

**ORDINANCE NO. 7
SERIES OF 2019**

**AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE
TOWN OF CARBONDALE, COLORADO AMENDING CHAPTER 17 OF THE
CARBONDALE MUNICIPAL CODE (THE UNIFIED DEVELOPMENT CODE)**

WHEREAS, in March 2016, pursuant to Ordinance No. 4, Series of 2016, the Board of Trustees of the Town of Carbondale adopted a new "Unified Development Code" and codified the same as Chapter 17 of the re-codified Carbondale Municipal Code (the "UDC"); and

WHEREAS, wireless communications service providers are "densifying" their wireless networks by installing small cell technology to meet the demand for more bandwidth and to improve wireless coverage and capacity; and

WHEREAS, deployment of small cell technology began in 2018 and is accelerating around the world; and

WHEREAS, the UDC does not include regulations related to wireless facilities; and

WHEREAS, pursuant to state statute enacted in 2017, small cell facilities are a use-by-right in any zone district, a local government must act on an application for a wireless facility within a certain amount of time, and providers have the right to locate or collocate small cell facilities on a municipality's light poles, traffic signals, and other infrastructure within the public rights-of-way; and

WHEREAS, the Federal Communication Commission (FCC) approved new rules, effective January 14, 2019, which include certain requirements for local governments, including timelines for processing small cell applications and limitations on the permit fees charged to providers; and

WHEREAS, the FCC also issued an order (the "FCC Order") to clarify that municipalities are prohibited from adopting regulations that "materially inhibit" the deployment of a particular small cell wireless facility; and

WHEREAS, pursuant to the FCC Order, local governments must have design standards for small cell facilities in effect by April 14, 2019; and

WHEREAS, after posting and publishing notice in accordance with the Home Rule Charter and Chapter 17 of the Carbondale Municipal Code, the Planning and Zoning Commission conducted a public hearing on March 14, 2019 concerning these potential amendments to the UDC, and such public hearing was continued until March 28, 2019 when the Planning and Zoning Commission recommended approval of the same; and

WHEREAS, after posting and publishing notice in accordance with the Home Rule Charter and Chapter 17 of the Carbondale Municipal Code, the Board of Trustees of the Town of Carbondale conducted a public hearing concerning these potential amendments to the UDC on April 9, 2019; and

WHEREAS, during said hearing, the Board of Trustees heard and considered the statements of Town staff, the Planning and Zoning Commission's recommendation, and any members of the public who wished to speak, and reviewed and considered all other information presented, all as required by law; and

WHEREAS, the Board of Trustees finds and determines that these proposed amendments to the UDC should be adopted because:

1. The proposed amendments will promote the public health, safety, and general welfare;
2. The proposed amendments are consistent with the Comprehensive Plan and the stated purposes of the UDC as they provide updated regulations which address new technology to the UDC; and
3. The proposed amendments are desirable because of changing conditions, including technology advancements and the current legal landscape, and the need to adopt regulations that will effectively manage the deployment of wireless facilities within the Town; and

WHEREAS, Section 3-7 of the Carbondale Home Rule Charter authorizes the Board to immediately implement an emergency ordinance by affirmative vote of every member of the Board of Trustees present at any regular or special meeting or by affirmative votes equal to a quorum plus one, whichever is less, so long as the ordinance states that it is an emergency ordinance and describes the nature of the emergency; and

WHEREAS, pursuant to Section 3-7 of the Carbondale Home Rule Charter, the Board of Trustees is authorized to adopt and enforce such emergency ordinances as may be required to protect the public peace, health, or safety; and

WHEREAS, the Board of Trustees of the Town of Carbondale has determined that it is in the best interest and will promote the health, welfare and safety of the citizens of the Town of Carbondale to adopt these proposed amendments to the UDC.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that:

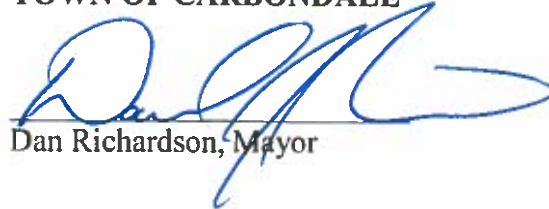
1. Chapter 17 of the Carbondale Municipal Code is hereby amended to include the changes set forth in the updated version of the UDC dated March 19, 2019 and incorporated herein by reference. Copies of said updated Unified Development Code

are available for public viewing at Carbondale Town Hall, 511 Colorado Avenue, Carbondale, Colorado.

2. Because the Board of Trustees finds that it is necessary to adopt this ordinance as an emergency ordinance to protect the general health, safety, and welfare of the citizens of the Town, this ordinance shall become effective immediately upon passage.

INTRODUCED, READ, AND PASSED this 9th day of April, 2019.

TOWN OF CARBONDALE


Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk



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**DRAFT WIRELESS FACILITIES REGULATIONS
UNIFIED DEVELOPMENT CODE – CARBONDALE**

April 9, 2019

UDC CHAPTER 17.08 DEFINITIONS

8.4 Definitions for Wireless Facilities

Accessory equipment

Any equipment serving or being used in conjunction with a wireless facility, including utility or transmission equipment, power supplies, generators, batteries cables, equipment buildings, cabinets and storage shelters or other structures.

Alternative tower structure

An existing or proposed wireless facility that is compatible with the natural setting and surrounding structures and that uses camouflage and concealment design techniques to significantly reduce the visual impacts of such facilities and can be used to house or mount antenna. Examples include man-made trees, clock towers, bell steeples, light poles, traffic signals, buildings, existing utility poles and transmission towers and similar alternative design mounting structures. The term also includes any antenna or antenna array attached to an alternative tower structure or a stand-alone pole in the right-of-way that accommodates small cell facilities to the extent the pole meets the camouflage and concealment standards included in the definition of *Camouflage and Concealment Design Techniques*.

