

PLANNING COMMISSION STAFF REPORT

Salt Lake City Code Maintenance
Telecommunications Ordinance Amendment
21A.040.90: Antenna Regulations
Petition PLNPCM2010-00045
April 27, 2011



Planning Division
Department of Community and
Economic Development

Applicant: Mayor Ralph Becker

Staff: Lex Traughber
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Tax ID: N/A

Current Zone: N/A

Master Plan: City-wide

Council District: City-wide

Lot Size: N/A

Current Use: N/A

**Applicable Land Use
Regulations:**

Review Standards:
21A.50.050 – Standards for General
Amendments
Affected Text:
21A.40.090E – Wireless
Telecommunications Facilities
21A.60 – List of Terms
21A.62 – Definitions

Notification

- Notice mailed on April, 15, 2011
- Agenda posted on the Planning
Division and Utah Public Meeting
Notice websites April 15, 2011
- Newspaper Notice April 13, 2011

Attachments:

Exhibit A – Proposed Ordinance
Exhibit B – Public Comments
Exhibit C – Dept/Division Comments

Request

Salt Lake City Mayor Ralph Becker is requesting that the Planning Commission analyze and amend as necessary the Zoning Ordinance to:

- Update the wireless telecommunication regulations to comply with State and Federal regulations;
- Encourage wireless facilities where they are not readily visible, encourage co-location of wireless facilities, and encourage stealth wireless facilities to have a streamlined approval process rather than requiring conditional use approval;
- Encourage the appropriate location of wireless facilities by streamlining the process, and;
- Clarify where wireless facilities may be located on a lot.

Staff Recommendation

Based on the findings listed in the staff report, it is Planning Staff's opinion that the proposed project generally meets the applicable standards and therefore, recommends the Planning Commission transmit a favorable recommendation to the City Council.

Background

Project Description

The City adopted a comprehensive Zoning Ordinance in April 1995. Since that time, the wireless telecommunication regulations have become outdated and cumbersome. In the public interest, the City has recognized a need to update the wireless telecommunications ordinance to encourage the appropriate location of these types of facilities and to stay up-to-date with industry standards. It would be beneficial for Salt Lake City to make the Code revisions proposed in the attached ordinance (Exhibit A) in order to achieve the following identified objectives:

- Encourage co-location;
- Clarify screening requirements;
- Include stealth antennas as a permitted use, define stealth antennas, and include the term in Code Chapter 21A.60 – List of Terms;
- Clarify where electrical equipment shall be located;
- Refine area limitations for wall and roof mounted antennas, and modify the illustration of “Wall Mounted Antennas” in Code Chapter 21A.62 – Definitions;
- Remove conditional use requirement for certain antennas;
- Eliminate optional performance bond language for abandoned telecommunication facilities; and
- Remove replacement utility pole height restriction.

Proposed Code Changes

Planning Staff recommends the attached text amendment to the Salt Lake City Code (Exhibit A). The text amendments being proposed in this petition deal specifically with subsection 21A.40.090E, Wireless Telecommunications Facilities and addresses the following items:

Item 1. Encourage Co-location of wireless facilities. The proposed text amendment encourages co-location of wireless facilities and encourages the appropriate location of these types of facilities.

Discussion: Currently, co-location is not recognized as a permitted use, even if a wireless telecommunication facility is being located on a previously approved site. Because of this, applications for new wireless telecommunication facilities that are locating on a previously approved conditional use site must go through a separate conditional use permitting process in order to collocate.

Recommended Code Change: Proposed Section 21A.40.090E(4) adds co-location of a wireless telecommunication facility on a previously approved wireless telecommunication site such as an existing building, structure, or antenna support structure as a permitted use provided that:

- There is no increase in height proposed;
- All additions and improvements are located within the previously approved area; and
- All changes are in compliance with the provisions set forth in section 21A.40.090E.

The proposed text amendment would encourage co-location and streamline the approval process by allowing a new wireless telecommunications facility as a permitted use when locating on a previously approved wireless telecommunication site. This change would eliminate the need for conditional use permits when collocating.

Item 2. Clarify screening requirements. The proposed amendment modifies screening requirements for roof mounted antennas by eliminating the requirement for roof mounted antennas and antenna support structures to be enclosed by a structure that creates a visual screen.

Discussion: Currently, screening is required for all roof mounted antennas located on top of existing penthouses or mechanical equipment rooms. The screening requirement is burdensome because it is often more visually intrusive than the antennas themselves and can interfere with antenna reception.

Recommended Code Change: The proposed amendment eliminates the requirement for roof mounted antennas and antenna support structures to be enclosed by a structure that creates a visual screen. By eliminating this screening requirement for roof mounted antennas, the proposed text amendment prevents visually intrusive screening structures and mitigates potential reception problems caused by such screens.

Item 3. Stealth Antennas. The proposed text amendment includes a new and expanded definition of stealth antennas to include all stealth antennas as a permitted use.

Discussion: Currently, stealth antennas are limited to include only flag poles and antennas located within an existing structure where there is no exterior evidence of the antennas. All other stealth antennas are subject to the regulations of non-stealth antennas. In order to encourage stealth antennas, the proposed text amendments expand the definition of stealth antennas and clarify the requirements for stealth wireless facilities.

Recommended Code Change: Proposed Section 21A.40.090E(2)(f) expands stealth antennas to include telecommunication antennas completely disguised as another object or otherwise concealed from view thereby concealing the intended use and appearance of the facility, as a permitted use in all zoning districts subject to meeting the provisions contained in the Code. The proposed section requires a stealth antenna to conform to the dimensions of the object it is being disguised as, and the location of the stealth facility shall be in concert with its surroundings. The Section provides examples of such stealth facilities, including, but not limited to flagpoles, light pole standards, or architectural elements such as dormers, steeples, and chimneys. The proposed Section also allows for final determination regarding stealth poles to be made by the Planning Director based on the standards outlined in the section 21A.40.090E(2)(f).

