

Chapter 23

WIRELESS TELECOMMUNICATIONS

10-23-010: Purpose**10-23-020: Permit Required****10-23-030: Submittal Requirements****10-23-040: Building Permits****10-23-050: Antenna Site Locations****10-23-060: Co-Location Requirement****10-23-070: Lease Agreements for Use of City Land****10-23-080: Standards for Antennas and Antenna-Support Structures****10-23-090: Additional Conditional Use Permit Considerations****10-23-100: Additional Regulations for Monopoles and Towers****10-23-110: Safety Requirements****10-23-120: Abandonment****10-23-130: Site Requirements****10-23-010: PURPOSE**

The intent of this section is to ensure that Telecommunications Facilities are compatible with the unique characteristics of each Zoning District of Coalville, and that adverse impacts on community quality and safety in residential, commercial, and industrial areas are mitigated. The intent of these requirements is to locate Telecommunications Facilities and related equipment where they are least visible from Public Streets, public areas, designated view corridors, ridgelines, and sensitive lands to the best extent possible while still providing screening from adjacent property owners. The City will encourage Co-location of devices wherever possible to limit the total number of individual towers. The installation of these devices is governed by the following regulations.

Each facility shall be considered as a separate use and an annual business license shall be required for each such facility.

10-23-020: PERMIT REQUIRED

The installation of Telecommunications Facilities, unless otherwise addressed in this Code, shall be deemed a Conditional Use and subject to the Coalville City Building Permit Process. It shall be unlawful to install any Telecommunication Facility without first having a conditional use permit, and building permit from the City.

10-23-030: SUBMITTAL REQUIREMENTS:

Any person desiring to develop, construct, or establish a personal wireless-service facility in the City shall submit a building permit application, site plan, and other documentation to the City for approval.

The City shall only consider complete applications. The applicant shall provide the following submittal requirements.

- A. A fee for Telecommunication use and site plan review as outlined in the Fee Schedule
- B. Site plan, which shall include the following:
 - 1. Vicinity map containing sufficient information to accurately locate the property shown on the plan
 - 2. Footprints of existing and proposed buildings and structures, including a notation of each unit's height above the grade
 - 3. Location and size of existing and proposed buildings and structures, including a notation of each unit's height above the grade and dimensions of space, cabinets, or rooms within residential structures used to provide computer-Internet service provisions or equipment
 - 4. Location and size of existing and proposed antennas with dimensions to property lines
 - 5. Location of existing or proposed fire-protection devices
 - 6. Location and description (height, materials) of existing and proposed fences.
 - 7. Location and description (dimensions, distance to property lines, and type) of lighting (direct or indirect)
 - 8. A security lighting plan, if proposed
 - 9. A signed lease agreement with the City if the site is located on City property
- C. The application shall include written descriptions regarding:
 - 1. **Maintenance.** A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic ingress and egress points for the facility.
 - 2. **Service Area.** A description of the service area for the antenna or tower and documentary evidence regarding the need for Telecommunications Facilities

within the city, this documentation shall identify the applicants existing facilities and coverage areas to demonstrate the need for the proposed facility within the City.

3. **Location.** A map showing the site and the nearest telecommunications facility sites within the network, a description of the distance between the telecommunications facility sites, and a description of how this service area fits into the service network.
4. **Liaison.** The name, address, telephone number, and fax number of a contact person who can respond to questions concerning the application and the proposed facility.

10-23-040: BUILDING PERMITS:

- A. **General Requirements.** Applicants shall obtain a building permit from the City prior to the construction of any tower or antenna-support structure. The City shall not issue a building permit for any project requiring a site plan, amended site plan, or conditional use permit until after the approval of such site plan, amended site plan, or conditional use permit by the appropriate authority.
- B. **Requirements for Monopoles and Towers.** If the applicant is constructing a monopole or other tower-type structure, the applicant shall submit a written report from a qualified structural engineer, licensed in the State of Utah, documenting the following:
 1. Height and design of the monopole or tower, including technical and engineering factors governing the selection of the proposed design
 2. Seismic-load design and wind-load design for the monopole or tower
 3. Total anticipated capacity of the monopole or tower, including number and type of antennas it could accommodate
 4. Structural failure characteristics of the monopole or tower and a demonstration that the site and setbacks are of adequate size to contain debris
 5. Soil investigation report, including structural calculations
 6. Electrical design according to the Electrical Code as adopted by State law.

