

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SECTION 17.112 OF THE SOUTH JORDAN CITY MUNICIPAL CODE TO MODIFY THE REGULATIONS FOR WIRELESS COMMUNICATION FACILITIES.

WHEREAS, Utah Code § 10-9a-102 grants the City Council of the City of South Jordan (the “City Council”) authority to enact ordinances that it considers necessary or appropriate for the use and development of land in the City of South Jordan (the “City”), including the City’s aesthetics; and

WHEREAS, the City Council has adopted Title 17 of the City of South Jordan Municipal Code (“City Code”); and

WHEREAS, the City Council desires to amend City Code § 17.112 of Title 17 to modify the regulations for wireless communication facilities; and

WHEREAS, the South Jordan Planning Commission held a public hearing, and reviewed and made a recommendation concerning the subject text amendment; and

WHEREAS, the City Council held a public hearing and reviewed the subject text amendment; and

WHEREAS, the City Council finds that the subject text amendment will enhance the public health, safety and welfare, and will promote the goals of the General Plan.

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

SECTION 1. Amendment. City Code § 17.112 is amended as shown in **Exhibit A** to this Ordinance.

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, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 19 DAY OF May, 2020 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	<u>X</u>	_____	_____	_____
Bradley Marlor	<u>X</u>	_____	_____	_____
Donald Shelton	<u>X</u>	_____	_____	_____
Tamara Zander	<u>X</u>	_____	_____	_____
Jason McGuire	<u>X</u>	_____	_____	_____

Mayor: *Dawn R Ramsey*
 Dawn R. Ramsey

Attest: *Anna Crookston*
 City Recorder

Approved as to form:

R. W. Loose
 Ryan W. Loose (May 14, 2020 12:46 MDT)

Office of the City Attorney



Exhibit A

(Deletions in ~~strikethrough~~ new language in **bold underline**)

Chapter 17.112

WIRELESS COMMUNICATIONS FACILITIES

17.112.010: PURPOSE:

17.112.020: DEFINITIONS:

17.112.02030: CONSUMER TRANSMISSION EQUIPMENT:

17.112.03040: COMMERCIAL TRANSMISSION EQUIPMENT:

17.112.04050: FREESTANDING STRUCTURES:

17.112.05060: ROOF AND WALL MOUNTED COMMERCIAL

TRANSMISSION COMMUNICATION EQUIPMENT:

17.112.06070: MONOPOLES:

17.112.070: INSTALLATION STANDARDS:

17.112.080: ELIGIBLE FACILITIES REQUEST:

17.112.080.010: PURPOSE:

17.112.080.020: APPLICABILITY:

17.112.080.030: APPLICATION:

17.112.080.040: REVIEW AND APPROVAL OF APPLICATION:

17.112.010: PURPOSE:

The purpose of this eChapter is to ~~establish minimum guidelines for~~ **reasonably regulate, to the extent permitted by Utah and federal law,** the location, **installation, operation, collocation, modification** and design of low power, wireless communications **facilities, sites, and transmission** equipment in the eCity. ~~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 eChapter that all efforts be made to mitigate the possible visual, **and** audible **and health** effects of wireless communications **facilities, sites, support structures, and transmission** equipment in the eCity. **This Chapter does not intend to and shall not be interpreted or applied to conflict with any applicable Utah or federal law.**

This Chapter does not regulate small wireless facilities. Small wireless facilities are regulated in Title 5 of this Code.

17.112.020: DEFINITIONS:

For purposes of this Chapter, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this Section, unless the context clearly indicates that another meaning is intended. Words defined in 47 C.F.R. § 1.6100, as amended, and Chapter 17.08 of this Code are incorporated herein by reference. Words used in the present tense include the future tense, words in the single number include the plural number, and words in the plural number include the singular. The words “shall” and “will” are mandatory, and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

ANTENNA: A transmission equipment apparatus designed for the purpose of emitting or receiving radiofrequency (RF) radiation, to be operated or operating from a fixed location. Examples include but are not limited to panel antennas, directional antennas, and whip (omni-directional) antennas.

CAMOUFLAGE: Installation methods that minimize the visual impact of transmission equipment by disguising, screening or blending into the surrounding environment and supporting structure in form, color, and overall cohesiveness.

CONSUMER TRANSMISSION EQUIPMENT: Consumer owned and operated transmission equipment.