The term “stealth antenna” is not currently defined in the Salt Lake City Code. Planning Staff proposes a new definition to be included in Chapter 21A.62 – Definitions, and includes the term in Chapter 21A.60 – List of Terms.

Item 4. Clarify where electrical equipment shall be placed. The proposed text amendment clarifies where electrical equipment shall be placed on a lot and expands the area to include the rear yard buildable area.

Discussion: Currently, electrical equipment regulations in the Code are specific only to wireless telecommunication antennas located on utility poles and are not applicable to all other antennas. In addition, the current Code states that electrical equipment located in the rear yard area must conform to the location requirements for an accessory structure in the underlying zoning district. The proposed amendment eliminates the accessory structure location requirement, and instead allows electrical equipment to be located within the buildable area as long as it is not located between the front and/or corner façades of the building and the public right-of-way.

Recommended Code Change: Proposed Section 21A.40.090E(3) is a new section applied to all wireless antenna electrical equipment. The proposed text amendment achieves the following:

- Regulates where electrical equipment for all antennas, not just antennas located on utility poles;
- Encourages electrical equipment to be located within the buildable area, and eliminates the location requirements for an accessory structure in the underlying zoning district; and,
- Allows for electrical equipment to be located in the rear or side yard or within the buildable area as long as it is not located between the front and/or corner facades of the building and the public right-of-way.

Item 5. Area limitations for wall and roof mounted antennas. The proposed text amendment refines area limitations for wall and roof mounted antennas by adding maximum coverage percentages.

Discussion: Currently, the Code has an area limitation for wall and roof mounted antennas of forty (40) square feet for each exterior wall of the building or a total of one hundred and sixty (160) square feet per building. These restrictions are universal and therefore do not take into account the various different building sizes. In addition, these restrictions have proven to be problematic in the permitting process and can be difficult to enforce due to approximate measuring from street view.

Recommended Code Change: The Proposed Section 21A.40.090E(7) removes the total building limitation of one hundred and sixty (160) square feet and refines the area limitations by proposing the lesser of sixty (60) square feet per exterior wall or a total of five (5) percent of the gross square footage of each exterior wall.

Planning Staff also recommends an updated illustration of wall mounted antennas to be included in Chapter 21A.62 – Definitions.

Item 6. Remove conditional use requirement for antennas located on non-complying buildings that exceed the maximum height limit of the zoning district.

Discussion: Currently, the location of antennas on noncomplying buildings that exceed the maximum height limit of the zoning district must go through a conditional use approval process.

Recommended Code Change: The Proposed Section 21A.40.090E(8) encourages antennas to locate on existing structures, as opposed to building new single use monopoles or mounting structures, by allowing antennas to locate on noncomplying buildings that exceed the maximum height limit of the zoning district as a permitted use.

Item 7. Optional performance bond language for abandoned facilities. The proposed text amendment eliminates optional performance bond language for abandoned telecommunication facilities.

Discussion: The Code currently provides an option for requiring a performance bond or other means of financial assurance to guarantee removal of abandoned poles.

Recommended Code Change: Eliminate optional performance bond language in section 21A.40.090E(11) that is an option for requiring a performance bond or other means of financial assurance to guarantee removal of abandoned poles. The rationale behind this proposal is that performance bonds are rarely, if ever, required, and further are difficult to track and administer.

Item 8. Utility Pole Mounted Antenna. The proposed text amendment encourages telecommunication facilities and antennas to locate on existing utility poles and eliminates replacement utility pole height restrictions.

Discussion: Currently, the City does not regulate the height of utility poles. Per the current Code, an applicant is allowed to increase the height of a pole by ten feet (10'). However, since the time that this section of Code was written, Occupational Safety and Health Administration (OSHA) implemented an industry standard that stipulates a minimum ten foot (10') clearance between the highest antenna line on a particular pole and a proposed wireless antenna. The result has been that antennas could no longer locate on utility poles without exceeding the ten foot (10') restriction found in the current code.

Recommended Code Change: Because the City does not technically regulate utility pole height and in order to encourage antennas to be located on existing structures, the proposed Section 21A.40.090E(2)(f) includes the removal of utility pole replacement height restrictions. The changes also include increasing the width of permitted utility pole mounted antennas from 24" to 30". Utility poles mounted antennas exceeding 30" in width would require conditional use approval.

Item 9. Location on City-owned Property or Land Zoned as Open Space. The proposed text amendment would require that telecommunication towers proposed to be located on city-owned property or on any property located within an open space zoning district or subject to the City's Open Space Lands Program must obtain approvals from appropriate agencies governing such properties.

Discussion: The purpose of this provision is to provide advanced notice that approvals from other City agencies or governmental entities may be needed beyond the permitted use or conditional use processes required by the Zoning Ordinance. The notice will allow applicants to plan in advance for all required review process and not be surprised prior to the anticipated construction period. For example, a cell tower proposed to be located on property governed by the City's Open Space Lands Program would be subject to the provisions of City Code section 2.90.

Recommended Code Change: Insertion of language to provide notice that agencies other than the Planning or Building Services divisions may need to review the proposal.

Comments

Public Comments

An Open House was held on November 18, 2010. Notice of the Open House was sent to Community Council Chairpersons, Business Groups, and those whose names are on the Planning Division's list serve. Notice was also posted on the City's website. Several comments were received from industry representatives regarding the height restrictions for utility pole mounted antennas. The comments were taken into consideration and are reflected in the text amendments discussed above as warranted (see Exhibit B).

City Department Comments

The Planning Division routed a request for Department/Divisions comments on October 22, 2010. Several comments were received and are attached for review (see Exhibit C). In general, there were no concerns for the proposed changes.

