



**Project #20-036  
Wireless Telecommunication Updates  
Land Development Code Amendment**

**REPORT SUMMARY...**

<i>Project Name:</i>	Wireless Telecommunication Updates
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	July 9, 2020
<i>Submitted By:</i>	Mike DeSimone, Director

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**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapters 17.38 and 17.62 of the Land Development Code.

**REQUEST**

This is a proposal for several amendments to the Wireless Telecommunications Facilities Chapter stemming from the last cell tower decision made by the Planning Commission. This is a proposal to firm up the placement, design and co-location standards along with some minor cleanup work on the graphics and text. The proposed placement and design changes are summarized below (red line code sections attached):

**Placement and Design Requirements – 17.38.050: (Proposed new language)**

The Planning Commission shall consider the following factors when deciding to grant permit approvals for a wireless telecommunication facility:

- A. Compatibility: compatibility of the facility with the height, mass and design of buildings, structures, and uses in the immediate vicinity;
- B. Screening: whether the proposal uses existing or proposed vegetation, topography, or structures in a manner that effectively screens the facility;
- C. Disguise: whether the facility is disguised in a manner that mitigates potential negative impacts on surrounding properties;
- D. Parcel Size: whether the facility is located on a parcel of sufficient size to adequately support the facility and meet minimum setbacks;
- E. Location on Parcel: whether the facility is situated on the parcel in a manner that can best protect the interests of surrounding property owners, but still accommodate other appropriate uses on the parcel;
- F. Location in General: whether location or co-location of the facility on other structures in the same vicinity is practical without significantly affecting the functionality of the facility;
- G. Future Co-location: the willingness of the applicant to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry; and
- H. Stealth Design: how well the applicant has incorporated stealth design, as defined in Chapter 17.62, into the overall design and location of the proposed facility.

**Existing Towers and Poles – 17.38.060:** Clarified co-locating standards as they relate to the distance the face of the antenna can extend out from the pole (3’); the height of a proposed

antenna above the existing tower; and a 25% height bonus for co-locating onto an existing tower or pole.

**Monopoles and Towers – 17.38.090:** Clarified the heights of just a poles or towers, and clarifies the additional height an antenna or similar elements may extend above the tower; clarifies the distance the face of the antenna can extend out from the pole (3'); and establishes that a pole or tower shall be located at least 150' away from the nearest existing residential structure.

**Definitions - 17.62:** Replaced the definition “Stealth Telecommunication Facilities” with “Wireless Telecommunications Facility Stealth Design”.

### **STAFF RECOMMENDATION AND SUMMARY**

The proposed changes to the Land Development Code are minor in nature and help clarify certain substantive and procedural issues. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

### **GENERAL PLAN**

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments clarify the wireless telecommunications facilities standards, are minor in nature, and are consistent with the General Plan.

### **PUBLIC COMMENTS**

As of the time the staff report was prepared, no public comments had been received.

### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on 6/27/20, posted on the City's website and the Utah Public Meeting website on 6/25/20, and noticed in a quarter page ad on 6/2020.

### **AGENCY AND CITY DEPARTMENT COMMENTS**

As of the time the staff report was prepared, no comments have been received.

### **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments clarify the location, placement, and design standards for wireless telecommunication facilities.
5. No public comment has been received regarding the proposed amendments.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.

## Chapter 17.38: Wireless Telecommunications Facilities

### §17.38.010. Purpose

The purpose of this chapter is to regulate wireless telecommunication facilities to assure their compatibility with adjoining uses. The location and design of wireless telecommunications facilities may negatively impact surrounding properties; therefore, the purpose of these regulations is to locate wireless telecommunications facilities where they are least visible from public areas, and to the greatest extent possible, screen them from adjoining properties.

### §17.38.020. Applicability

This chapter applies to commercial and private wireless telecommunication facilities, ~~including but not limited to, "cellular" or PCS (personal communications system) communications and paging facilities or others~~ as defined in §17.6255, and does not apply to public safety, emergency services, amateur radio, home satellite or television equipment, as they may be regulated by other city ordinances and policies.