Antenna

An exterior transmitting or receiving device used in communications that radiates or captures wireless signals.

Base station

A structure or equipment at a fixed location that enables Federal Communications Commission (FCC)-licensed or authorized wireless communications between user equipment and a communications structure. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station includes:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the Town under this chapter, has been reviewed and approved by the Town under the applicable zoning and approval process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
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 and small-cell networks) that,

at the time the relevant application is filed with the Town under this chapter, has been reviewed and approved by the Town under the applicable zoning or approval process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that does not support or house equipment described in the definitions of Accessory Equipment or Alternative Tower Structure.

Camouflage and concealment design techniques

Measures used in the design and siting of wireless facilities with the intent to significantly reduce the visual impacts of such facilities to surrounding uses so that the presence of the wireless communications facility is not readily apparent. A wireless facility utilizes camouflage and concealment design techniques when:

1. The facility is integrated within, or incorporated on, an architectural feature of an existing structure, such as a tower, clock tower, bell steeple, cupola, penthouse, architectural feature or other similar structure and is not readily apparent;
2. The facility is integrated within, or incorporated on, vertical or horizontal infrastructure located in the right-of-way such as a traffic signal, flag pole, light pole, manhole cover or other similar structure and is not readily apparent; or
3. The facility uses a design which mimics and is consistent with landscaping features (such as artificial rocks, trees, and other vegetation), maintains authenticity in its application and is not readily apparent.

Collocation

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

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:

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

Eligible support structure

Any tower or base station, provided that it is existing at the time the eligible facilities application is filed with the Town.

Existing or pre-existing

A constructed tower or base station that was reviewed, approved and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed, is existing.

Freestanding tower structure

A wireless facility that consists of a stand-alone support structure or tower, antennas and accessory equipment that is not considered an alternative tower structure.

Micro cell wireless facility

A small cell wireless facility that is no larger in dimensions than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, that is no more than 11 inches in length.

Pole-mounted small cell facility

A small cell facility with an antenna that is mounted and supported on an alternative tower structure, which includes a replacement pole.

Radio frequency emissions letter

A letter from the applicant certifying that the proposed wireless facility will comply with federal law on radio frequency emissions.

Readily apparent

For purposes of determining whether a wireless facility is readily apparent, the phrase means that the facility, in the discretion of the Director, will not be easily recognizable as a wireless facility to a reasonable person viewing the facility as a whole and in the context of any adjacent improvements and landscaping from publicly accessible locations. Methods of design and construction that may assist in reducing the visibility of a facility and reaching a conclusion that a facility is not readily apparent include the use of color mimicking surrounding structures and landscaping, minimizing facility size to the greatest extent feasible, integrating the facility into any adjacent or attached improvements, and positioning the facility in a manner that limits the degree to which the facility projects away from any adjacent structures or landscaping. Due to differences in site characteristics, a determination that a particular wireless facility will not be readily apparent at one location shall not establish a precedent for the same determination for a facility of the same or similar design or construction at a different location.

Replacement pole

An alternative tower structure that is a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a wireless facility or small cell facility or micro cell facility or to accommodate collocation, and replaces a pre-existing pole or structure.

Roof-mounted wireless facility

A wireless facility that is mounted on the roof or any rooftop appurtenance of a legally existing building or structure.

Site (Wireless Facility)

The current boundaries of the leased or owned property surrounding the tower (other than towers in the right-of way) or eligible support structure and any access or utility easements

currently related to the site. A site, for other alternative tower structures, base stations, micro cell facilities, and small cell facilities in the right- of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

Small cell wireless facility

A wireless facility where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements that could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are not larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. A small cell facility includes a micro cell wireless facility. Small cells may be attached to alternative tower structures, replacement poles, and base stations.

Signal interference letter

A letter from the applicant certifying that the proposed wireless facility will comply with federal law on signal interference.

Substantial change

A modification that substantially changes the physical dimensions of an eligible support structure if after the modification, the structure meets any of the following criteria:

1. For towers other than alternative tower structures or towers in the right-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;
2. For towers other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six feet;
3. 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 right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. For any eligible support structure, it entails any excavation or deployment outside the current site;

5. For any eligible support structure, it would defeat the concealment elements of the eligible support structure. For purposes of this definition, any change that undermines concealment elements of an eligible support structure shall be interpreted as defeating the concealment elements of that structure; or
6. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (1), (2), and (3) of this definition. For purposes of determining whether a substantial change exists, 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.

Tower

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for 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, and the associated site.

Transmission equipment

Equipment that facilitates transmission for any FCC-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 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.

Wall-mounted communication facility

A communication facility that is mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features such as parapets, but does not include mechanical screens, chimneys and similar appurtenances.

Wireless facility

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless facility does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A wireless facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, base stations, support equipment, and towers. It does not include the support structure to which the wireless facility or its components are attached if the use of such structures for

wireless facilities is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this chapter.

