.112, PERTAINING TO WIRELESS COMMUNICATIONS FACILITIES.

WHEREAS, the South Jordan City Council has previously adopted Chapter 112 Title 17 of the South Jordan City Municipal Code, which authorizes the regulation of wireless communication facilities in the City zones; and

WHEREAS, the South Jordan Planning Commission, after holding a public hearing, has reviewed the proposed text amendment to Section 17.112; and

WHEREAS, the City Council has held a public hearing and has reviewed the proposed amendment and considered the recommendation of the Planning Commission regarding the proposed amendment; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed amendment will or may have on existing or future development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed amendment meets the purposes and objectives of the Development Code and the Planning and Land Use Code; and

WHEREAS, the City Council desires to amend the Planning and Land Use Code as proposed; and

WHEREAS, the City Council has found and determined that the proposed amendment to Section 17.112 of the South Jordan Municipal Code will support the best interests of the City and will promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Chapter 17.112 of Title 17, "Zoning Code", of the South Jordan Municipal Code is hereby amended as follows:

Chapter 17.112

WIRELESS COMMUNICATIONS FACILITIES

17.112.010: PURPOSE:

The purpose of this chapter is to establish minimum guidelines for the location and design of low power, wireless communications equipment in the city. Such equipment may include, but is not limited to, cellular telephone, PCS, paging and microwave systems and associated antennas, dishes, mounting structures and related equipment. It is the intent of this chapter that all efforts be made to mitigate the possible visual, audible and health effects of wireless communications equipment in the city. (Ord. 2007-02, 1-16-2007)

17.112.020: CONSUMER EQUIPMENT:

This section shall apply to consumer owned or operated wireless communications antennas and dishes related to HAM radio, TV, two-way radio or other communications systems owned or operated by private individuals or groups for noncommercial purposes. Consumer communications antennas which do not exceed a total overall height of forty five feet (45') or satellite dishes not exceeding three feet (3') in diameter are permitted in all zones as provided below. Other consumer communications equipment which does not meet the requirements of this section may be allowed with a conditional use permit.

- A. No related equipment may be installed in public view.
- B. No nuisance or hazard may be created.
- C. No more than one antenna and dish per dwelling unit or main building may be installed.
- D. Antennas shall be enclosed in a building or other structure such as a steeple or other architectural structure. If technological or logistical justification would preclude the enclosure of the antenna or dish, the antennas or dish may be placed on the building or property in the least conspicuous location possible as viewed from a public street.
- E. The antennas or dishes do not create visual clutter or negatively impact the aesthetics of buildings and uses. (Ord. 2007-02, 1-16-2007)

17.112.030: COMMERCIAL EQUIPMENT:

This section shall apply to commercial or business use wireless communications antennas, dishes and associated equipment. TV and radio broadcasting towers are not permitted in the city and this chapter does not govern such facilities.

- A. Commercial communications equipment may be located in a residential or agricultural zone with a conditional use permit as follows:

1. Installation may be considered only on public property or in conjunction with a public or quasi-public use such as a school, church, public park or government building.

2. ~~Antennas, dishes, supports and related equipment shall be mounted inside a **completely enclosed** building, or **made stealth within a** steeple, flag pole, **utility pole**, or other structure unless adequate justification for wall or roof mounting can be provided. Antennas, dishes, supports and related equipment which cannot, because of technological reasons, be enclosed or wall, ground or roof mounted, or mounted on an existing utility or light pole may be installed on a maximum one hundred foot (100') tall freestanding monopole. (Ord. 2007-02, 1-16-2007)~~

2. 3. Wireless communication providers may locate commercial ground equipment, (not antennas or monopoles of any type), on private property within residential and agricultural zones with the approval of the Planning Commission, only after all efforts have been exhausted to first attempt to locate their equipment on public property.

B. Commercial communications equipment may be located in any nonresidential or nonagricultural zone with a conditional use permit as follows:

1. Installation may be considered only on property which has been developed for commercial, office or industrial use or in conjunction with a public or quasi-public use such as a school, church, public park or government building.

2. ~~Antennas, dishes, supports and related equipment shall be mounted inside a **completely enclosed** building, or **made stealth within a** steeple, flag pole, **light pole, power pole, telephone pole or other similar utility pole**, or other structure unless adequate justification for wall or roof mounting can be provided. Antennas, dishes, supports and related equipment which cannot, because of technological reasons, be enclosed or wall, ground or roof mounted, or mounted on an existing utility or light pole may be installed on a maximum one hundred foot (100') tall freestanding monopole. (Ord. 2007-02, 1-16-2007)~~

C. Antennas, dishes, supports and related equipment shall be mounted inside a **completely enclosed** decorative masonry building, or **made stealth within** a steeple, flag pole, **utility pole**, or other **stealth** structure unless adequate justification for wall or roof mounting can be provided. Antennas, dishes, supports and related equipment which cannot, because of technological reasons, be enclosed or wall **mounted**, ground or roof mounted, or mounted on or within an existing utility or light pole **or enclosed within a stealth structure**, may be installed on a maximum one hundred foot (100') tall freestanding monopole. (Ord. 2007-02, 1-16-2007)

