

# COTTONWOOD HEIGHTS

## ORDINANCE NO. 279

### AN ORDINANCE AMENDING SECTION 19.83.110 (ANTENNAS LOCATED ON UTILITY POLES) OF THE COTTONWOOD HEIGHTS CODE

**WHEREAS**, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

**WHEREAS**, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

**WHEREAS**, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the City; and

**WHEREAS**, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

**WHEREAS**, thereafter, the City’s planning commission (the “*Planning Commission*”) formulated proposed amendments to Code section 19.83.110 (“*Section 19.83.110*”) to address issues that arose following original adoption of Title 19 of the Code; and

**WHEREAS**, on 6 September 2017, a public hearing was held before the Planning Commission, where citizens were given the opportunity to provide written or oral comment concerning the proposed amendments to Section 19.83.110; and

**WHEREAS**, such public hearing before the Planning Commission was preceded by all required legal notices; and

**WHEREAS**, on 4 October 2017, the Planning Commission recommended Section 19.83.110, as amended, to the Council for adoption; and

**WHEREAS**, following additional public input and Council discussions concerning proposed amendments to Section 19.83.110, on 24 October 2017 the Council met in regular meeting to consider, among other things, amending Section 19.83.110; and

**WHEREAS**, after careful consideration of the recommendations of the Planning Commission, comments at the public hearing and at additional public meetings concerning Section 19.83.110, and further Council analysis and discussions, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to amend Section 19.83.110;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. Adoption of Amended Section 19.83.110. The Council hereby amends Code Section 19.83.110 as set forth on the attached exhibit, which shows deleted provisions ~~struck through~~ or otherwise shown as deletions, and new provisions underlined or otherwise shown as additions. To the extent that the attached exhibit is not marked to show all changes to the immediately prior official version of Section 19.83.110, the Council hereby ratifies and affirms that the attached exhibit is intended to be, and is, the currently enacted version of Code Section 19.83.110 after giving effect to all deletions and additions marked on the attached exhibit.

Section 2. Action of Officers. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this "Ordinance"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. Severability. All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. Repealer. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. Effective Date. This Ordinance, assigned no. 279, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 24<sup>th</sup> day of October 2017.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By Paula Melgar, Recorder

By Kelvyn H. Cullimore, Jr., Mayor



VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 24<sup>th</sup> day of October 2017.

POSTED this 24<sup>th</sup> day of October 2017.

### **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, in a public facilities (PF) zone, 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 year 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.