Table 4.2-1: Allowed Uses – Town of Carbondale		Residential Districts					Commercial and Mixed-Use Districts				Other Non-Residential Districts				Use-Specific Standards
P = permitted use C = conditional use S = special use Blank cell = prohibited use															
Use Category	Use Type	AG	OTR	R/LD	R/MD	R/HD	CT	CRW	HCC	MU	O	T	BF	I	
WIRELESS FACILITIES															
	Small cell facility, including wall-mounted or roof-mounted wireless facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Alternative tower structure	S	S	S	S	S	S	S	S	S	S	S	S	S	
	Freestanding tower structure										S	S	S	S	
	Base station	S	S	S	S	S	S	S	S	S	S	S	S	S	
	Non-small cell wall-mounted or roof-mounted wireless facilities	S				S	S	S	S	S	S	S	S	S	4.3.6.A
	Eligible Facilities Request	P	P	P	P	P	P	P	P	P	P	P	P	P	

Table 4.2-2: Allowed Uses – Rights-of-Way			
P = permitted use C = conditional S = special use Blank cell = prohibited use			
Use Category	Use Type	ROW	Use-Specific Standards
WIRELESS FACILITIES			
	Small cell facility	P	
	Alternative tower structure for small cell facility	P	
	Alternative tower structure for non-small cell facility		
	Base station for small cell facility	P	
	Base station for non-small cell facility		
	Freestanding Tower Structure		
	Eligible Facilities Request	P	

CHAPTER 17.04 USE REGULATIONS

4.3.6. Wireless Facilities

A. Non-Small Cell Wall-Mounted or Roof-Mounted Wireless Facilities

1. Non-small cell wall-mounted and roof-mounted wireless facilities are only allowed on commercial, industrial, and institutional buildings and only on multi-family structures containing eight or more residential dwelling units.
2. There shall be a limit of two non-small cell wall-mounted or roof-mounted wireless facilities allowed on any one structure (i.e., one roof-mounted facility and one wall-mounted facility, or two roof-mounted facilities, or two wall-mounted facilities).

CHAPTER 17.05 DEVELOPMENT STANDARDS

UDC Section 5.13 Wireless Facilities

5.13.1 Intent

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Town finds that these regulations are necessary to:

- A. Provide for the managed development and installation, maintenance, modification, and removal of wireless facilities infrastructure in the Town with the fewest number of wireless facilities to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove wireless facilities;
- B. Promote and protect the public health, safety, and welfare by reducing the visibility of wireless facilities to the fullest extent possible through techniques including but not limited to camouflage design techniques and undergrounding of the equipment associated with wireless facilities;
- C. Encourage the deployment of smaller, less-intrusive wireless facilities to supplement existing larger wireless facilities;
- D. Encourage design and locations standards so that facilities have a negligible impact to the community;
- E. Encourage the location of towers in non-residential areas in a manner that minimizes the total number of towers needed throughout the community;
- F. Encourage the collocation of wireless facilities on new and existing sites;
- G. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively and efficiently;
- H. Effectively manage wireless facilities in the right-of-way; and
- I. Manage amateur radio facilities and over-the-air devices in the Town.

5.13.2. Applicability

The requirements set forth in this section shall apply to all wireless facility applications for base stations, alternative tower structures, freestanding tower structures, micro cells, ground based accessory equipment and small cell wireless facilities, all as defined in Chapter 17.08 *Definitions* and further addressed herein, and all other wireless facilities unless exempt under the paragraphs by which exempt certain wireless facilities.

The requirements set forth in this section shall not apply to:

- A. Federally licensed amateur radio antenna, over-the-air receiving device (OTARD), and residential television reception/antenna towers provided that the requirement that the height be no more than the distance from the base of the antenna to the property line is met.

- B. Pre-existing wireless facilities. Any wireless facility for which a building permit or special review use has been properly issued, shall not be required to meet the requirements of this chapter, other than those in Section 5.13.3 *General Standards for all Wireless Facilities*. Changes and additions to pre-existing wireless facilities (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of this chapter.
- C. Miscellaneous antennas. Antennas used for reception of television, multi-channel video programming and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas, provided the height be no more than the distance from the base to the property line and that any generally applicable requirements contained in this title are met.
- D. A temporary wireless facility serving the general health, safety and welfare of the residents of the Town installed upon the declaration of a state of emergency by the federal, state, or local government or other written determination of need by the federal, state or local government.
- E. A temporary wireless facility installed for the purpose of providing sufficient coverage for a special event, subject to administrative approval by the Town through the special event permit process.

5.13.3 General Standards for all Wireless Facilities.

A. Federal requirements

All wireless facilities shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the FCC and any other agency of the federal government with the authority to regulate wireless facilities. If such standards and regulations are changed, then the owners of the wireless facility shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the facility at the owner's expense.

B. Site Selection

Except for small cell facilities in the public rights-of-way, wireless facilities shall be located in the following order of preference:

1. First: Collocated on existing structures such as buildings, communication towers, flagpoles, cupolas, ball field lights, non-ornamental street lights such as highway lighting, etc.
2. Second: In locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
3. Least: On vacant ground or highly visible sites without significant visual mitigation and where screening/buffering is difficult at best.

4. Collocation

No wireless facility owner or operator shall unreasonably exclude a wireless competitor from using the same facility or location. Upon request by the Town, the

owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

Applicants are strongly encouraged to consider the possibility of present or future collocation of other wireless facilities by structurally overbuilding in order to handle the loading capacity of additional wireless facilities for the use of the applicant as well as other wireless service providers. Applicants shall use good faith efforts to negotiate lease rights to other users who desire to use an approved wireless facility site.

C. Eligible facilities request for existing towers and base stations.

All eligible facilities request applications shall be reviewed and approved in compliance with federal rules in effect at the time the application is received.

