3-14. Telecommunication Facilities Ordinance - Purpose: The purposes of this ordinance are:

3-14-A To ensure that all telecommunications facilities comply with Federal, State, County and City regulations;

3-14-B To regulate telecommunications services, antennas and support structures, and related electronic equipment and equipment enclosures;

3-14-C To provide for the orderly establishment of telecommunications facilities in the City;

3-14-D To minimize the number of antenna support structures and/or utility towers by encouraging the co-location of multiple antennas on a single structure, and by encouraging the location of antennas on pre-existing support structures;

3-14-E To establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of telecommunications facilities;

3-14-F To comply with the Telecommunications Act of 1996 by establishing regulations that:

(1) Do not unreasonably discriminate among providers of functionally equivalent services,

(2) Do not prohibit or have the effect of prohibiting the provision of telecommunications services;

(3) Are not based on any claimed environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions; and

(4) Ensure that all utility facilities/structures are located, installed, buffered/screened, and maintained in a manner that will minimize the impact of such facilities/structures on nearby landowners and will not adversely affect the rural, agricultural, small town character and scenic beauty of Hyde Park City.

3-14-1. Definitions. The following definitions apply to the regulations on telecommunications facilities, including utility towers used for telecommunications facilities

3-14-1a Ancillary Support Building - A building which is associated with and subordinate to a utility tower, necessary for the normal function of the utility tower and located on the same site as the utility tower.

3-14-1b Antenna - Any system of wires, poles, rods, arms, reflecting discs or similar devices of various sizes, materials, and shapes including but not limited to solid or wire-mesh dish, home, spherical or bar configurations used for wireless transmission. Types of antennas include, but are not limited to the following.

1) Wall Mounted Antenna. Any antenna mounted directly to the fascia or outside walls of a structure, existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.

2) Roof Mounted Antenna. An antenna mounted directly to the roof of a building, mechanical penthouse or parapet enclosure wall, which is on the rooftop of a building.

3) Top-hat Antenna. Spatial array of antennas, generally located on a freestanding structure, where the visible width of antennas and antenna mounting structures are more than two (2) feet in width as viewed looking directly at the structure.

3-14-1c Antenna Support Structure – A structure which may also be called a utility tower, the principal purpose of which is for location of antennas. Types of antenna support structures may include:

1) Monopole – a standing antenna support structure placed directly on the ground to support one or more antennas.

2) Lattice Tower – A multiple sided, open steel frame structure used to support one or more antennas.

3) Guyed Tower – A communications tower that is supported, in whole or part, by guy wires and ground anchors.

3-14-1d Co-Location – A telecommunications facility that includes a single antenna support structure, but more than one telecommunications provider's antennas and telecommunication equipment.

3-14-1e Cell on Wheels (COW) – A mobile temporary telecommunications facility located in a trailer.

3-14-1f Equipment Enclosure – A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals and other telecommunication equipment.

3-14-1g Non-Stealth Design – Any antenna or equipment enclosures not camouflaged in a manner to blend with surrounding land uses, features or architecture. Non-stealth design does not conceal the intended use of the telecommunications facility. A monopole with equipment enclosures above ground and unscreened would be considered non-stealth.

3-14-1h Stealth Design - Antennas, antenna support structures and telecommunication equipment enclosures camouflaged or designed to blend with surrounding land uses, features, and architecture, thus minimizing the aesthetic impact on adjacent uses, thereby concealing the intended use and appearance of the telecommunications facility such as heavy landscaping, or installing telecommunications equipment within existing buildings, behind vegetative screening, or placing equipment enclosures underground, thus preserving or striving to maintain the rural aesthetics. A flush wall mount antenna that is painted the same color as the background and located on a building where the telecommunications equipment is located inside the building would be one example of stealth design. Other examples of stealth design include, but not limited to roof mount antennas, utility pole antennas, light or flagpoles, artificial rocks or trees.

