

**Chapter 19.83  
WIRELESS  
TELECOMMUNICATIONS  
FACILITIES**

**Sections:**

- 19.83.010 Purpose.**
- 19.83.020 Definitions.**
- 19.83.030 Applicability; Exceptions.**
- 19.83.040 Site location master plan.**
- 19.83.050 Allowable uses.**
- 19.83.060 General provisions applicable to wireless telecommunication facilities.**
- 19.83.070 Facility types and standards.**
- 19.83.080 Sites in the sensitive lands overlay zones.**
- 19.83.090 Additional conditional use requirements.**
- 19.83.100 Accessory buildings.**
- 19.83.110 Antennas located on utility poles.**
- 19.83.120 Co-locations.**
- 19.83.130 City's consultants and experts; Reimbursement by applicant.**
- 19.83.140 Abandonment of facilities.**
- 19.83.150 Protection of public safety.**
- 19.83.160 Rules and regulations.**
- 19.83.170 Severability.**

**19.83.010 Purpose.**

The city finds that wireless telecommunications facilities may pose significant concerns to the health, safety, welfare, character and environment of the city and its inhabitants, and that the Telecommunications Act of 1996 and related authorities confirm the city's authority concerning the placement, construction (including height) and modification of such facilities. The purpose of this chapter is to establish general requirements for the siting of wireless telecommunications facilities.

The intent of this chapter is to protect the health, safety and welfare of the city and its inhabitants by:

- A. Encouraging the location of such facilities in nonresidential areas;
- B. Minimizing the total number of monopole facilities in the community;
- C. Encouraging the joint use of new and existing wireless telecommunication sites;
- D. Encouraging providers to locate wireless telecommunication facilities where the adverse impact on the community is minimal;
- E. Encouraging such providers to use innovative design to minimize adverse visual impact;
- F. Enhancing the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
- G. Requiring the use of stealth wireless telecommunication facilities wherever possible to prevent adverse aesthetic impacts on the city.

**19.83.020 Definitions.**

As used in this chapter:

*"Antenna"* means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

*"Lattice tower"* means a self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

*"Monopole facility"* or "monopole" means an antenna or series of individual antennas mounted on a single cylindrical pole. Also includes associated equipment. For the purposes of this chapter, if a facility does not fit the definition of a roof or wall mounted facility, it shall be considered a monopole facility.

“*Roof mounted facility*” means an antenna or series of individual antennas mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure. Also includes associated equipment.

“*Stealth facility*” means a facility which is either: (1) virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure; or (2) camouflaged, through stealth design, so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surrounding in which it is located. Examples of stealth facilities include antennas which are disguised as flagpoles, as indigenous trees, as rocks, or as architectural elements such as dormers, steeples and chimneys. To qualify as “stealth” design, the item in question must match the type of item that it is mimicking in size, scale, shape, dimensions, color, materials, function and other attributes as closely as possible, as reasonably determined by the city.

“*Wall mounted facility*” means an antenna or series of individual antennas mounted against the vertical wall of a building or structure. Also includes associated equipment.

“*Wireless telecommunications facility*” means an unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

### **19.83.030 Applicability; Exceptions.**

A. *Applicability.* The requirements of this chapter apply to both commercial and

private wireless telecommunications services such as “cellular” or “PCS” (personal communications services) communications and paging systems. All facilities shall comply with the following regulations and all other ordinances of the city and any pertinent regulations of the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA).

B. *Exceptions.* The following are exempt from the provisions of this chapter:

1. Emergency wireless telecommunication facilities for emergency communications by public officials.
2. Amateur (ham) radio stations licensed by the FCC.
3. Parabolic antenna less than seven (7) feet in diameter that is an accessory to the main use of the property.
4. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no increase in the height of the facility or other material change in the other dimensions or aspects of the facility.
5. An antenna that is an accessory use to a residential dwelling unit.

C. *Other types of equipment.* Antennas, communications facilities, or communications equipment not defined or regulated by this chapter are prohibited in all zones within the city.

