



Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

**AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, MARCH 28, 2019
7:00 P.M. TOWN HALL**

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the March 14, 2019 meeting.....Attachment A
4. 7:05 p.m. – 7:10 p.m.
Public Comment – Persons present not on the agenda
5. 7:10 p.m. – 8:00 p.m.
CONTINUED PUBLIC HEARING -UDC Zone Text Amendment
Wireless Facilities..... Attachment B
- ..
6. 8:00 p.m. – 8:05 p.m.
Staff Update
7. 8:05 p.m. – 8:10 p.m.
Commissioner Comments
8. 8:10 p.m. – ADJOURN

*** Please note all times are approx.**

Upcoming P & Z Meetings: April 11, 2019 – Brother’s Subdivision Exemption – 415 N. 8th Street
Triple Canna LLC/Retail Cultivation & MIP – 220 N. 12th
VCAP Report Discussion

MINUTES

CARBONDALE PLANNING AND ZONING COMMISSION

Thursday March 14, 2019

Commissioners Present:

Michael Durant, Chair
Ken Harrington, Vice-Chair
Nicholas DiFrank (1st Alternate)
Jay Engstrom
Jeff Davlyn

Staff Present:

Janet Buck, Planning Director
John Leybourne, Planner
Tarn Udall, Town Attorney

Commissioners Absent:

Jade Wimberley
Marina Skiles
Tristan Francis (2nd Alternate)
Nick Miscione

Other Persons Present

The meeting was called to order at 7:00 p.m. by Michael Durant.

February 28, 2019 Minutes:

Jeff made a motion to approve the February 28, 2019 minutes. Nicholas seconded the motion and they were approved unanimously.

Public Comment – Persons Present Not on the Agenda

There were no persons present to speak on a non-agenda item.

Resolution 3, Series of 2019, approving a SUP at 296 S. 3rd Street

Ken made a motion to approve Resolution 3, Series of 2019. Jay seconded the motion and it was approved unanimously.

Continued Public Hearing – Minor Site Plan Review, Special Use Permit & Variances – 159 Sopris Avenue - Applicants: Jerod & Sharon Samuelson

Janet said that this is a continued public hearing to consider a Special Use Permit and a Minor Site Plan Review to renovate the abandoned CMU structure and convert it into a single family residential dwelling. She stated that the request will require a variance from the 5 ft. front yard setback to allow a 0 ft. setback and a variance from the minimum side yard setback of 5 ft. to allow a 3.5 ft. setback.

Janet explained that the Commission first considered this item on January 10th. She said that the hearing was continued to tonight to allow time for the applicant to address concerns regarding the building's encroachment onto the property to the east.

Janet stated that the applicants have resolved the problem by removing 3.5 ft. along the length of the easterly side of the building. She said that this eliminates the encroachment and provides a 3.5 ft. setback to allow room for maintenance of the structure.

Janet stated that the applicant has also submitted some additional information in response to Commission's comments:

- Ø ILC prepared when the applicants purchased the property. It does not show the encroachment.
- Ø New ILC prepared by Sopris Engineering.
- Ø Plan which shows a distance of 22 ft. from the front door to the driving lanes of Sopris Avenue
- Ø South building elevation, letter noting the use of stucco and the addition of landscaping along the south side of the building façade.

Janet said that she did a new zoning check based on the new Site Plan. She explained that with the exception of the setbacks, the proposal is in compliance with the UDC.

Janet noted for the record that when she says that the building wall is 3.5 ft. from the east property line. She said that she did not take into account the roof overhang, which is about a foot. Janet said because of that, the proposal is for a 3.5 ft. setback for the building and 2.5 ft. setback for the roof overhang. She noted the noticing should be fine as it was for a 0 ft. setback.

Janet thanked the applicants for their efforts getting the encroachment cleaned up.

Ken said that the plan shows 187 sq. ft. of private outdoor space and that the requirement is 210 sq. ft.

Janet stated that this is a single family home and that she wasn't quite sure whether the code requires private outdoor space but since they showed it on their site plan, she included the square footage. She noted that the size can easily be increased.

Jay asked about condition #2, that all drainage shall be retained on site. He said that he has never seen this request before.

Janet explained that this condition stemmed from when there was an encroachment over the east property line. Staff didn't want the structure to drain onto that property. She said that this condition is still applicable for the right-of-way.

Michael stated that the shed roof goes away from the right-of-way.

Janet stated then the condition is probably not necessary anymore

Nicholas stated that taking care of one's own drainage is not a bad idea. He said that it won't create a swale over time.

The applicant, Jerod Samuelson, explained that as per the Commission's recommendation that they reached out to the neighbors regarding the encroachment. He said that they decided it was best to move the wall to clear up both properties from the encroachment.

There were no members of the public present.

Motion to Close Public Hearing

A motion was made by Jeff to close the public hearing. Nicholas seconded the motion and it was approved unanimously.

Ken asked if there was enough of the remaining structure left after cutting off the 3 feet to make it economical.

Sharon Samuelson stated that ultimately that they would have like to have the extra square footage to maximize that east side but that it wasn't feasible to move the entire structure to keep the existing walls.

Jerod stated that they will still have a two bedroom home and that it comes out to be about 150 sq. ft. that they are losing. He said that they have talked to a contractor who advised them that it will still be a marketable property.

Ken said that he appreciates the clarification of the setback from the road.

Michael said that ten percent of the old building is being eliminated.

Nicholas told the applicants that he appreciates their efforts.

Further discussion ensued regarding drainage.

Motion

Ken made a motion to approve the Site Plan, Special Use Permit, Front and Side Yard Variance with the conditions and findings in the Staff report. Nicholas seconded the motion and it was approved unanimously.

Yes: Michael, Jay, Nicholas, Ken, Jeff

No: none

PUBLIC HEARING – Unified Development Code (UDC) Zone Text Amendment – Wireless Facilities

Janet introduced one of the Town Attorneys, Tarn Udall of Holland and Hart. Tarn said that she works with Mark Hamilton and that she has been helping Janet with the wireless facilities regulations.

Janet stated that this is a public hearing for the purpose of considering amendments to the UDC to include regulations related to Wireless Facilities, including Small Cell Antennas.

Janet said that the Commission is required to hold a public hearing and recommend approval of the amendments or recommend denial. She stated that the Commission may also continue the public hearing.

Tarn outlined the following:

- By way of background, the Town is developing these regulations in response to recent developments in federal and state law which require that the Town address certain types of wireless facilities.
- State Statute
 - enacted in 2017 to address small cell facilities and networks and access to rights of way
 - statute gives providers right to locate small cell facilities on municipal infrastructure in public rights-of-way
 - makes small cell facilities a use-by-right in any zone district
 - shortens timeframe that municipalities must act on an application
 - § 90 days for complete applications for new small-cell facilities
 - § 150 days for other facilities
 - treat installation of multiple facilities as a consolidated application/single permit
 - no discrimination amongst providers
- FCC
 - on the federal level and more recently, the FCC approved new rules to streamline deployment of small cell technology
 - § new “shot clocks” for processing small cell applications
 - 60 days for small cell facilities on city infrastructure
 - 90 days from when complete application – new standalone
 - 150 days for new wireless facilities – excluding small cell
 - § limiting permit fees municipalities can charge providers
 - at same time, FCC issued a declaratory ruling, to clarify that federal statute prohibits municipalities from adopting regulations that “materially inhibit” small wireless facility deployment
 - municipalities have until April 14 to adopt regulations/design standards for new small cell antenna facilities

- FCC order is being challenged in federal court

Janet stated that the latest generation of wireless technology is called Fifth Generation or 5G. She said that 5G is intended to provide faster wireless service and support more wireless connections. She said that 5G utilizes small cell antenna technology.

Janet explained that as a result, wireless providers such as Verizon, AT&T, T-Mobile, etc., will most likely be requesting approval to allow the installation of small cell antennas. She said that because of their small coverage area, there needs to be a greater number of small cell facility sites than traditional cellular towers. She stated that the small cell antennas can be placed on buildings, light poles, towers and new base stations or alternative towers. She said that they are generally three cubic feet in size.

Janet said that Tarn Udall and I began drafting language to address wireless facilities. She stated that as we began this work, we found that the UDC is mostly silent on wireless facilities. She explained that In order to bring the UDC up to date with wireless facility technology, the draft code amendments also include regulations on other wireless facilities.

Janet said that the draft regulations are a work in progress. She stated that we anticipate it will take two meetings for the Planning Commission to review them, provide direction to Staff and finalize them for the Board's consideration. She explained that there are some threshold questions which we would like the Commission to weigh in on so Staff can complete the draft regulations.

Janet stated that the main changes to the UDC would be:

- Ø Adding definitions
- Ø Establishing new uses in the Land Use Table
- Ø Creating new review processes
- Ø Adding design standards for wireless facilities and infrastructure associated with those facilities, i.e., base stations, towers, etc.

