ORDINANCE NO. 2016-O-01

AN ORDINANCE CREATING DEVELOPMENT STANDARDS FOR WALL- AND ROOF-MOUNTED TELECOMMUNICATION FACILITIES IN THE SINGLE-FAMILY RESIDENTIAL, MEDIUM-HIGH DENSITY RESIDENTIAL, MIXED USE, STATE STREET COMMERCIAL, TRANSIT-ORIENTED DEVELOPMENT, BINGHAM JUNCTION, JORDAN BLUFFS, REGIONAL COMMERCIAL, AND CLEAN INDUSTRIAL ZONE DISTRICTS (SECTIONS 17-7-1.11(B)(2)(e); 17-7-2.11(B)(2)(e); 17-7-3.10(B)(2)(e); 17-7-4.10(B)(2)(e); 17-7-5.8(B)(2)(b); 17-7-9.9(B)(2)(b); 17-7-10.9(B)(2)(b); 17-7-13.9(B)(2)(b); 17-7-11.1(B)(2)(a); 17-7-8.11(B)(2)(a); AND 17-7-12.9(B)(2)(a) OF THE MIDVALE MUNICIPAL CODE); ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9-401 through 10-9-405 Utah Code Annotated 1953 as amended, the City has the authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, pursuant to Section 10-6-12 Utah Code Annotated 1953 as amended, the City has the authority to adopt and amend the Midvale City Municipal Code;

WHEREAS, Midvale City was made aware of additional uses not contemplated when the Zoning Ordinance was originally adopted with regard to telecommunication facilities; and

WHEREAS, Midvale City recognized these telecommunication facilities could further provide safety and security of individual properties and their uses; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2015, September 17, 2015 and November 18, 2015, to review the proposed amendments regarding telecommunication facilities and standards and has forwarded a recommendation on such to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on December 15, 2015 which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on December 1, 2015; and

WHEREAS, the City Council of Midvale City, Utah followed the public hearing with another meeting to obtain additional information with regard to issues raised during the public hearing; and

WHEREAS, the City Council has taken into consideration the applicant's testimony, planning and building analysis, and the Planning Commission's recommendation, and has determined that this text amendment is appropriate and within the best interests of the City as a whole in protecting and promoting the health, safety, welfare and aesthetic quality of Midvale City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The following chapters and sections of the Midvale Municipal Code are hereby amended as included in the attachments to this document.
Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to this section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 19th day of January, 2016.

JoAnn B. Seghini, Mayor

ATTEST:

Roni Andreason, MMC
City Recorder

Date of first publication: January 24, 2016

Voting by City Council

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Ordinance No. 2016-O-01
ATTACHMENT A
Wall- and Roof-Mounted Antennas for Telecommunication Facilities;
For the Following Midvale Municipal Code Sections:
17-7-1.11(B)(2)(e); 17-7-2.11(B)(2)(e); 17-7-3.10(B)(2)(e); and 17-7-4.10(B)(2)(e)

Text-Deletions
Revised Text Amendment

e. -- Telecommunications Facility. This section applies to both commercial and private low-power
radio services and facilities, such as "cellular" or "PCS" (personal communications systems)
communications and paging systems. Each application for a telecommunications facility shall
comply with the following:

i. -- Wall-Mounted Antenna. Wall-mounted antennas may not extend above the wall line of the
building or extend more than four feet horizontally from the face of the building.
   (A) -- Antennas, equipment and the supporting structure shall be painted to match the
   color of the building or structure or the background against which they are most
   commonly seen. Antennas and the supporting structures on buildings shall be
   architecturally compatible with the building. Whip antennas are not allowed on a wall-
   mounted antenna structure.
   (B) -- Antennas mounted directly on existing parapet walls, penthouses, or mechanical
   equipment rooms are considered a wall-mounted antenna if no portion of the antenna
   extends above the roofline of those building structures.
   (C) -- Stealth wall-mounted antennas are encouraged and may be allowed to vary from
   the provisions of this section upon demonstrated mitigation of impact.