10-23-050: ANTENNA SITE LOCATIONS

Coalville City shall not authorize the location of Wireless Service Antennas on sensitive lands, including but not exclusively, wetlands, steep slopes, ridgelines and scenic view corridors, without the applicant showing undue hardship to this limitation.

10-23-060: CO-LOCATION REQUIREMENT

Unless otherwise authorized by the Legislative Body for good cause shown, the design and construction of every new monopole shall be of sufficient size and capacity to accommodate at least one additional wireless telecommunications provider on the structure in the future. Any conditional use permit for the monopole may require an agreement of the applicant to allow co-location of other personal wireless providers on such terms as are common in the industry.

10-23-070: LEASE AGREEMENTS FOR USE OF CITY LAND

The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The Mayor or the Mayor's designee shall have the authority to execute the standard lease agreement on behalf of the City. The Lease shall contain the condition that applicant acquire site plan and/or conditional use permit approval from the City Council before the Lease can take effect, and that failure to obtain such approval renders the Lease null and void.

10-23-080: STANDARDS FOR ANTENNAS AND ANTENNA-SUPPORT STRUCTURES

The type or location of the antenna structure characterizes personal wireless-services facilities. There are five (5) general types of antenna structures contemplated by this Chapter: wall-mounted antennas; roof-mounted antennas; monopoles with no platform; monopoles with a platform; and stealth facilities. If this Chapter allows a particular type of antenna structure as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

- A. Wall-Mounted Antennas. (whip antennas are not allowed on a wall mounted antenna structure)
 - 1. **Maximum height.** Wall-mounted antennas shall not extend more than four (4) feet above the roof line of the building or structure or extend more than four (4) feet horizontally from the face of the building.
 - 2. **Setback.** Wall-mounted antennas shall not locate within one hundred (100) feet of any residence.
 - 3. **Mounting Options.** Antennas mounted directly on existing parapet walls, penthouses, or mechanical-equipment rooms are considered wall-mounted

antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse, or mechanical equipment room. Whip antennas are not allowed on a wall-mounted antenna structure.

4. **Compatibility:** Antennas and associated equipment shall be painted to match the color of the predominant background against which they are attached and most commonly seen. All support structures and antennas should be architecturally compatible with the building or structure.

B. Roof-Mounted Antennas.

1. **Maximum height.** The maximum height of a roof-mounted antenna shall be ten (10) feet above the roof line of the building
2. **Setback.** Roof-mounted antennas shall be located at least five (5) feet from the exterior wall of the building or structure and one (1) additional foot for every one (1) foot of vertical antenna height starting at five (5) with a maximum of ten (10) feet. At least fifty (50) feet from any neighboring residential structure.
3. **Mounting Options.** Antennas may only be erected on buildings or structures with a flat roof, and shall be screened, constructed and/or colored to match the structure on which they are located.

C. Monopoles with no platform.

1. **Maximum Height and Width.** The maximum height of the monopole antenna shall be eighty (80) feet, although the approving body may allow an antenna or antenna-support structure up to one hundred (100) feet in height if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or allow co-location and that the applicant has taken steps to mitigate adverse effects on the surrounding neighborhood. The entire antenna structure mounted on the monopole shall not exceed two (2) feet in width. The antenna itself shall not exceed ten (10) feet in height.
2. **Setback.** Monopoles shall be set back a minimum two hundred fifty (250) feet from any residential dwelling, measured from the base of the monopole to the nearest residential lot line.

D. Monopoles with Platform.

1. **Maximum Height and Width.** The maximum height of the monopole antenna shall be sixty (60) feet, although the approving body may allow an antenna or antenna-support structure up to one hundred ten (110) feet in height if the applicant demonstrates to the satisfaction of the approving body that the additional height is necessary to obtain coverage or allow co-location and that the applicant has taken steps to mitigate adverse effects on the surrounding

neighborhood. The antennas and antenna-mounting structures on the monopole shall not exceed eight (8) feet in height or thirteen (13) feet in width.

2. **Setback.** Monopoles shall be set back a minimum five hundred (500) feet, measured from the base of the monopole to the nearest residential dwelling.

E. **Stealth Facilities.**

1. **Maximum Height.** The maximum height of a stealth facility shall be the maximum structure height permitted in the zoning district wherein the stealth facility will be located. The applicant may exceed the maximum structure height if allowed pursuant to a conditional use permit.

10-23-90: ADDITIONAL CONDITIONAL USE PERMITS CONSIDERATIONS

In addition to the City's standard conditional use permit considerations, the City shall consider the following factors when deciding whether to grant a conditional use permit for a personal wireless-services facility:

- A. **Compatibility.** The facility or antenna shall be compatible with the height, mass, and design of buildings, structures, neighborhood aesthetics, and uses in the vicinity of the facility.
- B. **Screening.** The facility or antenna shall use existing or proposed vegetation, topography, or structures in a manner that effectively screens the facility.
- C. **Disguise.** The facility or antenna shall include a disguise that mitigates potential negative impacts on surrounding properties.
- D. **Parcel Size.** The parcel upon which the facility or antenna will be located shall be of sufficient size to adequately support the facility.
- E. **Location on Parcel.** The structure or antenna shall be located on the parcel in a manner that can best protect the interests of surrounding property owners but still accommodate other appropriate uses of the parcel.
- F. **Co-Location.** The applicant shall be willing to allow co-location on its facility by other personal wireless-services providers on such terms as are common in the industry.

10-23-100: ADDITIONAL REGULATIONS FOR MONOPOLES AND TOWERS

- A. Distance** from other Monopoles. Monopoles and towers shall be located at least one mile from each other except upon showing of necessity by the applicant, or upon a finding by the City, that a closer distance would adequately protect the health, safety, and welfare of the community. This distance requirement shall apply to stealth facilities or to antennas attached to lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.
- B. Location on Parcel.** Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area, or parking area.
- C. Co-Location** of more than one antenna structure is a permitted use on all approved monopoles, and is approved administratively by the Land Use Authority.

10-23-110: SAFETY REQUIREMENTS

- A. Regulation Compliance with FCC and FAA Regulations:** All operators of personal wireless-services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.
- B. Protection Against Climbing:** Monopoles shall be protected against unauthorized climbing by removal of the climbing pegs from the lower twenty (20) feet of the monopole.
- C. Fencing.** Applicant shall fully enclose all monopoles and towers with a minimum six-(6) foot tall fence or wall, as directed by the City.
- D. Security Lighting Requirements.** Monopoles and towers shall comply with the FAA requirements for lighting. As part of the conditional use permit consideration, the City may also require security lighting for the site. If using security lighting, the applicant shall minimize the lighting impact on surrounding residential areas by using indirect lighting, where appropriate.

10-23-120: ABANDONMENT

The City may require the removal of all antennas and monopoles if the facility has been inoperative or out of service for more than twelve (12) consecutive months.

A. Notice. Notice to remove shall be given in writing by personal service or by certified mail addressed to the last known applicant.

B. Violation. Failure to remove the antennas and monopoles as instructed after receiving written notice to remove the same is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceedings against any person, firm, or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this Chapter.

Any lease agreement with the City shall also stipulate that failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this Chapter automatically transfers ownership of the antennas, monopoles, support buildings, and all other structures on the site to the City.

10-23-130: SITE REQUIREMENTS

A. Regulations for Accessory Structures.

1. **Storage Areas and Solid-Waste Receptacles.** The site shall not permit any outside storage of solid-waste receptacles.
2. **Equipment Enclosures.** All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless-services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is necessary to house such equipment, the structure shall blend with the natural features, buildings, and structures in the zone wherein the facility will be located.
3. **Accessory Buildings.** Freestanding accessory buildings used with a personal wireless-services facility shall not exceed four hundred fifty (450) square feet and shall comply with the setback requirements for structures in the zone wherein the facility will be located.

B. Parking. The City may require a minimum of one (1) parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.

C. Landscaping. Applicants shall landscape all sites with personal wireless services facilities per conditions of approval by the Land Use Authority.

D. Maintenance Requirements. Applicants shall maintain all personal wireless services facilities in a safe, neat, and attractive manner.

ORDINANCE NO. 2000-1

TELECOMMUNICATIONS RIGHTS-OF-WAY ORDINANCE

ORDINANCE NO. 2000-2

RIGHT-OF-WAY ENCROACHMENT AND
EXCAVATION PERMIT ORDINANCE

