

Midway City Council
3 August 2021
Regular Meeting

Ordinance 2021-23 /
Wireless Communications



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: August 3, 2021
NAME OF APPLICANT: Midway City
AGENDA ITEM: Code Text Amendment of Title 16.22: Wireless Telecommunications

ITEM: 7

Midway City is proposing an amendment to Section 16.22 Wireless Telecommunications of the Midway City Municipal Code. The proposed amendment would outline criteria for minimizing the visual impact of wireless telecommunication facilities through their design and locating.

BACKGROUND:

Staff is proposing a code text amendment to Section 16.22: Wireless Telecommunications, that will regulate the design of, installation, maintenance, operations and use of wireless telecommunication facilities and related improvements within the City. Midway City wants to promote the vision, goals and objectives as described in the General Plan. This includes the look and feel of the entire community through thoughtful planning of infrastructure. The design and construction of wireless telecommunication facilities can greatly impact the aesthetic and feel of the community, so design standards should be carefully considered.

The proposed language would require all wireless telecommunication towers to be designed using stealth design, it would also preclude guyed or lattice towers from being installed. The proposed changes should ensure that new towers are as visually unobtrusive as possible and will be designed as man-made trees, clock towers, bell steeples, light poles and similar alternative design- mounting structures that camouflage or conceal the presence of antennas or towers.

Section 16.22.2, definition A, Alternative Tower Structure, would be renamed as Stealth Tower Design. The relabeled definition would correspond with the amended terminology used in 16.22.4: General Requirements. Definition J, in section 16.22.2, would be amended to remove “alternative tower structures” and insert “stealth tower design”.

These adjustments are outline below, staffs proposed adjustments are *italicized* in red.

16.22.2 - Definitions

- A. *Stealth Tower Design*. Man-made trees, clock towers, bell steeples, light poles and similar alternative design- mounting structures that camouflage or conceal the presence of antennas or towers.
- J. Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, *stealth tower design*, and the like. The term also includes the structure and any support thereto.

Section 16.22.4 would also be adjusted to clarify that all new wireless telecommunication towers are required to implement stealth tower design. It would also clarify that towers must be self-supporting and that guyed or lattice towers are not allowed.

16.22.4 - General Requirements

- D. Aesthetics towers and antennas shall meet the following requirements:
 - 1. *All wireless telecommunication towers shall be constructed using stealth tower design.*
 - 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
 - 4. *All towers shall be self-supporting. Guyed and lattice towers are not allowed.*

POSSIBLE FINDINGS:

- Federal and State requirements require the City to adopt a code if the City wishes to regulate wireless telecommunication facilities

- The General Plan promotes careful consideration of improvements along Main Street and in the entire community
- The City can establish reasonable design standards
- Telecommunication facilities benefit residents, tourists and businesses in Midway

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Ream: I make a motion that we recommend approval to amend Section 16.22 - Wireless Telecommunications of the Midway City Municipal Code. The proposed amendment would outline criteria for minimizing the visual impact of wireless telecommunication facilities through their design and locating.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners Ream, McKeon, Whitney, Simons, Garland, Cliften, wardle