ii. -- Roof-Mounted Antenna. Roof-mounted antennas are allowed only on a flat roof and shall
be screened, constructed and painted to match the structure to which they are attached. The
planning commission may grant approval to place roof mounted stealth antennas on a
pitched roof if the antennas do not extend above the peak of the roof.
   (A) -- Antennas shall be mounted at least five feet behind any parapet wall. The
   maximum height of an antenna mounted between five and ten feet behind a parapet
   wall shall be directly proportional to the setback distance, and may not exceed a height
   of ten feet above the top of the parapet wall. An antenna may not extend more than
   fifteen feet above the roofline of the building unless the adverse impacts of the
   additional height are fully mitigated.
   (B) -- Roof-mounted antennas may be mounted on existing penthouses or mechanical
   equipment rooms if the antennas and antenna support structures are enclosed or...
visual screening from view. The screening structures may not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.

(C) Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five feet back from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet back from the exterior wall shall be directly proportional to the setback distance, and may not exceed ten feet above the roof line of the building. Similarly, a roof-mounted antenna may not extend above the roofline of a penthouse or mechanical equipment room except as allowed as a conditional use.

iii. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

iv. Area Limitations. Combinations 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 forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. Cellular antennas may occupy a maximum of four walls. 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.

v. Review Criteria. Each applicant for a telecommunications facility must demonstrate:

(A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;

(B) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;

(C) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;

(D) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;

(E) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;

(F) Location and zoning compliance of accessory buildings associated with the telecommunications facility.
(G) Monopole. A conditional use permit for a monopole may be granted in a residential zone district only if the planning commission finds that:

(1) The monopole antenna does not exceed thirty-five feet in height;

(2) Monopole with antennas and antennas support structure does not exceed two feet in width;

(3) The antenna tower will be placed on a parcel which is not occupied by a residential use, such as a school, church, or other nonresidential use, which is otherwise legally located in that residential zone;

(4) The antenna tower will be located no closer than two hundred feet from the nearest residential structure; and

(5) The monopole will be disguised as, or otherwise integrated with, a light-pole or similar utility structure located on the parcel to minimize and mitigate the visual impact of the antenna. Monopoles shall be fenced with a six-foot chain link fence and the climbing pegs removed from the lower twenty feet of the monopole. In circumstances where the accessory building and fence may be viewable from any public road or public space, the planning commission may require alternative building and fencing materials such as masonry, wrought iron, or chain link with colored vinyl coating, depending on the location.

(6) No monopole or lattice tower may be located within one thousand feet of another monopole or lattice tower unless it is for the bona fide public services of a public transit district as defined in Section 17A 2-1001 et seq. of the Utah Code Annotated and as certified by said public transit district.

vi. Co-Location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

(A) Structural capacity of the antenna towers;

(B) Geographic telecommunications area requirements;

(C) Mechanical or electrical incompatibilities;

(D) Inability or ability to locate equipment on existing antenna towers; and

(E) Any restriction or limitation of the Federal Communications Commission that would preclude the shared-use of the antenna tower.
vi. Classification/Installation. Low-power radio services facilities are characterized by the type or location of the antenna structure.

vii. Temporary Antenna for Use During Drive Tests. Telecommunications companies wishing to perform drive tests shall submit notice to the planning department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two days. Drive tests shall be limited to testing functions only and shall not be used for telecommunication services to customers. Drive tests on city property require planning department approval and execution of the city’s test-drive agreement.

e. Telecommunications Facility. This section applies to both commercial and private low-power radio services and facilities, such as “cellular” or “PCS” (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:

i. Wall-Mounted Antenna. Two types of wall-mounted antennas are allowed; stealth-mounted and non-stealth mounted. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of the building or extends no more than four feet horizontally from the face of the building. Whip antennas are not allowed on a wall-mounted antenna structure. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached.

   (A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.

   (1) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure’s mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of the ordinance.

   (2) Area Limitations for stealth wall-mounted antennas. The total area for all stealth wall-mounted antennas and supporting structures combined shall not
 exceed five percent (5%) of any exterior wall of the building. Stealth wall-mounted antennas may occupy a maximum of four walls. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.