D. Base Stations

If an antenna is installed on a structure other than a tower or alternative tower structure, such as a base station (including, but not limited to the antennas and accessory equipment), that structure shall be a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible, including but not limited to, painting the antennas and accessory equipment to match the structure. Additionally, any ground-mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Director, and may, where appropriate, require a flush-to-grade underground equipment vault. Base stations shall also comply with the development standards included in Accessory Equipment in Section 5.13.3.E.

E. Accessory Equipment, including Ground-Based Accessory Equipment.

All accessory equipment, including ground-based accessory equipment, that is associated with alternative tower structures, freestanding towers, or roof-mounted or wall-mounted facilities are subject to the following requirements:

1. All accessory equipment shall be a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible.
2. Accessory equipment shall be subject to the accessory structure setback requirements in the underlying zone district or the applicable design standards, whichever is stricter.
3. All accessory equipment shall be installed in an underground vault, or above ground with nothing projecting more than 36 inches above grade, or collocated within a traffic cabinet, unless the applicant demonstrates to the Director that it is not feasible. Ground-based accessory equipment located within a sight triangle area shall be no taller than 30 inches above grade. All above-grade ground-based accessory equipment shall be setback from trails and sidewalks a minimum of three feet.

4. The total footprint coverage area of the accessory equipment associated with the wireless facility shall not exceed 120 sq. ft.
5. Ground-based accessory equipment not fully enclosed in a building shall be fully screened with landscaping from adjacent properties and public rights-of-way with a screen wall constructed of high-quality materials to be architecturally compatible with existing structures on the property and character of the neighborhood.
6. Buildings containing ground-based accessory equipment shall be architecturally compatible with the existing structures on the property and character of the neighborhood.
7. Any necessary wiring or cabling shall be located within the structure or station or, if not technically feasible, located within a fully enclosed sheathing attached to the structure or station. Such sheathing shall be the same color as the structure or station, shall be limited in size to that necessary to cover the wiring or cabling and may not extend out from the structure or station more than four inches.

F. Inventory of Existing Sites

Each applicant for any wireless facility shall provide to the Town a narrative description and a map of the applicant's existing or current proposed wireless facilities within the Town, and outside of the Town within one mile of its boundaries. In addition, the applicant shall include in the narrative a general description of the areas in which it believes wireless facilities may need to be located within the next three years.

The information shall identify the site name, address, and a general description of the wireless facilities (i.e., alternative structure, wall-mounted, etc.).

This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of wireless facilities within the Town. This information will be used to assist in the Town's planning process and promote collocation by identifying areas in which wireless facilities might be appropriately constructed for multiple users.

The Town may share such information with other applicants applying for approval for wireless facilities; however, by sharing such information, the Town is in no way representing or warranting that such sites are available or suitable.

G. Signal Interference

All wireless facilities shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any facilities interfere with public safety communications. The applicant shall provide a written statement from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the Town to monitor interference levels with public safety communications during

this process. Additionally, the Applicant shall notify the Town at least ten calendar days prior to the introduction of new service or changes in existing service, and shall allow the Town to monitor interference levels with public safety communications during the testing.

H. Compliance with Applicable Law

Notwithstanding the approval of an application for new wireless facilities, all work done must be completed in accordance with all applicable building, structural, engineering, electrical, and safety regulations set forth in the Town's Public Works Manual and the Town's Municipal Code and any other applicable laws or regulations. In addition, any work must be done in compliance with easements, covenants, conditions and/or restrictions on or applicable to the underlying property.

I. Screening

All wireless facilities equipment, including accessory equipment, shall be screened from adjacent and nearby public rights-of-way and public or private properties by the use of fencing, landscaping and/or berming, or in the case of wall-mounted or roof-mounted wireless facilities, the use of paint color selection, parapet walls, screen walls, and/or placing equipment in the structure.

J. Lighting

Wireless facilities shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the wireless facility is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

K. Noise

Noise generated by the wireless facility and associated accessory equipment shall not exceed the levels permitted in the Municipal Code, except that a wireless facility owner or operator shall be permitted to exceed allowed noise standards for a reasonable period of time during repairs, not to exceed two hours without prior authorization from the Town.

L. Operation and maintenance.

To ensure the structural integrity of wireless facilities, the owner of a wireless facility shall ensure it is maintained in compliance with the standards contained in the international building codes and national electric code, as applicable and adopted by the Town from time to time. The owner of a wireless facility shall ensure ongoing compliance, operation and maintenance consistent with the Town's approval, including but not limited to the upkeep of site landscaping, paint and surface treatments, litter removal, fence or screening repair, and general maintenance to assure a clean, well-kept wireless facility.

M. Abandonment and removal

If a wireless facility has not been in use for a period of three months, the owner of the wireless facility shall notify the Town of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any wireless facility that is not operated for a continuous period of six months shall be considered abandoned. The Town, in its sole discretion, may require an abandoned wireless facility to be removed. The owner of such wireless facility shall remove the same within 30 days of receipt of written notice from the Town. If such wireless facility is not removed within said 30 days, the Town may remove it at the owner's expense and any approved permits for the wireless facility shall be deemed to have expired. Additionally, the Town, in its sole discretion, shall not approve any new wireless facility application until the applicant who is also the owner or operator of any such abandoned wireless facility has removed such wireless facility or payment for such removal has been made to the Town. Nothing in this subsection shall limit an applicant from applying for an eligible facilities request on an existing eligible support structure.

N. Prohibitions

1. Lattice towers (i.e. a structure, with three or four steel support legs, used to support a variety of antennae; these towers generally range in height from sixty (60) to two hundred (200) feet and are constructed in areas where great height is needed, microwave antennas are required or where the weather demands a more structurally sound design) are prohibited within the Town.
2. Installation of wireless facilities on public art or on art in the Town's rights-of-way is prohibited unless approved by the original artist, Carbondale Public Arts Commission and the Board.