Analysis and Findings

Options

- Approval:** If the Planning Commission finds that the proposal meets the standards of the ordinance as discussed below, the petition should be forwarded to the City Council with a recommendation of approval.
- Denial:** If the Planning Commission finds that the proposal does not meet the standards of the ordinance as discussed below, the petition should be forwarded to the City Council with a recommendation of denial.
- Continuation:** If the Planning Commission finds that additional information or further revision is needed in order to make a decision, then a final decision may be postponed with specific direction to Planning Staff regarding the additional information or revision required for the Planning Commission to take future action.

Findings

Section 21A.50.050 Standards for general amendments. A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard.

A. In making its decision concerning a proposed text amendment, the City Council should consider the following factors:

- 1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;**

Discussion: The purpose of the proposal is to update Salt Lake City’s wireless telecommunications ordinance to encourage the appropriate location of these types of facilities and to stay up to date with industry standards.

Finding: The proposed text revisions are for the purpose of maintaining, updating, and clarifying the Telecommunications Ordinance, and as such are consistent with adopted City planning documents.

- 2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;**

Discussion: Chapter 21A.40, addressing “Accessory Uses, Buildings and Structures” Chapter Purpose Statement reads as follows:

21A.40.010: PURPOSE STATEMENT: “This chapter is intended to provide general regulations, applicable to all zoning districts, for accessory uses, buildings and structures which are customarily incidental and subordinate to the principal use and which are located on the same lot. It is further intended to provide specific standards for certain accessory uses, buildings and structures. (Ord. 26-95 § 2(20-0), 1995)”

Finding: The proposed text amendment provides general regulations and further refines specific standards for Telecommunication Facilities.

Section 21A.40.090E addressing “Wireless Telecommunications Facilities; Low Power Radio Services Facilities” Section specific Purpose Statement reads as follows: “The purpose of this section is to address planning issues brought on by the rapid growth in demand for low power radio services. This section distinguishes low power radio from other broadcasting type telecommunication technologies and establishes provisions that deal with issues of demand, visual mitigation, noise, engineering, residential impacts, health, safety and facility siting. The requirements of this section apply to both commercial and private low power radio services. Low power radio services facilities include "cellular" or "PCS" (personal communications system) communications and paging systems.”

Finding: The proposed text amendments address planning issues brought on by the rapid growth in demand for low power radio services, including “cellular” or "PCS" (personal communications system) communications and paging systems, by encouraging the appropriate location of wireless facilities and streamlining the permitting process. The proposal addresses issues of demand, visual mitigation, engineering, residential impacts, health, safety and facility siting by encouraging wireless facilities where they are not readily visible (including co-location of wireless facilities and stealth wireless facilities as a permitted uses), and clarifying where wireless facilities shall be located on a lot.

3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and

Finding: The proposed text amendments do not affect any overlay zoning districts. Any specific development proposal would have to comply with applicable overlay zoning requirements.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Finding: The proposed text amendment implements best current, professional practices of urban planning and design by mitigating visually intrusive wireless telecommunication facilities through the encouragement of co-location, the removal of visually intrusive screening requirements, and the inclusion of stealth antennas as permitted uses in all zones. The amendment also implements best current, professional practices of urban planning and design by included area limitations for roof and wall mounted antennas, as wells as refining the regulations to encourage location on existing structures and allowing for the appropriate location of associated electrical equipment.

**Exhibit A –
Proposed Ordinance Amendments**

21A.40.090: ANTENNA REGULATIONS: All antennas shall comply with the following regulations and all other ordinances of the city and any pertinent regulations of the federal communications commission and the federal aviation administration:

21A.40.090E

E. Wireless Telecommunications Facilities; Low Power Radio Services Facilities: The purpose of this section is to address planning issues brought on by the rapid growth in demand for low power radio services. This section distinguishes low power radio from other broadcasting type telecommunication technologies and establishes provisions that deal with issues of demand, visual mitigation, noise, engineering, residential impacts, health, safety and facility siting. The requirements of this section apply to both commercial and private low power radio services. Low power radio services facilities include "cellular" or "PCS" (personal communications system) communications and paging systems.

1. Uses: The uses specified in table 21A.40.090E of this section, indicate which facility types are allowed as either a permitted or conditional use within specific zoning districts. Low power radio service facilities may be an accessory use, secondary use or principal use.

a. Administrative Consideration Of Conditional Uses: Applications for low power wireless telecommunication facilities that are listed as conditional uses shall be reviewed according to the procedures set forth in section 21A.54.155 of this title.

TABLE 21A.40.090E

WIRELESS TELECOMMUNICATIONS FACILITIES

		Monopole With Antennas And Antenna Support Structure Less Than 2 Feet Wide ³		Monopole With Antennas And Antenna Support Structure Greater Than 2 Feet Wide ³		
		District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)	60 Feet Or Exceeding The Maximum Height Limit Of The Zone	District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)	60 Feet Or Exceeding The Maximum Height Limit Of The Zone	Lattice Tower
Wall Mount ³	Roof Mount ³					

Residential districts:

R-1/12,000	P ¹						
R-1/7,000	P ¹						
R-1/5,000	P ¹						
SR-1	P ¹						
SR-3	P ¹						
R-2	P ¹						
RMF-30	P ¹						
RMF-35	P ¹						
RMF-45	P	C					
RMF-75	P	C					
Mixed use - residential/office districts:							
RB	P ¹						
R-MU	P	C					
RO	P ¹						
Commercial/manufacturing districts:							
CN	P ¹						
CB	P	C					
CS	P	P					
CC	P	P	P	C	C	C	
CSHB D	P	P	P	C	C	C	
CG	P	P	P	C	C	C	C

D-1	P	P	P	C	C	C	
D-2	P	P	P	C	C	C	
D-3	P	P	P	C	C	C	
D-4	P	P	P	C	C	C	
G-MU	P	P	P	C	C	C	
M-1	P	P	P	C	P	C	C
M-2	P	P	P	C	P	C	C
Special purpose/overlay districts:							
RP	P	C					
BP	P	P	P	C	C	C	
AG	P ¹	P ¹	C	C	C		
AG-2	P ¹	P ¹	C	C	C		
AG-5	P ¹	P ¹	C	C	C		
AG-20	P ¹	P ¹	C	C	C		
A	P	P	P	P	P	C	C
PL	P	C					
PL-2	P	C					
I	P	C					
UI	P	P	C	C	C		
OS ²			C	C	C	C	C
EI	P	P	P	C	C	C	
MU	P	C					

Notes:

P Permitted use

C Conditional use

1. Allowed as a permitted use on a residential building consisting of 4 or more attached dwelling units and on nonresidential buildings. Zoning administrator approval is required to assure compliance to subsection E2a of this section.