3-14-1i Telecommunications Equipment – Equipment used in a telecommunications facility other than the Antenna, Antenna Support Structure, or Equipment Enclosures. Telecommunications equipment may include, but is not limited to electronic equipment necessary for processing wireless communication signals, air conditioning, backup power supplies, and emergency generators.

3-14-1j Telecommunications Facility- An unmanned structure, which consists of antennas, antenna support structures, telecommunications equipment, equipment enclosures as defined herein, that transmits and/or receives voice and/or data communications through radio signals such as, but not limited to "cellular' or "PCS" (Personal Communications System) communications and paging systems, whether commercially or privately operated.

3-14-1k Utility Structure and Related Facilities – May include a building/structure that is constructed so as to provide assistance, benefit, aid, directly or indirectly to a service such as electrical power, light and forms of communication; including telephone, telegraph, fiber optic signals, cellular service for other analog and digital signals, radio and television signals to name a few. This list is not intended to be all-inclusive.

3-14-1l Telecommunications Tower – A structure typically higher than its surroundings used to support and/or hold telecommunications facilities including; telephone, telegraph, fiber optic signals, cellular services for both analog and digital signals, radio and television signals to name a few. This list is not intended to be all-inclusive.

3-14-2 Submissions Requirements for Telecommunications Facilities Allowed as a Conditional Use:

3-14-2a Telecommunications Master Plan & Site Justification Study Required. For all new telecommunication facilities or structures, the applicant shall submit a Telecommunications Master Plan along with a completed application, and a Site Justification Study for each proposed telecommunications facility or structure. A Site Justification Study and Telecommunications Master Plan shall be submitted to the Planning Department, which will provide a review of the proposed project to ensure that the provisions of the Hyde Park City Code are being met. If the application is a co-location or stealth, go to Submissions Requirements for Telecommunications Facilities Allowed as a Permitted Use Chapter 3-14-3 for application requirements. The Planning Commission shall perform the required Conditional Use Permit review for any application that requires a Conditional Use Permit. Any conflicts shall be submitted to the Commission. Said Planning Commission shall review, take public comment and render a decision by 1) approving the application, 2) approving the application with conditions, or 3) denying the application. The applicant shall request in written form what, if any, information submitted with application is to be kept confidential from public review.

3-14-2b Telecommunications Master Plan Requirements. Each company submitting an application for a Conditional Use Permit review shall complete a Telecommunications Master Plan. The Telecommunications Master Plan shall:

1) Show where the applicant's proposed, existing, and future telecommunication facilities are within five miles of Hyde Park City. The Telecommunications Master Plan may be amended as needed by the carrier for future site applications.
2) Show the number of possible co-locations that can be obtained on the proposed cell tower.
3) Contain a copy of the applicant's current FCC license to the Hyde Park City Planning Department.
4) Include an initial indication of where the road or access will be located to their proposed site. Prior to approval of a building permit, the applicant shall provide City Staff with a copy of recorded road easement(s) to the proposed site.
5) Include a signed agreement, stating that the applicant will:

   (a) Encourage co-location with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow co-location on the tower;

   (b) Restore site to its former condition. (See Chapter 3-14-5 - Non-Maintained or Abandoned Facilities),
6) Include a security program or system that addresses unauthorized access and vandalism,
7) Indicate the latitude and longitude of proposed telecommunications facility including any proposed tower location.

3-14-2c Site Justification Study Requirements. A Site Justification Study shall be completed for each telecommunications facility site. The Study shall include the following:

1) Rationale

   (a) An applicant proposing to erect a new telecommunications facility shall provide documentary evidence that a legitimate attempt has been made to locate the new telecommunications facility on existing buildings or structures or as a co-location on an existing antenna support structure. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures or co-location sites in the radio frequency coverage area for the proposed telecommunications facility. Efforts to secure such locations may be documented through correspondence between the applicant and the property owner(s) of the existing buildings, structures or co-location sites.

(b) The Site Justification Study shall also include a description of the elevations, vegetation, and rock formations in the area, a description of the telecommunications facilities proposed to be placed on the site with technical reasons for their design and the efforts made to minimize impacts on the activities found on the land. The applicant shall provide City Staff with propagation information for the proposed site. The applicant shall demonstrate that the telecommunications facility complies with the Hyde Park City General Plan, as well as the required setback, and landscaping requirements of the zoning district in which they are proposed to be located.