### **19.83.040 Site location master plan.**

A site location master plan shall be submitted by each applicant desiring placement of wireless telecommunication facilities within the city. The master plan shall be submitted to the director prior to processing any permits for permitted or conditional use locations. The master plan shall include inventory of existing and anticipated sites for the

city and within one mile of the city's boundaries, as well as the current name and address of the facility owner and an emergency telephone number for each facility. In order to facilitate expert analysis of the application by the city's experts and consultants, the master plan also shall indicate area coverage, if known, location, antenna height above existing grade, and antenna type for each site and be updated upon request from the department. Every master plan shall be considered proprietary information that constitutes protected records under the Government Records Access and Management Act, UTAH CODE ANN. 63-2-101, *et seq.*

**19.83.050 Allowable uses.**

The uses specified in Chart 19.83.050 are allowed, provided that they comply with all requirements of this chapter.

**19.83.060 General provisions applicable to wireless telecommunication facilities.**

A. Building permit required. No wireless telecommunication facility shall be constructed unless a building permit is obtained from the city following payment of all applicable fees.

B. Compliance with other laws. All communications facilities shall be built and operated so as to be in compliance with all applicable rules, regulations, standards and laws of any body or agency with jurisdiction. Specifically included in this requirement are any rules and regulations regarding lighting, security, electrical and RF emission standards.

C. Engineering review. Each application for a permit to construct a facility shall be accompanied by a certificate from a licensed professional engineer certifying that the design of the facility meets all applicable standards for the

facility, including, but not limited to: electrical safety, material and design integrity, seismic safety, etc. For communications towers, the professional engineer shall also certify that the tower meets acceptable design criteria or standards to withstand wind and other weather damage. In all cases, the certification shall indicate whether or not the facility will interfere with any other communications service.

D. Interference with other communications.

1. No permit to construct a wireless telecommunication facility shall be approved if the operation of the facility will interfere with emergency or airport communications.

2. Wireless telecommunication facilities shall be located and operated in such a manner as to minimize or eliminate interference with other communications, including, without limitation, emergency, airport, commercial, private, and governmental communications.

E. Accessory buildings. Accessory buildings or facilities must comply with required setback, height, and landscaping requirements of the zoning district in which they are located. All power lines on the lot to the building and the communications facility shall be underground.

F. Fencing required. To discourage trespass on the facility and to prevent climbing on any structure by trespassers, free-standing communications facilities shall be surrounded by a fence that is at least six feet high, and constructed out of a material appropriate to the location of the facility, as approved by the director; provided, however, that the director may waive or reasonably modify the requirement for fencing around certain stealth facilities (such as flagpoles, rocks

or trees) in situations where such standard fencing is deemed unnecessary for public health and safety. Antennas that are roof or wall mounted shall be secured from access in a manner appropriate to the location.

G. Removal of climbing pegs. Climbing pegs shall be removed from the lower twenty (20) feet of all monopoles and other communications towers.

H. Aircraft and airport safety. All communications facilities shall comply with applicable laws, regulations, and approvals regarding aircraft and airport operations.

I. FCC license required. No application for a building permit to construct or install a facility, and no application for a conditional use permit to construct or install a facility, shall be processed by the city unless the applicant provides proof of each proposed carrier's current license from the FCC to operate as a telecommunications carrier.

J. Business license required. A city business license shall be required for each wireless telecommunications carrier using a wireless telecommunications facility located in the city. As a condition of issuance of such a business license, the carrier shall certify to the city each wireless telecommunications facility it is actively using in the city by type and location, and shall provide to the city such emergency contact information as the city reasonably may request for each such facility. Failure to obtain or maintain in effect such a business license for a period of six months or more shall constitute grounds for deemed abandonment of such wireless telecommunications facility.

K. Color. The wireless telecommunications facility shall be constructed

with materials and colors that match or blend with the surrounding natural or built environment to the greatest extent practicable. Unless otherwise required, muted colors, earth tones and subdued hues shall be used. The color shall be determined on a case-by-case basis by the planning commission for conditional uses and by the department for permitted uses. On no more than one occasion within six months after the facility has been constructed, the planning commission or the department may require the color be changed if it is determined that the original color does not blend with the surroundings.