2. New telecommunications towers are allowed outside the telecommunication corridor in the OS zone for public safety purposes only.
3. Co-location of a wireless telecommunication facility is allowed per subsection 21A.40.090E4.

2. Facility Types: Low power radio services facilities are characterized by the type or location of the antenna structure. There are ~~five (5)~~ seven (7) general types of such antenna structures: wall mounted antennas; roof mounted antennas; monopoles with antennas and antenna support structure less than two feet (2') in width; monopoles with antennas and antenna support structure greater than two feet (2') in width; and lattice towers; stealth antennas; and utility pole mounted antennas. Standards for the installation of each type of antenna are as follows:

a. Wall Mounted Antenna: The following provisions apply to wall mounted antennas:

(1) Wall mounted antennas shall not extend above the wall line of the building or extend more than four feet (4') horizontally from the face of the building.

(2) Antennas, equipment and the supporting structure shall be painted to match the color of the building or structure of the background against which they are most commonly seen. Antennas and the supporting structures on buildings should be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.

(3) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures, shall be considered a wall mounted antenna.

b. Roof Mounted Antenna: The following provisions apply to roof mounted antennas:

(1) Roof mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms ~~provided the antennas and antenna support structures are enclosed by a structure that creates a visual screen. The screening structure, antennas and antenna mounting structures~~ and shall not extend more than eight feet (8') above the existing roofline of the penthouse or mechanical equipment room.

(2) For antennas not mounted on a penthouse or mechanical equipment room, the antennas shall be mounted at least five feet (5') from the exterior wall of a building. For antennas mounted between five (5) and ten feet (10') from the exterior wall, the maximum height of a roof mounted antenna is directly proportional to the distance the antenna is set back from the exterior wall up to a maximum height of ten feet (10') above the roofline of the building

to which the antenna is attached. Antennas shall be mounted at least five feet (5') behind any parapet wall. For antennas mounted between five (5) and ten feet (10') behind a parapet wall, the maximum height of the antenna is directly proportional to the distance the antenna is set back from the wall up to a maximum of ten feet (10') as measured from the top of the parapet wall. The antennas shall not extend more than fifteen feet (15') above the roofline of the building itself unless approved as a conditional use (see subsection 21A.62.050H of this title). ~~Roof mounted antennas shall not extend above the roofline of any penthouse or mechanical equipment room unless approved as a conditional use.~~

(3) ~~Roof mounted antennas are permitted only on a flat roof, and shall be fully screened, constructed and/or colored to match the structure to which they are attached.~~

c. Monopole With Antennas And Support Structure Less Than Two Feet In Width: The total of each individual antenna structure mounted on a monopole shall not exceed two feet (2') in width. The maximum height of such each individual antenna shall not exceed ten feet (10') in height (see subsection 21A.62.050G of this title). In the case of co-location, when there is more than one antenna located on a monopole, all additional antenna structures shall not exceed the above referenced dimensions. No such antenna shall be located within one hundred sixty five feet (165') of a residential zone other than the R-MU district.

d. Monopole With Antennas And Antenna Support Structure Greater Than Two Feet In Width: The maximum visible width of individual antennas and antenna mounting structures on a monopole shall not exceed eight feet (8') in height or thirteen feet (13') in width as viewed looking directly at the monopole at same elevation as the antennas and antenna mounting structure (see subsection 21A.62.050F of this title). In the case of co-location, when there is more than one antenna located on a monopole, all additional antenna structures shall not individually exceed the above referenced dimensions. No such monopole shall be located within three hundred thirty feet (330') of a residential zone other than the R-MU district.

e. Lattice Tower: The maximum visible width of individual antennas and antenna mounting structures on a lattice tower shall not exceed eight feet (8') in height or thirteen feet (13') in width ~~as viewed looking directly at the monopole at the same elevation as the antennas and antenna mounting structure~~ (see subsection 21A.62.050E of this title). No such lattice tower shall be located within three hundred thirty feet (330') of a residential zone.

f. Flagpoles Stealth Antennas:

(1) A ¶telecommunication antennas completely disguised as flagpoles another object or otherwise concealed from view thereby concealing the intended use

and appearance of the facility, shall be allowed in all zoning districts subject to meeting the provisions contained in tables 21A.36.020B and 21A.36.020C of this title. The pole shall appear and function as a flagpole. The antenna shall conform to the dimensions of the object it is being disguised as and the location of the stealth facility shall be in concert with its surrounding. Examples of stealth facilities include, but are not limited to flagpoles, light pole standards or architectural elements such as dormers, steeples and chimneys. Final determination regarding stealth poles shall be made by the Planning Director based on these standards. The electrical equipment shall be located in accordance with subsection 21A.40.090E3. on the lot where an accessory structure is allowed and is subject to meeting all the applicable requirements for such a structure in the underlying zoning or overlay district. All electrical wiring and cables to the pole shall be placed underground.

