



ORDINANCE 2025-01

AN ORDINANCE OF THE SPRINGDALE TOWN COUNCIL REVISING THE TOWN'S LAND USE REGULATIONS REGARDING WIRELESS COMMUNICATIONS FACILITIES, INCLUDING ADOPTING A WIRELESS COMMUNICATIONS MASTER PLAN FOR SPRINGDALE AND A REVISED PREFERENTIAL ORDER FOR FACILITY TYPES AND LOCATIONS

Whereas, the Town of Springdale wishes to facilitate the improvement of the wireless communications network in Springdale., and

Whereas, the Town wishes to protect the signature viewsheds of Springdale and to promote Springdale's village character, and

Whereas , the Town has produced a Wireless Communications Master Plan which identifies wireless facility types and their potential locations within Springdale, and

Whereas, the Planning Commission and Town Council have both reviewed and vetted the proposed revisions to the Town's land use regulations regarding Wireless Communications, as well as the Wireless Communications Master Plan, and find they are consistent with the Town's General Plan and will promote public health and well-being in the Town of Springdale, and

Whereas , the necessary public hearings and procedures required to amend the Town's land use ordinance have been fulfilled,

Now Therefore, be it ordained by the Springdale Town Council that Title 10 of the Town Code is amended as follows:

Sec on 1: *Sec on 10-27 is revised as follows:*

CHAPTER 27 WIRELESS COMMUNICATION FACILITIES

10-27-1: PURPOSE:

The purposes of this chapter are:

- A. To protect the Town's natural beauty, scenic viewsheds, and village atmosphere (as outlined in the General Plan) while meeting the needs of its residents and visitors to enjoy the benefits of wireless communication services.
- B. To promote the health, safety and general welfare of the public by regulating the siting of wireless communication facilities.
- C. To consider historic and environmentally sensitive resources in the siting and development of wireless communication facilities.
- D. To minimize the impacts of wireless communication facilities on adjacent properties and surrounding areas by establishing standards for location, structural integrity, and compatibility with surrounding land uses.
- E. To encourage the location of wireless communication equipment and facilities on existing structures, thereby minimizing the need for new towers, poles, and associated visual, aesthetic, and public safety impacts.
- F. To respond to the policies embodied in the Telecommunications Act of 1996, as amended, by establishing predictable and balanced regulations governing the construction and location of personal wireless service facilities ("PWSF").

10-27-2: APPLICABILITY:

- A. The requirements of this chapter apply to any personal wireless service facility, as that term is defined in this chapter, unless it is exempt under subsection B. of this section.
- B. The following items are exempt from the provisions of this chapter:
 1. An amateur radio tower that is less than 55 feet tall and does not contain any commercial wireless facilities whatsoever.
 2. A noncommercial, amateur radio wireline antenna of any height attached to existing natural or manmade features that does not exceed the height of the natural or manmade feature to which it is attached, and which does not contain any commercial wireless facility.
 3. Regular maintenance of personal wireless service facilities (PWSF) that does not include the placement of any new telecommunication facility.
 4. The substitution or exchange of antennas or antenna panels or other equipment on an eligible facility by the same owner or wireless communication facility provider, provided such change does not increase the overall height of the structure or the number or size of the antennas or antenna panels.
 5. A temporary PWSF or cellular on wheels ("COW") facility which may remain in place for no longer than 15 consecutive days, and which shall require a temporary use permit from the Town Planner.
 6. Data, video or information transmission equipment, including over the air reception device ("OTARD") facilities, which is mounted on the side or roof of an existing structure, provides service

only to the occupants of the structure or property where the equipment is located, does not extend more than four feet above the roof of the structure, and is limited to four square feet in area.

10-27-3: DEFINITIONS:

Abandonment. The intent to abandon or discontinue operations as evidenced by voluntary conduct or failure to use a wireless telecommunications facility.

Amateur radio tower: A tower used for noncommercial amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio towers.

Ancillary structure: For the purposes of this chapter, any form of development associated with a PWSF, including foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.

Antenna. An apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to the Federal Communications Commission (FCC) authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station or device authorized under part 15 of Chapter I, Title 47 of the Code of Federal Regulations.

Antenna Equipment. Equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and when collocated on a structure, is mounted or installed at the same time as such antenna.

Antenna array: A single antenna or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Facility. An antenna and associated antenna equipment.

Applicant. Any person that submits an application.

ASR: The antenna structure registration number as required by the FAA and FCC.

Base station: Equipment and nontower supporting structure at a fixed location that enable wireless telecommunications between user equipment and a communications network. Examples include transmission equipment mounted on a rooftop, water tank, silo or other aboveground structure other than a tower. The term does not encompass a "tower" as defined herein or any equipment associated with a tower. "Base station" includes, but is not limited to:

1. Equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul;
2. Radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration, including distributed antenna systems (DAS) and small cell networks;
3. Any structure other than a tower that, at the time the application is filed under this section, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, or under another Town regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

"Base station" does not include any structure that, at the time the application is filed under this section, does not support or house wireless communication equipment. A base station becomes a wireless facility upon installation of wireless communications equipment.

Breakpoint technology: The engineering design of a monopole, or any applicable support structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Cellular on wheels (COW): A temporary PWSF placed on property to provide short term, high volume telecommunications services to a specific location and which can be easily removed from the property.

Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes so that installation of a new support structure will not be required.

Concealed: A tower or base station, and the ancillary tower or base station equipment compound where all personal wireless facility antennas are hidden on the base station or internal to the tower; and is designed to be aesthetically compatible with existing and/or proposed buildings(s) and land uses on a site, in the neighborhood or area.

