

ORDINANCE NO. 14-98

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
LILLIAN J. SHEPHERD <i>Councilmember</i>	X	
THORA L. SHAW <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Swenson

I SECOND the foregoing motion: Councilmember Shepherd

ORDINANCE 14-98

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF SPANISH FORK, UTAH WITH RESPECT TO WIRELESS COMMUNICATION FACILITIES

WHEREAS, Spanish Fork City has adopted a Comprehensive Zoning Ordinance known as the Zoning Ordinance of the City of Spanish Fork, Utah; and

WHEREAS, in order to protect the health, safety, and welfare of its residents, Spanish Fork City regulates the uses which can be conducted in the various zones through its Comprehensive Zoning Ordinance; and

WHEREAS, as the Telecommunications industry has evolved, wireless communication devices are an accepted and important means of communication; and

WHEREAS, in order for wireless communications to operate properly, facilities, including towers, are necessary; and

WHEREAS, allowing communication towers in many of the zones can be very unsightly and have an adverse effect on property values; and

WHEREAS, placing wireless communication facilities on existing structures does not create an additional unsightly structure nor does it adversely impact property values; and

WHEREAS, as the wireless communications industry had evolved, it has also developed facilities known as “stealth” facilities which blend with and/or are camouflaged with their surroundings, therefore being less objectionable; and

WHEREAS, in light of the need for more wireless communication facilities and the ability to camouflage them as stealth facilities, it is desirable to amend the Spanish Fork City Zoning Ordinance to expand the locations where wireless communication facilities may be located;

NOW THEREFORE, be ordained and enacted by the Spanish Fork City Council as follows:

SECTION I

Section 17.20.010 (A) (12) and (C) (2) are hereby created to read as follows:

17.20.010. Agricultural and Rural Residential Districts.

A. Permitted uses:

12. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

C. Uses subject to conditional use permit (see chapter 17.12.080):

2. Wireless communication facilities on existing structures, with the intent to

make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

SECTION II.

Section 17.20.020 (A) (10) and (C) (4) are hereby created to read as follows:

17.20.020 The very low to medium high residential districts.

A. Permitted uses:

10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

C. Uses subject to conditional use permit (see Chapter 17.12.080):

4. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

SECTION III.

Section 17.20.030 (A) (10) and (C) (6) are hereby created to read as follows:

17.20.030 R-3 High Residential.

A. Permitted uses:

10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

C. Uses subject to conditional use permit (see Chapter 17.12.080):

6. Wireless communication facilities on existing structures, with the intent to make them

“stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

Section IV

Section 17.20.040 (A) (10) and (I) (1) are hereby created to read as follows:

Section 17.20.040 R-O Residential Office.

A. Permitted Uses:

10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

[numbers 10 through 14 are hereby renumbered to 11 through 15]

I. Uses subject to conditional use permit (see Chapter 17.12.080):

1. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

Section V

Section 17.20.050 (A) (10) and (B) (5) are hereby created to read as follows:

Section 17.20.050 C-O Commercial Office.

A. Permitted Uses:

10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

B. Uses subject to conditional use permit (see Chapter 17.28.020):

5. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

Section VI

Section 17.20.060 (A) (12) and (B) (3) are hereby created to read as follows:

Section 17.20.060 C-D Downtown Commercial

A. Permitted Uses:

12. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

B. Uses subject to conditional use permit (see Chapter 17.28.020):

3. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

Section VII

Section 17.20.070 (A) (11) and (C) (1) are hereby created to read as follows:

Section 17.20.070 C-1 Neighborhood Commercial

A. Permitted Uses:

11. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

C. Uses subject to conditional use permit (see Chapter 17.28.020):

5. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

Section VI

Section 17.20.060 (A) (12) and (B) (3) are hereby created to read as follows:

Section 17.20.060 C-D Downtown Commercial

A. Permitted Uses:

12. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

B. Uses subject to conditional use permit (see Chapter 17.28.020):

3. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

Section VII

Section 17.20.070 (A) (11) and (C) (1) are hereby created to read as follows:

Section 17.20.070 C-1 Neighborhood Commercial

A. Permitted Uses:

11. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole). [number 11 is hereby renumbered to 12]

C. Uses subject to conditional use permit (see Chapter 17.28.020):

6. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

Section X

Section 17.20.130 (A) (2) is hereby created to read as follows:

Section 17.20.130 I-3 Heavy Industrial

A. Permitted Uses:

2. Telecommunication towers not exceeding 80 feet in height.

SECTION XI

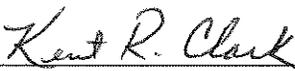
This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 1st day of December, 1998.

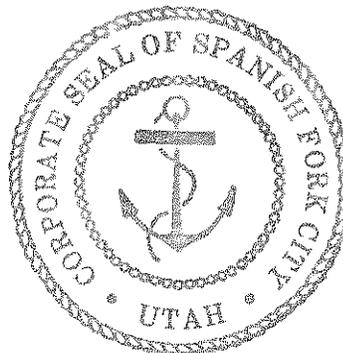


DALE R. BARNEY, Mayor

ATTEST:



KENT R. CLARK, City Recorder



Ord 14-98

Proof of Publication

J. Lane Henderson being first duly sworn according to law, disposes and says that he is the Publisher of **THE SPANISH FORK PRESS**, a weekly newspaper printed and published at Spanish Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper.

ORDINANCE 14-98

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF SPANISH FORK, UTAH WITH RESPECT TO WIRELESS COMMUNICATION FACILITIES

The Spanish Fork City Comprehensive Zoning Ordinance is amended to allow telecommunications towers in any zone when placed upon light stanchions in public parks, playgrounds, schools, golf courses and related facilities.

It also allows communications facilities as a conditional use in any zone when the facilities can be made stealth facilities which are not noticeable to a degree greater than the structure to which they are attached, or which are camouflaged into its surroundings.

Communication towers are also made a permitted use in the I-3 zone, so long as they do not exceed 80 feet in height.

A full copy of the ordinance is available for inspection at the City Office, 40 South Main, Spanish Fork.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 1st day of December, 1998.

Published in the Spanish Fork Press January 7, 1999.

for consecutive One weeks,
 the first publication on the 7 day
 of January 1999
 and the last on the 17 day of
January 1999

J. Lane Henderson

Subscribed and sworn to before me this 7 day of January 1999

Sara Northington

Notary Public

Residing at Spanish Fork, Utah - My Commission expires 3-14-99