5.13.4. Supplemental Standards: Wireless Facilities in the Right-of-Way

A. Applicability

Any wireless facilities in the right-of-way shall comply with Section 5.13.3 General Standards for all Wireless Facilities in addition to the standards of this section.

B. Eligible Facilities

Attachment of small cell facilities on an existing or replacement traffic light pole, street light standard, or other vertical or horizontal infrastructure shall be permitted following administrative review by the Director for conformance with this chapter, and provided that:

1. The facility utilizes camouflage and concealment design techniques; and
2. The facility shall not exceed the height of the existing infrastructure after installation by more than five (5) feet or no more than 25 ft. in total, whichever is more restrictive.

C. Alternative Tower Structure for Small Cell Facilities

A new alternative tower structure for small cell facilities is permitted provided that:

1. The new structure is architecturally compatible with the surrounding area through application of camouflage and concealment design techniques; and

2. The facility height is not more than 25 ft. or the facility does not exceed the average height of the existing infrastructure in the right-of-way within 600 feet by more than five feet, whichever is more restrictive.
3. The facility is separated from all other freestanding wireless facilities within the right-of-way by a distance of at least 600 feet, unless the facility replaces an existing traffic signal, street light pole, or similar structure as determined by the Director.
4. When placed near a residential property, the facility shall be placed adjacent to a common property line between adjoining residential properties, such that the facility minimizes visual impacts equitably among adjacent properties, unless landscaping, topography, other structures, or other considerations minimize visual impacts to a greater extent at a different location as determined by the Director.
5. The facility shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way or interfere with the Americans with Disabilities Act regulations.
6. No alternative tower structure may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the Town, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.
7. Any necessary wiring or cabling shall be located within the pole or, if not technically feasible, located within a fully enclosed sheathing attached to the pole. Such sheathing shall be the same color as the pole, shall be limited in size to that necessary to cover the wiring or cabling and may not extend out from the pole more than four inches.

The Director may allow a reduction in the separation requirement or an increase in the maximum height requirement if the applicant demonstrates through technical network documentation that the requirement cannot result in a feasible network. The Town may require that a Town-retained technical consultant complete a study at the applicant's expense to evaluate the applicant's technical network documentation and provide an independent opinion regarding the impact on network feasibility. The request must also result in a facility that meets the following criteria:

The request will not alter the essential character of the neighborhood or district in which the facility is located, nor substantially or permanently impair the appropriate use or development of adjacent property.

Approval of the request is warranted by the design incorporated in the proposal and the benefit provided to the Town.

5.13.5. Wireless Facilities Not in the Right-of-Way

A. Applicability

Any wireless facilities not in the right-of-way shall comply with Section 5.13.3 General Standards for all Wireless Facilities in addition to the standards of this section.

B. Eligible Facilities

Attachment of small cell facilities on an existing or replacement traffic light pole, street light standard, or other vertical infrastructure shall be permitted following administrative review by the Director for conformance with this chapter, and provided that:

1. The facility utilizes camouflage and concealment design techniques; and
2. The facility does not exceed the height of the existing infrastructure on which it is mounted by more than five (5) feet.

C. Small and Non-Small Cell Wall-Mounted Wireless Facilities

All wall-mounted wireless facilities shall comply with the following:

1. All wireless facilities shall be located and designed to be compatible and blend in with surrounding buildings and existing or planned uses in the area through the use of camouflage and concealment design techniques.
2. Such facilities shall be architecturally compatible with and textured and colored to match the building or structure to which they are attached.
3. The antenna shall be mounted as flush to the wall as technically possible. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two feet.
4. Panel antenna shall not extend above the building wall or parapet to which they are attached.

D. Small and Non-Small Cell Roof-Mounted Wireless Facilities

All roof-mounted wireless facilities shall comply with the following:

1. All roof-mounted wireless facilities and accessory equipment shall be fully screened from view with existing parapets or with the addition of architecturally compatible screening walls or other structures as viewed at ground level at all adjacent property boundaries, including property lines across adjacent rights-of-way.
2. Any screen walls shall be set back from the parapet or roof edge so that visibility from the street or adjacent residential properties is minimized to the greatest extent possible.
3. Roof-mounted communication facilities and accessory equipment shall not be permitted on a sloped roof, unless it can be demonstrated that it is not visible from the street or adjacent residential areas.
4. Roof-mounted communication facilities are subject to the following height regulations:
 - a. Roof-mounted antenna and accessory equipment can be located behind an existing parapet or existing screen wall that is at least as tall as the antenna

and accessory equipment. Expansions to existing screen walls may be authorized by the Director, if the applicant can demonstrate that any expansion does not result in any additional height and is in compliance with the design standards above.

- b. Roof-mounted antenna and accessory equipment not meeting the standard above are subject to the maximum building height for the zoning district or applicable design standards, whichever is stricter.
- c. Roof-mounted panel antenna shall not extend more than six feet above the roof parapet.
- d. Roof-mounted whip antenna shall not extend more than ten feet above the building to which they are mounted.

E. Alternative Tower Structure

A new alternative tower structure is permitted provided that:

- 1. The new structure is architecturally compatible with the surrounding area through application of camouflage and concealment design techniques; and
- 2. The facility height is not more than 25 ft. or the facility does not exceed the allowed building height in the zone district.
- 3. Freestanding wireless facilities shall not be permitted between the principal structure and the street.
- 4. The minimum setback from property lines for alternative tower structures shall be one of the following:
 - a. At least fifty (50) feet from any property line; or
 - b. An alternative setback, approved by the Director, where the facility replaces or proposes an accessory structure to an established principal use, to include, but not limited to, signs, light poles, and flagpoles, where it is evidenced that the siting and location of the alternative tower structure allows for camouflage and concealment design techniques to a greater extent than would be achieved by application of the principal structure setback.
- 5. The facility is separated from all other freestanding wireless facilities by a distance of at least 600 feet.
- 6. The facility shall not alter vehicular circulation or parking on the site or impede vehicular, bicycle, or pedestrian access or visibility or interfere with the Americans with Disabilities Act regulations.
- 7. Any necessary wiring or cabling shall be located within the pole or, if not technically feasible, located within a fully enclosed sheathing attached to the pole. Such sheathing shall be the same color as the pole, shall be limited in size to that necessary to cover the wiring or cabling and may not extend out from the pole more than four inches.

The Director may allow a reduction in the separation requirement or an increase in the maximum height requirement if the applicant demonstrates through technical network

documentation that the requirement cannot result in a feasible network. The Town may require that a Town-retained technical consultant complete a study at the applicant's expense to evaluate the applicant's technical network documentation and provide an independent opinion regarding the impact on network feasibility. The request must also result in a facility that meets the following criteria:

The request will not alter the essential character of the neighborhood or district in which the facility is located, nor substantially or permanently impairs the appropriate use or development of adjacent property.

Approval of the request is warranted by the design incorporated in the proposal and the benefit provided to the Town.

F. Freestanding Tower Facilities.

The applicant shall demonstrate that freestanding wireless facilities are necessitated by exceptional circumstances which prohibit the installation of a wall-mounted structure, roof-mounted structure or alternative tower structure and that the visual impact of a freestanding wireless facility is negligible from surrounding properties and streets. If such a finding is made, a new freestanding tower structure is permitted provided that:

1. The new structure is architecturally compatible with the surrounding area through application of camouflage and concealment design techniques; and
2. The facility height is not more than 25 ft.
3. Freestanding wireless facilities shall not be permitted between the principal structure and the street.
4. The minimum setback from property lines for alternative tower structures shall be one of the following:
 - a. At least fifty (50) feet from any property line; or
 - b. An alternative setback, approved by the Director, where the facility replaces or proposes an accessory structure to an established principal use, to include, but not limited to, signs, light poles, and flagpoles, where it is evidenced that the siting and location of the alternative tower structure allows for camouflage and concealment design techniques to a greater extent than would be achieved by application of the principal structure setback.
5. The facility is separated from all other freestanding wireless facilities by a distance of at least 600 feet.
6. The facility shall not alter vehicular circulation or parking on the site or impede vehicular, bicycle, or pedestrian access or visibility or interfere with the Americans with Disabilities Act regulations.
7. Any necessary wiring or cabling shall be located within the pole or, if not technically feasible, located within a fully enclosed sheathing attached to the pole. Such sheathing shall be the same color as the pole, shall be limited in size to that necessary to cover the wiring or cabling and may not extend out from the pole more than four inches.

The Director may allow a reduction in the separation requirement or an increase in the maximum height requirement if the applicant demonstrates through technical network documentation that the requirement cannot result in a feasible network. The Town may require that a Town-retained technical consultant complete a study at the applicant's expense to evaluate the applicant's technical network documentation and provide an independent opinion regarding the impact on network feasibility. The request must also result in a facility that meets the following criteria:

1. The request will not alter the essential character of the neighborhood or district in which the facility is located, nor substantially or permanently impairs the appropriate use or development of adjacent property.
2. Approval of the request is warranted by the design incorporated in the proposal and the benefit provided to the Town.

CHAPTER 17.02 ADMINISTRATION

UDC Section 2.5.5. Wireless Facilities

A. Purpose

The administrative site plan review for permitted uses and special review for special uses is intended to ensure compliance with the development and design standards of this Code and to encourage quality development reflective of the goals and objectives of the Comprehensive Plan. For land uses requiring administrative site plan review, such uses may be established in the Town, and building or land use permits may be issued, only after a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this Section 2.5.3. The site plan review procedures ensure that the Town has the ability to address and mitigate any adverse impacts that may result from development projects.

B. Applicability

No new wireless facility shall be constructed, and no collocation or modification to any existing wireless facility may occur except after submittal of an application and approval by the Town to ensure compliance with the applicable provisions of the UDC and Municipal Code. All work done pursuant to wireless facility applications must be completed in accordance with all applicable building and safety requirements and any other applicable regulations. The review process varies according to the type and location of the proposed facility. The review process is intended to ensure that the facility will be designed and sited in a manner that complies with the provisions on this chapter, and in such a way to minimize negative impacts on surrounding property.

C. Procedures for Eligible Facilities Requests

(Eligible Facilities Request in right-of-way and outside right-of-way)

Figure 2.5.5.C-A shows the steps of the common review procedures that apply in the review of the applications for administrative site plan review. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

(Add figure 2.5.5.C-A)

Step 2 – Application Submittal

The applicant shall submit to the Director all of the information required in the application packet, along with any information identified in the pre-application meeting and all required information stated elsewhere in this Code for an administrative site plan review. At minimum, the application shall include the following:

1. Application form
2. Scaled site plans, scaled elevations, and other supporting documentation sufficient to demonstrate that the facilities meet the eligible facilities request requirements.
3. Photo simulations which show “before and after” photographs.
4. Inventory of existing sites as described in Section 5.13.3.E.