- D. All ground equipment associated with commercial antennas shall be placed within a below grade vault or completely enclosed and screened from view within a solid decorative masonry building with trees, landscaped berms, and/or other landscaping materials. A six foot (6') solid decorative masonry wall or other suitable fence as may be appropriate, may also be required as determined by the Planning Commission. Ground equipment buildings shall not exceed 750 square feet in area nor twelve (12) feet in height and shall be secured with a lock. Expansion of the original ground equipment, site area, or enclosures shall require a conditional use permit.**

17.112.040: FREE STANDING STRUCTURES:

The following standards shall apply to the design, installation and maintenance of commercial antennas and related equipment on free standing stealth structures in order to allow further opportunities for wireless communication providers and at the same time maintaining compatibility and/or enhancing the aesthetic design of adjacent land uses:

- A. Free standing structures shall be defined as any structure, pole, or tower, less than forty five feet (45') in height, and is used for the purpose of facilitating antennas, dishes, or other communication equipment.**
- B. All commercial telecommunication equipment attached to a free standing structure or pole shall be camouflaged and incorporated as part the architecture of the structure.**
- C. Antennas may be located within the public right of way in conjunction with existing utility poles, such as light poles, power poles, and telephone poles, etc. however, all antennas shall be internally mounted within the pole or completely screened from view with a decorative cover.**
- D. Existing utility poles may be modified or replaced in order to accommodate antennas, however new or modified poles shall not be enlarged more than one and a half times the diameter nor increased more than ten feet (10') higher than the original utility pole. No part of the antenna shall extend above the height of the original or modified pole.**
- E. Antennas may be located within a residential and agriculture zone only in conjunction with public or quasi-publicly used property, or within commercial and office zones at a maximum of forty five feet (45') if the antennas and related equipment are placed within a stealth structure that is architecturally designed and functions in harmony with the surrounding environment. Examples of a stealth structure are, but not**

limited to; flag poles, field lights, clock towers, bell towers, water towers, windmills, monuments, etc.

- F. Stealth structures, utility poles, and other related equipment enclosures, may be required to be reviewed by the city's architecture review committee, as recommended by staff, prior to planning commission approval.

17.112.050: ROOF AND WALL MOUNTED COMMERCIAL COMMUNICATION EQUIPMENT:

The following standards shall govern the installation and use of antennas, dishes or other related commercial communications equipment mounted to roofs or walls of commercial, office, industrial, or residential buildings exceeding 45' in height:

- A. The minimum setback for roof mounted commercial antennas, dishes, and other related telecommunication equipment shall be ten feet (10') from the roof edge. Commercial antennas, dishes, or related equipment may exceed five feet (5') in height if the setback is increased by two feet (2') for each foot of height, of antennas, dishes or equipment, which is in excess of five feet (5'). Roof mounted commercial antennas, dishes and equipment shall not exceed ten feet (10') in total height above the surface of the roof to which it is mounted, or the top of the lowest parapet wall or other building architectural component(s) on the same roof surface.
- B. Wall mounted antennas shall not extend more than eighteen inches (18") from the wall surface of the building to which they are mounted to. All antennas shall be made stealth so as to be incorporated as part of the buildings architecture.
- C. All ground equipment associated with a building mounted commercial antennas, dishes, or other related equipment, shall be placed in a below grade vault or completely enclosed and screened from view within a solid decorative masonry building with trees, landscaped berms, and/or other landscaping materials. A six foot (6') solid decorative masonry wall or other suitable fence as may be appropriate, may also be required as determined by the Planning Commission. Ground equipment buildings shall not exceed 750 square feet in area nor twelve (12) feet in height and shall be secured with a lock. Expansion of the original ground equipment, site area, or enclosures shall require a conditional use permit.

17.112.040 060: MONOPOLES:

The following standards shall govern the installation and use of monopoles with communications equipment:

- A. Monopoles shall be defined as any free standing pole or tower, taller than forty five feet (45’), which is used for the purpose of facilitating communication equipment.**
- B. ~~A.~~ Only maximum one hundred foot (100') monopoles may be used for freestanding installations of communications equipment and only after adequate technological justification is provided for said installations. Monopoles shall not exceed the height necessary to meet the technological requirements of the installation. Lattice or guyed structures are not permitted.**
- C. ~~B.~~ Monopoles shall be located only in rear yard areas and in areas least intrusive on the public view and neighboring uses.**
- D. ~~C.~~ A minimum one mile distance is required between monopoles unless adequate technological justification for a lesser distance can be provided.**
- E. ~~D.~~ Monopoles may not be located closer than one hundred fifty feet (150') from any street **right of way.** ~~or residence two hundred fifty feet (250') from a residential property line.~~**
- F. Monopole height and distance from a residential property line shall be governed by the following table:**