(2) Antennas Located Within Existing Structures Where There Is No Exterior Evidence Of The Antennas: Antennas located within an existing structure constructed prior to the effective date hereof shall be a permitted use in all zoning districts provided that:

a. There shall not be any exterior evidence of the antenna or support structure.

b. The Electrical equipment structure shall be located within the existing structure with no exterior evidence of existence, or in compliance with the location requirements as noted in subsection 21A.40.090E3 of this title.

f. g. Wireless Telecommunication Antennas Located On Utility Poles Utility Pole Mounted Antenna: Antennas on utility poles and associated electrical equipment shall be allowed subject to the following standards:

(1) Antennas:

(A) The antennas shall be located either on an existing utility pole or on a replacement pole in the public right of way, or in a rear yard utility easement.

(B) On an existing pole, the antennas shall not extend more than ten feet (10') above the top of the pole.

(C) If the utility pole is replaced to accommodate the antennas, the replacement pole shall not be more than ten feet (10') higher than the existing pole. If the replacement pole exceeds the height of the existing pole, the antennas shall be mounted to the sides of the pole and shall not extend above the top of the pole. Replacement of a utility pole requires conditional use approval.

(DC) The antennas, including the mounting structure, shall not exceed ~~twenty four inches (24")~~ thirty inches (30") in diameter to be considered a

permitted use. Antennas with an outside diameter greater than between twenty four (24) and thirty inches (30") shall be a conditional use. ~~Antennas exceeding thirty inches (30") shall not be allowed.~~

~~(E) If the antennas and mounting structure are narrower than the top of the utility pole, stealth shielding of the antennas shall be used to make the antennas appear as a vertical extension of the pole.~~

(FD) Antennas located in the public right of way shall be a permitted use and shall comply with the standards listed above.

(GE) Conditional use approval is required for antennas located in a rear yard utility easement in all residential, CN neighborhood commercial, PL public lands, PL-2 public lands, CB community business, I institutional, and OS open space zoning districts. Antennas located in a rear yard utility easement in all other zoning districts shall be a permitted use and shall comply with the standards listed above.

~~(2) Electrical Equipment:~~

~~— (A) Electrical Equipment Located In The Public Right Of Way, Front Yard Or Side Yard: Electrical equipment in the public right of way shall either be attached directly to the utility pole or placed underground.~~

~~If the electrical equipment is attached to the pole, the boxes shall not be larger than thirty six inches (36") in height, twelve inches (12") deep and no wider than twenty inches (20"). No more than five (5) such boxes shall be mounted on the utility pole to which it is attached (excluding the power meter and network interface box). The boxes shall be stacked vertically, one above the other, and shall be at least ten feet (10') above the ground. The power meter and network interface box may be installed below the ten foot (10') level.~~

~~Electrical equipment in the required front or side yard shall be placed underground.~~

~~Electrical equipment placed underground or on a utility pole in the public right of way shall comply with the requirements of the Salt Lake City engineering and transportation divisions.~~

~~(B) Electrical Equipment In The Rear Yard Area In All Residential, CN Neighborhood Commercial, PL Public Lands, PL-2 Public Lands, CB Community Business, I Institutional, And OS Open Space Zoning Districts: Electrical equipment located in the rear yard area of a lot in a residential zoning district, shall not exceed a width of four feet (4'), a depth of three feet (3'), or a height of four feet (4') to be considered a permitted use.~~

~~Electrical equipment located in the rear yard area of property located in a CN, PL, PL-2, CB, I or OS zoning district shall not exceed a width of six feet (6'), a depth of three feet (3'), or a height of six feet (6') to be considered a permitted use.~~

~~Electrical equipment exceeding the dimensions listed above shall be reviewed administratively as a routine and uncontested special exception per chapter 21A.52 of this zoning ordinance.~~

~~Applications not receiving the consenting signatures of all property owners as required by chapter 21A.52 of this zoning ordinance shall be processed as a conditional use, pursuant to the standards set forth in this title.~~

~~The electrical equipment located in a rear yard shall conform to the lot area, coverage and location requirements for an accessory structure in the underlying zoning district.~~

~~(C) Electrical Equipment In The Rear Yard In Other Zoning Districts: Electrical equipment located in the rear yard area of all zoning districts other than those listed in subsection E2f(2)(B) of this section shall be allowed where a principal or accessory structure is allowed and shall be subject to the applicable zoning standards for such a structure.~~

~~(32) General Provisions:~~

~~(A) The application shall include the signature of the authorized agent of the owner of the utility pole.~~

~~(B) Antennas and equipment boxes on the utility poles shall be painted to match the pole to which it is attached to minimize visual impacts.~~

~~(C) Generators or noise producing venting systems shall not be used.~~

~~(D) Lighting for aircraft is prohibited except where required by federal law.~~

~~(E) Electrical and utility cables between the utility pole and electrical boxes shall be placed underground.~~

~~(F) Facilities in the public right of way shall be subject to any applicable franchise fees or lease agreements required by the city.~~

~~g. Flagpoles: Telecommunication antennas disguised as flagpoles shall be allowed in all nonresidential zoning districts subject to meeting the provisions contained in tables 21A.36.020B and 21A.36.020C of this title. The pole shall appear and function as a flagpole. The electrical equipment shall be located on the lot where an accessory structure is allowed and is subject to meeting all the~~

~~applicable requirements for such a structure in the underlying zoning or overlay district. All electrical wiring and cables to the pole shall be placed underground.~~

3. Electrical Equipment:

a. Electrical Equipment Located In The Public Right Of Way, Front Yard Or Side Yard: Electrical equipment in the public right of way shall either be attached directly to the utility pole or placed underground.

If the electrical equipment is attached to the pole, the boxes shall not be larger than thirty six inches (36") in height, twelve inches (12") deep and no wider than twenty inches (20"). No more than five (5) such boxes shall be mounted on the utility pole to which it is attached (excluding the power meter and network interface box). The boxes shall be stacked vertically, one above the other, and shall be at least ten feet (10') above the ground. The power meter and network interface box may be installed below the ten foot (10') level.