Motion: Passed

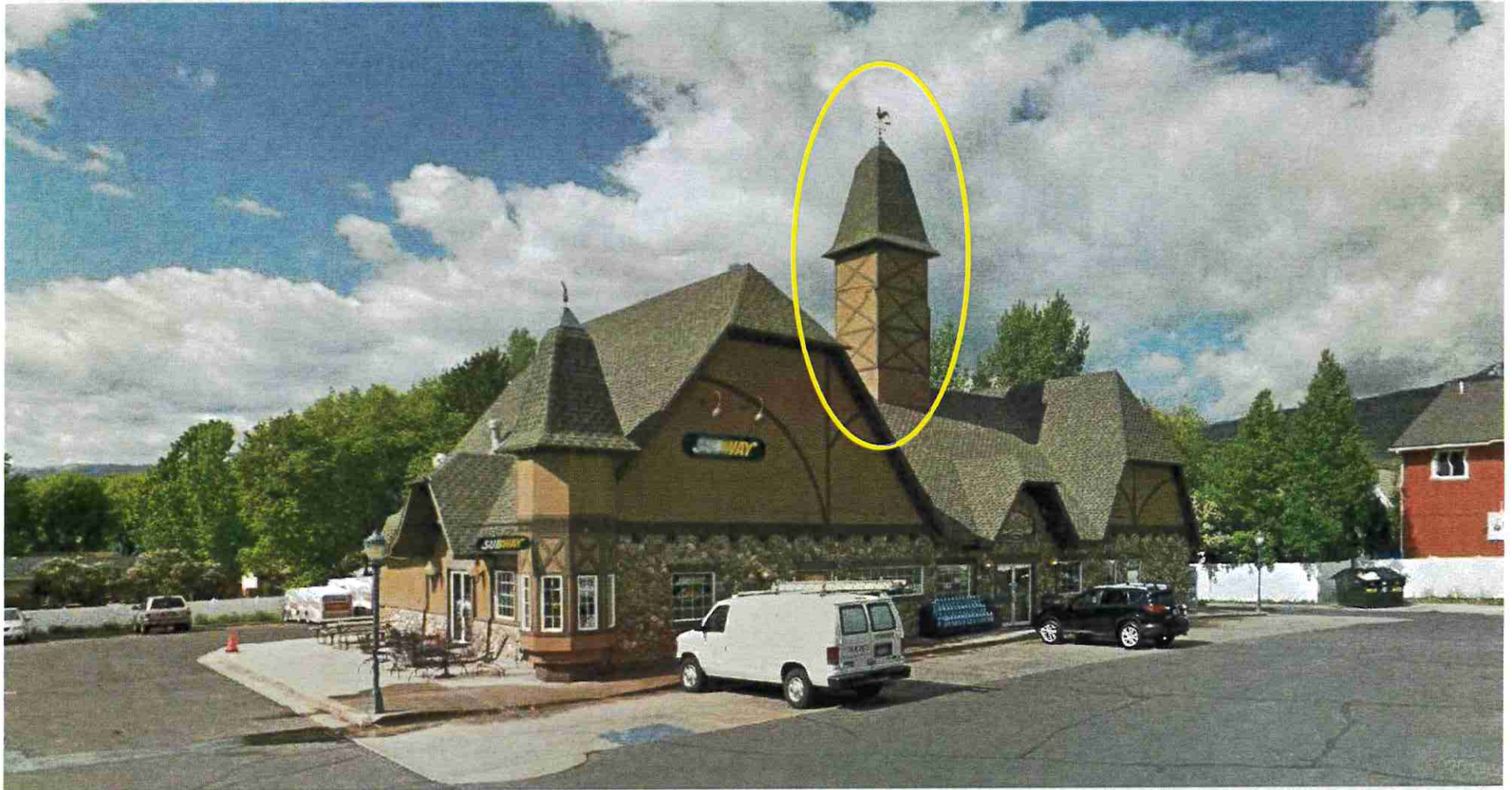
ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Recommendation of Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

STEALTH FACILITY IN RIDLEY'S GAS STATION BUILDING



STEALTH FACILITY IN CENTENNIAL PARK





Midway

ORDINANCE

2021-____

AN ORDINANCE TO AMEND CHAPTER 16.22 OF THE MIDWAY CITY LAND USE CODE TO ADDRESS THE DESIGN OF, INSTALLATION, MAINTENANCE, OPERATIONS, AND USE OF WIRELESS TELECOMMUNICATION FACILITIES AND RELATED IMPROVEMENTS WITHIN THE CITY

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, Midway City desires to promote the vision, goals and objectives described in the City's General Plan through the thoughtful planning of infrastructure; and

WHEREAS, the design and construction of wireless telecommunication facilities can greatly impact the aesthetic and feel of the community, and Midway City desires to ensure that any new telecommunication towers erected within the City are as visually unobtrusive as possible; and

WHEREAS, the City Council of Midway City now desires to amend certain sections of Chapter 16.22 of the Midway City Land Use Code to require that all wireless telecommunication towers be designed stealthily to appear as man-made trees, clock towers, bell steeples, light poles, or other concealed or camouflaged structures and to preclude the installation of guyed or lattice towers;

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

The following sections of **Chapter 16.22** shall be amended to read as follows:

Section 16.22.2 Definitions

- A. **Stealth Tower Design.** Man-made trees, clock towers, bell steeples, light poles and similar alternative design-mounting structures that camouflage or conceal the presence of antennas or towers.

- J. Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, stealth tower design, and the like. The term also includes the structure any and support thereto.

Section 16.22.4 General Requirements

- D. Aesthetics towers and antennas shall meet the following requirements:
1. All wireless telecommunication towers shall be constructed using stealth tower design.
 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. All towers shall be self-supporting. Guyed and lattice towers are not allowed.

These ordinances shall take effect upon publication as required by law.

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PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this 3rd day of August, 2021.

	AYE	NAY
Council Member Steve Dougherty	_____	_____
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member JC Simonsen	_____	_____

DRAFT

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)