2) Co-location. The Study shall also examine the potential for co-location at existing or the proposed site. If co-location is not possible at an existing site or if the proposed new site is not available for co-location then the applicant shall include a written explanation of why co-location is not possible.

3) Equipment Enclosures The Study must include a detailed written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment enclosures to be either:

(a) Located in an existing building or

(b) Designed whereby the incorporation of stealth design technology or other visual screening is utilized that readily conceals the appearance of the equipment enclosures, or

4) Visual Analysis On all new sites, applicant shall submit a detailed twenty-four by thirty-six inch (24"x 36") surveyed map, not more than one (1) inch equals one hundred (100) feet, which includes;

(a) The topography of the area (2 ft. elevations) in which tower and/or telecommunication facilities can be located while continuing to communicate with sister tower(s).

(b) Delineation of where telecommunication facilities can be placed so as to minimize:

(i) The placement of structures from being placed on slopes of thirty percent or greater; and,

(ii) The intrusion of equipment enclosures from being silhouetted against the sky as seen from a public road; and

(c) Graphical illustration of the coverage of the proposed telecommunication facility.

Once a site is located by the applicant and City Staff the applicant shall provide an illustration which can include photo simulation(s), field mock up(s) or other techniques, which illustrate all possible visual impacts of the proposed telecommunication facility. The analysis should consider views from public areas (streets, parks, etc.) and from private residences. The applicant(s) should identify all reasonable mitigation measures

consistent with the technical aspects and requirements of the proposed telecommunications facility to ensure that hill cuts for roads are minimized and, the telecommunication facility can be hidden as best as possible to preserve the rural character of the City. All costs associated with this requirement are to be borne by the applicant.

3-14-3 Submissions Requirements for Telecommunications Facilities Allowed as a Permitted Use.

For telecommunications facilities allowed under a Permitted Use, the application shall comply with the requirements in this Chapter. Any request for telecommunications facilities differing from the standards as allowed in this section shall require a Conditional Use Permit review from the Hyde Park City Planning Commission, as set forth in Chapter 3-14-2.

3-14-3a Telecommunications facilities must comply with the Hyde Park City General Plan, as well as the required setback, height requirements of the zoning district in which they are to be located, and are subject to all provisions as stated in the City's Zoning Ordinance.

3-14-3b All permitted use telecommunication facilities listed in this section must:

1) Be located on an existing antenna support structure without having to replace or extend said structure, or,
2) Incorporate stealth design technology or other visual screening that readily conceals the appearance of the antenna support structures, and equipment enclosures. Some examples of these may include, but not be limited to roof mounts, wall mounts, and utility, light or flag pole antennas.

3-14-3c Telecommunications Master Plan and Site Justification. Each company submitting an application for a Permitted Use telecommunications facility shall complete a Telecommunications Master Plan following the guidelines in Chapter 3-14-2b unless an existing and applicable Telecommunications Master Plan already includes the proposed facility.

1) Where the applicant's proposed, existing, and future telecommunication facilities are within Hyde Park City, the Telecommunications Master Plan may be amended as needed by the carrier for future site applications.
2) The Telecommunications Master Plan shall contain a current copy of the applicant's current FCC license to the Hyde Park City Planning Department.

3-14-3d Site Justification Study Requirements. A Site Justification Study shall be completed for each telecommunications facility site. The Study shall include the following

1) Equipment Enclosures The Study must include a detailed written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment enclosures to either:
   (a) Be located in an existing building or

(b) Be designed whereby the incorporation of stealth design technology or other visual screening is utilized that readily conceals the appearance of the equipment enclosures or

2) Facility Placement. The study must show a delineation of where telecommunication facilities can be placed so as to minimize:

(a) The placement of structures from being placed on slopes of thirty percent or greater; and

(b) The intrusion of equipment enclosures from being silhouetted against the sky as seen from a public road.

