



Midvale City
7505 South Holden Street
Midvale, UT 84047
801-567-7200
www.midvalecity.org

MIDVALE CITY COUNCIL MEETING AGENDA December 01, 2015

PUBLIC NOTICE IS HEREBY GIVEN that the **Midvale City Council** will hold a regular meeting on the **1st Day of December, 2015** at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:30 PM

INFORMATIONAL ITEMS

I. DEPARTMENT REPORTS

II. CITY MANAGER BUSINESS

7:00 PM

REGULAR MEETING

III. GENERAL BUSINESS

- A. WELCOME AND PLEDGE OF ALLEGIANCE
- B. ROLL CALL

IV. PUBLIC COMMENTS

Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

V. COUNCIL REPORTS

- A. Councilmember Wayne Sharp
- B. Councilmember Stephen Brown
- C. Councilmember Paul Glover
- D. Councilmember Paul Hunt
- E. Councilmember Quinn Sperry

VI. MAYOR REPORT

- A. Mayor JoAnn B. Seghini

VII. CONSENT AGENDA

- A. Approve minutes for November 17, 2015 [*Rori Andreason, H.R. Director/City Recorder*]
- B. Set date and time (December 15, 2015 at 7:00 p.m.) for a public hearing to consider a text amendment request to change the Area of Limitations for wall and roof mounted telecommunication facilities [*Matt Hilderman, Associate Planner*]

VIII. DISCUSSION ITEMS

- A. Discuss Meeting Schedule and Mayor Pro-tem for Calendar Year 2016 [*Rori Andreason, H.R. Director/City Recorder*]

- B. Discussion on a text amendment request to change the Area of Limitations for wall and roof mounted telecommunication facilities [*Matt Hilderman, Associate Planner*]

IX. ADJOURN

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working days advance notice of the meeting. TTY 711

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City's website at www.midvalecity.org and the State Public Notice Website at <http://pnm.utah.gov>. Council Members may participate in the meeting via electronic communications. Council Members' participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING

DATE POSTED: NOVEMBER 25, 2015

**RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER**



Midvale City
CITY COUNCIL MEETING
Minutes

Tuesday, November 17, 2015
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

MAYOR: Mayor JoAnn B. Seghini

COUNCIL MEMBERS: Council Member Wayne Sharp
Council Member Stephen Brown
Council Member Paul Glover
Council Member Paul Hunt
Council Member Quinn Sperry

STAFF: Kane Loader, City Manager; Phillip Hill, Assistant City Manager/Community Development Director; Laurie Harvey, Assistant City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Bob Davis, Public Works Director; Chad Woolley, City Attorney; Chief Tony Mason, UPD Midvale Precinct; Battalion Chief Scott McBride, UFA; Annaliese Eichelberger, RDA Coordinator; Danny Walz, RDA Director; Christopher Butte, Economic Development Director; Michelle Henderson, Court Administrator; and Jarin Blackham, IT Manager.

Mayor Seghini called the meeting to order at 7:08 p.m.

I. INFORMATIONAL ITEMS

A. DEPARTMENT REPORTS

Chief Mason reported briefly on some training at the police range. Detective Ed Meono reported on the Good Landlord Program statistics.

Battalion Chief McBride had nothing to report.

Laurie Harvey said the legislature will be addressing indigent defense this year and our Court Administrator got ahead of the game and created a memorandum regarding this issue. Michelle Henderson discussed indigent defense and proposed recommendations. After extensive discussion, the Council said they would like her to proceed with her recommendations on this issue.

Phillip Hill reported on the Legislative Policy Committee meeting he recently attended regarding the Good Landlord program. He said he will be writing a grant for the swimming pool on behalf

of Salt Lake County. He reported that he has not yet heard back regarding the State Street crossing so he will continue trying to get ahold of them.

Kane Loader said Councilmember Sharp had a question on the splash pad and reuse of the water. He said the City is planning on reusing the water on the splash pad and will have people testing the water similar to a swimming pool. Phillip Hill said if you don't recirculate the water and put it down the sewer each day, it gets very expensive.

Councilmember Sharp said spoke with a parks employee in West Jordan who said it is quite expensive to get everyone certified to check the chlorine. He suggested looking at not recirculating and possibly having an underground tank to catch the water then hook it up to the sprinkling system in the park. The Council and staff discussed this issue at length. Staff will look into all options.

Danny Walz distributed information on the time capsule under the old bell in 1995 which was found filed away in the museum. He recommended leaving it where it is but add a plaque so others know it is there. Councilmember Sharp suggested opening it before the designated date and adding to it.

Bob Davis thanked staff for their participation in the Veterans Day Program. He reported on the leaf bag program. Councilmember Sperry asked about the house that has had several cars run into it and a resolution for this to continue happening. Councilmember Sharp said in these cases no amount of signs will stop people who are evading the police and run into this house. He was concerned about setting a precedent.

II. CITY MANAGER'S REPORT

Kane Loader discussed a meeting held with VECC regarding the purchase order for the new CAD system. The installation will begin soon. He informed the Council that the Legislative Breakfast is scheduled for December 3rd. He mentioned he has informed the CBC that they must vacate the old city hall by the end of the month. He said the CBC could move to the old seminary building but it is not set up for the two clinics. The cost of the utilities for the CBC is approximately \$3,600 per month. The City does not own the building, it belongs to UFA and the City would like to see UFA move forward with building a fire station at that location. He said Mauricio Agramont, CBC, has requested a six month extension to stay in the building while he works on finding a new location.

Mauricio Agramont stated his plans for moving the CBC and clinics fell through and he asked for an extension. He said they are currently looking for a place to move temporarily.

Councilmember Wayne Sharp said he had concerns that the City has already given deadlines and they have come and gone, and the CBC is asking for another extension.

The Council and CBC discussed the CBC and clinics at length.

The Council said CBC has until the end of the year and no more. They will have to move out of the old city hall at that time. The Council said he must come back to them with a plan and that plan must include a place to reside.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

B. Roll Call – Council Members Stephen Brown, Paul Hunt, Wayne Sharp, Quinn Sperry and Paul Glover were present at roll call.

IV. PUBLIC COMMENTS

Sophia Hawes-Tingey invited the Council to the Community Council holiday pot luck the first week in December.

Spencer Mears thanked the Council for the Splash Pad. He said there are systems out there that will measure the chlorine in the water and report it.

V. COUNCIL REPORTS

A. Councilmember Wayne Sharp – asked how our relationship is with the post master. Their yard looks terrible. He would like to see them cleanup the yard.

B. Councilmember Stephen Brown – asked where the parking is with Millennial Way. Chief Mason said he felt the problem had been solved for now. Councilmember Brown said there should be one side (north side) striped red so there is enough good space on the south side for the trucks to park. He felt it needs to be done quickly before the bad weather hits.

C. Councilmember Paul Glover –said a resident asked if the City could force a restaurant to fix a hole in their floor. Phillip Hill said the Building Official has no authority to make them do anything. Councilmember Glover asked if we could just ask them to fix it.

D. Councilmember Paul Hunt – had nothing to report.

E. Councilmember Quinn Sperry – said he will not be here on December 1st.

VI. MAYOR REPORT

Mayor JoAnn B. Seghini – had nothing to report.

MOTION: Councilmember Wayne Sharp **MOVED** to go into a public hearing. The motion was **SECONDED** by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the she called for a vote. The motion passed unanimously.

VII. PUBLIC HEARINGS

A. CONSIDER A TEXT AMENDMENT REGARDING FEATHER FLAGS AS AN ALLOWED TYPE OF TEMPORARY SIGNAGE

Annaliese Eichelberger said local business owners have asked that staff look into the possibility of adding Feather Flags as an allowable type of temporary sign requiring a temporary sign permit. Currently the city allows Banners, Mobile Changeable Copy signs, Balloon signs, and Pennants/Streamers. This would apply to the RM-12, RM-25, 7200 S Overlay, SSC, RC, TOD, BJ, HC, CI, and SSOZ zone districts and could be used by apartment complexes and businesses. The Planning Commission reviewed the proposed amendment on September 23th, 2015.

On October 14th, the Planning Commission conducted a public hearing and forwarded a recommendation to the City Council. The Planning Commission recommended approval of the text amendment with the following changes to the ordinance:

Proposed definition:

Feather Flag” means a vertical portable temporary sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand and has a maximum height of 12 feet.

Mayor Seghini opened the public comment portion of the hearing. There was no one present who desired to speak to this issue.

MOTION: Councilmember Paul Glover **MOVED** to close the public hearing. The motion was **SECONDED** by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the she called for a vote. The motion passed unanimously.

ACTION: **APPROVE ORDINANCE NO. 2015-O-13 APPROVING A TEXT AMENDMENT REGARDING THE ADDITION OF FEATHER FLAGS AS AN ALLOWED TYPE OF TEMPORARY SIGNAGE**

MOTION: Councilmember Paul Glover **MOVED** to adopt Ordinance 2015-O-13, modifying the requirements in the Clean Industrial (CI), State Street Commercial (SSC) and Regional Commercial (RC), Multifamily (RM-12, RM-25), 7200 S Overlay, Transit Oriented Development (TOD), Bingham Junction (BJ), and Historic Commercial (HC) zone districts by adding a category to sign regulations that would allow Feather Flags as an allowed type of temporary signage. The motion was **SECONDED** by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

MOTION: Councilmember MOVED to go into a public hearing. The motion was SECONDED by Councilmember. Mayor Seghini called for discussion on the motion. There being none the she called for a vote. The motion passed unanimously.

B. CONSIDER A PRELIMINARY SUBDIVISION PLAT FOR FOUNDERS POINT (FORMERLY KIMPTON SQUARE), LOCATED AT APPROXIMATELY 7612 SOUTH HOLDEN STREET

Lesley Burns stated that on April 22, 2015, the Planning Commission approved an amended Large Scale Master Plan (LSMP) for the Silver Refinery Overlay area located at the northwest corner of 7800 South and Holden Street. This LSMP includes a 2.21 acre multi-family residential area, a 6.31 acre medium density single family detached residential area, and a 0.84 acre public open space area. In conjunction with the LSMP, the Kimpton Square Subdivision was approved and recorded dividing these three areas into individual lots. On June 24, 2015, the Planning Commission approved a Small Scale Master Plan for the single family detached and public open space areas (Lots 2 and 3 of the Kimpton Square Subdivision). The single family detached project includes 67 detached residential units with four housing model types, a private road system with five-foot sidewalks and guest off-street parking, and open space/landscape area with recreation amenities. The City Council approved a Development Agreement for the overall project on August 18, 2015. This Development Agreement lays out the expectations and timing of improvements for the overall project. The Developer of the multi-family residential area has received final approvals and has begun construction on the corner multi-family area. The Developer of the single family and public open space has more recently submitted a final site plan for the single family and public open space areas. These plans are currently being reviewed by Staff.

It has always been the intent of the Developer of the single-family area to create a “for sale” housing product. In order to do that, a subdivision plat, designating the individual residential units, is required. The applicant has started the subdivision review process, and is requesting approval from the City Council on a preliminary subdivision plat that will further divide Lot 2 into the 67 individual residential units and common area. The common area, a combination of common and limited common designations, includes the private roads, and landscape and recreation amenity areas. The intent of the plat is to allow each unit to be owned by an individual and all other areas to be owned by a home owners association (HOA). The limited common areas around each unit, although owned by the HOA, would be primarily used and maintained by the adjacent unit owner; the common areas, i.e. private roads and larger landscape/recreation amenities, would be maintained by the HOA through a contracted property management company. This relationship and associated responsibilities will need to be articulated in a required declaration of covenants, conditions and restrictions document (CC&R’s) that is recorded along with the subdivision plat.

The proposed preliminary subdivision plat for the Founders Point Subdivision is attached. This plat reflects and is consistent with the approved Small Scale Master Plan for this development area, including the public easement for access to the public open space and shared guest parking between developments. The Development Agreement requires notes be included on the subdivision plat to ensure specific conditions of the site plan are addressed when Building

Permits are reviewed for the individual units and to notify prospective buyers of certain requirements and expectations. These notes include designating units requiring sprinkler systems, vapor mitigation, side by side two car garages; units being entirely constructed within designated building footprints; maintaining 10 foot separation. There are some modifications and additions to the notes on the proposed preliminary plat that will need to be included on the final subdivision plat. In addition, the final subdivision plat will not be able to be approved until the final site plan for the project is approved.

On October 28, 2015, the Planning Commission forwarded a recommendation to the City Council to approve the proposed Founders Point preliminary subdivision plat. The Planning Commission's recommendation included the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, City Planner and City Council.
2. The final subdivision plat shall include the notes required by the Development Agreement, i.e. designating units requiring sprinkler systems, vapor mitigation, side by side two car garages; units being entirely constructed within designated building footprints; maintaining 10 foot separation.
3. The final subdivision plat shall note the book and page of the recorded access and parking easement as part of the legend.
4. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the development.
5. The applicant shall prepare a declaration of covenants, conditions and restrictions, including the creation of a homeowners association, for the development. This document shall include, among others, the items required by the Planning Commission in its Small Scale Master Plan approval. This document shall be recorded concurrently with the subdivision plat.

Mayor Seghini opened the public comment portion of the hearing. There was no one present who desired to speak to this issue.

MOTION: Councilmember Wayne Sharp MOVED to close the public hearing. The motion was SECONDED by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

ACTION: APPROVE THE PRELIMINARY SUBDIVISION PLAT FOR FOUNDERS POINT, (FORMERLY KIMPTON SQUARE), LOCATED AT APPROXIMATELY 7612 SOUTH HOLDEN STREET

MOTION: Councilmember Paul Hunt MOVED to approve the preliminary subdivision plat for the Founders Point Subdivision located at approximately 7612 South Holden Street with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshal, City Planner and City Council.
2. The final subdivision plat shall include the notes required by the Development Agreement, i.e. designating units requiring sprinkler systems, vapor mitigation, side by side two car garages; units being entirely constructed within designated building footprints; maintaining 10 foot separation.
3. The final subdivision plat shall note the book and page of the recorded access and parking easement as part of the legend.
4. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the development.
5. The applicant shall prepare a declaration of covenants, conditions and restrictions, including the creation of a homeowners association, for the development. This document shall include, among others, the items required by the Planning Commission in its Small Scale Master Plan approval. This document shall be recorded concurrently with the subdivision plat.”

The motion was **SECONDED** by Councilmember Wayne Sharp. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

VIII. CONSENT AGENDA

A. APPROVE MINUTES OF NOVEMBER 10, 2015

MOTION: Councilmember Wayne Sharp **MOVED** to approve the consent agenda. The motion was **SECONDED** by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

IX. ACTION ITEMS

A. APPROVE RESOLUTION NO. 2015-R-54 ACCEPTING THE RESULTS OF THE MUNICIPAL GENERAL ELECTION HELD NOVEMBER 3, 2015

Rori Andreason reported the Mayor and City Council are the legislative body for Midvale City and comprise the Board of Municipal Canvassers pursuant to Utah Code §20A-4-301. Utah Code requires the Board of Municipal Canvassers to meet to canvass the returns of the Municipal General Election no sooner than 14 days and no later than 14 days after the election.

Salt Lake County has prepared the election results report for your review and approval. Any valid ballots received by noon on the day of the official canvass and postmarked before Election Day will be opened and added to the election results. The final canvass report will be distributed and reviewed at the meeting.

STAFF RECOMMENDATION:

Staff recommended the Board of Canvassers approve Resolution No. 2015-R-54 Accepting and Approving the Results of the Municipal General Election held November 3, 2015 as shown on the Canvass Report. The Board of Canvassers will be requested to sign the official canvass results indicating their approval. Rori Andreason reviewed the election canvass report.

MOTION: Councilmember Stephen Brown MOVED that we approve Resolution No. 2015-R-54 Accepting and approving the results of the Municipal General Election held November 3, 2015 as shown on the Canvass Report. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Aye

The motion passed unanimously.

B. DISCUSSION AND POSSIBLE ACTION ON ORDINANCE NO. 2015-O-14; AN ORDINANCE APPROVING THE ADOPTION OF THE COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE MAIN STREET COMMUNITY DEVELOPMENT PROJECT AREA, AS APPROVED BY THE REDEVELOPMENT AGENCY OF MIDVALE CITY, AS THE OFFICIAL COMMUNITY DEVELOPMENT PROJECT AREA PLAN FOR THE MAIN STREET COMMUNITY DEVELOPMENT PROJECT AREA, AND DIRECTING THAT NOTICE OF THE ADOPTION BE GIVEN AS REQUIRED BY STATUTE

Danny Walz stated on September 22, 2015, the Redevelopment Agency Board of Directors approved the resolution designating the Midvale Main Street Community Development Project Area. The purpose of the project area is to preserve the historic character of Main Street, stabilize the residential neighborhood and redevelop the surrounding commercial uses.

The Board of Directors of the Redevelopment Agency reviewed and approved the plan via resolution, and forwarded a positive recommendation to City Council to review and adopt the ordinance.

The plan provides a general description of the proposed area as well as the goals and objectives for redevelopment. Public notices were mailed to each property owner on October 16th. The plan has been prepared by Smith Hartvigsen and made available to the public for review at City Hall. Agency Staff will then begin meeting with the taxing entities to negotiate the individual Interlocal agreements which authorize the payment of tax increment to the Agency.

MOTION: Councilmember Paul Glover MOVED that we approve Ordinance No. 2015-O-14 approving and adopting the Project Area Plan for the Midvale Main Street Community Development Project area, as approved by the Redevelopment Agency of Midvale City, as the Official CDA project area plan for the Midvale Main Street CDA project area, and directing that notice of the adoption be given as required by statute. The motion was SECONDED by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Paul Hunt	Aye
Councilmember Wayne Sharp	Aye
Council member Quinn Sperry	Absent for the vote

The motion passed unanimously.

C. APPROVE RESOLUTION NO. 2015-R-55 APPROVING THE MIDVALE CITY HAZARD MITIGATION PLAN

Jesse Valenzuela stated that on November 10, 2015 the proposed Midvale City Hazard Mitigation Plan was discussed with the City Council. Staff recommends the City Council approve and implement the Hazard Mitigation Plan (HMP), which complies with existing federal, state and local statues. The purpose of the HMP is to promote sound public policy and protect or reduce the vulnerability of the citizens, critical facilities, infrastructure, private property and natural environment within the city. This can be achieved by increasing public awareness, documenting resources for risk reduction and loss prevention and identifying activities to guide the development of a less vulnerable and more sustainable community.

MOTION: Councilmember Paul Hunt MOVED that we approve Resolution No. 2015-R-55 approving and implementing the Midvale City Hazard Mitigation Plan (HMP) agreement as outlined in Exhibit A. The motion was SECONDED by Councilmember Paul Glover. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

Council member Stephen Brown	Aye
Council member Paul Glover	Aye
Council member Paul Hunt	Aye

Councilmember Wayne Sharp Aye
Council member Quinn Sperry Aye
The motion passed unanimously.

X. ADJOURN

MOTION: Councilmember Wayne Sharp MOVED to adjourn the meeting. Councilmember Stephen Brown SECONDED the motion. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.

The meeting adjourned at 9:43 pm.

Rori L. Andreason, MMC
CITY RECORDER

Approved this 1st day of December, 2015.

PENDING



MIDVALE CITY COUNCIL SUMMARY REPORT

Meeting Date: December 1, 2015

SUBJECT:

Set Public Hearing for December 15, 2015 and Discussion on a text amendment request to change the Area of Limitations for wall- and roof-mounted telecommunication facilities

SUBMITTED BY:

Matt Hilderman, Associate Planner

SUMMARY:

An application was received proposing a text amendment concerning telecommunication facilities within the City of Midvale. Discussion with the applicant and information submitted with the application states with the advent of increased technology concerning wireless devices such as; cellular phones, smartphones, and tablets; the current US Population relies heavily on wireless connections to keep in contact with individuals, conduct business, provide pleasure, and provide undisturbed communication for emergency responders.

Currently, the City's telecommunication facility ordinance has an 'Area Of Limitations' that limits the amount of wall- and roof-mounted antennas on a building to 40 square feet (40 s.f.) per exterior wall or 160 square feet (160 s.f.) per building for all carriers on the building. The applicant is contesting, based upon the current telecommunication industry and technology and in order to provide the necessary communication for the activities stated above, this would limit the amount of carriers on one particular site to one, possibly two; and colocation would be difficult to accommodate as well. The applicant also states,

“As the industry evolves and the demand for data increases, the amount and size of equipment being installed at communication facilities is increasing. This increase in equipment and antenna sizes will become a challenge for carriers in the future within Midvale City to meet the increased network needs for customers.”

As stated by the applicant and confirmed by Staff, the area of limitations is to limit the visual impact on the surrounding area. The applicant has proposed to limit the area of limitations to only wall-mounted antennas since; roof-mounted antennas are required to be screened, constructed, and painted to match the structure to which they are attached. The applicant states since roof-mounted antennas are screened and blend into the building, it seems unnecessary to require an area of limitations. The applicant has also proposed to amend the area of limitations requirement for wall-mounted antennas to be allowed for each individual carrier rather than a total for all carriers. The applicant states,

“By allowing the carriers to each abide by the area of limitations individually, rather than collectively, it can help reduce the number of these types of facilities in a given area as well as provide them with increased opportunity to help improve their networks for the residents and emergency responders within Midvale City.”

The applicant submitted a packet that provided a variety of materials and illustrations concerning the applicant's statement of need, proposed text amendment, and illustrations of screening and stealth construction. Staff has summarized the applicant's request below:

- a. Stealth wall-mounted and roof-mounted antennas not required to abide by area of limitations.
- b. Area of Limitations for non-stealth wall-mounted antennas.
- c. Total area of non-stealth wall-mounted antennas and supporting structures not to exceed forty-square feet (40 sq. ft.) per carrier.
- d. Visible portion of the supporting structure will be used to calculate the area of limitation.

Staff has determined the following zone districts address a telecommunications facility use through approval of an Administrative Conditional Use Permit (ACUP); Single Family Residential (SF-1, SF-2); Medium-High Density Residential (RM-12, RM-25); Mixed Use (MU); State Street Commercial (SSC); Transit-Oriented Development (TOD); Bingham Junction (BJ); Jordan Bluffs (JB); Regional Commercial (RC); and Clean Industrial (CI).

Staff recognizes the need to support the increasing need of wireless technology services; while still addressing the possible visual impacts on surrounding areas that this proposal may present. After reviewing and compiling the information, Staff prepared a revised ordinance proposal that addressed the following:

- a. Any proposed telecommunication facility will still require submittal of an ACUP application and approval from the Department of Community Development;
- b. Any proposed telecommunication facility that requires construction of a new screening wall will require approval of this feature from the Planning Commission;
- c. Staff recommends stealth-roof mounted antennas shall not abide by the Area of Limitations requirement;
- d. Staff recommends that the ordinance language for wall-mounted antennas, stealth- and non-stealth, continue to remain as presently adopted; and
- e. Additional organization of the overall ordinance.

Planning Commission Recommendation

On July 8, 2015, this item was presented before the Midvale City Planning Commission. After the public hearing portion and discussion amid the applicant, Commission members, and Staff; the Planning Commission moved to table this item and requested additional information such as the following;

- What the current network looks like; Existing network and data projecting the proposed future needs; What other networks look like during operation; Drop rate at certain antennas; Examples of loads on particular equipment; Stealth concealment company credentials; Diagrams of equipment currently required and sizes; Data showing the actual need; More dialog with other jurisdictions; and Information from UPD & UFA.

On September 17, 2015, the applicant and representatives from the telecommunication industry addressed the Planning Commissions' concerns stated above and provided educational materials and illustrations of their ordinance proposal. Staff was able to reach out to the Unified Police Department (UPD) and Unified Fire Authority (UFA). UPD stated they haven't had any issues with systems crashing or dropped calls and UFA stated the Valley Emergency Communication (VEC) system does not use the same mechanisms as personal cellular phones therefore; the VEC system would not be affected by this ordinance proposal.

On November 18, 2015, the Planning Commission reviewed all the information received and discussed the aesthetics of this use as is related to the surrounding neighborhoods and overall city character. It was

the Planning Commission’s recommendation to approve Staff’s ordinance amendment with the following motion:

“In order to accommodate uses not originally contemplated when the Zoning Ordinance was originally adopted and to further provide safety and security of individual properties and their uses, I move that we forward a positive recommendation to the City Council to change the language for the area of limitations requirement under the telecommunications ordinance provision as included in Attachment A, B, & C.”

FISCAL IMPACT: N/A

Attachments:

- Applicant Statement of Need
- Applicant Ordinance Proposal
- Staff Ordinance Proposal – Attachment A, B, & C

April 21, 2015

Midvale City
7505 South Holden Street
Midvale, UT 84047
Attn.: Matthew Hilderman

Re: Proposed Text Amendment to Midvale City Municipal Code

Dear Mr. Hilderman,

Enclosed is a copy of the Zoning Text Amendment Application requesting the amendment to Sections 17-7-1.11(B)(2)(e)iv, 17-7-2.11(B)(2)(e)iv, 17-7-3.10(B)(2)(e)iv, 17-7-4.10(B)(2)(e)iv, 17-7-5.8(B)(2)(b)vii, 17-7-7-11(B)(2)(a)vii, 17-7-8.11(B)(2)(a)vii, 17-7-9.9(B)(2)(b)vii, 17-7-10.9(B)(2)(b)vii, 17-7-12.9(B)(2)(a)vii and 17-7-13.9(B)(2)(b)vii of the Midvale City Municipal Code.

According to an Annual Wireless Industry Survey prepared by CTIA in December 2013, 105% of the US Population has a wireless subscriber connection which includes smartphones and tablets. It further went on to state that 39% of the US Population is wireless-only meaning that they have given up their land-line connection for telco service and replaced it with a cellular service. We live in a digital world where a large majority of the population and emergency responders are counting on the wireless service providers to keep them connected. The number of wireless subscribers will continue to grow as well as the demand on data in the years to come. With that in mind, carriers will be needing to look for additional site locations as well as improving their existing facilities to keep up with the demand.

VZW is currently proposing a couple of rooftop installations on buildings within Midvale City. At these locations there are existing rooftop antennas on these buildings by other carriers. At one (1) of the locations, the existing antennas have been placed behind a screen wall that blends into the building and completely hides them from view. At the other location the antennas are roof mounted and currently not screened from view.

Upon reviewing the municipal code for these zone district, roof-mounted antennas are allowed at either of these locations. The municipal code has an area of limitation requirement that limits the amount of area for a combination of wall and roof-mounted antennas on a building in the various zone districts to 40 SQ FT per exterior wall or 160 SQ FT per building for all carriers on the building.

Based on this requirement, it would limit the number of carriers that could place antennas on the tall buildings within Midvale City. This in turn will create the need for additional communication facilities to be constructed within Midvale City. In reviewing the visible area of a rooftop skid with the smallest antennas that are used within the industry, which are four (4) – 4' antennas, it would take up a minimum 34 SQ FT of area. The carriers typically look to install three (3) antenna sectors on a building which would amount to a minimum 102 SQ FT of visible space being installed on a given rooftop. This would then allow only an additional 58 SQ FT of visible space for another carrier on that building which would prevent an additional carrier from collocating on that rooftop. Again, this is based on the smallest antennas that are used in the industry. As the industry evolves and the demand for data increases, the amount and size of equipment being installed at communication facilities is increasing. This increase in equipment and antenna sizes will become a challenge for carriers in the future if there are no available tall buildings or collocation opportunities within Midvale City to meet their increased network needs for their customers.

The proposed text amendment would be as follows:

Area Limitations for non-stealth wall-mounted antennas. The total area for non-stealth wall-mounted antennas and supporting structures combined shall not exceed forty square feet per carrier for each exterior wall of the building or a total of one hundred sixty square feet per building per carrier. The visible portion of the supporting structure as viewed when looking directly at the face of the building will be used to calculate the area of limitation.

The amendment would propose to limit the area of limitations to wall mounted antennas. The purpose for an area of limitation is to limit the visual impact that communication facilities on buildings have on the surrounding area. The Midvale City municipal code requires that wall mounted antennas be painted to match the building or the background that they are mounted on. Even though they are painted to blend into the building they are still visible. Roof-mounted antennas are required to be screened from view with a screen wall that is constructed to match the building. Therefore, by placing antennas behind a screen wall that blends into the building and hides them from view then it would seem the need to continue to include roof-mounted antennas in the area of limitation requirements seems unnecessary. A screened rooftop installation could provide increased opportunities to place multiple carriers on a given building rooftop. This could then help to reduce the number of communication facilities that may be needed in a given area as well as throughout the City.

The amendment would also propose the area of limitations requirements of 40 SQ FT per building exterior or 160 SQ FT per building for wall mounted antennas be allowed to each individual carrier rather than a total for all carriers. With the increased amount of equipment needed based on current technologies, limiting wall mounted antennas to these square footage amounts could prevent multiple carriers from being able to collocate on single building. Based on a single sector of four (4) – 8' antennas that would allow a carrier to take up 32 SQ FT of the 40 SQ FT of an exterior wall, which could limit that building face to one (1) carrier. The carriers could use smaller four (4) antennas that at a minimum would take up 16 SQ FT of building face which then could allow potentially two (2) carriers. However, in some cases a carrier will need to perform antenna modifications to their facilities that could require taller antennas and so if they are limited on size based on SQ FT then that could prevent the carriers from upgrading their facilities, especially if carriers do not have the option to install rooftop antennas at that particular location. By allowing the carriers to each abide by the area of limitations individually rather than collectively can help reduce the number of these types of facilities in a given area as well as provide them with increased opportunity to help improve their networks for the residents and emergency responders within Midvale City.

The municipal code does encourage stealth wall-mounted antennas that can vary from the wall mounted requirements of the municipal code but they still need to meet the area of limitation requirements. If the wall-mounted antennas could be designed to blend into the building to help hide them from view then it would seem similar to the screened rooftop antennas they should be allowed to not be counted in the area of limitations. Again this will provide various options for the carriers when looking at installing a communication facility on a building within Midvale City. The carriers will work with Staff on the final designs to insure they meet the municipal code standards as well as the Planning Commission will make the final decision on the proposal.

On behalf of Verizon Wireless, I would like to thank you for your assistance and look forward to working with the City on the proposed Text Amendment of the Midvale City Municipal Code. If you have any questions or comments, please feel free to call me at (801) 518-7098.

Sincerely,



Pete Simmons
Real Estate Specialist

Technology  Associates

5710 South Green Street
Salt Lake City, UT 84123
(801) 463-1020 ext. 2110
(801) 518-7098 Cell
(801) 262-0428 Fax
pete.simmons@taec.net

Attached:

One (1) copy of the Proposed Text Amendment Language
One (1) copy of Roof Skid Exhibit
Four (4) Sample Photosims
One (1) copy of Photos of Stealth Wall Mounted Antennas
One (1) copy of Photos of Painted Wall Mounted Antennas

17-7-1.11(B)(2)(e)iv

iv. Area Limitations *non-stealth for wall-mounted antennas*. ~~Combinations of both roof and wall-mounted antennas are allowed on a building.~~ The total area for all *non-stealth* wall ~~and roof~~-mounted antennas and supporting structures combined shall not exceed forty square feet *per carrier* for each exterior wall of the building or a total of one hundred sixty square feet per building *per carrier*. ~~Cellular antennas may occupy a maximum of four walls.~~ The visible portion of the supporting structure as viewed when looking directly at the face of the building *will be used to calculate the area of limitation*. ~~The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~

17-7-2.11(B)(2)(e)iv

iv. Area Limitations *non-stealth for wall-mounted antennas*. ~~Combinations of both roof and wall-mounted antennas are allowed on a building.~~ The total area for all *non-stealth* wall ~~and roof~~-mounted antennas and supporting structures combined shall not exceed forty square feet *per carrier* for each exterior wall of the building or a total of one hundred sixty square feet per building *per carrier*. ~~Cellular antennas may occupy a maximum of four walls.~~ The visible portion of the supporting structure as viewed when looking directly at the face of the building *will be used to calculate the area of limitation*. ~~The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~

17-7-3.10(B)(2)(e)iv

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17-7-4.10(B)(2)(e)iv

iv. Area Limitations *non-stealth for wall-mounted antennas*. ~~Combinations of both roof and wall-mounted antennas are allowed on a building.~~ The total area for all *non-stealth* wall ~~and roof~~-mounted antennas and supporting structures combined shall not exceed forty square feet *per carrier* for each exterior wall of the building or a total of one hundred sixty square feet per building *per carrier*. ~~Cellular antennas may occupy a maximum of four walls.~~ The visible portion of the supporting structure as viewed when looking directly at the face of the building *will be used to calculate the area of*

limitation. The total area for a roof-mounted antenna shall apply to the closest exterior wall.

17-7-5.8(B)(2)(b)vii

vii. Area Limitations non-stealth for wall-mounted antennas. ~~Combinations of both roof and wall-mounted antennas are allowed on a building.~~ The total area for all non-stealth wall ~~and roof~~-mounted antennas and supporting structures combined shall not exceed forty square feet per carrier for each exterior wall of the building or a total of one hundred sixty square feet per building per carrier. ~~Cellular antennas may occupy a maximum of four walls.~~ The visible portion of the supporting structure as viewed when looking directly at the face of the building will be used to calculate the area of limitation. The total area for a roof-mounted antenna shall apply to the closest exterior wall.

17-7-7.11(B)(2)(a)vii

vii. Area Limitations non-stealth for wall-mounted antennas. ~~Combinations of both roof and wall-mounted antennas are allowed on a building.~~ The total area for all non-stealth wall ~~and roof~~-mounted antennas and supporting structures combined shall not exceed forty square feet per carrier for each exterior wall of the building or a total of one hundred sixty square feet per building per carrier. ~~Cellular antennas may occupy a maximum of four walls.~~ The visible portion of the supporting structure as viewed when looking directly at the face of the building will be used to calculate the area of limitation. The total area for a roof-mounted antenna shall apply to the closest exterior wall.

17-7-8.11(B)(2)(a)vii

vii. Area Limitations non-stealth for wall-mounted antennas. ~~Combinations of both roof and wall-mounted antennas are allowed on a building.~~ The total area for all non-stealth wall ~~and roof~~-mounted antennas and supporting structures combined shall not exceed forty square feet per carrier for each exterior wall of the building or a total of one hundred sixty square feet per building per carrier. ~~Cellular antennas may occupy a maximum of four walls.~~ The visible portion of the supporting structure as viewed when looking directly at the face of the building will be used to calculate the area of limitation. The total area for a roof-mounted antenna shall apply to the closest exterior wall.

17-7-9.9(B)(2)(b)vii

vii. Area Limitations non-stealth for wall-mounted antennas. ~~Combinations of both roof and wall-mounted antennas are allowed on a building.~~ The total area for all non-

~~***stealth*** wall **and roof**-mounted antennas and supporting structures combined shall not exceed forty square feet ***per carrier*** for each exterior wall of the building or a total of one hundred sixty square feet per building ***per carrier***. ~~Cellular antennas may occupy a maximum of four walls.~~ The visible portion of the supporting structure as viewed when looking directly at the face of the building ***will be used to calculate the area of limitation***. ~~The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~~~

17-7-10.9(B)(2)(b)vii

vii. Area Limitations ***non-stealth for wall-mounted antennas***. ~~Combinations of both roof and wall-mounted antennas are allowed on a building.~~ The total area for all ***non-stealth*** wall **and roof**-mounted antennas and supporting structures combined shall not exceed forty square feet ***per carrier*** for each exterior wall of the building or a total of one hundred sixty square feet per building ***per carrier***. ~~Cellular antennas may occupy a maximum of four walls.~~ The visible portion of the supporting structure as viewed when looking directly at the face of the building ***will be used to calculate the area of limitation***. ~~The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~

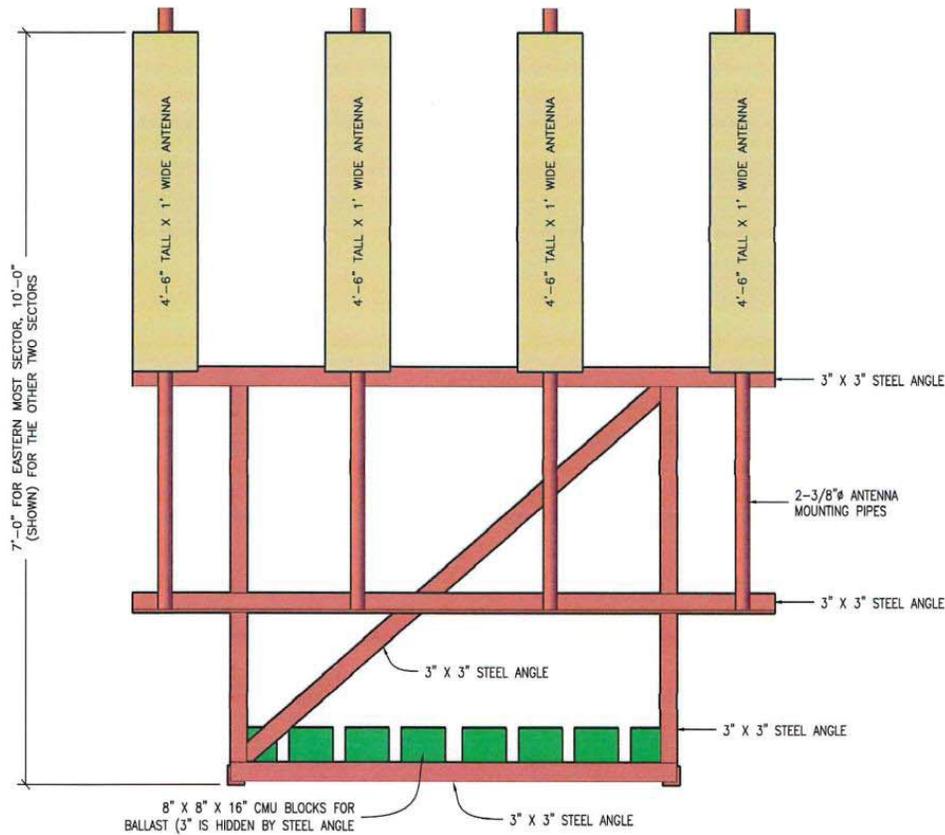
17-7-12.9(B)(2)(a)vii

vii. Area Limitations ***non-stealth for wall-mounted antennas***. ~~Combinations of both roof and wall-mounted antennas are allowed on a building.~~ The total area for all ***non-stealth*** wall **and roof**-mounted antennas and supporting structures combined shall not exceed forty square feet ***per carrier*** for each exterior wall of the building or a total of one hundred sixty square feet per building ***per carrier***. ~~Cellular antennas may occupy a maximum of four walls.~~ The visible portion of the supporting structure as viewed when looking directly at the face of the building ***will be used to calculate the area of limitation***. ~~The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~

17-7-13.9(B)(2)(b)vii

vii. Area Limitations ***non-stealth for wall-mounted antennas***. ~~Combinations of both roof and wall-mounted antennas are allowed on a building.~~ The total area for all ***non-stealth*** wall **and roof**-mounted antennas and supporting structures combined shall not exceed forty square feet ***per carrier*** for each exterior wall of the building or a total of one hundred sixty square feet per building ***per carrier***. ~~Cellular antennas may occupy a maximum of four walls.~~ The visible portion of the supporting structure as viewed when looking directly at the face of the building ***will be used to calculate the area of limitation***. ~~The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~

NOTE: EACH SECTOR OF VZW'S ANTENNAS OCCUPIES 34.13 SQ FT OF SPACE, THE ANTENNAS OCCUPY 18 SQ FT, THE ROOF SKID OCCUPIES THE REMAINING 16.13 SQ FT



VISIBLE SQUARE FOOTAGE

SAMPLE ROOF SKID EXHIBIT



SAL Shadow Ridge

PROPOSED VERIZON WIRELESS TELECOMMUNICATIONS FACILITY

7090 South Union Park Avenue, Midvale, UT 84047

SOUTH

Looking North toward facility from Parking Lot.

EXISTING SITE

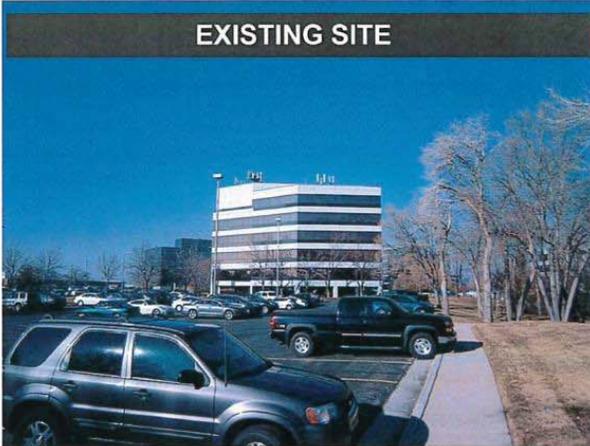
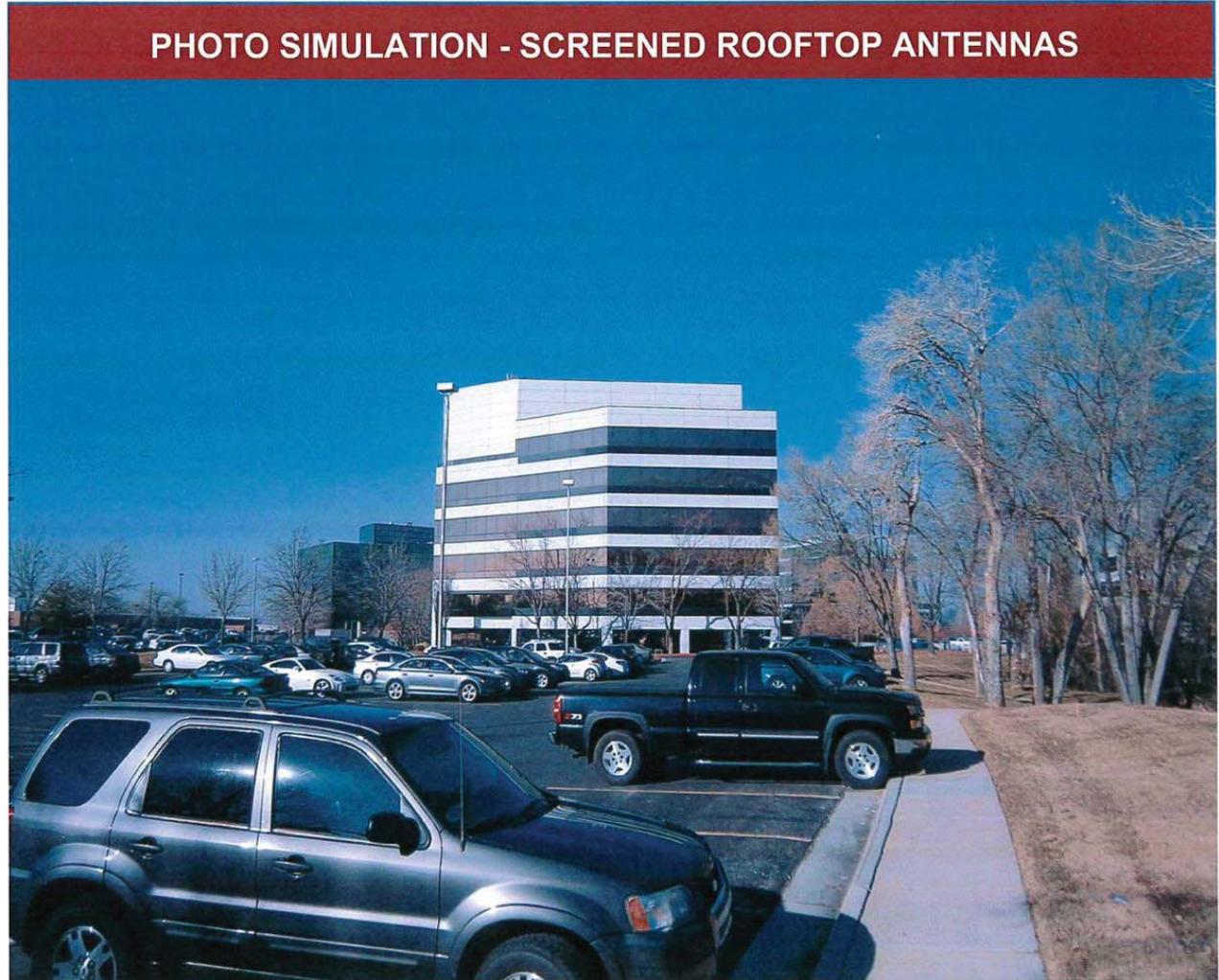


PHOTO SIMULATION - SCREENED ROOFTOP ANTENNAS



AERIAL LOCATION



Drawn By: **Pete Simmons**
Salt Lake City Office
Drawn For: **Midvale City**
Matthew Hilderman

Salt Lake Office
5710 S Green Street
Murray, UT 84123
(801) 463-1020

Corporate
3115 Melrose Drive
Carlsbad, CA 92010
(760) 765-5275



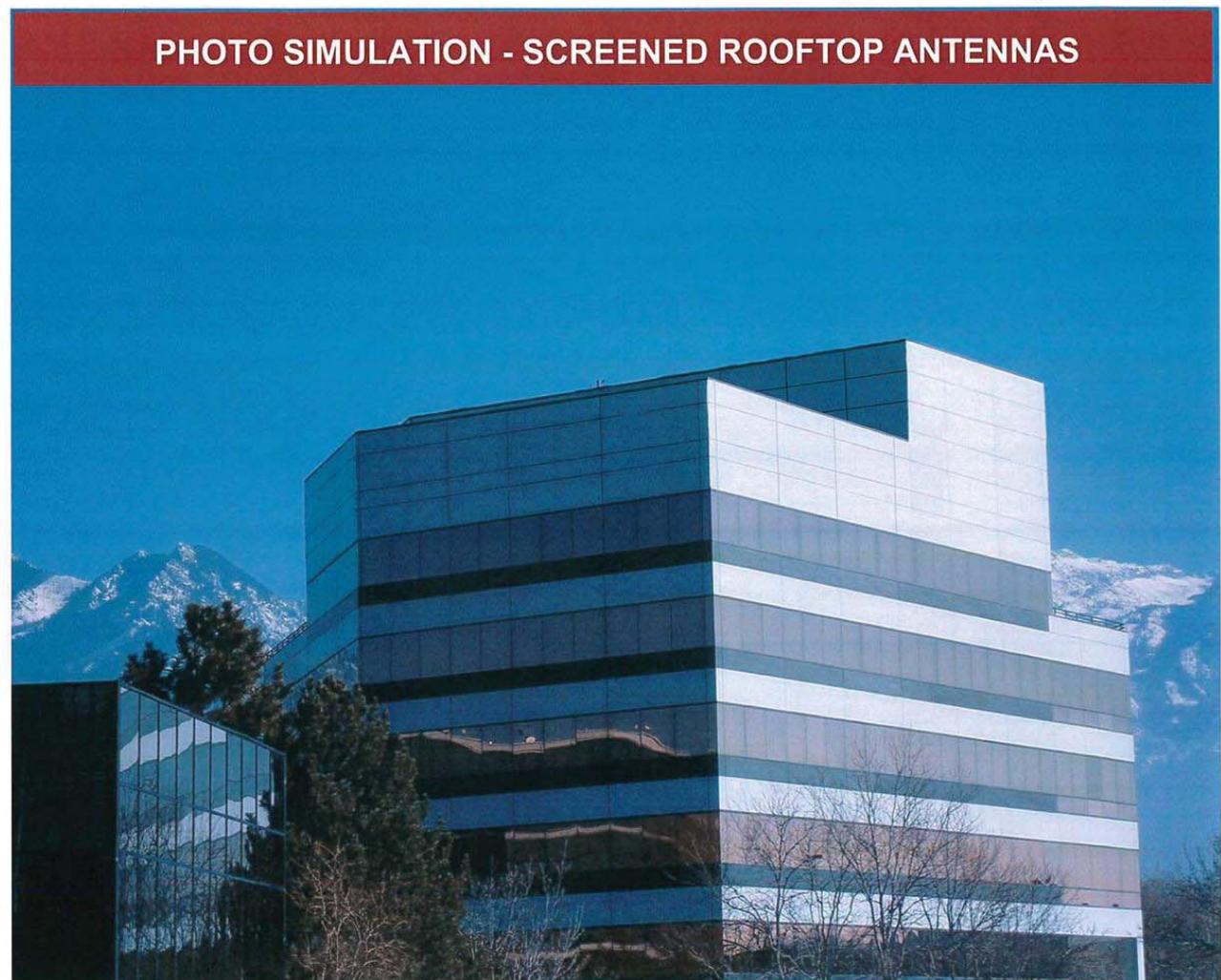
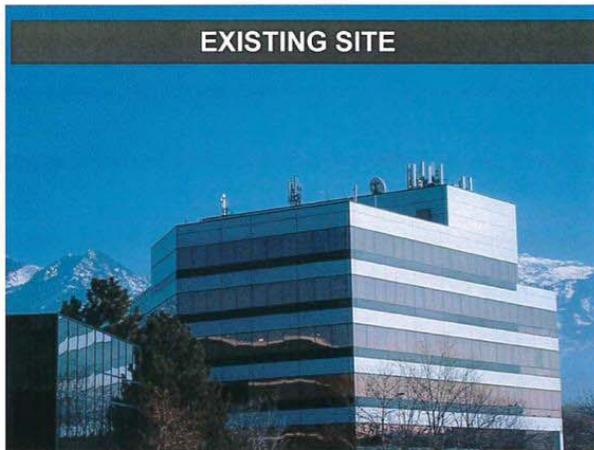
SAL Shadow Ridge

PROPOSED VERIZON WIRELESS TELECOMMUNICATIONS FACILITY

7090 South Union Park Avenue, Midvale, UT 84047

NORTH

Looking South toward facility from Parking Lot.



Drawn By: Pete Simmons
Salt Lake City Office
Drawn For: Midvale City
Matthew Hilderman

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Murray, UT 84123
(801) 463-1020

Corporate
3115 Melrose Drive
Carlsbad, CA 92010
(760) 765-5275



SAL SHANECO

VERIZON WIRELESS TELECOMMUNICATION FACILITY
MACRO SITE - ROOFTOP

SW

Looking Toward Building

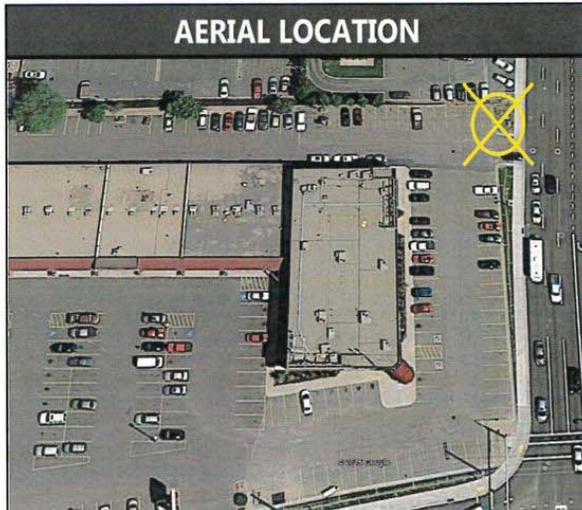
EXISTING SITE



PHOTO SIMULATION - ROOFTOP STEALTH FACILITY



AERIAL LOCATION



Drawn By: Daniel Thurgood
Salt Lake City Office
Drawn For: City of Midvale
Wireless Ordinance Amendment

Salt Lake Office
5710 S Green Street
Murray, UT 84123
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Corporate
3115 Melrose Drive
Carlsbad, CA 92010
760-765-5275



SAL SHANECO

VERIZON WIRELESS TELECOMMUNICATION FACILITY
MACRO SITE - ROOFTOP

NW

Looking Toward Building

EXISTING SITE



PHOTO SIMULATION - ROOFTOP STEALTH FACILITY



AERIAL LOCATION

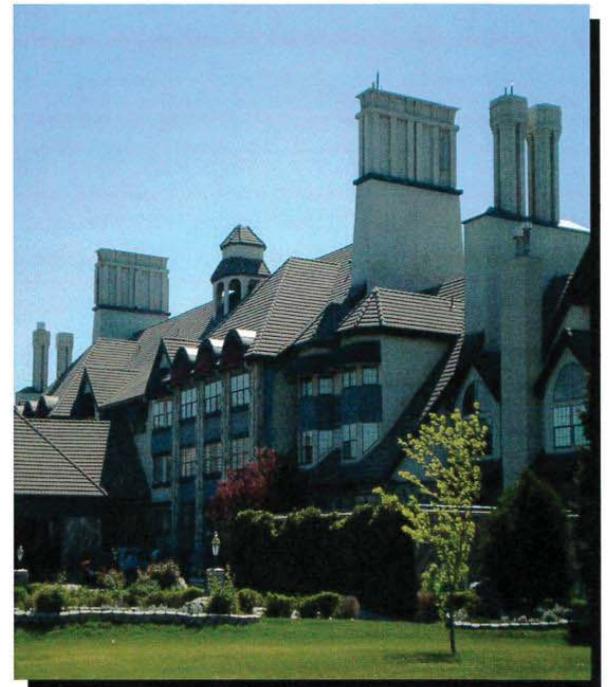
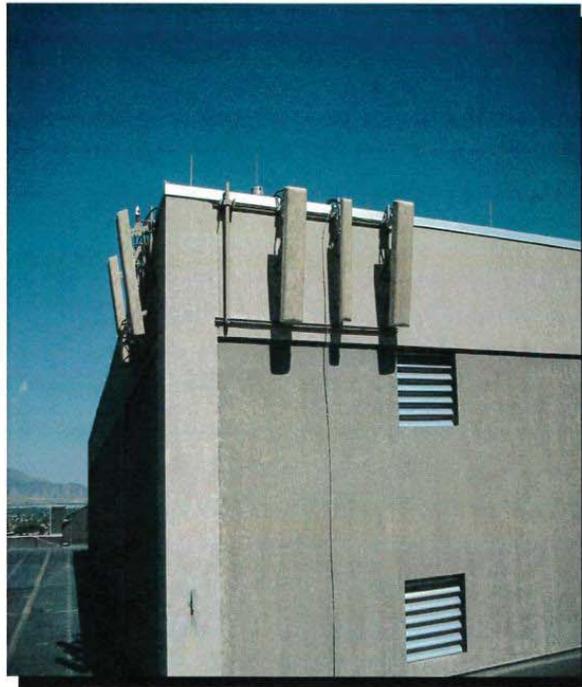
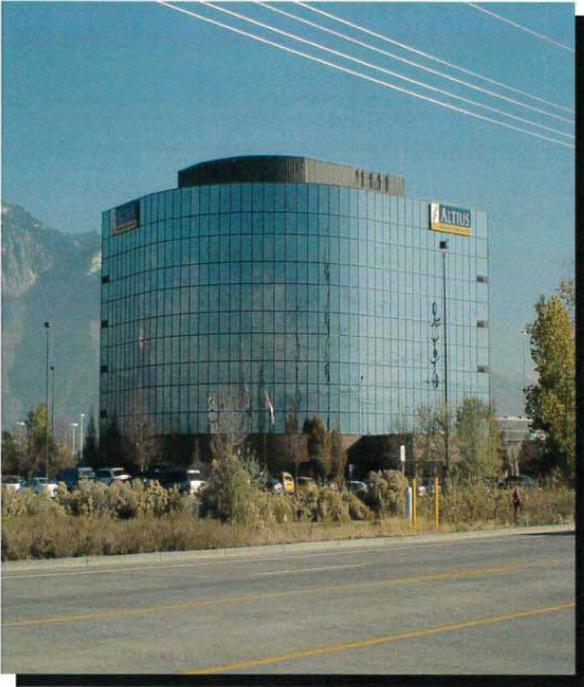


Drawn By: Daniel Thurgood
Salt Lake City Office
Drawn For: City of Midvale
Wireless Ordinance Amendment

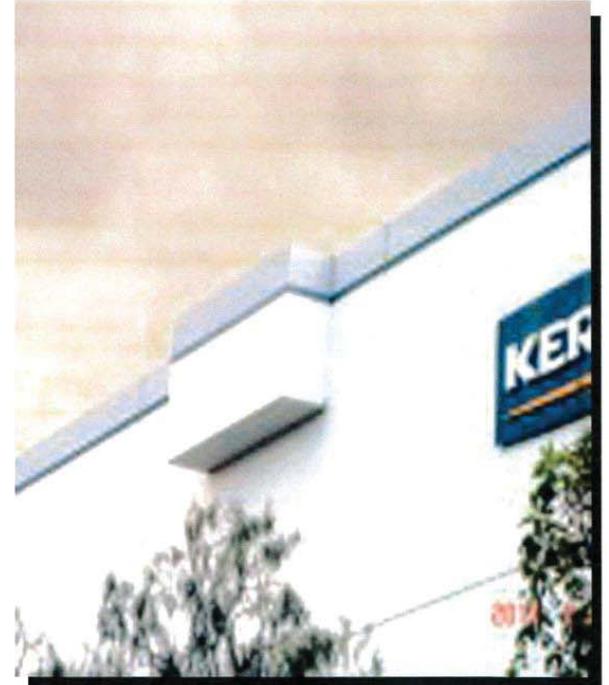
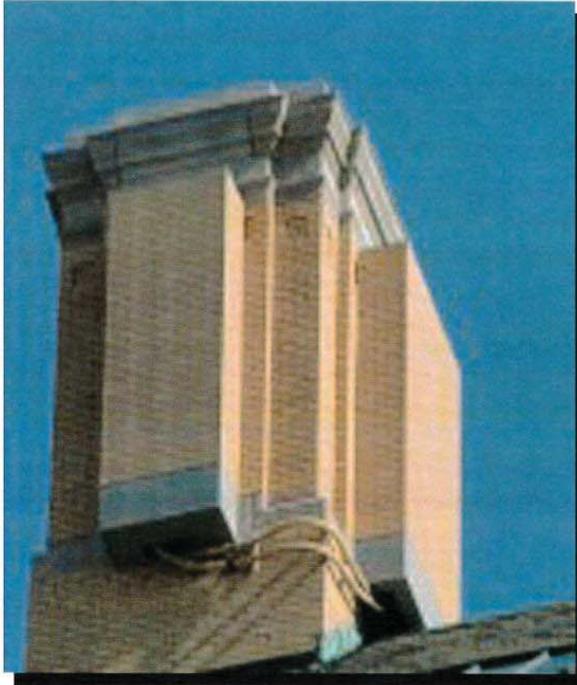
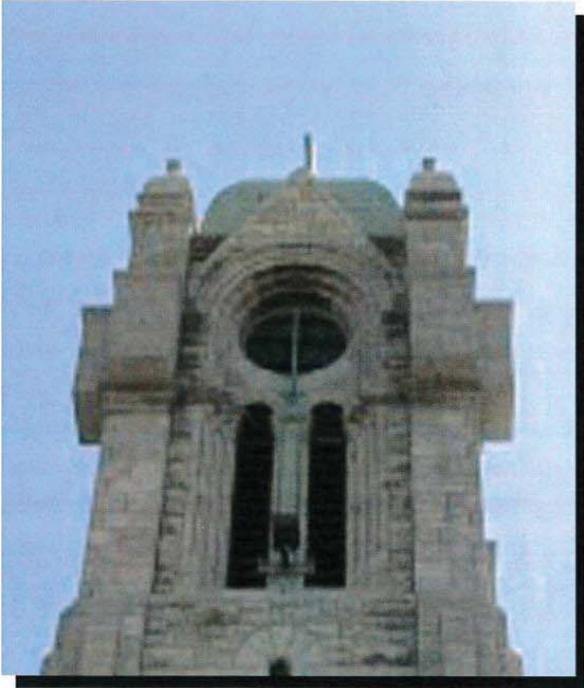
Salt Lake Office
5710 S Green Street
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Corporate
3115 Melrose Drive
Carlsbad, CA 92010
760-765-5275

SAMPLE PAINTED WALL MOUNTED ANTENNAS



SAMPLE STEALTH WALL MOUNTED ANTENNAS



2723 W 3500 S, WVC







PANADERIA

EZ SMOKE
E-CIGARETTE

MacKay DENTAL

THE
BREADSHOP





Innovative
Property Maintenance
801-240-1300





LITAH STATE

ALLSTATE PRO-FORM

Allstate

Utah State University

UTAH STATE

UTAH STATE FOOTBALL

UTAH STATE FOOTBALL

ATTACHMENT A
Area of Limitations for Telecommunication Facilities;
For the Following Midvale Municipal Code Sections:

17-7-1.11(B)(2)(e)iv; 17-7-2.11(B)(2)(e)iv; 17-7-3.10(B)(2)(e)iv; and 17-7-4.10(B)(2)(e)iv

Text Additions
Text Deletions

e. Telecommunications Facility. This section applies to both commercial and private low-power radio services and facilities, such as “cellular” or “PCS” (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:

i. Wall-Mounted Antenna. Wall-mounted antennas may not extend above the wall line of the building or extend more than four feet horizontally from the face of the building.

(A) 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. Antennas and the supporting structures on buildings shall be architecturally compatible with the building. Whip antennas are not allowed on a wall-mounted antenna structure.

(B) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of those building structures.

(C) Stealth wall-mounted antennas are encouraged and may be allowed to vary from the provisions of this section upon demonstrated mitigation of impact.

~~(D) Area Limitations for stealth and non-stealth wall-mounted antennas. Combinations of both roof and wall-mounted antennas are allowed on a building.~~

~~stealth and non-stealth wall and roof-mounted antennas and supporting structures combined shall not exceed forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. Cellular antennas may occupy a maximum of four walls. The visible portion of the supporting structure as viewed when looking directly at the face of the building will be used to calculate the area of limitation. The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~

ii. Roof-Mounted Antenna. Roof-mounted antennas are allowed only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission shall review and may grant approval to place roof-mounted stealth

antennas on a pitched roof if the antennas do not extend above the peak of the roof or for any new antenna(s) that require construction of a new screening wall.

(A) Antennas shall be mounted at least five feet behind any parapet wall or from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet behind a parapet or exterior wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet above the top of the parapet wall or roof line of the building. An antenna may not extend more than fifteen feet above the roofline of the building unless the adverse impacts of the additional height are fully mitigated.

(B) Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structures may not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.

(C) New screening wall(s) shall be in harmony with the structure's mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of the ordinance.

~~(C) Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five feet back from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet back from the exterior wall shall be directly proportional to the setback distance, and may not exceed ten feet above the roof line of the building. Similarly, a roof-mounted antenna may not extend above the roofline of a penthouse or mechanical equipment room except as allowed as a conditional use.~~

iii. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

~~iv. Area Limitations. Combinations of both roof and wall-mounted antennas are allowed on a building. The total area for all wall and roof-mounted antennas and supporting structures combined shall not exceed forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. Cellular antennas may occupy a maximum of four walls. The visible portion of the supporting structure as viewed when looking directly at the~~

~~face of the building. The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~

~~v~~ iv. Review Criteria. Each applicant for a telecommunications facility must demonstrate:

- (A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;
- (B) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;
- (C) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;
- (D) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;
- (E) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;
- (F) Location and zoning compliance of accessory buildings associated with the telecommunications facility;

~~(C)~~ v. Monopole. A conditional use permit for a monopole may be granted in a residential zone district only if the planning commission finds that:

- (1) The monopole antenna does not exceed thirty-five feet in height;
- (2) Monopole with antennas and antennas support structure does not exceed two feet in width;
- (3) The antenna tower will be placed on a parcel, which is not occupied by a residential use, such as a school, church, or other nonresidential use, which is otherwise legally located in that residential zone;
- (4) The antenna tower will be located no closer than two hundred feet from the nearest residential structure; and
- (5) The monopole will be disguised as, or otherwise integrated with, a light pole or similar utility structure located on the parcel to minimize and mitigate the visual impact of the antenna. Monopoles shall be fenced with a six-foot chain-link fence and the climbing pegs removed from the lower twenty feet of the monopole. In circumstances where the accessory building and fence may be viewable from any public road or public space, the planning commission may require alternative

building and fencing materials such as masonry, wrought iron or chain link with colored vinyl coating, depending on the location.

(6) No monopole or lattice tower may be located within one thousand feet of another monopole or lattice tower unless it is for the bona fide public services of a public transit district as defined in Section 17A-2 1001 et seq. of the Utah Code Annotated and as certified by said public transit district.

vi. Co-Location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

- (A) Structural capacity of the antenna towers;
- (B) Geographic telecommunications area requirements;
- (C) Mechanical or electrical incompatibilities;
- (D) Inability or ability to locate equipment on existing antenna towers; and
- (E) Any restriction or limitation of the Federal Communications Commission that would preclude the shared use of the antenna tower.

vii. Classification/Installation. Low-power radio services facilities are characterized by the type or location of the antenna structure.

viii. Temporary Antenna for Use During Drive Tests. Telecommunications companies wishing to perform drive tests shall submit notice to the planning department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two days. Drive tests shall be limited to testing functions only and shall not be used for telecommunication services to customers. Drive tests on city property require planning department approval and execution of the city's test-drive agreement.

ATTACHMENT B
Area of Limitations for Telecommunication Facilities;
For the Following Midvale Municipal Code Sections:

17-7-5.8(B)(2)(b)vii; 17-7-9.9(B)(2)(b)vii; 17-7-10.9(B)(2)(b)vii; and 17-7-13.9(B)(2)(b)vii

Text Additions
Text Deletions

- b. Telecommunications Facility. This section applies to both commercial and private low-power radio services and facilities, such as “cellular” or “PCS” (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:
- i. Wall-Mounted Antenna. Wall-mounted antennas may not extend above the wall line of the building or extend more than four feet horizontally from the face of the building.
 - (A) 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. Antennas and the supporting structures on buildings shall be architecturally compatible with the building. Whip antennas are not allowed on a wall-mounted antenna structure.
 - (B) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of those building structures.
 - (C) Stealth wall-mounted antennas are encouraged and may be allowed to vary from the provisions of this section upon demonstrated mitigation of impact.
 - (D) Area Limitations for stealth and non-stealth wall-mounted antennas. ~~Combinations of both roof and wall-mounted antennas are allowed on a building.~~ The total area for all **stealth and non-stealth** wall ~~and roof-~~ mounted antennas and supporting structures combined shall not exceed forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. Cellular antennas may occupy a maximum of four walls. The visible portion of the supporting structure as viewed when looking directly at the face of the building. ~~The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~
 - ii. Roof-Mounted Antenna. Roof-mounted antennas are allowed only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission **shall review and** may grant approval to place roof-mounted stealth

antennas on a pitched roof if the antennas do not extend above the peak of the roof or for any new antenna(s) that require construction of a new screening wall.

(A) Antennas shall be mounted at least five feet behind any parapet wall or from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet behind a parapet or exterior wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet above the top of the parapet wall or roof line of the building. An antenna may not extend more than fifteen feet above the roofline of the building unless the adverse impacts of the additional height are fully mitigated.

(B) Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structures may not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.

(C) New screening wall(s) shall be in harmony with the structure's mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of the ordinance.

~~(C) Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five feet back from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet back from the exterior wall shall be directly proportional to the setback distance, and may not exceed ten feet above the roof line of the building. Similarly, a roof-mounted antenna may not extend above the roofline of a penthouse or mechanical equipment room except as allowed as a conditional use.~~

iii. Monopole with Antennas and Antenna Support Structure Less Than Two Feet in Width.

The entire antenna structure mounted on a monopole may not exceed two feet in width.

(A) The maximum height of this antenna may not exceed ten feet in height.

(B) A monopole described in this subsection may not be located in or within five hundred feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

iv. Monopole With Antennas and Antenna Support Structure Greater Than Two Feet in Width.

(A) The maximum visible width of antennas and antenna mounting structures on a monopole may not exceed either eight feet in height or fifteen feet in width as viewed looking directly at the monopole at the same elevation as the antennas and antenna mounting structure.

(B) A monopole classified under this subsection may not be located in or within seven hundred fifty feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

v. Lattice Towers. Except as provided for below, lattice towers may not be located within seven hundred fifty feet of a residential zone district.

(A) A lattice tower may be located less than seven hundred fifty feet from a residential zone district if the planning commission finds that the tower's height would not exceed the height of any public utility pole, wire, cable, or similar structures located in the same vicinity as the proposed tower.

(B) A lattice tower may be located less than seven hundred fifty feet from a residential zone and reach up to eighty-five-foot height if required for the bona fide public services of a public transit district as defined in U.C.A. Section 17A-2 1001 et seq. and as certified by the public transit district.

(C) No pole shall be allowed in any front yard setback.

(D) The lattice tower must not exceed thirty-five feet in height.

vi. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

~~vii. Area Limitations. Combinations of both roof and wall-mounted antennas are allowed on a building. The total area for all wall and roof-mounted antennas and supporting structures combined shall not exceed forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. Cellular antennas may occupy a maximum of four walls. The visible portion of the supporting structure as viewed when looking directly at the face of the building. The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~

~~viii.~~ vii. Review Criteria. Each applicant for a telecommunications facility must demonstrate:

- (A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;
- (B) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;
- (C) Antenna transmissions will not interfere with public safety communications;
- (D) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;
- (E) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;
- (F) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;
- (G) Location and zoning compliance of accessory buildings associated with the telecommunications facility.

~~ix~~ **viii.** Co-Location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

- (A) Structural capacity of the antenna towers;
- (B) Geographic telecommunications area requirements;
- (C) Mechanical or electrical incompatibilities;
- (D) Inability or ability to locate equipment on existing antenna towers; and
- (E) Any restriction or limitation of the Federal Communications Commission that would preclude the shared use of the antenna tower.

~~x~~ **ix.** Classification/Installation. Low-power radio services facilities are characterized by the type or location of the antenna structure.

~~xi~~ **x.** Temporary Antenna for Use During Drive Tests. Telecommunications companies wishing to perform drive tests shall submit notice to the planning department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two days. Drive tests shall be limited to testing functions only and shall not be used for telecommunication services to customers. Drive tests on city

property require planning department approval and execution of the city's test-drive agreement.

ATTACHMENT C
Area of Limitations for Telecommunication Facilities;
For the Following Midvale Municipal Code Sections:

17-7-7.11(B)(2)(a)vii; 17-7-8.11(B)(2)(a)vii; and 17-7-12.9(B)(2)(a)vii

Text Additions

~~Text Deletions~~

a. Telecommunications Facility. This section applies to both commercial and private low-power radio services and facilities, such as “cellular” or “PCS” (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:

i. Wall-Mounted Antenna. Wall-mounted antennas may not extend above the wall line of the building or extend more than four feet horizontally from the face of the building.

(A) 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. Antennas and the supporting structures on buildings shall be architecturally compatible with the building. Whip antennas are not allowed on a wall-mounted antenna structure.

(B) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of those building structures.

(C) Stealth wall-mounted antennas are encouraged and may be allowed to vary from the provisions of this section upon demonstrated mitigation of impact.

(D) ~~Area Limitations for stealth and non-stealth wall mounted antennas. Combinations of both roof and wall mounted antennas are allowed on a building.~~

~~stealth and non-stealth~~ wall and roof-mounted antennas and supporting structures combined shall not exceed forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. Cellular antennas may occupy a maximum of four walls. The visible portion of the supporting structure as viewed when looking directly at the face of the building ~~will be used to calculate the area of limitation.~~

~~The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~

ii. Roof-Mounted Antenna. Roof-mounted antennas are allowed only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission ~~shall review and~~ may grant approval to place roof-mounted stealth

antennas on a pitched roof if the antennas do not extend above the peak of the roof or for any new antenna(s) that require construction of a new screening wall.

(A) Antennas shall be mounted at least five feet behind any parapet wall or from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet behind a parapet or exterior wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet above the top of the parapet wall or roof line of the building. An antenna may not extend more than fifteen feet above the roofline of the building unless the adverse impacts of the additional height are fully mitigated.

(B) Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structures may not extend more than eight feet above the existing roofline of the penthouse or mechanical equipment room.

(C) New screening wall(s) shall be in harmony with the structure's mass, architectural features, and overall aesthetics. Architectural and structural renderings, three-dimensional representation, line-of-sight diagrams, photo simulations, and/or building elevations of the proposed modifications may be required to effectively demonstrate the requested changes meeting the intent of the ordinance.

~~(C) Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five feet back from the exterior wall of the building. The maximum height of an antenna mounted between five and ten feet back from the exterior wall shall be directly proportional to the setback distance, and may not exceed ten feet above the roof line of the building. Similarly, a roof-mounted antenna may not extend above the roofline of a penthouse or mechanical equipment room except as allowed as a conditional use.~~

iii. Monopole with Antennas and Antenna Support Structure Less Than Two Feet in Width.

The entire antenna structure mounted on a monopole may not exceed two feet in width.

(A) The maximum height of this antenna may not exceed ten feet in height.

(B) A monopole described in this subsection may not be located in or within five hundred feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

iv. Monopole with Antennas and Antenna Support Structure Greater Than Two Feet in Width.

(A) The maximum visible width of antennas and antenna mounting structures on a monopole may not exceed either eight feet in height or fifteen feet in width as viewed looking directly at the monopole at same elevation as the antennas and antenna mounting structure.

(B) A monopole classified under this subsection may not be located in or within seven hundred fifty feet of a residential zone district.

(C) No pole shall be allowed in any front yard setback.

(D) The monopole antenna must not exceed thirty-five feet in height.

v. Lattice Towers. Except as provided for below, lattice towers may not be located within seven hundred fifty feet of a residential zone district.

(A) A lattice tower may be located less than seven hundred fifty feet from a residential zone district if the planning commission finds that the tower's height would not exceed the height of any public utility pole, wire, cable, or similar structures located in the same vicinity as the proposed tower.

(B) A lattice tower may be located less than seven hundred fifty feet from a residential zone and reach up to eighty-five-foot height if required for the bona fide public services of a public transit district as defined in U.C.A. Section 17A-2-1001 et seq. and as certified by the public transit district.

(C) No pole shall be allowed in any front yard setback.

(D) The lattice tower must not exceed thirty-five feet in height.

vi. Power Lines. All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.

~~vii. Area Limitations. Combinations of both roof and wall-mounted antennas are allowed on a building. The total area for all wall and roof-mounted antennas and supporting structures combined shall not exceed forty square feet for each exterior wall of the building or a total of one hundred sixty square feet per building. Cellular antennas may occupy a maximum of four walls. The visible portion of the supporting structure as viewed when looking directly at the face of the building. The total area for a roof-mounted antenna shall apply to the closest exterior wall.~~

~~viii.~~ vii. Review Criteria. Each applicant for a telecommunications facility must demonstrate:

- (A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;
- (B) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;
- (C) Antenna transmissions will not interfere with public safety communications;
- (D) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;
- (E) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;
- (F) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;
- (G) Location and zoning compliance of accessory buildings associated with the telecommunications facility.

~~ix~~ **viii.** Co-Location. Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but unbuilt, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

- (A) Structural capacity of the antenna towers;
- (B) Geographic telecommunications area requirements;
- (C) Mechanical or electrical incompatibilities;
- (D) Inability or ability to locate equipment on existing antenna towers; and
- (E) Any restriction or limitation of the Federal Communications Commission that would preclude the shared use of the antenna tower.

~~x~~ **ix.** Classification/Installation. Low-power radio services facilities are characterized by the type or location of the antenna structure.

~~xi~~ **x.** Temporary Antenna for Use During Drive Tests. Telecommunications companies wishing to perform drive tests shall submit notice to the planning department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two days. Drive tests shall be limited to testing functions only and shall not be used for telecommunication services to customers. Drive tests on city

property require planning department approval and execution of the city's test-drive agreement.