Eligible facilities request review procedure:

1. Within 30 days of receipt of the application, the Director shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application and to demonstrate compliance as an eligible facilities request.
2. The Director shall review the complete application for conformance with the provisions in this chapter and may approve or deny an application within 60 days of the date the application is submitted and complete.

D Procedures for Permitted Uses Wireless Facilities Not in the Right-of-Way
(Small cell wall-mounted or roof-mounted wireless facilities)

Figure 2.5.5.D-A shows the steps of the common review procedures that apply in the review of the applications for administrative site plan review. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

(Add Figure 2.5.5.D.-A Summary of Procedure for Administrative Site Plan Review)

1. Step 2- Application Submittal

The applicant shall submit to the Director all of the information required in the application packet, along with any information identified in the pre-application meeting and all required information stated elsewhere in this Code for an administrative site plan review. At minimum, the application shall include the following:

- a. A site plan on a dimensioned plat of the property clearly indicating the following information:
 - i. The site location and dimensions;
 - ii. The immediately adjoining properties and an indication of the land uses existing on adjoining properties;
 - iii. The location on the site of all existing and proposed buildings and structures;
 - iv. The location of all parking areas (vehicle and bicycle), driveways, and sidewalks;
 - v. The location of all proposed landscaping and fencing or walls. Elevations of fences and walls shall be provided if proposed;
 - vi. The location of existing and/or proposed drainage facilities;
 - vii. The location of streets, alleys, trails;
 - viii. The location and size of existing and proposed utilities, existing and proposed easements and an indication of any changes in these utilities which will be necessitated by the proposed project.
- b. Conceptual building elevations with notes indicating type of

construction, exterior finishes, location of entry doors, decks, and other external structures.

- c. Photo simulations which show “before and after” photographs.
- d. Inventory of existing sites as described in Section 5.13.3.E.

Within 30 days of receipt of the application, the Director shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application bring the proposal into full compliance with the requirements of this chapter.

The Director shall review the application for conformance with the provisions in this chapter and with the criteria in UDC Section 2.5.1.C.3.a. and may approve, approve with conditions, or deny an application.

The Town shall review the completed application for conformance with the provisions in this chapter and may approve or deny a complete application for a new structure (other than a collocation) within 90 days of the date the application is submitted.

E. Procedures for Special Uses Not in the Right-of-Way

(Alternative tower structure, freestanding tower structure, base station, tower, non-small cell wall-mounted or non-small cell roof-mounted facilities)

Special review use submittal requirements and review procedure.

Applications for wireless facilities that require a special review use shall be considered by the Planning Commission through the special review use public hearing process set forth in UDC Section 2.5.2.

Figure 2.5.5.E-A shows the steps of the common review procedures that apply in the review of the applications for special review. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

(Add Figure 2.5.5.E.-A Summary of Procedure for Administrative Review)

2. Step 2- Application Submittal

The applicant shall submit to the Director all of the information required in the application packet, along with any information identified in the pre-application meeting and all required information stated elsewhere in this Code for an administrative site plan review. At minimum, the application shall include the following:

- a. Written authorization from the owner of the property or infrastructure.
- b. Signal interference letter.
- c. Radio frequency emissions letter.
- d. Application fee(s).
- e. Scaled site plan drawn to scale specifying the location of antennas, support structures, transmission buildings and/or other access uses, setbacks, access,

parking, fences, signs, lighting, landscape areas, topography, drainage, utilities and all adjacent land uses.

- f. Photo simulations which show “before and after” photographs.
- g. Scaled building elevations.
- h. Inventory of existing sites as described in Section 5.13.3.E.
- i. Structural Integrity Report from a professional engineer licensed in the State documenting the following:
 - i. Tower height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design;
 - ii. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;
 - iii. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris in the event of failure; and
 - iv. Specific design and reconstruction plans to allow shared use. This submission is only required in the event that the applicant intends to share use of the facility by subsequent reinforcement and reconstruction of the facility.
 - v. Specific design considerations for impact or breakway characteristics as required in specific roadway right-of-ways.
- j. Other supporting documentation, including radio frequency coverage, tower height, and other information deemed necessary by the Director to assess compliance with this chapter.

Applications that do not meet the standards in this chapter shall require a waiver, subject to the following criteria:

The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property.

There are no reasonable design alternatives that would remove the need for the requested waiver or would reduce the amount of the waiver required.

The waiver is warranted by the design incorporated in the proposal and the benefit to the Director provided through approval of the waiver.

Approval Criteria

The Planning Commission shall review the application for conformance with the provisions in this chapter and with the criteria in Section 2.5.2.C.3. Special Use Permit Approval Criteria and the following criteria:

- a. There are exceptional circumstances which prohibit installation of a small cell facility; and

- b. There are no feasible alternatives to locate the wireless facility outside of the right-of-way.

The Town shall review all completed applications for conformance with the provisions in this chapter and may approve or deny a complete application for a new structure (other than a colocation) within 150 days of the date the application is submitted.

F Wireless facilities in the right-of-way

(Small cell facility, alternative tower structure, and base station)

Figure 2.5.5.F-A shows the steps of the common review procedures that apply in the review of the applications for administrative site review. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

(Add Figure 2.5.5.F-A Summary of Procedure for Administrative Review)

1. Application Submittal

The applicant shall submit to the Director all of the information required in the application packet, along with any information identified in the pre-application meeting and all required information stated elsewhere in this Code for an administrative review. At minimum, the application shall include the following:

- a. Written authorization from the owner of the property or infrastructure.
- b. Signal interference letter.
- c. Radio frequency emissions letter.
- d. Scaled site plan drawn to scale specifying the location of antennas, support structures, transmission buildings and/or other access uses, setbacks, access, parking, fences, signs, lighting, landscape areas, topography, drainage, utilities and all adjacent land uses.
- e. Photo simulations which show “before and after” photographs.
- f. Scaled building elevations.
- g. Inventory of existing sites as described in Section 5.13.3.E.
- h. Structural Integrity Report from a professional engineer licensed in the State documenting the following:
 - i. Tower height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design;
 - ii. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;
 - iii. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris in the event of failure; and
 - iv. Specific design and reconstruction plans to allow shared use. This submission is only required in the event that the applicant intends to share

use of the facility by subsequent reinforcement and reconstruction of the facility.