Electrical equipment in the required front or side yard shall be placed underground.

Electrical equipment placed underground or on a utility pole in the public right of way shall comply with the requirements of the Salt Lake City engineering and transportation divisions.

b. Electrical Equipment Located on Private Property: Electrical equipment shall be located in the rear or side yard or within the buildable area as long as it is not located between the front and/or corner façades of the building and the public right of way.

Electrical equipment located in a residential zoning district, shall not exceed a width of four feet (4'), a depth of three feet (3'), or a height of four feet (4') to be considered a permitted use.

Electrical equipment located in a CN, PL, PL-2, CB, I or OS zoning district shall not exceed a width of six feet (6'), a depth of three feet (3'), or a height of six feet (6') to be considered a permitted use.

Electrical equipment exceeding the dimensions listed above shall be reviewed administratively as a routine and uncontested special exception per chapter 21A.52 of this zoning ordinance.

Applications not receiving the consenting signatures of all property owners as required by chapter 21A.52 of this zoning ordinance shall be processed as a conditional use, pursuant to the standards set forth in this title.

The electrical equipment shall be subject to the maximum lot coverage requirements in the underlying zoning district.

4. Co-location: Co-location of a wireless telecommunication facility on a previously approved wireless telecommunication service facility such as an existing building, structure, or antenna support structure, is allowed as a permitted use, provided:

a. No increase in the height of the existing wireless telecommunication support structure is proposed;

b. All aspects of the co-location improvements must be located within the previously approved fenced (lease) area;

c. Compliance with the corresponding provisions set forth in 21A.40.090.E.

~~3.~~ 5. Height Limit: The height limit for monopoles and lattice towers shall be limited as per subsection E1, table 21A.40.090E, of this section.

~~4.~~ 6. Location And Minimum Setbacks: Monopoles with antennas and antenna support structure less than two feet (2') in width, monopoles with antennas and antenna support structure greater than two feet (2') in width and lattice towers shall be allowed only in the rear yard area of any lot. These structures shall not be located in a required landscaped area, buffer area or required parking area.

~~5.~~ 7. Area Limitations For Wall And Roof Mounted Antennas: A combination of both roof and wall mounted antennas are allowed on a building. The total area for all wall and roof mounted antennas and supporting structures combined shall not exceed the lesser of forty (40) sixty (60) square feet or five (5) percent of the gross square footage of for each exterior wall of a the building or a total of one hundred sixty (160) square feet per building. A maximum of four (4) walls shall be occupied by cellular antennas. The total area is the sum of the area of each individual antenna face and the visible portion of the supporting structure as viewed when looking directly at the face of the building. The total area for a roof mounted antenna shall apply to the closest exterior wall (see subsection 21A.62.050J of this title).

~~6.~~ 8. Roof And Wall Mounted Antennas On Noncomplying Buildings That Exceed The Maximum Height Limit Of The Zoning District: If a building exceeds the maximum allowable height of the zoning district, roof or wall mounted antennas may be attached to the portion of the building that extends above the maximum height limit of the zoning district. If a roof mounted, if said antenna is listed as a permitted use in table 21A.40.090E of this section.), and the building extends above the maximum height limit of the zoning district, conditional use approval is required.

7. Additional Conditional Use Requirements: In addition to conditional use standards outlined in chapter 21A.54 of this title, the following shall be considered by the planning commission:

a. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures;

b. Whether co-location of the antenna on the other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, etc., is possible without significantly impacting antenna transmission or reception;

c. The location of the antenna in relation to existing vegetation, topography and buildings to obtain the best visual screening;

d. Whether the spacing between monopoles and lattice towers creates detrimental impacts to adjoining properties.

8. Accessory Buildings To Antenna Structures: Accessory buildings to antenna structures must comply with the required setback, height and landscaping requirements of the zoning district in which they are located. Monopoles shall be fenced with a six foot (6') chainlink fence and the climbing pegs removed from the lower twenty feet (20') of the monopole. All power lines on the lot leading to the accessory building and antenna structure shall be underground.

9. Historic District: Any antenna proposed for a location within a historic district or on landmark site is subject to approval through the historic landmarks commission as contained in chapter 21A.34 of this title.

10. Permission Required For Antennas And Mounting Structures On Or Over A Public Right Of Way: Antennas and mounting structures encroaching on or over the public sidewalk or on or over a public right of way shall be subject to obtaining permission from the city pursuant to the city's rights of way encroachment policy.

11. Non-maintained Or Abandoned Facilities: The building official may require each non-maintained or abandoned low power radio services antenna to be removed from the building or premises when such an antenna has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of non-maintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure. ~~The city may require a performance bond or other means of financial assurance to guarantee removal of abandoned poles.~~

~~12. Antennas Located Within Existing Structures Where There Is No Exterior Evidence Of The Antennas: Antennas located within an existing structure constructed prior to the effective date hereof shall be a permitted use in all zoning districts provided that:~~

~~a. There shall not be any exterior evidence of the antenna or support structure.~~

b. ~~The e~~ Electrical equipment structure shall be located within the existing structure with no exterior evidence of existence, or in an appropriate location for an accessory structure in the rear yard area compliance with the location requirements as noted in subsection 21A.40.090E3 of this title. (Ord. 10-10 § 12, 2010; Ord. 73-02 §§ 9 (Exh. D) _ 11, 2002; Ord. 81-01 § 1, 2001; Ord. 11-01 § 1, 2001; Ord. 14-00 § 7, 2000; Ord. 3-00 § 1, 2000; Ord. 93-99 §§ 1 _ 4, 1999; Ord. 35-99 §§ 60 _ 62, 1999; amended during 5/96 supplement: Ord. 5-96 § 1, 1996; Ord. 26-95 § 2(20-8), 1995)

21A.60.020: LIST OF DEFINED TERMS:

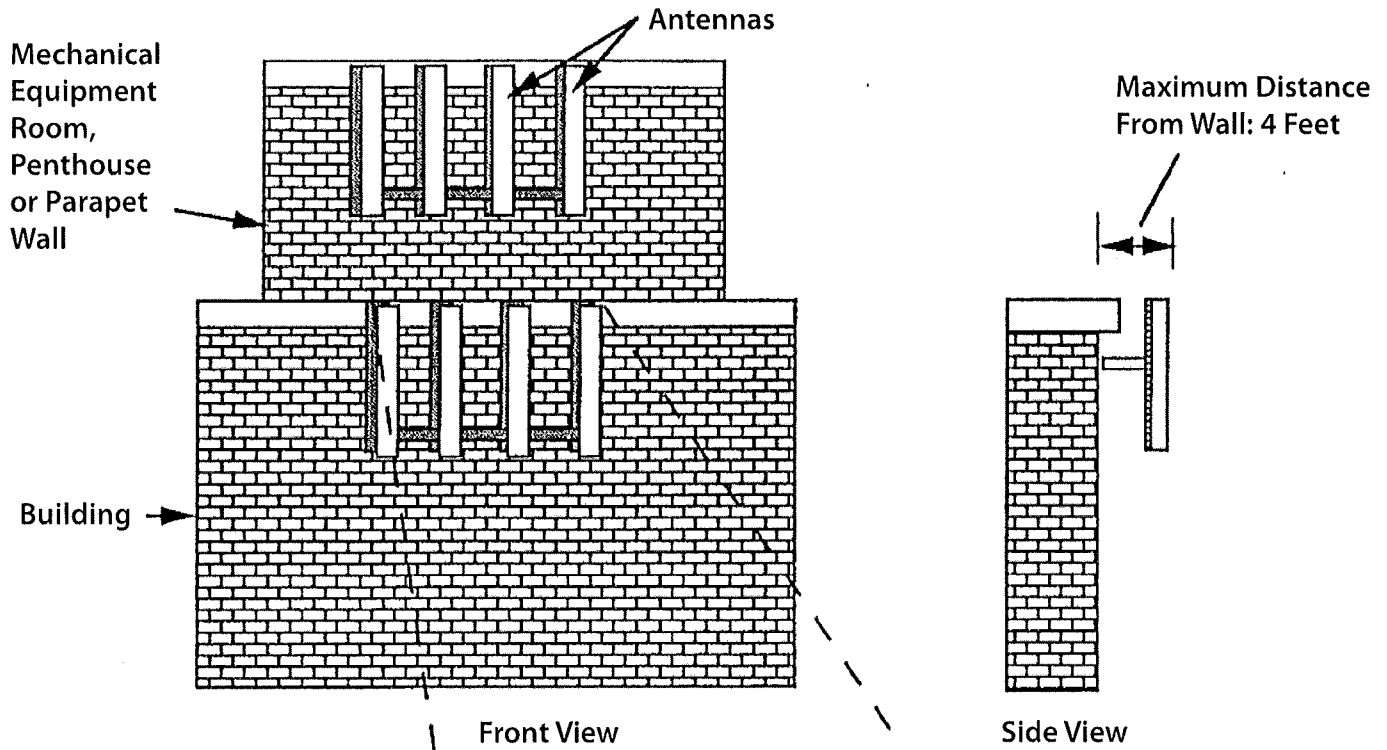
Antenna, stealth.

21A.62.040: DEFINITIONS OF TERMS:

ANTENNA, STEALTH: An antenna completely disguised as another object, or otherwise concealed from view, thereby concealing the intended use and appearance of the facility. Examples of stealth facilities include, but are not limited to flagpoles, light pole standards or architectural elements such as dormers, steeples and chimneys.

21A.62.050: ILLUSTRATIONS OF SELECTED DEFINITIONS:

J. Wall Mounted Antennas



WALL MOUNTED ANTENNAS

Area Measurement:
 Maximum area coverage for any Combination of Wall or Roof Mounted Antenna is the Lessor of 60 square feet or 5 percent of the gross square footage of each exterior wall as Measured Around Each Individual Antenna and Supporting Structure as Viewed Looking Directly at the Antennas.

**Exhibit B –
Public Comments**

Traughber, Lex

From: McConkie, BreAnne
Sent: Thursday, January 06, 2011 12:51 PM
To: Traughber, Lex
Subject: FW: SLC Telecommunications Ordinance Amendment

Categories: Other

Will you print this email off for the meeting? Thanks!

From: Noah Grodzin [mailto:noah.grodzin@CascadiaPM.com]
Sent: Tuesday, November 16, 2010 2:58 PM
To: Traughber, Lex
Cc: McConkie, BreAnne
Subject: RE: SLC Telecommunications Ordinance Amendment

Lex;

Thank you for keeping me in the loop.

The main issue my team had with the code was in regards towards the utility poles....below is a paraphrase from one of our original email exchanges regarding the matter:

“Currently per the code an applicant is allowed to increase the height of a pole by 10'. However after the City code was written; OSHA implemented a standard to RMP (Rocky Mountain Power) that they need to have 10' of clearance between their highest antenna line on a particular pole and a proposed wireless antenna. Our antennas for the utility poles are 8' in height; so to meet the RMP standard a pole would have to be increased by essentially 18'; which would violate the code requirement of 10'. We have about a dozen RMP that we would like to locate on; but will be unable to so – per this situation. In fact there is no utility pole in the City that we could use.”

Let me know what you think....

Thanks.

Noah Grodzin
Site Acquisition Specialist
CascadiaPM
971.285.6645

From: Traughber, Lex [mailto:Lex.Traughber@slcgov.com]
Sent: Tuesday, November 16, 2010 1:42 PM
To: Noah Grodzin; 'David.Holt@PacifiCorp.com'; 'Dave Carter'
Cc: McConkie, BreAnne; Norris, Nick
Subject: SLC Telecommunications Ordinance Amendment

Gentlemen,

As you may be aware, the Salt Lake City Planning Division is currently in the process of revising the City's wireless telecommunications ordinance and we are hoping to receive industry input to help inform the revisions. Attached is a draft ordinance for your review. Any comments or suggestions that you may have in regards to this proposal would be greatly appreciated.

Also, we'd like to invite you to join us at our upcoming public open house, Thursday, November 18, from 4:30-6:00 PM on the 1st floor of the City & County Building. We will have the attached draft ordinance available for the general public at that time.

We look forward to your input and comments. If you have any questions, please do not hesitate to contact me or my intern, BreAnne McConkie at breanne.mcconkie@slcgov.com or (801) 535-7135.

Sincerely,

Lex Traugher

Senior Planner

Salt Lake City Planning Division

451 S. State Street, Room 406

P.O. Box 145480

Salt Lake City, UT 84114-5480

Telephone: (801) 535-6184

Fax: (801) 535-6174

Traughber, Lex

From: Noah Grodzin [noah.grodzin@CascadiaPM.com]
Sent: Thursday, February 25, 2010 5:48 PM
To: Traughber, Lex
Cc: Britton, Nick; Coffey, Cheri
Subject: RE: Utility Pole Ordinance Change
Attachments: RMP Exhibit.pdf; UT-SLC0268_ZD_R1.1_2-11-10[1].pdf

Categories: Other

Lex;

I received your phone call.

I would like to meet to discuss adjusting the ordinance specifically for locating antennas on utility poles.

Currently per the code an applicant is allowed to increase the height of a pole by 10'.

However after the City code was written; OSHA implemented a standard to RMP (Rocky Mountain Power) that they need to have 10' of clearance between their highest antenna line on a particular pole and a proposed wireless antenna. Our antennas for the utility poles are 8' in height; so to meet the RMP standard a pole would have to be increased by essentially 18'; which would violate the code requirement of 10'. We have about a dozen RMP that we would like to locate on; but will be unable to so – per this situation. In fact there is no utility pole in the City that we could use.

The questions I would like to address in a meeting would be:

- Would the City consider revising the ordinance?
- If so – what would the process be and how long of a time line?

- Attached is an RMP exhibit that illustrates their requirement.
- Attached is a site plan for an RMP site that shows the increase with the RMP standard

Please let me know an available date/time that we could meet and discuss.

Regards;

Noah Grodzin
Site Acquisition Specialist
CascadiaPM
971.285.6645

From: Coffey, Cheri [mailto:Cheri.Coffey@slcgov.com]
Sent: Thursday, February 25, 2010 1:25 PM
To: Traughber, Lex
Cc: Britton, Nick; Noah Grodzin
Subject: RE: Utility Pole Ordinance Change

Lex,

Will you please work to schedule a meeting with Noah? If you would like me to attend, please check my outlook calendar for next week.

Thanks.

**Exhibit C –
City Department/Division Comments**



Salt Lake City
Department of Airports

INTER-OFFICE MEMO

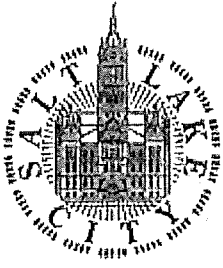
Planning & Environmental

Date: March 3, 2011
To: Lex Traugher
From: Allen McCandless
Subject: **Telecommunications Ordinance Amendment
21A.040.90
Petition PLNPCM2010-00045**

Thank you for providing the draft Telecommunications Ordinance Amendment for review regarding Antenna Regulations.

Antennas located at the Salt Lake City International Airport provide wide support for a variety of operational and aeronautical purposes. These purposes may include air navigation communication, internet access, ground vehicle communication, emergency response, radar, FAA Control tower, tenant communication, weather reports, radio, phone, and other essential communications. Antenna facilities are critical to airport operations and are constantly maintained and upgraded to meet technological changes.

Heights of all structures, including antennas, must comply with FAA height requirements on and near airports. Height regulations are specified in the City's existing Airport Flight Path Protection Overlay District, and also by FAA regulation. It is imperative that the proposed ordinance amendments continue allowing antenna installation and maintenance at the Salt Lake City International Airport for aeronautical, operational, and emergency purposes.



Work Flow History Report

PLNPCM2010-00045

Date	Task/Inspection	Status/Result	Action By	Comments
2/3/2010	Staff Assignment	In Progress	Coffey, Cheri	Target April PC meeting
2/10/2010	Staff Assignment	Assigned	Traughber, Lex	
2/10/2010	Staff Assignment	In Progress	Traughber, Lex	
10/11/2010	Planning Dept Review	In Progress	Traughber, Lex	
10/11/2010	Staff Assignment	Routed	Traughber, Lex	
10/13/2010	Engineering Review	Complete	Drummond, Randy	We have no concerns regarding this proposed ordinance text change.
10/18/2010	Fire Code Review	Complete	Itchon, Edward	
10/28/2010	Public Utility Review	Complete	Stoker, Justin	No objection to the proposed code changes.
11/2/2010	Transportation Review	Complete	Walsh, Barry	<p>The division of transportation review comments and recommendations area s follows:</p> <p>The provision that parking is not impacted is still in the ordinance and no additional parking is required.</p> <p>All issues within the public right of way are to be reviewed by Engineering and Transportation.</p>
11/4/2010	Building Review	Complete	Butcher, Larry	
11/4/2010	Community Open House	Scheduled	Traughber, Lex	
11/4/2010	Police Review	Complete	Johnson, Jeff	Planning Staff routed this request for comment to the Police Dept. NO COMMENTS WERE RECEIVED IN RESPONSE TO THIS REQUEST.
11/4/2010	Zoning Review	Complete	Butcher, Larry	
11/23/2010	Community Open House	Complete	Traughber, Lex	Open House held 11/18/10