There are two types of concealed facilities: 1) base station includes faux windows, dormers or other architectural features that blend with an existing or proposed building or structure and 2) a concealed tower which looks like something else that is common in the geographic region such as a church steeple, boulder, clock tower, light standard, flagpole with a flag that is proportional in size to the height and girth of the tower, or tree that grows naturally or is commonly found in the area.

DAS hub: Ancillary equipment usually contained in a shelter or other enclosure which does not have any wireless transmission or receive equipment contained therein but is utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere.

Distributed antenna system (DAS): A system consisting of: a) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception; b) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and c) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas. DAS facilities shall be carrier agnostic/host neutral, meaning they are capable of being utilized by one or all wireless providers.

Eligible facilities request: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: [as amended and as interpreted under federal law 47 USC §1455 or any subsequent revision thereto]

1. Collocation of new transmission equipment; or
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

Eligible facility: Existing wireless tower or base station that has been approved through a local government land use review process prescribed for the tower or base station.

Eligible support structure: Any tower or base station existing at the time the application is filed with the Town.

Enclosed facility: A wireless communication facility where the antennas and associated supporting equipment are completely enclosed within an existing building or structure. Examples include facilities concealed in roof attics, church steeples, works of public art, etc.

Equipment cabinet: Any structure above the base flood elevation used exclusively to contain equipment necessary for the transmission or reception of communication signals.

Equipment compound: The fenced in area surrounding, inside or under a ground based wireless communication facility containing ancillary structures and equipment (such as cabinets, shelters, and pedestals) necessary to operate an antenna that is above the base flood elevation.

Equipment shelter: A self-contained building housing ancillary electronic equipment typically including a generator.

Existing: A constructed tower or base station is "existing" for purposes of this chapter if it has been reviewed and approved under an applicable Town land use review process. "Existing" also includes a tower that was lawfully constructed but not reviewed because it was not in a zoned area when it was built.

Facility. See Personal wireless service facility.

Feed lines: Cables or fiber optic lines used as the interconnecting media between the base station and the antenna.

Flush mounted: Antenna or antenna array attached to the face of a support structure or building such that no portion of the antenna(s) extend(s) above the height of the support structure or building. The maximum flush mounting distance, if prescribed, shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Freestanding facility: A type of PWSF that is not attached to or enclosed within another structure and is capable of supporting itself.

Geographic search ring: An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

Handoff candidate: A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Height: The vertical distance measured from the grade line to the highest point of the PWSF, including any antenna, lighting or other equipment affixed thereto.

Macro cell facility: Antenna(s), towers or base stations which are larger than the parameters set for small wireless facilities.

Nonconcealed: A PWSF that is readily identifiable as such (whether freestanding or attached).

OTARD: Over the air reception devices which are limited to either a "dish" antenna one meter (1 m) (39.37 in) or less in diameter designed to receive direct broadcast satellite service, including direct to home satellite service, or to receive or transmit fixed wireless signals via satellite, or an antenna that is one meter (1 m) or less in diameter and is designed to receive video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals other than via satellite or an antenna that is designed to receive local television broadcast signals.

Personal wireless service facilities (PWSF): Has the meaning stated in 47 USC Section 332(c)(7)(C)(ii), as amended and as interpreted under federal law.

Pole. A vertical structure such as a utility, street lighting, traffic signal, or similar structure made of wood, concrete, metal, or other material used for a small cell facility.

Qualified collocation request: Collocation of PWSF on a tower or base station that creates a substantial change in the facility but is entitled to processing within 90 days under 47 USC Section 332(c)(7).

Radio frequency propagation analysis: Computer modeling to show the level of signal saturation in a given geographical area.

Replacement: A modification of an existing tower to increase the height, or to improve its integrity, by replacing or removing one or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this chapter or improve aesthetics or functionality of the overall wireless network.

Site: For towers other than towers in the public rights-of-way, the boundaries of the leased or owned property on which the PWSF are or are proposed to be situated.

Small cell wireless facility: A PWSF that meets all of the following qualifications:

- (a) The facilities:
 - (1) Are mounted on structures fifty feet (50') or less in height including their antennas; or
 - (2) Are mounted on structures no more than ten percent (10%) taller than other adjacent structures; or
 - (3) Do not extend existing structures on which they are located to a height of more than fifty feet (50') or by more than ten percent (10%), whichever is greater;
- (b) Each antenna associated with the deployment, excluding associated antenna equipment is no more than six (6) cubic feet in volume; and
- (c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume; and
- (d) The facilities do not require antenna structure registration by the FCC; and
- (e) The facilities are not located on Tribal lands; and
- (f) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in Code of Federal Regulations 1.1307(b).

Streamlined processing: Expedited review process for collocations required by the federal government (congress and/or the FCC) for PWSF.

Substantial change: A modification or collocation that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (a) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures it increases the height of the structure by more than ten percent (10%) or more than ten feet (10'), whichever is greater.
 - (1) Changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
- (b) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet.
- (c) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the

ground if there are not pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;

- (d) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than thirty (30) feet in any direction. The site boundary from which the thirty (30) feet is measured excludes any access or utility easements currently related to the site;
- (e) It would defeat the concealment elements of the eligible support structure; or
- (f) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds above and as amended by 47 USC Section 1455(a)(1).

Support structure: A pole, tower or base station whether or not it has an existing antenna facility, that is used or to be used for the provision of a PWSF (whether on its own or combined with other types of services).