L. Height. Height shall be measured from the surrounding natural grade.

#### **19.83.070 Facility types and standards.**

Wireless telecommunications facilities are characterized by the type and location of the antenna structure. There are four general types of antenna structures: wall mounted; roof mounted; monopoles; and lattice towers. Standards for the installation of each type of antenna are as follows:

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

1. Stealth wall mounted antennas shall be required to the greatest extent possible based on wireless telecommunications best practices at the time of application, and shall not vary from the provisions of bulk, massing, and height requirements under this code for structures in the zone where the facility is proposed.

2. Wall mounted antennas shall not extend above the wall line of the building or structure or extend from the face of the building or structure more than two feet.

3. Non-stealth 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. Non-stealth antennas and the supporting structures on buildings should be architecturally compatible with the building.

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

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

1. Stealth roof mounted antennas shall be required to the greatest extent possible based on wireless telecommunications best practices at the time of application, and shall not vary from the provisions of bulk, massing, and height requirements under this code for structures in the zone where the facility is proposed, unless additional height is approved by the planning commission pursuant to section 19.76.200 of this title.

2. Roof mounted antennas shall be allowed so long as they are completely enclosed within an architecturally compatible, approved housing or they comply with the following requirements:

(a) Setback. Non-stealth antennas shall be mounted at least ten (10) feet from the closest exterior wall or parapet wall of a building or structure.

(b) Height. The height shall be measured from the top of the antenna to the roofline of the building or structure, or to the top of the closest parapet wall if a parapet wall exists. For antennas mounted between ten and 14 feet from the closest exterior wall or parapet wall, the maximum height of the antenna is

equal to the distance the antenna is set back from such exterior wall or parapet wall. For antennas set back more than 14 feet from the closest exterior or parapet wall, the maximum height of the antenna shall be 14 feet.

3. Roof mounted antennas shall be constructed and/or colored to match the surroundings in which they are located.

C. Monopoles. The following provisions apply to monopoles:

1. Stealth monopole facilities shall be required to the greatest extent possible based on wireless telecommunications best practices at the time of application, and shall not vary from the provisions of bulk, massing, and height requirements under this subsection (C).

2. In order to reasonably minimize the number of monopoles in the city, all monopoles shall be available for co-location of the antenna arrays of other providers to the greatest extent practicable.

3. Except as specified in subparagraph (C)(4) of this subsection, the height limit for monopoles in all of the city's zones is 65 feet.

4. The planning commission may allow a stealth "flagpole" monopole up to 80 feet high in the city's CR, MU or O-R-D zone if it finds:

(a) The increase in height is for an extension of an existing facility;

(b) The monopole will be set back at least the greater of (i) the minimum setback for structures in the underlying zone, or (ii) a distance from the nearest single family residential zone boundary that is at least twice (200%) the total height of the monopole (so that, for example, an 80-foot tall monopole would be set back at least 160 feet from the nearest single family residential zone boundary); and

(c) The monopole will blend in with the surrounding structures, poles or trees and is compatible with surrounding uses.

5. The height of a monopole shall be measured from the highest point of the structure or any component thereof (including antennas and ornamental features), to the original grade directly adjacent to the monopole.

6. All monopole facilities disguised as “stealth” flagpoles shall be tapered from bottom to top and otherwise shall be constructed (in size, scale, dimensions, shape, color and functionality) to represent as closely as possible a standard flagpole.

7. In all residential zones except the RM and R-2-8 zones, monopoles will only be allowed in conjunction with an existing public or quasi-public use. Public and quasi-public uses, as defined in sections 19.04.440 and 19.04.450, include but are not limited to churches, schools, utilities, and parks.

8. Electronic cabinetry. The electronic cabinetry and enclosure shall be the minimum size practicable under industry best practices (as reasonably determined by the city), but shall not in any event exceed twenty-five (25) feet by twenty-five (25) feet by ten (10) feet tall.