- v. Specific design considerations for impact or breakway characteristics as required in specific roadway right-of-ways.

2. Small cell facilities request review procedure:

An applicant shall submit a complete application.

Within 30 days of receipt of the application, the Town shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application bring the proposal into full compliance with the requirements of this chapter.

The Town shall review the completed application for conformance with the provisions in this chapter may approve or deny an application within 90 days of the date the application is submitted. The Director shall render a decision within 90 days of the date upon which an applicant submits a complete application. The review begins to run upon the filing of an application, and may be tolled only by mutual agreement of the Town and the applicant, or in cases where the Town determines that the application is incomplete and provides written notice of same to the applicant.

Consolidated Applications

The Town shall allow a wireless provider to file a consolidated application for up to 10 small cell facilities and receive a single permit for the small cell network. The Town's denial of any individual small cell facility is not a basis to deny the application as a whole or any other small cell facility incorporated within the consolidated application.

License Agreement

An applicant shall be required to execute a license agreement before the installation of any wireless facility within the right-of-way.

Lapse of Approval

A permit for any wireless facility shall expire nine months after approval unless construction of the permitted structure has been initiated unless otherwise set forth in the license agreement between the Town and applicant.

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8.4 Definitions for Wireless Facilities.....

Table 2.2-1:

Summary Table of Carbondale Review Procedures

(shaded row = Public Hearing required)

Application Review Procedure (Does not include all application types)	Pre-Application Meeting M = Mandatory O = Optional	Staff Review	Planning and Zoning Commission	Board of Adjustment	Board of Trustees
			R = Review/Recommendation	D = Decision	
Amendments					
Amendment to the UDC	M	R	R		D
General Rezoning (Amendment to the Zoning Map)	M	R	R		D
Rezoning to a Planned Unit Development	M	R	R		D
Development Permits					
Conditional Use Permit	M	D			
Special Use Permit	M	R	D		
Administrative Site Plan Review	M	D			
Minor Site Plan Review	M	R	D		
Major Site Plan Review	M	R	R		D
Sign Permit	O	D			
<u>Small Cell Facility in Right-of-Way and Not in Right-of-Way</u>	<u>M</u>	<u>D</u>			
<u>Alternative Tower Structure Not In Right-of-Way</u>	<u>M</u>	<u>R</u>	<u>D</u>		
<u>Freestanding Tower Structure Not in Right-of-Way</u>	<u>M</u>	<u>R</u>	<u>D</u>		
<u>Base Station Not in Right-of-Way</u>	<u>M</u>	<u>R</u>	<u>D</u>		
<u>Non-small Cell Wall- or Roof Mounted Wireless Facility</u>	<u>M</u>	<u>R</u>	<u>D</u>		
<u>Eligible Facilities Request in Right-of-Way And Not in Right-of-Way</u>	<u>M</u>	<u>D</u>			
<u>Alternative Tower Structure for Small Cell Facility in Right-of-Way</u>	<u>M</u>	<u>D</u>			
<u>Base Station for Small Cell Facility in Right-of-Way</u>	<u>M</u>	<u>D</u>			
Subdivision					
Subdivision Conceptual Plan	M	R	D		
Preliminary Plat	M	R	D		
Final Plat	O	R			D
Condominium Subdivision	M	R	D		
Subdivision Exemption	M	R	D		If de novo requested

Minor Plat Amendment	O	D			
Flexiblility and Relief Procedures					
Variance	O	R		D	
Appeal (see Section 2.7.2.B for applicable appeal authority for various land use approvals)	O			D	D

The common development review procedures in this Section 2.3 shall apply to all types of development applications in this Chapter 17.02: *Administration*, unless an exception to the common procedures is expressly identified in subsequent sections of this chapter.

2.3.1. STEP ONE: PRE-APPLICATION MEETING

A. Purpose

The purpose of the pre-application meeting is to provide an opportunity for an informal evaluation of an applicant's proposal and to become familiar with the Town's submittal requirements, development standards, and approval criteria. The Director or authorized staff may provide recommendations and/or inform the applicant of any potential issues that might be presented to the applicable decision-making body.

B. Applicability

1. Required Pre-application Meeting

A pre-application meeting is required prior to the following types of applications:

- a. Amendment to the Unified Development Code
- b. General Rezoning (Amendment to the Zoning Map)
- c. Rezoning to a Planned Unit Development
- d. Conditional Use Permit
- e. Special Use Permit
- f. Site Plan Review
- g. Preliminary Plat
- h. Condominium Subdivision
- i. Subdivision Exemption
- j. All Wireless Facilities

2. Optional Pre-application Meeting

A pre-application meeting is optional, upon the request of the applicant, prior to submission of all other applications under this Code not listed above.

8.2.4 Wireless Facilities

A. A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless facility does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A wireless facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, base stations, support equipment, and towers. It does not include the support structure to which the wireless facility or its components are attached if the use of such structures for wireless facilities is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this chapter.

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