### §17.38.030. Permits Required

- A. A conditional use permit and a design review permit are required for all new wireless telecommunications facilities ~~and. The conditional use and design review permits shall be reviewed and issued in accordance with the approval processes outlined in this Title, and shall not unreasonably discriminate among providers of functionally equivalent services.~~
- B. For co-locating, equipment updating and remodeling of existing permitted facilities, a design review permit may not be required if the Director finds that the proposed changes will not result in a significant character change in the appearance of a structure from what currently exists.

### §17.38.040. Applications

In addition to the standard application requirements for the conditional use and design review permits, the applicant shall submit the following:

- A. Certification of compliance with FCC Parts 24 and 27 regarding RF (radio frequency) hazards and safety, and other FCC provisions as applicable; and
- B. A visual analysis of the proposed telecommunications facilities, to include photo simulations, field mock up, computer enhanced graphics or other techniques, which depict the visual effects of the proposed facility on surrounding properties and all public areas (streets, parks, etc.) within 300',

The Planning Commission, or the Director, may require additional visual simulations if it is determined they are necessary to better understand the proposed facility's effects on the surrounding neighborhood. All costs associated with this requirement are the responsibility of the applicant.



Example of a Stealth Design by placing equipment on Existing Buildings

**§17.38.050. Placement and Design Requirements**

~~To approve the proposed telecommunications facility, the Planning Commission shall find that the proposed facility employs stealth design. Because of unique circumstances associated with each site, a facility may be considered stealth design in one location and not a stealth design in another location.~~ The Planning Commission shall consider the following factors when deciding to grant permit approvals for a wireless telecommunication facility: any special circumstances applicable to the proposed site and the methods of stealth design listed below:

- A. ~~To the extent that it is reasonably feasible, the applicant shall employ stealth design to mitigate and/or camouflage negative visual effects. Stealth design ensures that facilities will be compatible with the natural or built setting and will be concealed or camouflage;~~ Compatibility: compatibility of the facility with the height, mass and design of buildings, structures, and uses in the vicinity of the facility;
- B. ~~Screening: whether the facility uses existing or proposed vegetation, topography, or structures in a manner that effectively screens the facility; Blending the facility with the architecture of the existing structure upon which the facility will be mounted;~~
- C. ~~Disguise: whether the facility is disguised in a manner that mitigates potential negative impacts on surrounding properties; Blending the facility with existing vegetation and/or site features;~~
- D. ~~Parcel Size: whether the facility is located on a parcel of sufficient size to adequately support the facility and meet minimum setbacks; Using color schemes, materials and textures that make the facility less noticeable; and~~
- E. ~~Location on Parcel: whether the structure is situated on the parcel in a manner that can best protect the interests of surrounding property owners and still accommodate other appropriate uses on the parcel; Using church steeples, clock towers, bell towers, false penthouses, vegetation or other similar "mimic" structures to conceal antennas, associated structures and equipment. Such "mimic" structures shall have a contextual relationship to the adjacent area.~~
- F. ~~Location in General: whether location or co-location of the facility on other structures in the same vicinity is practical without significantly affecting the functionality of the facility;~~
- G. ~~Future Co-location: the willingness of the applicant to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry; and Applicants shall demonstrate that they have made reasonable efforts to co-locate on existing towers or poles in the vicinity prior to the consideration of a proposal for a new tower or pole.~~
- H. Stealth Design: how well the applicant has incorporated stealth design, as defined in Chapter 17.62, into the overall design and location of the proposed facility.



**Example of a Stealth Design by placing equipment on existing Agricultural Structures**

**§17.38.060. Existing Towers and Poles**

Co-locating on existing towers is encouraged in order to discourage the proliferation of wireless telecommunications facilities.

**A. Standards.**

1. Antennas and their supporting structure mounted to the sides or top of an existing tower or pole shall be as slim in profile as possible. In no case shall the front facing surface of the antennas and supporting structures extend more than three feet one foot beyond the side of the tower or pole.
2. When co-locating antennas onto existing towers or poles, the height of the proposed antenna and its supporting structures may not extend more than exceed five (5) feet above the height of the tower or pole.
3. When co-locating onto existing towers or poles, the height of anthe existing tower or pole may be increased by up to 25% over the maximum height enumerated in Section 17.38.090 in order to encourage and accommodate co-located telecommunication facilities. for a co-location provided the tower or pole is below the maximum height allowed per §17.38.090.