9. Screening. Monopoles and electronic cabinetry shall be located to obtain the highest amount of visual screening, such as being located behind existing structures or screened with mature trees and shrubbery. Each application for a monopole facility shall include a screening plan. If adequate screening does not exist on the site, the applicant shall provide it as a condition of approval.

10. To encourage efficient space utilization, each co-locator shall place its electronic cabinetry with one shared wall to the original electronic cabinetry

enclosure. Where the location is limited, as in a commercial district, the first locator shall build housing that can adequately contain all reasonably foreseeable co-locators’ electronic cabinetry. Where the site is residential in character or is not conducive to landscaping, the electronic cabinetry shall be encased in a structure simulating a small residential building as approved by the city’s architectural review commission (ARC), with gabled roof and durable and exterior materials that are in character with the surrounding neighborhood.

11. A computer-generated 3D visual simulation of proposed structures, and all existing or proposed structures within a radius of 150 feet of the site, shall be required of every applicant requesting a monopole or extension of a monopole; provided, however, that (1) if the applicant determines that it is unable to obtain such a simulation itself for a cost of \$1,000 or less, the applicant may tender such amount to the city with its application, in which event the city shall utilize the funds to obtain such simulation directly from city’s own experts or consultants; and (2) the planning commission, upon the positive recommendation of the director in consultation with the city’s development review committee (“DRC”), may waive this requirement if it determines that another representation of the proposed facility, such as a photo simulation, will adequately depict the proposed facility and its surroundings. Each simulation shall show all structures, including, without limitation, monopoles, antennas, and equipment buildings.

D. Lattice Tower. Lattice towers are not allowed in any zones in the city.

**19.83.080 Sites in the sensitive lands overlay zones.**

For the purpose of this chapter the “sensitive lands” means the areas within the sensitive lands overlay zones shown on the city’s zoning map.

A. Any grading for telecommunication facilities, including access roads and trenching for utilities, shall comply with the city’s building code and all other applicable laws and codes. Telecommunication facilities in the sensitive lands shall comply with the requirements of the sensitive lands overlay zone and the underlying zone (whichever requirements are more restrictive) for grading, natural vegetation, utilities and site development and design standards. Everything possible shall be done to minimize disturbance of the natural environment.

B. A computer-generated visual simulation of the proposed structures is required for all sites in the sensitive lands; provided, however, that (1) if the applicant determines that it is unable to obtain such a simulation itself for a cost of \$1,000 or less, the applicant may tender such amount to the city with its application, in which event the city shall utilize the funds to obtain such simulation directly from city’s own experts or consultants; and (2) the planning commission, upon the positive recommendation of the director in consultation with the DRC, may waive this requirement if it determines that another representation of the proposed facility, such as a photo simulation, will adequately depict the proposed facility and its surroundings. Each simulation shall show all structures, including, without limitation, monopoles, antennas, and equipment buildings.

C. Everything possible shall be done to minimize disturbance of the visual

environment. Site placement and color shall be carefully considered to blend in with the surroundings.

D. Continuous outside lighting is prohibited unless required by the FAA for the monopole.

**19.83.090 Additional conditional use requirements.**

In addition to the conditional use standards under chapter 19.84 of this title, “Conditional Uses,” the following supplementary standards shall apply to applications for conditional use permits to locate wireless telecommunication facilities:

A. The proposed facility shall be compatible with the height and mass of existing buildings and utility structures.

B. To the greatest extent practicable without significantly impacting antenna transmission or reception, the proposed facility shall be located in the same vicinity as other monopoles, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc. to enhance visual screening of the facility.

C. The facility shall be located in relation to existing vegetation, topography (including ridge lines) and buildings to obtain the best visual screening.

D. Spacing between monopoles which creates detrimental effects that cannot be mitigated through the imposition of reasonable conditions such as, for example, stealth technology or visual screening through trees or other vegetation is prohibited.

E. Installation of (without limitation) curb, gutter, sidewalk, landscaping, and fencing as per chapters 19.76, “Supplementary and Qualifying Regulations” and 19.84 “Conditional Uses” is required to the greatest extent practicable.