3) Existing roads shall, whenever possible, be upgraded to the minimum amount necessary for non-public use.

3-14-3e Review Procedure

1) In proposals where either the applicant or the Planning Department determine that potential issues may arise or additional comment is needed from the community even if the facility is allowed as a permitted use, a public hearing on the application may be scheduled with the Hyde Park City Planning Commission. Following the public hearing, the Planning Commission shall make a recommendation regarding an "approval", "approval with conditions" or denial of the application as based upon Chapter 3-14-2.

3-14-4 Development Standards:

3-14-4a Construction Standards, Building Codes and Safety Standards. To ensure the structural integrity of telecommunications facilities, the owner of a telecommunication facility shall ensure that it is constructed and maintained in compliance with standards contained in applicable local building codes and the applicable standards for such telecommunications facilities, as amended from time to time.

3-14-4b General Requirements:

1) Height shall be minimized as much as reasonably possible. Height of the telecommunication facilities shall be measured from the existing grade to the top of the antenna support structure, or to the highest point of any portion of the telecommunications facility, whichever is greater. If the proposed site is a roof mount or wall mount the City may request that the study verify that the existing or proposed screening will screen telecommunications facility from view.

2) Monopoles are permitted only in the Industrial, Commercial, or Agricultural zones or in Parks and Recreation areas.

3) Guyed and Lattice Towers are only allowed in an Agricultural zone.

4) Any telecommunication facility within the Logan Cache Airport traffic zone shall demonstrate compliance with FAA requirements and receive approval from the Logan Cache Airport Authority for installation of said facility.

3-14-4c Setbacks.

1) In order to ensure public safety from falling ice, debris, tools or materials, the minimum distance from the base of any tower to any property line, residential property, accessory apartment, occupied business or institutional structure and/or parking area, or public recreation area shall be equal to 100 percent of the height of the tower in all zones.
2) Monopoles and Guyed Towers shall be setback a minimum of 1 ½ feet (one and one-half feet) for every foot of pole height from the nearest property line. The Design Review Committee may reduce the required setback from a residential zone in the design review process if practical difficulties are demonstrated by the proponent and upon a finding by the Design Review Committee that a reduced setback would adequately protect the character of the neighborhood.
3) Any associated mechanical or electrical equipment shall be completely screened from view from public right-of-ways and adjacent properties, with a solid screen 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 Chapter 3-14-2c-2

3-14-4d Signage. Warning signs shall be limited to non-illuminated warning and equipment identification signs. Allowed signage shall be classified as "On-Site Informational Signs" and regulated as such in accordance with the City's Sign Ordinance.

3-14-4e Signs, Flags and Lights. All commercial or public service signs, flags, lights, floodlights, and attachments other than those required for emergency identifications, communications operations, structural stability, or as required for flight visibility by the FAA or FCC shall be prohibited on any antenna or antenna structure. This prohibition shall include the attachment to the antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering, or revolving devices, but not including weather devices. Security lighting for on-ground facilities and equipment shall be shielded so that no light

rays are emitted by the installed fixtures at angles above the horizontal plane and have no more than 1 candlepower. It must be controlled by motion sensor.

If signage is required consistent with this standard, such signage shall comply with the requirements of Chapter 9, Sign Regulations.

3-14-4f Access Roads shall be limited to twenty (20) feet in clear width except where safety considerations require otherwise, and they shall have gravel or other non-paved surface, unless they are a grass surface upon which a small truck can access the site. Existing roads shall, whenever possible, be upgraded the minimum amount necessary.

3-14-4g Intent to Use. All applicants who apply to build only a tower shall provide at least one (1) letter of intent from a telecommunications company, which will locate on the tower.

3-14-5 Non-Maintained or Abandoned Facilities.

The Planning Commission shall require each non-maintained or abandoned telecommunication facility to be removed when such a telecommunication facility has not been repaired or put into use by the owner, person having control, or person receiving benefit of such structure within six (6) months after written notice of non-maintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure.