

Provo City Planning Commission

Report of Action

July 26, 2023

*ITEM #3 Development Services requests Ordinance Text Amendments to Subsection 14.34.250(11) to update standards for Conditional Uses for Communication Towers and Antennas. Citywide Application. Dustin Wright (801) 852-6414 dwright@provo.org PLOTA20230187

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 26, 2023:

RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Conditions of Approval: N/A

Motion By: Robert Knudsen

Second By: Melissa Kendall

Votes in Favor of Motion: Robert Knudsen, Melissa Kendall, Daniel Gonzales, Andrew South, Barbara DeSoto, Jeff Whitlock

Daneil Gonzales was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit B.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Neighbors or other interested parties did not address the Planning Commission.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The proposed language will provide 4 criteria for the Planning Commission to review when looking to modify the location of a proposed tower.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- This proposed amendment will provide flexibility and help to address issues that come up in the past by providing better discretion for the Planning Commission. It will be helpful in cases where a better location is identified.
- The proposed change is twofold in that the first part will address alignment with federal codes and the second is to allow for more discretion to ensure that the best location is selected.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to Development Services, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT B

14.34.250(11) Standards for Conditional Uses.

(11) Communications (4715 – Low-Power Radio Communication Towers and Antennas).

...

(b) Cellular facilities consisting solely of wall-mounted or roof-mounted antennas shall be allowed **with a building permit** as a permitted principal use in the A, AI, A1, PO, PF, SC1, SC2, SC3, CG, DT1, DT2, GW, FC1, FC2, ITOD, CM, CA, MP, M1, M2, PIC, OSPR, R&BP and SSC zones subject to the conditions set forth in Subsections (11)(c), (11)(d), (11)(e) and (11)(g)(i) of this Section. Cellular facilities placed ~~as a stealth fixture antenna or placed~~ on a monopole structure shall be allowed as a conditional use in the same zones subject to the provisions of this Section.

...

(e) Stealth Fixture Antennas. A stealth fixture antenna is one (1) or more antennas attached to a supporting structure which is disguised as part of the structure or otherwise concealed from public view as much as reasonably possible.

(i) A stealth antenna shall be subject to the following development standards:

(A) A stealth fixture antenna may be attached to an existing or replacement power pole or light pole or disguised as a flagpole, manmade tree, clock tower, steeple or a structure used primarily for another use so long as any antenna located on the structure does not detract visually from the primary use.

(B) When a stealth fixture antenna is attached to an existing or replacement power pole or light pole the following conditions shall be met:

(I) The antenna shall not exceed the height of an existing pole by more than:

1 Ten (10) feet; or

2 Twenty (20) feet if, and only if, the antenna is not located closer to a residential zone boundary than two (2) times the height of the pole;

(II) If a replacement pole is proposed, the pole shall be installed in the same location as the pole being replaced unless the Planning Commission specifically approves a different location as provided in a conditional use permit; and

(III) Any existing light or power pole located in a public right-of-way or in a required front or side yard shall not be increased in height to accommodate a cellular facility antenna; or

(IV) Any replacement pole located in a public right-of-way or in a required front or side yard shall not be higher than the pole that it is replacing.

(C) Each installation shall be approved by the Provo City Power Department (or other utility company, as applicable), including approval and acceptance of any applicable agreements and payment of any required fees. Such approvals shall be received prior to final approval of a conditional use permit.

(D) A structure to which a stealth fixture antenna is attached shall be designed by a state-certified engineer to verify that the structure can support the stealth fixture antenna.

(E) The overall height of any structure proposed to be used for a stealth fixture antenna shall be consistent with any similar structure being used as a model for the stealth structure. Except as otherwise provided in Subsection

(11)(e)(i)(B)(I)(2) of this Section, a stealth fixture shall be no more than ten (10) feet higher than the structure to which it is attached; provided the fixture and the structure to which it is attached are consistent with the character of similar structures located in the same area, as determined by the Planning Commission. The Planning Commission shall make specific findings to support its determination.

(F) A stealth fixture antenna, including the mounting structure, shall not exceed thirty (30) inches in diameter; provided, however, that antennas exceeding thirty (30) inches, including the mounting structure, may be permitted if the antenna is a stealth fixture antenna located on or within a clock tower, steeple, manmade tree, or other similar structure.

(G) Equipment and/or equipment shelters used in connection with stealth fixture antennas shall be camouflaged behind an effective year-round landscape buffer and/or wooden fence equal to the height of the proposed equipment. Equipment shelters shall not be located within a utility easement.

(H) Stealth fixture antennas and all associated equipment visible to public view shall be painted to match the color of the structure to which it is attached.

(I) Electrical wiring shall be located within the pole whenever possible and shall be required when a metal replacement pole is provided.

(ii) If a stealth fixture antenna becomes obsolete or the structure to which it is attached is vacated by the operator of the cellular facility, then within ninety (90) days thereafter the cellular facility operator shall remove the antenna and all associated equipment and shall restore the structure to its original condition. If the requirements of this Subsection (11)(e)(ii) are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.

(iii) A [project plan conditional use permit](#) application for a stealth fixture antenna shall include the following:

(A) A letter from the applicant stating that the applicant will conform to the requirements of Subsection (11)(e)(ii) of this Section; and

(B) Verification that the applicant owns the property where the stealth fixture antenna is proposed to be located or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.

(iv) If all the conditions set forth in this Subsection (11)(e) cannot be met, the requirements of Subsection (11)(f) of this Section shall apply.

(f) **Monopole Structures.** A monopole structure is a single cylindrical steel or wooden pole that acts as the support structure for one (1) or more antennas for a cellular facility as provided in this Subsection.

(i) A monopole structure shall comply with the following development standards:

(A) All tower structures shall be of monopole construction. No lattice constructed towers of any kind shall be allowed.

(B) All monopole structures shall be designed by a state-certified engineer to allow co-location of antennas owned by as many as three (3) separate users on a single pole.

(C) No monopole structure shall be located:

(I) Closer to a residential zone boundary than two (2) times the height of the monopole; and

(II) Within a one-half (1/2) mile radius from another monopole unless grid documentation is supplied by an independent consultant stating that antenna co-location is not technically feasible.

[\(III\) The Planning Commission may approve a location closer to a residential zone boundary than allowed in section \(11\)\(F\)\(i\)\(C\)\(I\) above subject to the following conditions:](#)

- (1) That under all circumstances the monopole must be located at least one and a quarter (1.25) times the height of the monopole from any residential boundary.
- (2) That the alternate location will reduce visual impacts on the adjacent residential property.
- (3) That the height of the monopole is more consistent with buildings or structures in the alternate location; or
- (4) That the alternate location provides easier or more convenient access for maintenance access due to property slopes or other natural barriers.

(D) A monopole with antennas and antenna support structures shall not be located in a required front setback, front landscaped area, buffer area, or required parking area.

(ii) If a monopole antenna becomes obsolete, then within ninety (90) days thereafter the operator of the cellular facility shall remove the antenna, the top three (3) feet of the antenna footing and all associated equipment, and shall restore the site to its original condition. If the requirements of this Subsection (11)(f)(ii) are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.

(iii) An application for a monopole structure shall include the following:

(A) A letter from the applicant stating that the applicant will permit antenna co-location, will conform to the requirements of Subsection (11)(f)(ii) of this Section, and that the monopole structure is capable of supporting co-located antennas; and

(B) Verification that the applicant owns the property where the monopole structure is proposed to be located, or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.

(iv) Co-location on an existing monopole structure shall be a ~~conditional~~ permitted use and shall be handled ~~administratively~~ with a building permit.

...

(h) Additional Requirements.

(i) Each cellular facility shall be considered as a separate use; and an annual business license shall be required for each such facility.

(ii) In addition to the conditional use standards set forth in Section 14.02.040, Provo City Code, the Planning Commission shall make the following findings for any cellular facility subject to a conditional use permit:

(A) That the proposed structure is compatible with the height and mass of existing buildings and utility structures;

(B) That co-location of the antenna or other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, etc., is possible without significantly impacting antenna transmission or reception;

(C) That the antenna location blends with existing vegetation, topography and buildings;

(D) That location approval of monopoles will not create a detrimental impact to adjoining properties; and

(E) That location of cellular facility will not interfere with existing transmission signals.

(iii) The Planning Commission must approve the exact location of the monopole on the site. If at any point, during deliberation of the Planning Commission or following the decision of the Planning Commission, there is a need to alter the location of the monopole, a new site plan and elevation drawings showing the proposed location shall be brought back to the Planning Commission for review and approval. Prior to a rehearing by the Planning Commission, neighboring property owners within five hundred (500) feet will be given notice of the Planning Commission meeting.