**Stealth Design on Existing Utility Poles**

**§17.38.070. Roof-Mounted Antennas and Facilities**

- A. Roof-mounted antennas, placed on a flat roof, may extend up to ten (10) feet above the roof line of the existing structure or up to ten (10) feet above existing equipment structures or penthouses, provided that the antenna is set back from the edge(s) of the roof a minimum distance equal to or greater than double the height of the antenna as measured from the roof line to the top of the antenna. The Planning Commission may reduce the required setback if practical difficulties are demonstrated by the proponent and upon a finding that a reduced setback would preserve the character of the neighborhood.



**Stealth Design on Existing Buildings with Monopole (antennas inside pole)**

- B. Roof-mounted facilities on a pitched roof may extend a maximum of five (5) feet above the roofline of the existing structure only upon a finding by the Planning Commission that the proposed facility preserves the character of the neighborhood by meeting the highest standard of stealth design.

**§17.38.080. Wall Mounted Antennas and Facilities**

- A. Wall mounted facilities shall not extend above the roofline of the building.

## 17.38: Wireless Telecommunications Facilities

- B. Wall mounted facilities shall not extend more than ~~three feet two (2) feet~~ horizontally from the face of the building.
- C. The total area for all wall mounted facilities on any one façade of a building shall not exceed five percent (5%) of that façade's area.

**§17.38.090. Monopoles and Towers****A. Design.**

1. The maximum height of a monopole or tower ~~with antennas and antenna support structures~~ shall be 70' in the Industrial and Commercial Service zones, 60' in the Commercial zone and 40' in all other zoning districts.
2. Height shall be measured from the average finished grade of the site within a fifty-foot (50') radius to the top of the ~~monopole, tower, or antennas structure.~~ Accessory types of features, such as lightning rods or stealth design elements, e.g., tree limbs, water tank, etc., may not extend more than 10' above the maximum pole or tower height.
3. Antennas and their supporting structure mounted to the sides or top of the tower or pole shall be as slim in profile as possible. ~~In no case shall the face of the antennas and supporting structures~~ shall not extend more than ~~three feet one (1) foot~~ beyond the side of the tower or pole.



Example of Using Stealth Design with a Tower constructed to simulate an Evergreen Tree with Vegetation

**B. Siting.**

1. Monopoles and towers shall be set back from all public and private streets (right-of-way line) at least two (2) feet for every one (1) foot of pole and antenna height. The Planning Commission may reduce the required setback if practical difficulties are demonstrated by the proponent and upon a finding that a reduced setback would adequately preserve the character of the neighborhood.
2. Monopoles and towers shall be set back a minimum of two (2) feet for every one (1) foot of pole height from all property lines adjacent to or within a residential zone, and shall be located at least 150' from the nearest residential structure.
3. Any associated mechanical or electrical equipment shall be completely enclosed with a six-foot solid fence or wall, screened from view with a solid screen fence or wall and landscaping.
4. ~~Antennas mounted to the sides of a monopole may only be allowed in the case of a co-location in accordance with Section 17.38.060.~~

**§17.38.100. Historic District**

Prior to considering the conditional use and design review permit applications for any proposed telecommunication facility within the Historic District, the application shall be reviewed by the Historic Preservation Committee for a Certificate of Appropriateness.

**§17.38.110. Legally Existing Nonconformities**

Legally existing nonconforming wireless telecommunications facilities, equipment, and antennas are governed by Chapter 17.52.

**§17.38.120. Abandonment**

- A. The applicant, or the applicant's successor(s) and/or assign(s), shall be responsible for the removal of unused wireless telecommunications facilities within ninety (90) days of abandonment of use. If such facility is not removed by the property owner, then the City may employ all legal measures to remove the facility (See Section 17.60.280-380).
- B. In the event of co-location on a monopole, if a secondary facility is abandoned, the owner of the primary facility shall have thirty (30) days from the date the owner of the secondary facility files with the FCC the required "Notice to Abandon" to reduce the height of the monopole to its previous or originally approved height. The City shall receive a copy of the "Notice to Abandon" filed with the FCC.

**§17.38.130. Prohibited Facilities**

No telecommunication antennas or facilities other than those specifically allowed in this chapter shall be permitted within the City except as otherwise required by applicable state or federal law.



any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

**“Sign (Painted)”** means a sign that is painted directly onto the wall of a building or structure without a physical structure or frame and does not meet the definition of “wall art” (Refer to "Wall Art").

**“Sign (Pole)”** means a sign that is mounted on a freestanding pole or other support.

**“Sign (Political)”** means a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

**“Sign (Portable)”** means a sign that is not permanent, affixed to a building, structure, or the ground.

**“Sign (Perpendicular)”** means a sign that is wholly or partly dependent upon a building for support and that projects more than twelve inches from such building.

**“Sign (Reader Board)”** See “Sign (Manual Message Center).”

**“Sign (Real Estate)”** means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

**“Sign (Roof)”** means a sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

**“Sign (Temporary)”** means a sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

**“Sign (Vehicle)”** means a sign on a vehicle not customarily and regularly used to transport persons or properties.

**“Sign (Window)”** means logos, graphics, or advertising copy attached to or painted on a window.

**“Single Family”** means one family as defined in this chapter (Refer to §17.62“Family”).

**“Site Plan”** means a development plan or drawing which contains information required by the City intended to show existing and proposed site conditions, and other information necessary to obtain a permit or other approval.

**“Sketch Plan”** means a draft, rough, or conceptual drawing that expresses the general location of site development features, buildings, or other changes to the site that is prepared in order to obtain preliminary comments or address issues associated with the proposed development of a site. Sketch plans are prepared in advance of the expense required to prepare a full site plan.

~~**“Stealth Telecommunications Facilities”** means antennas, antenna support structures and equipment facilities camouflaged or designed to blend with surrounding land uses, features, and architecture, thereby minimizing the aesthetic impact on adjacent uses, and concealing the intended use and appearance of the telecommunications facility.~~

**“Storage (Outdoor)”** means the use of open areas of the lot (except the front yard) for storage of items used for non-retail or industrial trade, merchandise inventory, bulk materials such as sand, gravel,



**“Wholesale Sales and Service”** means a firm involved in the sale, lease, or rent of products primarily intended for retailers, industrial, institutional, commercial, or professional business users. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

**“Wildfire”** means an area subject to potential damage from fire cause by combustion of native vegetation, commonly referred to as forest fire or brush fire.

**“Wireless Telecommunications Facility”** are those telecommunications facilities including all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self-supporting, guyed, co-located with existing facilities, or mounted on rooftops, poles, light posts, power poles, buildings or other structures. Facilities may also include interconnection translators, connections from over-the-air to cable, fiber-optic, or other landline transmission system.

**“Wireless Telecommunications Facility Stealth Design”** means improvements or treatments added to a wireless telecommunication facility in order to camouflage or blend the facility with surrounding land uses, natural features, landforms, structures or architecture. The purpose is to minimize the aesthetic and visual impact on adjacent properties. Examples of stealth design include, but are not limited to, the design and construction of a tower disguised as a flagpole, tree, or structure, the incorporation of colors and design features that help to camouflage or blend the facility with nearby structures or landforms, or the incorporations and/or placement of facilities onto new or existing buildings and structures. Site placement and site context are also elements that could be incorporated into a stealth design. Because of unique circumstances associated with each site, a facility may be considered stealth design in one location and not a stealth design in another location.

**“Wrecking or Salvage Yard (Enclosed)”** means any completely enclosed, roofed, building for storing, collection, processing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, vehicles, or equipment.

**“Wrecking or Salvage Yard (Open)”** means any lot, land, parcel, or area for storing, collection, processing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, vehicles, or equipment.

**“Yard”** means the actual undeveloped open space that exists or that is proposed between a structure and the lot lines of the lot on which the structure is located (see “Setback”).

**“Yard (Vehicle Impound)”** means any lot, land, parcel, or area for temporary storage (less than 90 days) of impounded vehicles where no work is conducted on these vehicles unless required for safe transport or storage purposes.

**“Zoning Amendment”** means an application or petition to change either the Official Zoning Map, or the regulations, provisions, standards, specifications, or text of the Land Development Code.