(B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility, the nature of the surrounding land uses, and is not visible from public vantage points.

(1) Area Limitations for non-stealth wall-mounted antennas. The total area for all non-stealth wall mounted antennas and supporting structures combined shall not exceed forty (40) square feet for each exterior wall of the building or a total of one hundred sixty (160) square feet per building. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.

ii. Roof-Mounted Antenna. Two types of roof-mounted antennas are allowed; stealth-mounted and non-stealth mounted. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached. Roof-mounted antennas are an allowed use only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission shall review and may grant approval to place roof-mounted stealth antennas on a pitched roof if the antenna(s) are compatible with the existing structure. Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view.

(A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.

(1) Antennas shall be mounted at least five feet behind any parapet wall or from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet behind a parapet or exterior wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet above the top of the parapet wall or roof line of the building.

(2) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure’s mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-
dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of the ordinance.

(B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility and the nature of the surrounding land uses.

iii. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

iv. Monopole. A conditional use permit for a monopole may be granted in a residential zone district only if the planning commission finds that:

1. The monopole antenna does not exceed thirty-five feet in height;
2. Monopole with antennas and antennas support structure does not exceed two feet in width;
3. The antenna tower will be placed on a parcel, which is not occupied by a residential use, such as a school, church, or other nonresidential use, which is otherwise legally located in that residential zone;
4. The antenna tower will be located no closer than two hundred feet from the nearest residential structure; and
5. The monopole will be disguised as, or otherwise integrated with, a light pole or similar utility structure located on the parcel to minimize and mitigate the visual impact of the antenna. Monopoles shall be fenced with a six-foot chain-link fence and the climbing pegs removed from the lower twenty feet of the monopole. In circumstances where the accessory building and fence may be viewable from any public road or public space, the planning commission may require alternative building and fencing materials such as masonry, wrought iron or chain link with colored vinyl coating, depending on the location.
6. No monopole or lattice tower may be located within one thousand feet of another monopole or lattice tower unless it is for the bona fide public services of a public transit district as defined in Section 17A-2 1001 et seq. of the Utah Code Annotated and as certified by said public transit district.

v. Review Criteria. Each applicant for a telecommunications facility must demonstrate:
(A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;
(B) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;
(C) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;
(D) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;
(E) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;
(F) Location and zoning compliance of accessory buildings associated with the telecommunications facility;
(G) Monopole. A conditional use permit for a monopole may be granted in a residential zone district only if the planning commission finds that:
   (1) The monopole antenna does not exceed thirty-five feet in height;
   (2) Monopole with antennas and antennas support structure does not exceed two feet in width;
   (3) The antenna tower will be placed on a parcel, which is not occupied by a residential use, such as a school, church, or other nonresidential use, which is otherwise legally located in that residential zone;
   (4) The antenna tower will be located no closer than two hundred feet from the nearest residential structure; and
   (5) The monopole will be disguised as, or otherwise integrated with, a light pole or similar utility structure located on the parcel to minimize and mitigate the visual impact of the antenna. Monopoles shall be fenced with a six-foot chain-link fence and the climbing pegs removed from the lower twenty feet of the monopole. In circumstances where the accessory building and fence may be viewable from any public road or public space, the planning commission may require alternative building and fencing materials such as masonry, wrought iron or chain link with colored vinyl coating, depending on the location.
(6) No monopole or lattice tower may be located within one thousand feet of another monopole or lattice tower unless it is for the bona fide public services of a
public transit district as defined in Section 17A-2 1001 et seq. of the Utah Code Annotated and as certified by said public transit district.

vi. Co-Location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

(A) Structural capacity of the antenna towers;

(B) Geographic telecommunications area requirements;

(C) Mechanical or electrical incompatibilities;

(D) Inability or ability to locate equipment on existing antenna towers; and

(E) Any restriction or limitation of the Federal Communications Commission that would preclude the shared use of the antenna tower.

vii. Classification/Installation. Low-power radio services facilities are characterized by the type or location of the antenna structure.

viii. Temporary Antenna for Use During Drive Tests. Telecommunications companies wishing to perform drive tests shall submit notice to the planning department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two days. Drive tests shall be limited to testing functions only and shall not be used for telecommunication services to customers. Drive tests on city property require planning department approval and execution of the city's test-drive agreement.
ATTACHMENT B
Wall- and Roof-Mounted Antennas for Telecommunication Facilities;
For the Following Midvale Municipal Code Sections:
17-7-5.8(B)(2)(b); 17-7-9.9(B)(2)(b); 17-7-10.9(B)(2)(b); and 17-7-13.9(B)(2)(b)

Text-Deletions
Revised Text Amendment

b.— Telecommunications Facility. This section applies to both commercial and private low-power radio services and facilities, such as “cellular” or “PCS” (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:

1. Wall-Mounted Antenna. Wall-mounted antennas may not extend above the wall line of the building or extend more than four feet horizontally from the face of the building.
   (A) Antennas, equipment, and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structures on buildings shall be architecturally compatible with the building. Whip antennas are not allowed on a wall-mounted antenna structure.
   (B) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of those building structures.
   (C) Stealth wall-mounted antennas are encouraged and may be allowed to vary from the provisions of this section upon demonstrated mitigation of impact.

2. Roof-Mounted Antenna. Roof-mounted antennas are allowed only on a flat roof and shall be screened, constructed, and painted to match the structure to which they are attached. The planning commission may grant approval to place roof-mounted stealth antennas on a pitched roof if the antennas do not extend above the peak of the roof.
   (A) Antennas shall be mounted at least five feet behind any parapet wall. The maximum height of an antenna mounted between five and ten feet behind a parapet wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet above the top of the parapet wall. An antenna may not extend more than fifteen feet above the roofline of the building unless the adverse impacts of the additional height are fully mitigated.
   (B) Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or
visually screened from view. The screening structures may not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.

(C) Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five feet back from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet back from the exterior wall shall be directly proportional to the setback distance, and may not exceed ten feet above the roof line of the building. Similarly, a roof-mounted antenna may not extend above the roofline of a penthouse or mechanical equipment room except as allowed as a conditional use.

iii—Monopole with Antennas and Antenna Support Structure Less Than Two Feet in Width

The entire antenna structure mounted on a monopole may not exceed two feet in width.

(A) The maximum height of the antenna may not exceed ten feet in height.

(B) A monopole described in this subsection may not be located in or within five hundred feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

iv—Monopole With Antennas and Antenna Support Structure Greater Than Two Feet in Width

(A) The maximum visible width of antennas and antenna mounting structures on a monopole may not exceed either eight feet in height or fifteen feet in width as viewed looking directly at the monopole at the same elevation as the antennas and antenna mounting structure.

(B) A monopole classified under this subsection may not be located in or within seven hundred fifty feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

v—Lattice Towers—Except as provided for below, lattice towers may not be located within seven hundred fifty feet of a residential zone district.

(A) A lattice tower may be located less than seven hundred fifty feet from a residential zone district if the planning commission finds that the tower's height would not exceed the height of any public utility pole, wire, cable, or similar structures located in the same vicinity as the proposed tower.
(B) A lattice tower may be located less than seven hundred fifty feet from a residential zone and reach up to eighty-five foot height if required for the bona fide public services of a public transit district as defined in U.C.A. Section 17A-2-1001 et seq. and as certified by the public transit district.

(C) No pole shall be allowed in any front yard setback.

(D) The lattice tower must not exceed thirty-five feet in height.

vi. Power Lines: All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

vii. Area Limitations: Combinations 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 forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. Cellular antennas may occupy a maximum of four walls. 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.

viii. Review Criteria: Each applicant for a telecommunications facility must demonstrate:

(A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;

(B) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;

(C) Antenna transmissions will not interfere with public safety communications;

(D) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;

(E) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;

(F) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;

(G) Location and zoning compliance of accessory buildings associated with the telecommunications facility.

ix. Co-Location: Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the
b. Telecommunications Facility. This section applies to both commercial and private low-power radio services and facilities, such as "cellular" or "PCS" (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:

i. Wall-Mounted Antenna. Two types of wall-mounted antennas are allowed: stealth-mounted and non-stealth mounted. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of the building or extends no more than four feet horizontally from the face of the building. Whip antennas are not allowed on a wall-mounted antenna structure. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached.