Telecommunications facility(ies): At a specific physical location, one or more antenna, tower, base station, mechanical and/or electronic equipment, conduit, cable, and associated structures, enclosures, assemblages, devices and supporting elements that generate or transmit nonionizing electromagnetic radiation or light operating to produce a signal used for communication, including, but not limited to, all types of communication facilities defined further herein.

Temporary PWSF: A temporary tower or other structure that provides interim short term telecommunications needed to meet an immediate demand for service in the event of an emergency or a public event where a permanent wireless network is unavailable or insufficient to satisfy the temporary increase in demand or when permanent PWSF equipment is temporarily unavailable or offline.

Tower: Any support structure built for the primary purpose of supporting any antennas and associated facilities for commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, or fixed or wireless services. A tower may be concealed or nonconcealed. Nonconcealed towers include:

1. **Guyed:** A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.
2. **Lattice:** A self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.
3. **Monopole:** A style of freestanding tower consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guywires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.
4. **Unipole:** A wireless communications facility consisting of a single vertical pole without appurtenances in which all antenna, transmission lines and other equipment is contained within the pole.

Transmission equipment: Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with the wireless

communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Wireless communications facility: A personal wireless service facility.

Wireless Communications Master Plan: A Plan adopted by the Town of Springdale to guide the development of wireless communications infrastructure in Springdale.

10-27-4: FACILITY TYPES:

Wireless communication facilities are characterized as follows:

- A. *Eligible facility request:* A collocation on an existing base station, tower, or pole that does not exceed the definition of substantial change.
- B. *Concealed base station:* Wireless communication facilities attached to an existing building or structure and which are designed to blend with the architecture and appearance of the building or structure such that they are not readily identifiable as wireless communication facilities. Examples include but are not limited to faux windows, dormers or other architectural features that blend with an existing or proposed building or structure.
- C. *Concealed tower:* Wireless macro cell communication facilities which are designed to mimic the appearance of natural or manmade objects commonly found in the Town of Springdale. Examples include facilities designed to mimic large boulders, native vegetation, equipment painted to match canyon walls, or works of public art
- D. *Painted tower:* A macro cell monopole or unipole tower painted a color to conform to the canyon walls. All antennas, radios, and ancillary equipment are painted to match the color of the tower.
- E. *Concealed pole:* A pole that is specially designed and placed for aesthetic purposes not exceeding the definition of a small-cell wireless facility.

10-27-5: GENERAL STANDARDS:

- A. An applicant shall meet with the Town at least 30 days before submitting an application to inform the Town in good faith when the applicant expects to commence deployment of any wireless facilities within the Town.
- B. *Preferential order:* The Town will consider wireless communication facilities listed in the following preferential order, with the first preference listed as 1. and the last preference listed as 7 (h). If 1. (Eligible facility request) is not the proposed installation, the applicant must demonstrate through relevant information including, but not limited to, an *affidavit or declaration under penalty of perjury* by a radio frequency engineer or other legally designated representative for the commercial wireless provider with personal knowledge of the facts, demonstrating that despite diligent efforts to adhere to the established preferences within the geographic search area, all facility type options listed as being more preferable, as established in this preferential order, are not technically feasible, practical or justified given the location of the proposed facilities. The applicant must provide such evidence in its application in order for the application to be considered complete. This justification will be reviewed by the third party expert review described in section 10-27-8 of this chapter.

The following list establishes the Town's preference for the siting of wireless facilities:

1. Eligible facility request.
2. Macro cell locations as prioritized in Scenario 1 of the Wireless Communications Master Plan.

-
3. Hybrid macro cell and small cell locations in Scenario 3 of the Wireless Communications Master Plan.
 4. Concealed macro cell base station¹ at a location not listed in the Wireless Communications Master Plan:
 - a. On public property in the following order:
 - i. Any other Town-owned water tank
 - ii. Other public property
 - b. On private property in the following order:
 - i. Central Commercial Zone
 - ii. Village Commercial Zone
 - iii. Public Use Zone
 - iv. Agricultural Zone
 - v. Foothill Residential Zone
 5. Concealed macro cell tower² at a location not listed in the Wireless Communications Master Plan:
 - a. On public property in the following order:
 - i. Any other Town-owned water tank
 - ii. Other public property
 - b. On private property in the following order:
 - i. Central Commercial Zone
 - ii. Village Commercial Zone
 - iii. Public Use Zone
 - iv. Agricultural Zone
 - v. Foothill Residential Zone
 6. Painted macro cell³ tower at a location not listed in the Wireless Communications Master Plan.
 - a. On public property in the following order:
 - i. Any other Town-owned water tank
 - ii. Other public property
 - b. On private property in the following order:
 - i. Central Commercial Zone

¹ See examples of concealed base stations in the Wireless Master Plan.

² See examples of concealed towers in the Wireless Master Plan

³ See an example of a painted monopole in the Wireless Master Plan.

- ii. Village Commercial Zone
- iii. Public Use Zone
- iv. Agricultural Zone
- v. Foothill Residential Zone

- 7. Concealed small cell wireless facility pole⁴.
 - a. On public property
 - b. On private property zoned Central Commercial
 - c. On private property zoned Village Commercial
 - d. On private property zoned Public Use Zone
 - e. On private property zoned Agricultural
 - f. On private property zoned Foothill Residential
 - g. In State right of way
 - h. In Town right of way

C. *Required permits:* Wireless communication facilities shall be located in accordance with the use table below. One or more of several types of permits may be required for a given facility or group of facilities.

- 1. *Design /development review:* All facility types require design/development review approval. A land use application for any PWSF is not considered complete until the applicant has also applied for any other land use approval required for the PWSF.
- 2. *Wireless Communications Facility Permit:* All facility types require a wireless communications facility permit. The permit shall be processed and decided in accordance with this section.

USE TABLE BY ZONING DISTRICT

P= Permitted with staff review

PA = Permitted with public meeting

H = Permitted with public hearing

N = Not permitted

	Zoning District					
	Public Use	Agricultural	Central Commercial	Village Commercial	Valley Residential	Foothill Residential

⁴ See examples of small wireless facilities in the Wireless Master Plan

Eligible Facility Request	P	P	P	P	P	P
Macro cell locations as prioritized in Scenario 1 of the Wireless Communications Master Plan	PA	PA	PA	PA	N	PA
Hybrid macro cell and small cell locations as prioritized in Scenario 3 of the Wireless Communications Master Plan.	PA	PA	PA	PA	N	PA
Concealed Macro Facility Base Station at a location not listed in the Wireless Communications Master Plan	PA	PA	PA	PA	N	H
Non concealed Macro Facility Base Station	N	N	N	N	N	N
Concealed Tower at a location not listed in the Wireless Communications Master Plan	H	H	H	H	N	H

ons Master Plan						
Non concealed freestanding facility	N	N	N	N	N	N
Painted Macro Cell Tower at a location not listed in the Wireless Communications Master Plan	H	H	H	H	N	N
Concealed Small Cell Pole outside of the right of way at a location not listed in the Wireless Communications Master Plan	P	PA	PA	PA	N	H
Concealed Small Cell Pole inside the right of way at a location not listed in the Wireless Communications Master Plan	PA					

D. Height:

1. Small-cell wireless facilities in public rights-of-way shall not exceed the height standards provided in the definition of a small-cell wireless facility.
2. No wireless communication facility outside the public rights-of-way may exceed the height allowed by the zone in which the facility is located, except under all of the following specific criteria:

-
- a. The applicant successfully demonstrates with thorough analysis and study, subject to third party review under section 10-27-8 of this chapter, that a greater height is needed to serve the Town's current wireless communication needs.
 - b. When an exception for an increased height is made the maximum facility height will be the shortest height at which the proposed facility will feasibly provide wireless service to an area of the Town that currently does not have adequate service, or 45 feet for sites not identified in the Wireless Communications Master Plan, whichever is less. This height shall not contemplate collocation of facilities. For sites identified in the Wireless Communications Master Plan the maximum facility height shall be the height identified for that site in the Plan.
 - c. The applicant must demonstrate there is no other feasible location or facility type that would allow a shorter facility height that could provide service to the area that does not currently have adequate service.
- E. Side or wall-mounted collocations shall not project more than 5 feet from the face of the side or wall of the structure and shall not exceed the height of the roofline.
- F. *Historic structures and districts:* No wireless communication facilities are allowed attached to historic structures or located in historic districts, as identified by the Historic Preservation Commission pursuant to the historic preservation ordinance.
- G. *Ancillary buildings to antenna structures:* Ancillary buildings to antenna structures must comply with the required setback, height and landscaping requirements of the zoning district in which they are located. Ancillary buildings, cabinets and associated structures shall be fenced with a six-foot screen fence that matches and blends with existing buildings or the natural environment on the subject property unless the Planning Commission determines such fence is not necessary to screen the facilities. Any fencing used must comply with the Town's design standards for fences and walls found in chapter 16 of this title. All power lines leading to the accessory building and antenna structure shall be underground.
- H. *Lighting:* A tower or base station may not be illuminated unless required by the FAA.
- 1. Security and safety lighting of equipment buildings shall be appropriately shielded to keep light within the boundaries of the site.
 - 2. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA.
 - 3. Lights shall be filtered or oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements
 - 4. Only red lighting shall be utilized on the tower or base station unless otherwise required by FAA guidelines.
 - 5. Any unipole with a flag shall meet the illumination standards of Section 10-15C-5(H) of the Town Code).
- J. *Nonmaintained or abandoned facilities:* Each nonmaintained or abandoned wireless communication tower or antenna must be removed from the building or premises when the communication tower or antenna has not been repaired or put into use by the owner, person having control, or person receiving benefit of such tower or antenna within 60 calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control, or person receiving the benefit of such structure. The Town shall require a cash or surety bond to guarantee removal of all freestanding facilities. The bond amount shall be 120 percent of the estimated costs to remove the freestanding facility and accessory buildings and to restore the surface to its preinstallation condition. If, after 60 days' notice, the antenna has not been repaired or put into use, the antenna is declared to be a nuisance that

can be abated under law. Springdale may use the cash or surety bond provided under this section to pay to remove any freestanding facility.

- K. *Slopes:* Wireless communication facilities, including accessory structures, may not be located on natural undisturbed slopes that measure 30 percent or greater in grade, or where access to the facility requires traversing natural undisturbed slopes that measure 30 percent or greater in grade.
- L. *Structural integrity:*
1. The applicant must submit a structural analysis signed and sealed by a Professional Engineer in the State of Utah of the entire tower or base station and all appurtenances are designed pursuant to the design requirements of ASCE 7, including wind speed design requirements, and tower loading/wind design requirements of Electronic Industries Association/Telecommunications Industry Association (ANSI/TIA) 222-H, Risk Category II and Exposure Category C standards, and any subsequent modification to those specifications.
 2. Collocation modifications on existing eligible support facility using existing antenna mounts shall also provide a mount analysis meeting same standard as in L.1. above.
- M. *Radio Frequency Emission Compliance:*
1. For new towers and new collocations: The applicant must submit a signed statement from an RF engineer competent to opine as to RF emissions compliance stating that the radio frequency emissions comply with FCC standards for such emissions as set forth in 47 CFR 1.1307, 1.310, 2.091 or 2.093, as applicable (Report and Order, ET Docket 93-62 (Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation), 11 FCC Rcd 15123 (1996); Second Memorandum Opinion and Order and Notice of Proposed Rule Making, ET Docket 93-62 (WT Docket 97-192), 12 FCC Rcd 13494 (1997).
 2. For Eligible Facility Requests: In addition to M.1. above, any eligible facility collocation, modification, or upgrade application shall contain a signed statement from an RF engineer competent to opine as to the RF emissions confirming that following installation, the composite facility will remain in compliance with FCC standards as stated in OET-65.
- N. *Signage:* All signage used in connection with any PWSF, including on accessory structures, must conform to the Town's color palette standards under chapter 17 of this title. Only the following signage may be used in connection with any PWSF:
1. Signage necessary for warning of high voltage or other dangers associated with the facility may be placed to reasonably give warning and notice of the danger;
 2. Signage required by FAA or FCC rules (i.e., ASR identification); or
 3. Information signage not to exceed six square feet identifying the owner of the facility, contact information, and other pertinent identification information.

10-27-6: VISUAL IMPACT STANDARDS:

The Town recognizes the need for wireless communication facilities to provide efficient communication services for residents and visitors. The Town also recognizes that the unique scenic vistas and viewsheds surrounding the Town are one of Springdale's most important natural resources, and the reason many residents and visitors are drawn to the area. Wireless communication facilities should be located and designed to have as minimal visual impact as possible when viewed from the valley floor and any property within 1,000 feet of the facility, while still providing efficient service. For the purpose of this section, "visual impact" means obstruction of or interference with the views of Zion Canyon, the foothills surrounding the Town, and/or named peaks and rock formations. The following standards are adopted to achieve the purposes of this section:

-
- A. An applicant must submit a visual impact analysis with the application for any proposed wireless communication facility.
- B. The visual impact analysis required under this section must be a written report. The report must assess the visual impacts of the proposed facility and must identify and include all feasible mitigation measures necessary to mitigate any negative visual impact of the proposed facility. At the Planning Commission's request, the applicant must provide an additional simulation of the tower's impact by erecting a temporary representation of the proposed facility on the project site. The applicant must allow the viewing of the simulation by the Planning Commission and interested parties. The applicant must bear all costs associated with the temporary representation.
- C. The visual impact analysis report shall include the following:
1. For new towers a balloon test:
 - a. A balloon test is required prior to generating the photo simulations to demonstrate the proposed height and design type of the tower. The applicant shall arrange to raise a colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower and within twenty-five (25) horizontal feet of the center of the proposed tower.
 - b. The applicant must inform the Town and abutting property owners in writing of the date and times, including alternative dates and times, of the test at least fourteen (14) days in advance. The Town may also send a general email to town residents with this information.
 - c. A 3-foot by 5-foot sign with lettering no less than 3 inches high stating the purpose of the balloon test shall be placed at the closest major intersection of the proposed site.
 - d. The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather, including wind speed during the balloon test.
 - e. Re-advertisement will not be required if inclement weather occurs.
 2. For all new towers, base stations and poles:
 - a. An aerial map showing the location of the proposed wireless facility.
 - b. The horizontal and approximate vertical location, relative to the boundaries of the right of way and property lines shall be included in the construction drawings.
 - c. A photographic simulation of predevelopment versus proposed post development views from the valley floor and surrounding properties.
 - d. An analysis of possible alternative facility types and structure designs and color schemes.
 - e. An analysis of the visual impact of the proposed facility and accessory buildings from the valley floor and any property within 1,000 feet of the proposed facility.
- D. The visual impact analysis shall propose visual impact mitigation strategies to reduce the visual impact the facility will have when viewed from the valley floor and any property within 1,000 feet of the proposed facility. The Planning Commission will review the proposed mitigation strategies and may impose any or all of the proposed strategies as a condition of administrative permit approval. Visual mitigation standards may include, but are not limited to:
1. Using existing natural features such as vegetation or topography to screen the view of the proposed facility.
 2. Locating the facility in such a way that views of prominent named peaks and rock formations are not impacted from properties on the valley floor.

-
3. Using a facility with the shortest height possible.
 4. Using colors and materials designed to help the facility blend with its surroundings.
 5. Using landscape or other natural features as a visual screen.
 6. Any combination of the above strategies, or other strategies designed to mitigate the visual impact.

10-27-7: SPECIFIC STANDARDS BY FACILITY TYPE:

In addition to 10-27-5 and 10-27-6, a PWSF shall meet the specific standards of this section, based on which type of facility is being developed. Depending on the facility type being proposed, multiple sets of specific standards may apply.

A. Standards for collocation on an eligible support structure:

1. The applicant must demonstrate in writing the proposed collocation or modification does not exceed any part of the definition of substantial change.
2. For any existing tower or base station whether inside or outside the public right-of-way only one substantial change modification in height shall be permitted provided the original setbacks of the underlying zoning district are still met.
3. No other increases that would exceed the definition of substantial change are permitted.

B. Standards for concealed base stations:

1. The wireless equipment for a concealed base station, including all antennas, antenna arrays, transmission lines, equipment enclosures of other ancillary equipment, must not be visible from outside the building or structure housing the facility.
2. Any structural or design changes to the building or structure necessary to accommodate the base station shall be harmonious with the design and architectural style of the building or structure and must comply with all applicable land use regulations and design standards.
3. A base station may be placed inside any portion of an existing building.
4. A base station may be placed inside portions of existing noncomplying buildings that currently exceed the height limit for the zone as long as no exterior design changes or height increases are made to the portion of the building housing the enclosed facility.

C. Standards for new towers:

1. The preference for a new tower is as follows:
 - a. Faux boulders painted to match the backdrop of canyon walls
 - b. Painted unipole with flag
 - c. Painted unipole without flag.
 - d. Another type of concealed tower or pole designed to match the adjacent properties and the backdrop of the proposed facility.
 - e. Painted monopole and painted antennas
2. The concealed tower, including equipment compound and accessory structures, must be confined to an area no larger than 140 square feet for the pole and utility equipment and 200 square feet for each individual provider compound.

-
3. A concealed tower must be set back a minimum distance of the greater of either the height of the facility or 150 feet from all residences on neighboring properties unless designed with breakpoint technology, in which case the setback shall be two times the distance from the breakpoint height to the top of the facility.
 4. A concealed tower must be designed to mimic a natural feature or manmade object commonly found in the Town of Springdale.
 5. A concealed tower shall have no antennas, antenna arrays, transmission lines, equipment enclosures or other ancillary equipment that are visible and readily identifiable from the public domain as wireless communication equipment.
 6. If the concealed facility mimics a natural object:
 - a. It must be consistent in scale, mass and height to the natural object it attempts to mimic.
 - b. It must use colors, materials, surface textures and other design techniques to be as indistinguishable as possible from the natural object it attempts to mimic.
 - c. It must be located in an area where the natural object occurs naturally.
 7. An existing concealed facility which proposes a collocation with a height increase shall be presumed to adversely affect the concealment character of the facility and shall not be eligible for streamlined processing under section 10-27-10 of this chapter.
 8. Wireless communication facility towers shall be engineered and constructed for as many collocations as possible based on the height of the proposed structure.
 9. All concealment elements and painted towers, antenna and ancillary equipment must be maintained to match the design standards of the approved construction drawings and as approved by the Town at the time of the issuance the certificate of compliance.
 10. If the concealed tower includes the installation of any type of flag, then the dimensions of the flag shall be subject to Section 10-24-9(B)3).

D. Additional standards for small cell facility:

1. No small wireless facility shall conflict with any landscaping, utilities, sidewalks, driveways, lines of sight, lighting features, or signage located within the public right-of-way.
2. Ancillary DAS hubs must not exceed three feet wide by three feet deep by five feet high in size.
3. New utility or streetlight poles shall be designed to match the size, girth, and design of any existing poles within 500 feet of the proposed new pole.
4. Concealment techniques shall be designed to be consistent and harmonious with the nature and character of the street, including the color, shape, and size of the proposed equipment.
5. Equipment boxes for small cell and DAS facilities shall be located on the ground and in areas with existing foliage or other aesthetic features to obscure the view of the equipment box, or may be wrapped or have other treatment to conceal the equipment, provided such wrapping or treatment does not interfere with the function of the equipment box.
6. All small cell wireless facilities located adjacent to residential structures shall be placed in the right of way at locations where there is at least 100 feet from the base of the facility to any residential structure.

-
7. Whenever small cell wireless facilities must be placed in a right-of-way with residential uses on one or both sides of the facility, neither poles, equipment, antennas or other structures shall be placed directly in front of a residential structure.
 8. To minimize the adverse visual impacts from the proliferation of antennas and associated above-ground equipment for small cell wireless facilities, no small cell wireless facility in the right-of-way shall be located, to the extent practicable, within one hundred sixty-five (165) feet of any other small cell wireless facility in the same right-of-way, unless the wireless service provider desiring to install small cell wireless facilities less than one hundred sixty-five (165) feet apart demonstrates to the Town's satisfaction why such placement is necessary.
 9. All cables shall be placed underground in public rights-of-way where existing cables are located underground or where existing above-the-ground cables are planned to be relocated underground.
 10. Applicants shall include an attestation that the small cell wireless facility shall be activated for use by a wireless services provider to provide service no later than two hundred seventy (270) days from the permit issuance date, unless by mutual agreement the Town and the wireless provider agree to extend this period, or a delay is caused by a lack of commercial power at the proposed site.
 11. If a wireless provider's activity causes damage to a right-of-way, the wireless provider shall repair the right-of-way to substantially the same condition as before the damage.
 12. If a wireless provider fails to make a repair required by the Town within a reasonable time after written notice, the Town may:
 - a. Make the required repair; and
 - b. Charge the wireless provider the reasonable, documented, actual cost for the repair.
 13. If the damage described in 12a. and 12b. above causes an urgent safety hazard an authority may:
 - a. Immediately make the necessary repair; and
 - b. Charge the wireless provider the reasonable, documented, actual cost for the repair.

10-27-8: EXPERT REVIEW:

- A. The Town must seek third party expert review of the following:
 1. All applications requesting facility height in excess of the building height for the zone.
 2. All applications requesting a less preferred facility type.
 3. All applications for facilities located in a lower preference zone compared to a higher preference zone.
 4. Any application the Town staff determines requires an expert review due to the complexity of the application or the proposed facility's potential impact on adjacent properties or important community viewsheds.
- B. The expert review must address the following:
 1. The accuracy of the applicant's submittal and supporting documents.
 2. The applicability of the applicant's analysis techniques and methodologies.
 3. The validity of conclusions reached.
 4. Whether the proposed wireless communication facility meets the applicable standards of this chapter, as well as any applicable state or federal regulations.