F. Screening, to the greatest extent practicable, by trees and other vegetation, of the wireless telecommunications facility and related equipment from view by adjacent properties is required to the greatest extent practicable. Existing vegetation and natural land forms on the site shall be preserved to the greatest extent practicable.

G. The wireless telecommunications facility shall be permitted only as necessary to comply with FAA or other applicable legal requirements; provided, however, that down-directed security lighting may be used if it is shielded to retain such light within the boundaries of the site to the greatest extent practicable.

H. The wireless telecommunications facility shall have no unreasonable adverse impact on the city's mountain viewsheds and other scenic resources. In determining the potential adverse impact of the proposed facility on such viewsheds and scenic resources, the planning commission shall consider the following factors:

1. The extent to which the proposed facility is visible above the tree line;
2. The type, number, height and proximity of existing structures, features and background features within the same line of sight as the proposed facility;
3. The amount of vegetative screening; and
4. The availability of reasonable alternatives allowing the facility to function consistently with its purpose.

I. In considering a conditional use application for a telecommunications tower, the planning commission shall not consider evidence that the electromagnetic or microwave radiation used by communication services detrimentally affects public health or the environment. The planning commission may, however, consider other valid health

and safety concerns, such as structural integrity, electrical safety, etc.

**19.83.100 Accessory buildings.**

Accessory buildings to antenna structures must comply with the required setback, height and landscaping requirements of the zoning district in which they are located. All utility lines on the lot leading to the accessory building and antenna structure shall be underground.

**19.83.110 Antennas located on utility poles.**

Antennas on utility poles and associated electrical equipment shall be allowed subject to the following standards:

**A. *Antennas.***

1. The antennas shall be located either on an existing utility pole or on a replacement pole in the public right-of-way or in a rear yard utility easement.
2. On an existing pole, the antennas shall not extend more than lesser of (a) the minimum distance required by the National Electric Safety Code based on the electrical use of such pole, or (b) the maximum height for structures in the underlying zoning district.
3. If the utility pole is replaced to accommodate the antennas, the replacement pole shall not be taller than the maximum height for structures in the underlying zoning district.
4. The antennas, including the mounting structure, shall not exceed two feet in diameter and shall be tapered where technically possible.
5. Stealth shielding of the antennas shall be used to make the antennas appear as a vertical extension of the pole.
6. Antennas located in the public right-of-way shall be a permitted use and



shall comply with the standards listed above.

7. Conditional use approval is required for antennas located in a rear yard utility easement in all zoning districts.

B. *Electrical/radio equipment.*

1. Electrical/radio equipment located in the public right-of-way, front yard or side yard.

(a) Electrical/radio equipment in the public right-of-way shall either be attached directly to the utility pole or completely enclosed in an ARC-approved housing. If the electrical equipment is attached to the pole, the boxes shall not be larger than the smallest available size under industry best practices, as reasonably determined by the city, and in no event larger than 72 inches tall x 52 inches wide x 48 inches deep. No more than five such boxes shall be mounted on the utility pole to which it is attached (excluding the power meter and network interface box). The boxes shall be stacked vertically, one above the other, and shall be at least ten feet above the ground. The power meter and network interface box may be installed below the ten foot level.

(b) Electrical equipment in the required front or side yard shall be completely enclosed in an ARC-approved housing (not exceeding the smallest available size under industry best practices, as reasonably determined by the city, and in no event larger six feet in width, depth or height) which will disguise the equipment and enhance the architectural quality of accessory equipment associated with the wireless telecommunications equipment.

2. Electrical equipment in the rear yard.

(a) Electrical equipment located in the rear yard area of a lot in a residential or F zoning district shall be completely

enclosed in an ARC-approved housing (not exceeding five feet in width, depth or height) which will disguise the equipment and enhance the architectural quality of accessory equipment associated with the wireless telecommunications equipment.

(b) Electrical equipment located in a rear yard shall conform to the lot area, coverage and location requirements for an accessory structure in the underlying zoning district, as well as all other zoning standards for a structure in that zoning district.