COMMERCIAL TRANSMISSION EQUIPMENT: Commercial or business use transmission equipment.

EFR: Eligible facilities request.

FCC: The Federal Communications Commission, or any successor thereto.

FREESTANDING STRUCTURE: Any freestanding pole, tower, or stealth structure that is located outside of the right-of-way, that is fifty feet (50') or less in height, and that is used for the purpose of facilitating commercial antennas or any other commercial transmission equipment.

GROUND EQUIPMENT: Any commercial transmission equipment that is not mounted on or in a freestanding structure, monopole, roof, or wall in accordance with the requirements of this Chapter.

MONOPOLE: Any freestanding pole, tower, or stealth structure that is taller than fifty feet (50') in height and is used for the purpose of facilitating commercial antennas or any other commercial transmission equipment.

ROOF AND WALL MOUNTED COMMERCIAL TRANSMISSION EQUIPMENT:
Commercial transmission equipment including antennas and dishes mounted to roofs or walls of commercial, office, industrial, or residential buildings exceeding thirty-five feet (35') in height.

SATELLITE DISH OR DISH: **A transmission equipment apparatus designed for receiving, among other signals, television transmission signals, and which has a disk-shaped receiving device. Includes but is not limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, TVROs or dish antennas.**

SECTION 6409(A): **Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.**

STEALTH DESIGN: **Installation methods that disguise transmission equipment and support structures as another object, designed to architecturally and aesthetically function in harmony with the surrounding environment including in size and height. Examples of stealth design include, but are not limited to, facilities disguised as trees (monopines), utility and light poles, street furniture, internal mounted antennas, light poles, flagpoles, windmills, water towers, ball field lights, bell towers, clock towers, etc.**

WIRELESS COMMUNICATION FACILITY OR FACILITY: **All transmission equipment at a fixed location used for the provision of any FCC authorized wireless communication service, which is not part of a small wireless facility.**

17.112.02030: CONSUMER TRANSMISSION EQUIPMENT:

This ~~s~~Section shall apply to **all** consumer **transmission equipment including antennas and dishes** ~~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~~**thirty-five** feet (~~43.5'~~**35'**) or satellite dishes not exceeding three feet (~~3'~~**3'**) in diameter are permitted in all zones as provided below. Other consumer ~~transmission~~**transmission** equipment which does not meet the requirements of this ~~s~~Section may be allowed, ~~with a conditional use permit.~~ **with a building permit, provided that the consumer transmission equipment also complies with the following:**

~~A. No related equipment may be installed in public view.~~

~~B. No nuisance or hazard may be created.~~

~~C.~~ **B.** No more than one **(1)** antenna and dish per dwelling unit or main building may be installed.

- DC.** Antennas, dishes, and other transmission equipment 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.
- ED.** ~~The a~~Antennas, ~~or dishes,~~ and other transmission equipment shall not create visual clutter ~~or negatively impact the aesthetics of buildings and uses.~~

17.112.03040: COMMERCIAL TRANSMISSION EQUIPMENT:

This ~~s~~Section shall apply to all commercial transmission ~~communications~~ equipment, including but not limited to, ~~or business use wireless communications~~ antennas, dishes, and associated ground equipment. This includes commercial transmission equipment associated with freestanding structures, roof or wall mounts, or monopoles. TV and radio broadcasting towers are not permitted in the ~~e~~City and this ~~e~~Chapter does not govern such facilities.

- A. Commercial transmission ~~communications~~ equipment may be located in a residential or agricultural zone with a building permit and site plan approval, provided that the commercial transmission equipment also complies with the ~~a conditional use permit as follows~~ing:
1. Commercial transmission equipment ~~Installation~~ may only be ~~considered only~~ installed on public property or in conjunction with a public or quasi-public use such as a public school, fire station, ~~church, public park~~ or government building, except as specified in the following:
 - a. Commercial transmission equipment shall not be located in any public park.
 - b. Roof and wall mounted commercial transmission equipment may also be mounted on multi-family residential buildings, provided that it complies with all other requirements of this Chapter.
 2. ~~c. Wireless communication providers may locate e~~Commercial ground equipment ~~(not excluding antennas, satellite dishes, or monopoles of any type)~~ may be located on private property within residential and agricultural zones with the Planning Commission approval ~~of the planning commission,~~ only after all efforts have been exhausted to first attempt to locate their ground equipment on public property.
- B. Commercial transmission ~~communications~~ equipment may be located in any nonresidential ~~or~~ and nonagricultural zone with a building permit and site plan approval, provided that the commercial transmission equipment also complies with the ~~a conditional use permit as follows~~ing:
1. ~~Installation~~ Commercial transmission equipment may only be ~~considered only~~ installed on property ~~which that~~ has been developed for commercial, office or industrial use or in conjunction with a public or quasi-public use such as a public school, fire

station, church, public park or government building, except as specified in the following:

a. Commercial transmission equipment shall not be located in any public park.

b. Roof and wall mounted commercial transmission equipment may also be mounted on multi-family residential buildings, provided that it complies with all other requirements of this Chapter.

C. An amendment to the approved site plan shall be required for addition of commercial transmission equipment to an existing wireless communication facility or expansion of the original ground equipment, site area, transmission equipment, support structures, or enclosures shall require a conditional use permit. Replacing transmission equipment including antennas and ground equipment on an existing site is permitted if the proposed changes and the entire site area meet the requirements of this Chapter and the original site plan approval.

D. Antennas, dishes, supports and related commercial transmission equipment on multi-family residential buildings, the following shall apply to all commercial transmission equipment located within one hundred feet (100') of a residential property line:

1. Commercial ground equipment shall be either placed within a below-grade vault or mounted inside a completely enclosed decorative masonry building, or

2. All commercial transmission equipment that is not ground equipment shall be made stealth within a steeple, flagpole, utility pole, or other stealth structure unless adequate technical justification for wall or roof mounting can be provided.

3. In no case shall commercial transmission equipment or buildings used for sheltering commercial transmission equipment be located any closer than thirty feet (30') from a residential dwelling.

4. All buildings used for sheltering transmission equipment shall meet the City's requirements for accessory buildings. Antennas, dishes, supports and related equipment which cannot, because of technological reasons, be wall mounted, roof mounted, mounted on or within an existing utility pole or enclosed within a stealth structure, may be installed on a maximum one hundred foot (100') tall freestanding monopole.

~~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 ~~seven~~five hundred ~~fifty~~ (750~~500~~) square feet in area nor ~~twelve~~sixteen feet (1~~62~~6') in height and shall be secured with a lock.~~

E. All ground equipment not placed within a below-grade vault or mounted inside a completely enclosed decorative masonry building shall be enclosed and screened from view within an eight foot (8') tall, solid, precast, decorative masonry wall, except for a

maximum ten foot (10') portion of the perimeter that shall be gated with a sight-obscuring, solid gate. Chain link fencing of any kind is not permitted.

F. All transmission equipment, support structures, hardware, enclosures, site area, and site landscaping shall be maintained in good condition.

G. Upon application for a wireless communications facility, the applicant for the facility must supply the City with a letter stating that if the facility is vacated for any reason, the owner or applicant will remove the facility, all apparatuses associated with it, and restore the site to its original condition within one hundred eighty (180) days of vacation of the facility. Any wireless communication facility or site area that is abandoned or not properly maintained shall be required to be removed at the expense of the site owner or applicant within one hundred eighty (180) days after receiving notice of non-maintenance.

H. All proposed changes to an existing wireless communication facility, site, or support structure, that are subject to the regulations of Section 6409(a), shall comply with Section 17.112.080 of this Chapter.

17.112.04050: FREESTANDING STRUCTURES:

The following standards shall ~~govern~~apply to the design, installation and ~~use~~maintenance of commercial antennas and ~~other~~ related transmission equipment on freestanding ~~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. "Freestanding 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.~~ All freestanding structures shall have a stealth design. All antennas and other transmission equipment mounted on the freestanding structure shall be enclosed within the structure and shall also be incorporated as part of the stealth design.

~~B. All commercial telecommunication equipment attached to a freestanding structure or pole shall be camouflaged and incorporated as part of 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: flagpoles, field lights, clock towers, bell towers, water towers, windmills, monuments, etc.~~

~~FB. Freestanding Stealth structures, utility poles, and other related ground equipment enclosures, may be required to shall be reviewed by the eCity's aArchitecture rReview eCommittee, as recommended by staff, prior to pPlanning eCommission approval.~~

17.112.05060: ROOF AND WALL MOUNTED COMMERCIAL TRANSMISSION COMMUNICATION EQUIPMENT:

The following standards shall govern the installation and use of roof and wall mounted commercial transmission equipment including antennas and, dishes or other related commercial communications equipment mounted to roofs or walls of commercial, office, industrial, or residential buildings exceeding forty-five feet (435') in height:

- ~~A. The minimum setback for rRoof mounted commercial antennas, dishes, and other related telecommunication transmission equipment including antennas shall be set back a minimum distance of ten feet (10') from the roof edge and. Commercial antennas, dishes, or related 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 a maximum of ten feet (10') in total height as measured from the ~~above the surface of the~~ roof surface 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. Commercial wWall mounted antennas shall not extend more than eighteen inches (18") as measured from the back of the antenna, or similar equipment, to the nearest surface edge of ~~from~~ the wall surface of the building to which they are mounted. ~~All antennas shall be made stealth so as to be incorporated as part of the building's architecture.~~
 - ~~C. All ground equipment associated with 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 seven hundred fifty (750) square feet in area nor twelve feet (12') 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.~~
- C. All wall or roof mounted commercial transmission equipment including antennas, dishes, cables, and related supports shall be hidden from view with architectural walls or roofs or be otherwise camouflaged so as to be incorporated as part of the building's**

architecture with colored or painted materials that match the wall or roof to which they are attached.

D. If roof or wall mounted commercial transmission equipment cannot be enclosed or hidden, it shall be located at a point on the roof or wall which is least conspicuous as viewed from a public street. Transmission equipment may not be placed on a pitched roof.

17.112.06070: MONOPOLES:

The following standards shall govern the installation and use of monopoles with **related transmission** ~~communications~~ equipment **including antennas and ground equipment**:

- A. ~~"Monopoles" shall be defined as any freestanding pole or tower, taller than forty five feet (45'), which is used for the purpose of facilitating communication equipment.~~ **Antennas and other transmission equipment that cannot be wall mounted, roof mounted, collocated, or enclosed within a freestanding structure, may be installed on a new freestanding monopole. Upon application for the installation of a new monopole, the applicant shall submit a statement of need to the City, explaining why the transmission equipment in question cannot be wall mounted, roof mounted, collocated, or enclosed within a freestanding structure.**
- B. **Monopoles shall not exceed one hundred feet (100') in height as measured from the top of the monopole or antenna, whichever is higher, to the finished grade surrounding the monopole.** ~~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. Monopoles **and associated transmission equipment** shall be located only in rear yard areas and in areas least intrusive on the public view and neighboring uses.
- D. A minimum one **(1)** mile distance is required between monopoles ~~unless adequate technological justification for a lesser distance can be provided.~~
- E. Monopoles may not be located closer than one hundred feet (100'!) from any street right-of-way.
- 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 <u>50</u> feet	200 <u>245</u> feet
≤ 60 feet	225 <u>270</u> feet
≤ 70 feet	250 <u>295</u> feet
≤ 80 feet	275 <u>320</u> feet
≤ 90 feet	300 <u>345</u> feet
≤ 100 feet	325 <u>370</u> feet

- G. ~~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. Monopoles and related ~~antennas and~~**pole-mounted transmission** equipment **including antennas** shall have non-reflective galvanized or powder coated surfaces with unobtrusive colors.
- ~~H.~~ **I.** External pole-mounted antennas shall ~~be flush mounted to the pole;~~ projecting no more than ~~eighteen~~**thirty-six** inches (~~18~~**36**"~~!)~~ **as measured from the back of the antenna, or similar equipment, to the nearest surface edge of the monopole** away from the side of the pole ~~to which the antennas are attached.~~
- I. No exposed cabling is permitted, and all cables should be routed internally or buried underground. Exterior cable trays designed to replicate an existing vertical element may be considered on a case by case basis by the Planning Commission. Standard cable trays painted and textured to match the existing façade do not meet the intent and do not qualify as hidden.**
- ~~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 (i.e., internal mounted antennas, light poles, flagpoles, windmills, water towers, ball field lights, bell towers, clock towers, etc.).
- ~~K.~~ 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 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. Ground equipment buildings shall not

~~exceed seven hundred fifty (750) square feet in area nor twelve feet (12') 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.~~

17.112.080: ELIGIBLE FACILITIES REQUEST:

17.112.080.010: PURPOSE:

The purpose and intent of this Section are:

- A. To implement Section 6409(a), which requires the City to approve an EFR for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station;**
- B. To implement the FCC rules set forth at 47 C.F.R. Part 1 (Part 1 – Practice and Procedure), new Subpart U Section 1.6100 (Wireless Facility Modifications), which rules implement Section 6409(a);**
- C. To establish procedural requirements and substantive criteria applicable to review and approval or denial of applications for an EFR;**
- D. To ensure that application submittal requirements are related to information reasonably necessary to the determination of whether or not the proposed modification will result in a substantial change in the physical dimensions of the eligible support structure;**
- E. To exempt EFR from zoning and development regulations that are inconsistent with or preempted by Section 6409(a);**
- F. To preserve the City’s right to continue to enforce and condition approvals under this Chapter on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety;**
- G. To promote timely decisions under this Chapter; and**
- H. To ensure that decisions are made consistently and predictably.**

17.112.080.020: APPLICABILITY:

- A. Sole and Exclusive Procedure. Except as may be otherwise provided in this Chapter, and notwithstanding any other provisions in the City Code, the provisions of this Chapter shall be the sole and exclusive procedure for review and approval of an EFR which the applicant asserts is subject to review under Section 6409(a). To the extent that other provisions of the City Code establish a parallel process for review and**

approval of a project permit application for a proposed EFR, the provisions of this Chapter shall control.

- B. First Deployment; Base Station. This Chapter shall not apply to a proposed facility modification to a structure, other than a tower, that does not, at the time of submittal of the application, already house or support transmission equipment lawfully installed within or upon, or attached to, the structure.
- C. Interpretation. Interpretations of this Chapter shall be guided by Section 6409(a) and applicable FCC reports and orders.
- D. Building Permit. The City will process, review, and, if practicable, issue a decision regarding a building permit for the facility modification concurrent with the EFR permit described herein.
- E. Reservation of Authority. Nothing herein is intended or shall operate to waive or limit the City's right to enforce, or condition approval on, compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

17.112.080.030: APPLICATION:

- A. Submittal Requirements. An EFR application form is found on the City's online portal for applications. No EFR application shall be deemed complete unless the application is submitted through the City's online portal for applications, contains all the information required in the EFR application form, and the applicable fees are paid.

17.112.080.040: REVIEW AND APPROVAL OF APPLICATION:

- A. Review of Application. The review and approval of an EFR application shall be by City staff, which shall determine if the proposed EFR will result in a substantial change to the physical dimensions of an eligible support structure.
- B. Timeframe for Review and Approval. The City shall comply with all applicable shot clocks when reviewing an EFR application. If an EFR application meets the requirements of this Chapter, City staff shall approve the EFR application and issue an EFR permit.
- C. Code Requirements. Any EFR permit issued pursuant to this Chapter, and any application that has been deemed approved, shall be and is conditioned upon compliance with any generally applicable building, structural, electrical, and safety codes and other laws codifying objective standards reasonably related to health and safety. Violation of any such applicable code or standard shall be deemed to be a violation of the EFR or deemed approved application.

~~17.112.070: 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 building's architecture with colored or painted materials that 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 building's 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 antenna 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, 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. The city may require the owner of a facility to establish a ten thousand dollar (\$10,000.00) 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.~~

CITY COUNCIL ROLL CALL VOTE

Agenda Item: M: Public Hearing: Ordinance, 2020-07

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>	Council Member	Patrick Harris
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>	Council Member	Brad Marlor
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>	Council Member	Don Shelton
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>	Council Member	Tamara Zander
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>	Council Member	Jason McGuire

Date : _____

Motion : 1st IZ

2nd DS

approved

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 5/19/2020

Application: TEXT AMENDMENT - AMENDING CHAPTER 17.112 OF THE SOUTH JORDAN CITY MUNICIPAL CODE REGULATING WIRELESS COMMUNICATION FACILITIES

File No.: PLZTA201900453
Applicant: Crown Castle – Craig Chagnon

Submitted By: Meadow Wilkinson, Long Range Planning Intern
Brad Sanderson, Planner III

Presented By: Steven Schaefermeyer, Director of Planning

Staff Recommendation (Motion Ready): Based on the staff report and other information presented to the Planning Commission during the public hearing, I move that the City Council **approve Ordinance No. 2020-07** amending Chapter 17.112 of the South Jordan City Municipal Code regulating wireless communication facilities.

BACKGROUND:

Crown Castle has filed an application to amend Chapter 17.112 of City Code regulating wireless communication facilities. Crown Castle approached the City in 2019 desiring more flexibility in the City Code to allow greater antenna standoff distances from the edge of monopoles to maximize antenna collocation opportunities. They also desired to not have to install equipment in buildings, and to have fewer landscape requirements pertaining to certain monopole facilities within the City.

Additionally, certain federal regulations were adopted several years ago, resulting in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Section 6409”) which mandates that a state or local government approve certain wireless broadband facilities siting requests for modifications and collocations of wireless transmission equipment on an existing tower or base station that do not result in a substantial change to the physical dimensions of towers or base stations.

City Staff has since been working with the applicant to adjust and implement some of these requests, as well as make other adjustments and updates to modernize the City’s wireless communication regulations. This text amendment does not modify anything related to “small wireless facilities,” which are regulated by City Code § 5.82 and are not subject to the proposed regulations.

ANALYSIS:

If approved, the proposed text amendment would allow the maximum antenna standoff distance on monopoles to increase from 18 inches to 36 inches. Although the proposal would increase the visual impact on some monopoles, it would increase some collocation opportunities, which may help provide better cellphone service coverage in certain parts of the City.

The proposed amendment would eliminate the requirement for ground equipment to be located in masonry buildings at most locations. Walls would be required to surround ground equipment, however, and the wall height requirement would increase from six feet to eight feet tall. A masonry

building would still be required under special circumstances in residential zones to alleviate noise and visual impacts.

The proposed amendment also eliminates landscaping requirements as monopoles and related ground equipment are only allowed in rear yards and other areas that are least intrusive to the public view. Additionally, no new monopoles or facilities would be allowed within parks.

Staff is also proposing some other adjustments including adding definitions, and changing some of the roof and wall mount antenna requirements. The setback distance requirements from residential property lines relative to monopole height are also proposed to be increased by 20 feet to account for possible height and other monopole expansions that may be allowed by Section 6409.

STAFF FINDINGS & CONCLUSIONS:

Facts & Findings:

- The proposed text amendment would increase collocation opportunities on existing monopoles and therefore may slow the need for additional poles throughout the City.
- The quality of cellular service is determined, not only by the number of antennas, but by multiple other factors including, among other things, distance, line of site, capacity, and signal strength.
- Most monopole facilities within the City are located in parks, behind schools, on commercial buildings and properties, and other areas which are least visible from public view where equipment buildings and landscaping requirements have less purpose.
- Utah Code § 10-9a-102 grants the City Council a general land use authority to enact and amend regulations that it considers necessary or appropriate for the use and development of land in the City, including maintaining the aesthetics of the City and protecting the tax base. (*See Utah Code § 10-9a-501 et seq.*)
- City Staff intends to discuss with the Planning Commission and City Council additional changes to the wireless communication code at a later date. These discussions may lead to amending these regulations further to address additional location opportunities where cellular services could be enhanced along with various stealth options.
- The City's scope of authority to regulate wireless communication facilities is limited by applicable State and federal law, including Section 6409. One notable limitation is the City's inability to regulate and deny applications for wireless communication facilities based on alleged health concerns. The proposed text amendment is drafted to comply with those constraints and to find a balance between aesthetic concerns and the growing demand and reliance on cellular service throughout the City by businesses and individuals.

Conclusion:

The changes proposed in this text amendment would allow wireless communication providers greater flexibility on existing flush mounted and future monopoles in order to better meet the growing cellular service needs in the City.

Recommendation:

The proposed text amendment was presented at a public hearing and reviewed by the Planning Commission on 4/28/2020. Although there was no comment from the general public, the Planning Commission made a positive recommendation in favor of the proposed text amendment (5-0) with the following recommended changes:

- 17.112.040.B. changing the word "or" to the word "and" so that the text reads "nonresidential and nonagricultural" instead of "nonresidential or nonagricultural". Staff agrees with this change.

- 17.112.040.D. adding clarification of the options for noise and visual mitigation available for equipment within 100ft of a residential property line. Staff agrees with this change.

ALTERNATIVES:

- Approve of Ordinance No. 2020-07 with changes
- Deny of Ordinance No. 2020-07

SUPPORT MATERIALS:

- Map of current monopole locations in South Jordan
- Ordinance No. 2020-07 (with recommended changes from the Planning Commission)

City Council Action Requested: Steven Schaefermeyer
Steven Schaefermeyer (May 13, 2020) _____ Date _____
Department Head