-
- C. The applicant will provide the technical material required to conduct the expert review as per the Town's application form, including, but not limited to, the geographic search ring used to identify the proposed location of the desired wireless communications facility, the handoff candidate of the proposed facility, and radio frequency propagation analysis. The applicant will pay all costs associated with the third party expert review, up to \$7,500.00. Prior to initiating the review the applicant will be required to pay a \$2,000.00 deposit. The applicant will reimburse the Town the remainder of the costs associated with the expert review within 15 business days of the receipt of an invoice. An application must be denied if all costs associated with the expert review have not been paid.
 - D. The Town shall select the person or entity to perform the third party expert review. The third party reviewer shall not be an employee or agent of the Town of Springdale.
 - E. If the Town determines, based on its consideration of the third party review, that any technical evidence or justification provided by the applicant is substantially open to question, the application submitted under this chapter may be denied.

10-27-9: APPROVAL PROCESS:

- A. Exempt facilities listed in 10-27-2B can commence upon *approval of a building permit*.
- B. PWSF require the following approvals and processes:
 - 1. *Design/development review*: The Planning Commission shall evaluate all applications for PWSF according to the standards in this chapter, as well as all applicable standards for the underlying zone and other land use standards. In the event of a conflict, the standards in this chapter shall prevail.
 - 2. *Compliance with siting preferences*: For every application for siting of new PWSF on or above ground level (except temporary PWSF and collocations), the applicant must submit an affidavit from a radio frequency engineer demonstrating that the applicant has complied with the siting preferences of subsection 10-27-5.A. of this chapter. Where a less preferred facility type is proposed, the affidavit must address why each of the higher ranked options are not technically feasible, practical, or justified.
 - 3. *Application and fees*:
 - a. Application materials required for PWSF shall be in accordance with this section.
 - b. The Town Council shall establish fees to cover or offset the processing cost of all permits under this section which will be included in the development fee schedule. Every application for a PWSF shall be accompanied by the full payment of the fee established for the type of facility requested (except the expert review fee referenced in subsection 10-27-8.C. of this chapter). Payment of fees is required in order for an application to be considered complete. The fee shall not be, in whole or in part, deferred or waived.

10-27-10: PROCESSING FOR PWSF:

- A. Small wireless facilities in public rights-of-way:
 - (1) Total timeline for review from date of receipt by the Town:
 - (a) Collocation using an existing structure: sixty (60) days.
 - (b) Installation using a new or replacement structure: ninety (90) days.
 - (2) Review timeline:

-
- (a) Unless a written agreement between the applicant and the Town provides otherwise, for an initial application the Town planning staff designee shall review the siting application and notify the applicant on or before the tenth (10th) day after submission of the application that the application is materially incomplete, and clearly and specifically identify the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information. The comment notice shall identify the deficiencies in the application, which, if cured, would make the application complete. The shot clock date for siting application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period.
 - (b) The clock date calculation shall restart at zero (0) on the date on which the applicant submits all the documents and information identified by the Town to render the application complete.
 - (c) The wireless communication facility shall be deemed complete on resubmission if the resubmitted materials cure the original deficiencies indicated by the Town.
 - (d) If the Town does not approve the application following resubmission, then the application shall be deemed incomplete, and the steps outlined in Section 10-27-10(2)(a) and (b) will be followed until the application is deemed complete.
 - (e) The Town may deny an application for any of the following reasons:
 1. Applicable codes, Town Code or objective design standards that concern public safety, traffic safety, and aesthetic concerns for decorative Town utility poles, including reasonable and nondiscriminatory concealment requirements such as screening or landscaping for ground-mounted equipment; or
 2. Public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way, including ADA compliance; or
 3. For small wireless facilities to be located in the right-of-way in a historic district and any historic preservation requirements.
 4. If the Town denies an application, then the Town must document the basis for a denial, including the specific code provisions on which the denial was based. The Town shall send the documentation to the applicant on or before the day the Town denies an application.
 - (f) *Batching.* If a single application seeks authorization for multiple deployments, then the presumptively reasonable period of time for the applications as a whole is equal to that for a single deployment within that category. The Town may remove a small wireless facility from a consolidated application and treat separately small wireless facility locations for which incomplete information has been provided or that are denied. The Town will issue a separate permit for each location that is approved.
 - (g) All work within the Town rights-of-way is also subject to the approval of an encroachment permit for work that involves excavation, affects traffic patterns or obstructs vehicular traffic within or along the Town's rights-of-way. Any and all work in the public right-of-way is subject to approval of a permit as provided by the *Public Works Department*. The provider shall comply with all the provisions and terms of the *encroachment permit*.
 - (h) As-built construction drawings shall be provided to the Town, in electronic format along with applicable GIS data, within 30 calendar days of completion of the installation for all structures, equipment, cable, pipes and conduit located within a Town or public right-of-way, and within any Town-owned utility or multi-purpose easement; and which must include, for fiber optic cable, the number of strands of fiber in the conduit. If any of the Town's utilities or other infrastructure

is relocated within the right-of-way as part of the construction, the Town shall have final approval of the design and engineering of such relocated items.