C. *General provisions.*

1. The application shall include the signature of the authorized agent of the owner of the utility pole.

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

3. Generators or noise-producing venting systems which can be heard outside of the boundaries of the site shall not be used.

4. Electrical and utility cables between the utility pole and electrical boxes shall be placed underground.

**19.83.120 Co-locations.**

Co-location of wireless telecommunications equipment and antenna arrays on existing monopoles is a permitted use under the following conditions:

A. The height limit for equipment and antenna arrays co-located on an existing monopole shall not exceed 65 feet, except that the planning commission may allow, as a conditional use, a total height limit of up to 80 feet for a co-located monopole in the CR zone, the MU zone or the O-R-D zone.

B. The planning commission also may allow, as a conditional use, the height of an existing monopole facility in

the PF zone to be increased to a total height (including all antenna arrays and other components) of 80 feet if it finds:

1. The increased height will be accomplished through extension of an existing, legally-permitted monopole facility;

2. The monopole will be set back at least the greater of (a) the minimum setback for structures in the underlying zone, or (b) a distance from the nearest single family residential zone boundary that is at least twice (200%) the total height of the monopole, as extended (so that, for example, an 80-foot tall monopole would be set back at least 160 feet from the nearest single family residential zone boundary); and

3. The monopole, as extended, will blend in with the surrounding structures, poles or trees (through stealth technology or otherwise), and is compatible with surrounding uses.

4. The location of the property where the monopole is sited is primarily on an arterial street, as determined by the director.

5. The applicant will use all reasonably-available means to make the proposed extension as short as reasonably possible, including, without limitation, custom fabrication of the antenna arrays and other components to be included in the proposed extension.

C. No equipment or antenna array shall increase the height of an existing monopole more than 20 feet.

D. The scale and color of equipment and antenna arrays co-located on the monopole is compatible with the scale and color of the existing structure.

E. Wireless telecommunications facilities which co-locate on existing monopoles and do not exceed 65 feet in height may be approved by the director

under the guidelines outlined in this chapter.

**19.83.130 City's consultants and experts; Reimbursement by applicant.**

A. The city may hire any consultant and/or expert deemed necessary by the city to assist the city in reviewing and evaluating an application for a wireless telecommunications facility, including site/construction inspection of any approved applications.

B. If an applicant claims that it is unable to locate in a particular area or build an antenna in a particular configuration, the planning commission may, at the applicant's expense, require a study provided by a professional selected by the planning commission regarding the applicant's claim.

C. Each applicant shall deposit with the city funds sufficient to reimburse the city for all reasonable costs of consultant and expert evaluation of the application. The initial deposit shall be \$2,500, and shall be utilized only for the purpose of paying invoiced costs and fees incurred by the city to its experts and consultants in connection with such application.

1. The city may engage such experts and consultants to evaluate applications to ensure that the purpose of this chapter is met, including whether reasonable alternatives exist that would mitigate the reasonably anticipated detrimental effects of the proposed facility. Such expert review may include, without limitation, evaluation of the proposed facility to determine:

(a) the proposal's effectiveness and efficiency in delivering service from the proposed location;

(b) the service-based necessity of siting and constructing the facility as proposed;

(c) the possibility of co-location on, or other joint use of, the proposed facility;

(d) whether the proposed facility exhibits innovative design and best practices of the industry;

(e) the possibility using stealth innovations or other available technology to minimize the visual impact of the facility; and

(f) the city's alternatives concerning the application under the Federal Telecommunications Act of 1996 and other applicable law.

2. Such deposit shall accompany the application, and shall be replenished by the applicant promptly upon the city's request. If the deposit is depleted through review costs associated with the application, before the applicant will be required to replenish the deposit the city will:

(a) attempt to meet with the applicant or responsible party to discuss the need for further review of the application;

(b) attempt to establish a mutually-agreeable timeframe for further review of the application; and

(c) attempt to review reasonable alternatives with the applicant or responsible party for wireless telecommunications opportunities which may reach the same end goal of wireless coverage for the provider.

3. The city may defer any action or consideration of the application at any time that such deposit has not been made or replenished. Any balance of such deposit remaining after completion of the city's processing of such application shall be promptly refunded to the applicant.

D. The amount of funds utilized by the city under subsection (B) of this section may vary according to, *inter alia*, the scope and complexity of the project contemplated by the application.

#### **19.83.140 Abandonment of facilities.**

A. Vandalism. Vandalism and graffiti affecting a wireless telecommunications facility may be reported to such facility's owner or operator by the city or its agents. Such vandalism or graffiti shall be repaired and cleaned within 72 hours after such notice of its occurrence. Failure to effect such repair or cleaning by that deadline shall be deemed a violation of this code and also may result in immediate issuance by the planning commission of an order to show cause why such wireless telecommunications facility should not be deemed abandoned.

#### B. Abandonment.

1. Any antenna structure, monopole, antenna support, accessory structure or other component of a wireless telecommunications facility that has not been maintained as required in this code, or has not been in active use for a period of over 90 consecutive days or a total of 180 days in any 365 day period, may be deemed abandoned. In that event, the director may issue to (a) the owner of the realty in question, and (b) any operator of such facility shown on the city's current business license records, an order to show cause why such wireless telecommunications facility should not be deemed abandoned. A public hearing before the director or his designee on such order to show cause shall follow within a reasonable time, wherein the director or designee shall hear evidence and render a decision concerning whether the facility has been abandoned through failure of maintenance or through non-use. Such

decision may be appealed to the board of adjustment as provided in this title.

2. A monopole or other wireless telecommunications facility that is abandoned or otherwise vacated and no longer in use, and all associated apparatus, components, housings and structures, shall be removed from the site within 60 days after such abandonment, vacation or non-use by (a) removing all above-ground components, (b) removing at least the top three (3) feet of any associated foundation or footings, and (c) restoring the site to its original condition. The obligation to effect such removal shall be the joint and several obligation of the last known owner of the facility (as shown on the city's business license records) and the owner of fee title to the underlying realty, and may be enforced by the city against either or both. An abandoned wireless telecommunications facility also is a nuisance, which may be abated by the city as provided elsewhere in this code.

3. Any conditional use permits issued for an abandoned facility shall be automatically revoked.

4. As an additional condition of approval of an application for a wireless telecommunications facility, the applicant shall provide to the city a written agreement or other undertaking in such form as the city may require perpetually guarantying removal of such

facility, and all components thereof, as provided in this section.

**19.83.150 Protection of public safety.**

The city reserves the right to undertake, with or without notice to the owner, any actions necessary to correct, remove, or repair communication facilities that are deemed to be an immediate danger to public safety. The owner of the site shall bear the expense of emergency actions taken pursuant to this section.

**19.83.160 Rules and regulations.**

The planning commission may from time to time, by resolution, adopt and amend written regulations and guidelines to assist the planning commission, its advisory bodies, and planning staff to accomplish the permitted purposes of this chapter.

**19.83.170 Severability.**

If any portion of this chapter, or any application thereof, is declared void, unconstitutional or invalid for any reason, then such portion or proscribed application shall be severable, and the remaining provisions of this chapter, and all other applications thereof, shall remain in full force and effect to the greatest extent permitted by applicable law.

<b>CHART 19.83.050</b>				
P. Permitted Use	C. Conditional Use			N- Not allowed
Zones	Wall Mount	Roof Mount	Monopole	Lattice Tower
F-Zones	C1	C1	C2	N
RR Zones	C1	C1	C2	N
R-1-15	C2	C2	C2	N
R-1-10	C2	C2	C2	N
R-1-8	C2	C2	C2	N
R-1-6	C2	C2	C2	N
R-2-8	C2	C2	C	N
RM	C	C	C	N
RO	C	C	C	N
MU	C	C	C	N
NC	C	C	C	N
CR	C	C	C	N
PF	C	C	C	N
ORD	C	C	C	N
All other zones	N	N	N	N

1. Conditional use, allowable only on nonresidential buildings
2. Conditional use, allowable only in conjunction with public or quasi-public buildings