Monopole Height	Distance from Residential Property Line
> 45 feet	200 feet
> 60 feet	225 feet
≥ 70 feet	250 feet
> 80 feet	275 feet
≥ 90 feet	300 feet
> 100 feet	325 feet

- G. ~~E.~~ Only the initial installation of the monopole or other support structure shall require a conditional use permit; provided that collocators meet all conditions of the original approval and all requirements of this chapter.**
- H. ~~F.~~ Monopoles and related antennas and equipment shall have non-reflective galvanized or powder coated surfaces with unobtrusive colors.**
- I. External pole mounted antennas shall be flush mounted to the pole, projecting no more than eighteen inches (18”) away from the side of the pole to which the antennas are attached to.**
- J. The Planning Commission may require that the monopole, antennas and other pole mounted equipment be further made stealth based upon proposed location and height. ~~all monopole antennas shall be stealth as determined by the Planning Commission.~~ (i.e. internal mounted antennas, light poles, flag poles, windmills, water towers, ball field lights, bell towers, clock towers, etc.)**

- K. ~~G.~~ All ground equipment associated with a freestanding monopole shall be placed in a below grade vault or completely enclosed and screened from view within a solid decorative masonry building with ~~a fence~~ trees, landscaped berms, and/or other landscaping materials. A six foot (6') decorative masonry wall or other suitable fence as may be appropriate, may also be required as determined by the Planning Commission. ~~building constructed of solid decorative masonry materials which are compatible with neighboring buildings. Trees may be required for additional screening.~~ Ground equipment buildings shall not exceed 750 square feet in area nor twelve (12) feet in height and shall be secured with a lock. Expansion of the original ground equipment, site area, or enclosures shall require a conditional use permit. ~~A below grade vault for equipment may be required where the site and situation would suggest such.~~ (Ord. 2007-02, 1-16-2007)

17.112.050 070: INSTALLATION STANDARDS:

The following standards shall apply to the design, installation and maintenance of commercial wireless communications equipment:

- A. All antennas, dishes and related supports, wiring and equipment associated with a wall, ground or roof installation shall be hidden from view with architectural walls or roofs or, if a visible exterior installation can be justified, **then all antennas are to be incorporated as part of the buildings architecture with** colored or painted materials that to match or complement the building or structure to which they are attached.
- B. If roof or wall mounted antennas, dishes and equipment cannot be enclosed or hidden, it shall be located at a point on the roof, ground or wall which is least conspicuous as viewed from a public street. Antennas, dishes or equipment may not be placed on a pitched roof.
- C. Exterior antennas shall be flush mounted on a wall or pole to which they are to be attached unless adequate technological justification can be provided which would make extensions necessary.
- D. All antennas, dishes, poles, supports, wiring and hardware and the buildings or walls to which they are attached shall be maintained in good condition.
- E. Collocation of communications equipment by multiple carriers is required unless adequate technological justification to the contrary can be provided.
- F. Exposed roof mounted antennas, dishes and equipment, if justified, **shall be stealth or camouflaged as part of the buildings architecture. Exposed roof mounted antennas, dishes and equipment** may not exceed a height reasonably required for effective use but in no case shall a roof mounted antennas exceed ~~twenty feet (20')~~ **ten feet (10') in total height above the surface of the roof to which it is mounted, or the top of the lowest**

parapet wall or other building architectural component(s) on the same roof surface, without adequate technological justification.

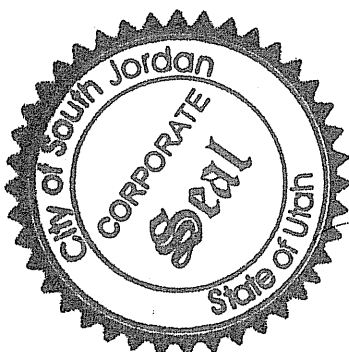
- G. A building permit shall be required for installation of monopoles and any other communications equipment as determined by the city building official.
- H. The city may require that the owner or operator of abandoned or obsolete communications equipment or that the owner of property on which abandoned or obsolete equipment is located remove said equipment. (Ord. 2007-02, 1-16-2007) **The City may require the owner of a facility to establish a \$10,000 cash security fund or provide the City with an irrevocable letter of credit in the same amount to secure the cost of removing communication equipment.**
- I. **No commercial messages nor any other signs beyond safety warnings and an identification sign of not greater than six (6) square feet shall be placed on any tower or facility.**
- J. **Technological justification, when requested, shall be provided by an independent third party wireless communication engineering firm selected by the City and paid for by the applicant.**

Section 13. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 14. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, ON THIS 4th DAY OF August, 2009 BY THE FOLLOWING VOTE.

	YES	NO	ABSTAIN	ABSENT
Brian Butters	<u>X</u>	___	___	___
Kathie L. Johnson	<u>X</u>	___	___	___
Larry Short	<u>X</u>	___	___	___
Aleta A. Taylor	___	<u>X</u>	___	___
Leona Winger	___	___	___	<u>X</u>



W. Kent Money
 W. Kent Money, Mayor

ATTEST: *Anna M. West*
 Anna M. West, City Recorder