- (i) Rates for use of Town Utility Poles within the Right-of-Way. An applicant who places a small wireless facility on a utility pole within a right-of-way in accordance with this section shall:
1. Execute a license agreement with the Town; and
 2. Pay to the Town an annual recurring rate as set forth in the Town's Fee Schedule for the use of such utility pole.
 3. Required Permit Provisions. Each permit issued by the superintendent of public works and each license agreement for small wireless facilities shall be made upon the condition that the applicant agree to the following conditions:
 - i. Indemnification. To the fullest extent allowed by law, both the wireless infrastructure provider and wireless services provider (for this paragraph, collectively referred to as "provider") constructing, installing, operating, repairing, maintaining and using a small wireless facility shall indemnify, defend and hold harmless the Town, and its officials, agents, and employees from and against all suits, actions or claims of any character brought because of any injury or damage received or sustained by any person, persons or property arising out of, or resulting from, said provider's breach of any provision of law, including but not limited to any asserted negligent act, error or omission of the provider, or its agents or employees, arising from or relating to its small wireless facility. The indemnifications required hereunder shall not be limited by reason of the specification of any particular insurance coverage for any permit. The provider's obligations under this provision shall not terminate with the expiration or termination of its permit, but shall survive it.
 - ii. Dispute Resolution. A court of competent jurisdiction located in Washington County, State of Utah.

B. Eligible Facility Applications.

1. Timeframe for review. The Town shall approve or deny the application within sixty (60) days (excluding any days tolled for resubmittals) of the date an application was submitted for review.
2. An application may be tolled only by mutual agreement or in cases where the Town determines that the application is incomplete.
3. Town must notify the applicant within thirty (30) days of submission (or within some other mutually agreed upon timeframe) if the submission is incomplete.
4. Notices of an incomplete application shall identify specifically the deficiencies in the application which, if cured, would make the application complete. The clock stops on the date the notice is sent to the Applicant.
5. The applicant may cure the deficiencies identified by the Town and resubmit the application for review. Any subsequent review shall be limited to the deficiencies list in the prior denial.
6. The clock re-starts on the date of resubmission by the Applicant. The Town shall, within ten (10) days of re-submission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision shall be likewise tolled during the additional re-submission deficiency period until the 2nd resubmission. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

-
7. Approval or denial of a complete application shall be in writing and shall be postmarked to the applicant by day sixty (60) after the initial submission, excluding tolling.
 8. Failure to Act. In the event the Town fails to approve or deny an application within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Town in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- C. New base station collocation applications.
- (1) Timeframe for review. The Town shall approve or deny the application within ninety (90) days (excluding any days tolled for resubmittals) of the date an application was submitted for review.
 - (2) Tolling of the timeline for review. The ninety (90) day period begins to run when the application is filed and may be tolled only by mutual agreement or in cases where the Town determines that the application is incomplete.
 - (3) Town must notify the applicant within thirty (30) days of submission (or within some other mutually agreed upon timeframe) if the submission is incomplete.
 - (4) Notices of an incomplete application shall identify specifically the deficiencies in the application which, if cured, would make the application complete. The clock stops on the date the notice is sent to the Applicant.
 - (5) The applicant may cure the deficiencies identified by the Town and resubmit the application for review. Any subsequent review shall be limited to the deficiencies list in the prior denial.
 - (6) The clock re-starts on the date of resubmission by the Applicant. The Town shall, within ten (10) days of re-submission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision shall be likewise tolled during the additional re-submission deficiency period until the 2nd resubmission. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
 - (7) Approval or denial of a complete application shall be in writing and shall be postmarked to the applicant by day ninety (90) after the initial submission, excluding tolling.
 - (8) Failure to Act. In the event the Town fails to approve or deny a Tier 2(b) application within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Town in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- D. New tower exceeding the definition of a small wireless facility.
- (1) Timeframe for review. The Town shall approve or deny the application within one hundred fifty (150) days (excluding any days tolled for resubmittals) of the date an application was submitted for review.
 - (2) Tolling of the timeline for review. The one hundred fifty (150) day period begins to run when the application is filed and may be tolled only by mutual agreement or in the cases where the Town determines that the application is incomplete.
 - (3) The Town must notify the applicant within thirty (30) days of submission (or within some other mutually agreed upon timeframe) if the submission is incomplete.
 - (4) Notices of an incomplete application shall identify specifically the deficiencies in the application which, if cured, would make the application complete.

-
- (5) The timeline clock stops on the day after the date the Town sends notice of incompleteness to the Applicant.
 - (6) The applicant may cure the deficiencies identified by the Town and resubmit the application for review. Any subsequent review shall be limited to the deficiencies list in the prior denial.
 - (7) The clock re-starts on the date of resubmission by the Applicant. The Town shall, within ten (10) days of re-submission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision shall be likewise tolled during the additional re-submission deficiency period until the 2nd resubmission. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
 - (8) Approval or denial of a complete application shall be in writing and shall be postmarked to the applicant by one hundred fifty (150) days after the initial submission, excluding any tolling period.

ADOPTED by the Springdale Town Council this 8th day of January 2025.

Barbara Bruno

Barbara Bruno, Mayor

Attest:

Aren Emerson

Aren Emerson, Town Clerk



ROLL CALL VOTE		
R. Aton	<input checked="" type="radio"/> Yes	No
B. Bruno	<input checked="" type="radio"/> Yes	No
J. Burns	Yes	No ABSENT
P. Campbell	<input checked="" type="radio"/> Yes	No
K. Topham	<input checked="" type="radio"/> Yes	No