(A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.
(1) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure's mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of the ordinance.

(2) Area Limitations for stealth wall-mounted antennas. The total area for all stealth wall-mounted antennas and supporting structures combined shall not exceed five percent (5%) of any exterior wall of the building. Stealth wall-mounted antennas may occupy a maximum of four walls. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.

(B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility, the nature of the surrounding land uses, and is not visible from public vantage points.

(1) Area Limitations for non-stealth wall-mounted antennas. The total area for all non-stealth wall mounted antennas and supporting structures combined shall not exceed forty (40) square feet for each exterior wall of the building or a total of one hundred sixty (160) square feet per building. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.

ii. Roof-Mounted Antenna. Two types of roof-mounted antennas are allowed; stealth-mounted and non-stealth mounted. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached. Roof-mounted antennas are an allowed use only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission shall review and may grant approval to place roof-mounted stealth antennas on a pitched roof if the antenna(s) are compatible with the existing structure. Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view.

(A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.
(1) Antennas shall be mounted at least five feet behind any parapet wall or from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet behind a parapet or exterior wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet above the top of the parapet wall or roof line of the building.

(2) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure's mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of the ordinance.

(B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility and the nature of the surrounding land uses.

iii. Monopole with Antennas and Antenna Support Structure Less Than Two Feet in Width.

The entire antenna structure mounted on a monopole may not exceed two feet in width.

(A) The maximum height of this antenna may not exceed ten feet in height.

(B) A monopole described in this subsection may not be located in or within five hundred feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

iv. Monopole With Antennas and Antenna Support Structure Greater Than Two Feet in Width.

(A) The maximum visible width of antennas and antenna mounting structures on a monopole may not exceed either eight feet in height or fifteen feet in width as viewed looking directly at the monopole at the same elevation as the antennas and antenna mounting structure.

(B) A monopole classified under this subsection may not be located in or within seven hundred fifty feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.
v. Lattice Towers. Except as provided for below, lattice towers may not be located within seven hundred fifty feet of a residential zone district.

(A) A lattice tower may be located less than seven hundred fifty feet from a residential zone district if the planning commission finds that the tower's height would not exceed the height of any public utility pole, wire, cable, or similar structures located in the same vicinity as the proposed tower.

(B) A lattice tower may be located less than seven hundred fifty feet from a residential zone and reach up to eighty-five-foot height if required for the bona fide public services of a public transit district as defined in U.C.A. Section 17A-2 1001 et seq. and as certified by the public transit district.

(C) No pole shall be allowed in any front yard setback.

(D) The lattice tower must not exceed thirty-five feet in height.

vi. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

vii. Review Criteria. Each applicant for a telecommunications facility must demonstrate:

(A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;

(B) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;

(C) Antenna transmissions will not interfere with public safety communications;

(D) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;

(E) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;

(F) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;

(G) Location and zoning compliance of accessory buildings associated with the telecommunications facility.

viii. Co-Location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the
telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

(A) Structural capacity of the antenna towers;
(B) Geographic telecommunications area requirements;
(C) Mechanical or electrical incompatibilities;
(D) Inability or ability to locate equipment on existing antenna towers; and
(E) Any restriction or limitation of the Federal Communications Commission that would preclude the shared use of the antenna tower.

ix. Classification/Installation. Low-power radio services facilities are characterized by the type or location of the antenna structure.

x. Temporary Antenna for Use During Drive Tests. Telecommunications companies wishing to perform drive tests shall submit notice to the planning department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two days. Drive tests shall be limited to testing functions only and shall not be used for telecommunication services to customers. Drive tests on city property require planning department approval and execution of the city's test-drive agreement.
ATTACHMENT C
Wall- and Roof-Mounted Antennas for Telecommunication Facilities;
For the Following Midvale Municipal Code Sections:
17-7-7.11(B)(2)(a); 17-7-8.11(B)(2)(a); and 17-7-12.9(B)(2)(a)

Revised Text Amendment

a. Telecommunications Facility. This section applies to both commercial and private low-power radio services and facilities, such as "cellular" or "PCS" (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:

i. Wall-Mounted Antenna. Wall-mounted antennas may not extend above the wall line of the building or extend more than four feet horizontally from the face of the building.
   (A) Antennas, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structures on buildings shall be architecturally compatible with the building. Whip antennas are not allowed on a wall-mounted antenna structure.
   (B) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of those building structures.
   (C) Stealth wall-mounted antennas are encouraged and may be allowed to vary from the provisions of this section upon demonstration of mitigation of impact.

ii. Roof-Mounted Antenna. Roof-mounted antennas are allowed only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission may grant approval to place roof mounted stealth antennas on a pitched roof if the antennas do not extend above the peak of the roof.
   (A) Antennas shall be mounted at least five feet behind any parapet wall. The maximum height of an antenna mounted between five and ten feet behind a parapet wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet above the top of the parapet wall. An antenna may not extend more than fifteen feet above the roofline of the building unless the adverse impacts of the additional height are fully mitigated.
   (B) Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or...
visually screened from view. The screening structures may not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.

(C) Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five feet back from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet back from the exterior wall shall be directly proportional to the setback distance, and may not exceed ten feet above the roof line of the building. Similarly, a roof-mounted antenna may not extend above the roofline of a penthouse or mechanical equipment room except as allowed as a conditional use.

ii—Monopole with Antennas and Antenna Support Structure Less Than Two Feet in Width

The entire antenna structure mounted on a monopole may not exceed two feet in width.

(A) The maximum height of this antenna may not exceed ten feet in height.

(B) A monopole described in this subsection may not be located in or within five hundred feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

iv—Monopole with Antennas and Antenna Support Structure Greater Than Two Feet in Width

(A) The maximum visible width of antennas and antenna mounting structures on a monopole may not exceed either eight feet in height or fifteen feet in width as viewed looking directly at the monopole at same elevation as the antennas and antenna mounting structure.

(B) A monopole classified under this subsection may not be located in or within seven hundred fifty feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

v—Lattice Towers—Except as provided for below, lattice towers may not be located within seven hundred fifty feet of a residential zone district.

(A) A lattice tower may be located less than seven hundred fifty feet from a residential zone district if the planning commission finds that the tower's height would not exceed the height of any public utility pole, wire, cable, or similar structures located in the same vicinity as the proposed tower.
(B) A lattice tower may be located less than seven hundred fifty feet from a residential zone and reach up to eighty-five foot height if required for the bona fide public services of a public transit district as defined in U.C.A. Section 17A-2-1001 et seq. and as certified by the public transit district.

(C) No pole shall be allowed in any front yard setback.

(D) The lattice tower must not exceed thirty-five feet in height.

vi. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

vii. Area Limitations. Combinations 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 forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. Cellular antennas may occupy a maximum of four walls. 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.

viii. Review Criteria. Each applicant for a telecommunications facility must demonstrate:

(A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures.

(B) Whether co-location of the antenna on other existing structure(s) in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception.

(C) Antenna transmissions will not interfere with public safety communications.

(D) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening.

(E) Whether the spacing between monopoles creates detrimental impact upon adjacent properties.

(F) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors.

(G) Location and zoning compliance of accessory buildings associated with the telecommunications facility.

ix. Co-Location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt telecommunications facility within the
Telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

(A) Structural capacity of the antenna towers;
(B) Geographic telecommunications area requirements;
(C) Mechanical or electrical incompatibilities;
(D) Inability or ability to locate equipment on existing antenna towers; and
(E) Any restriction or limitation of the Federal Communications Commission that would preclude the shared use of the antenna tower.

x. Classification/installation. Low-power radio services facilities are characterized by the type or location of the antenna structure:

xi. Temporary Antenna for Use During Drive Tests. Telecommunications companies wishing to perform drive tests shall submit notice to the planning department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two days. Drive tests shall be limited to testing functions only and shall not be used for telecommunication services to customers. Drive tests on city property require planning department approval and execution of the city’s test drive agreement.

a. Telecommunications Facility. This section applies to both commercial and private low-power radio services and facilities, such as “cellular” or “PCS” (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:

i. Wall-Mounted Antenna. Two types of wall-mounted antennas are allowed; stealth-mounted and non-stealth mounted. Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of the building or extends no more than four feet horizontally from the face of the building. Whip antennas are not allowed on a wall-mounted antenna structure. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached.

(A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.
(1) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure’s mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of the ordinance.

(2) Area Limitations for stealth wall-mounted antennas. The total area for all stealth wall-mounted antennas and supporting structures combined shall not exceed five percent (5%) of any exterior wall of the building. Stealth wall-mounted antennas may occupy a maximum of four walls. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.

(B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility, the nature of the surrounding land uses, and is not visible from public vantage points.

(1) Area Limitations for non-stealth wall-mounted antennas. The total area for all non-stealth wall mounted antennas and supporting structures combined shall not exceed forty (40) square feet for each exterior wall of the building or a total of one hundred sixty (160) square feet per building. The total calculated area is the sum of each individual antenna and the visible portion of the supporting structure as viewed when looking directly at the face of the building.

ii. Roof-Mounted Antenna. Two types of roof-mounted antennas are allowed; stealth-mounted and non-stealth mounted. Antennas, equipment, and the supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached. Roof-mounted antennas are an allowed use only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission shall review and may grant approval to place roof-mounted stealth antennas on a pitched roof if the antenna(s) are compatible with the existing structure. Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view.

(A) Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.
(1) Antennas shall be mounted at least five feet behind any parapet wall or from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet behind a parapet or exterior wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet above the top of the parapet wall or roof line of the building.

(2) The planning commission shall review and may grant approval for any new antenna(s) that require construction of a new screening wall. New screening wall(s) shall be in harmony with the structure's mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of the ordinance.

(B) Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility and the nature of the surrounding land uses.

iii. Monopole with Antennas and Antenna Support Structure Less Than Two Feet in Width.

The entire antenna structure mounted on a monopole may not exceed two feet in width.

(A) The maximum height of this antenna may not exceed ten feet in height.

(B) A monopole described in this subsection may not be located in or within five hundred feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

iv. Monopole with Antennas and Antenna Support Structure Greater Than Two Feet in Width.

(A) The maximum visible width of antennas and antenna mounting structures on a monopole may not exceed either eight feet in height or fifteen feet in width as viewed looking directly at the monopole at same elevation as the antennas and antenna mounting structure.

(B) A monopole classified under this subsection may not be located in or within seven hundred fifty feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.
v. Lattice Towers. Except as provided for below, lattice towers may not be located within seven hundred fifty feet of a residential zone district.

(A) A lattice tower may be located less than seven hundred fifty feet from a residential zone district if the planning commission finds that the tower's height would not exceed the height of any public utility pole, wire, cable, or similar structures located in the same vicinity as the proposed tower.

(B) A lattice tower may be located less than seven hundred fifty feet from a residential zone and reach up to eighty-five-foot height if required for the bona fide public services of a public transit district as defined in U.C.A. Section 17A-2-1001 et seq. and as certified by the public transit district.

(C) No pole shall be allowed in any front yard setback.

(D) The lattice tower must not exceed thirty-five feet in height.

vi. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

vii. Review Criteria. Each applicant for a telecommunications facility must demonstrate:

(A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;

(B) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;

(C) Antenna transmissions will not interfere with public safety communications;

(D) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;

(E) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;

(F) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;

(G) Location and zoning compliance of accessory buildings associated with the telecommunications facility.

viii. Co-Location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the
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