Points of Discussion

- Clarify whether the wall-mounted and roof-mounted facilities are small cell or non-small cell
- Check Aspen's regulations
- Can you prohibit wall- or roof-mounted wireless facilities in R/LD and OTR
- Do not allow non-small in the R/LD and OTR zone districts
- Utilize conditional use permits instead of special use permits
- Will old technology still be relevant? The answer is yes
- Since the rights-of-way aren't zoned, is there a way to classify them?

- Street hierarchy mapping, i.e., alley, collector, arterial, sub-arterial was suggested
- Higher level of camouflage in street verses alley
- Protect the alleys
- Alleys can provide adequate separation
- Japan was overrun with wireless facilities and it changed their character
- How restrictive can the Town be? That is the preference.
- It is easier to loosen regulations rather than make them tighter
- Possible to prohibit small cell towers?
- Look into manhole cover or underground only
- Incentivize them to work with private property owners
- Do we have ability to determine what information is collected? Surveillance City?
- Will a provider overwhelm Staff with applications?
- Sequencing rules, cap on number applications submitted
- Boxes and transformers can be more of an issue

Motion to Continue the Public Hearing to March 28

Jeff made a motion to continue the public hearing to March 28, 2019. Ken seconded the motion and it was continued unanimously.

Staff Update

Janet gave an update on the small cell wireless code she has been working on.

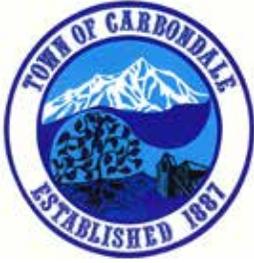
Commissioner Comments

Jay indicated that he would not be at the 4-11-2019 meeting.

Nicholas said he would not be at the March 28, 2019 meeting.

Motion to Adjourn

A motion was made by Ken to adjourn. Jeff seconded the motion and the meeting was adjourned at 8:34.



**TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623**

Planning Commission Agenda Memorandum

Meeting Date: 3-28-2019

TITLE: Continued Public Hearing - Unified Development Code (UDC) Zone Text Amendments - Wireless Facilities

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Draft Wireless Facilities Regulations
Other UDC Amendments
Staff Report dated 3-14-2019
Draft Planning Commission Minutes 3-14-2019 (included in packet)

BACKGROUND

This is a continued public hearing for the purpose of considering amendments to the Unified Development Code (Chapter 17 of the Carbondale Municipal Code) to include regulations related to Wireless Facilities, including Small Cell Antenna regulations.

The Commission is required to hold a public hearing and recommend approval of the amendments or recommend denial. The Commission may also continue the public hearing.

I have included the original Staff report in the packet for those who were not at the last meeting. The draft minutes are also included in the packet.

At the March 14, 2019 meeting, the Commission reviewed the draft Wireless Facilities document. They indicated a preference that the regulations be fairly restrictive to start with in order to see how this new technology unfolds.

After the last meeting, the Table of Allowed Uses was revised fairly significantly to reflect the Planning Commission's comments. The Planning Commission should look at the table and let Staff know if it is acceptable.

After the Table of Allowed Uses was revised, the balance of the document flowed more smoothly: making sure each wireless facility had development standards and a process for approval. We also finetuned the definitions.

In addition, there are other sections of the UDC which will need some amendments as a result of new wireless facility regulations. These sections include:

- Ø Table of Contents
- Ø Table 2.2-1 Summary Table of Carbondale Review Procedures
- Ø Section 2.3.1.B. – Adding Wireless Facilities to required pre-application meeting
- Ø Section 8.2 Definitions of General Use Categories

These have been redlined and are included in the packet as “Other UDC Amendments.”

It should be noted that under the FCC regulations, local governments have until April 14, 2019 to adopt regulations and design standards for small cell wireless facilities. This means the Town will need to pass an ordinance at the April 9, 2019 Board meeting. This has been noticed as a public hearing.

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Section 2.4.1.C.3.b. states amendments to the UDC may be approved if the Town finds that all of the following approval criteria have been met:

1. The proposed amendment will promote the public health, safety, and general welfare;
2. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

FISCAL ANALYSIS

The fiscal impacts have not been explored. The Town may charge a fee to allow use of the Town’s right-of-way but that has not been discussed.

RECOMMENDATION

Staff recommends the following motion: **Move to recommend approval of the Wireless Facilities Regulations as well as the redlines in other sections of the Unified Development Code with the following findings:**

1. The proposed amendment will promote the public health, safety, and general welfare;

2. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code; and
3. The proposed amendment is necessary or desirable because of changing conditions, specifically, the State and Federal regulations which require that municipalities accommodate small cell wireless facilities in the rights-of-way and all other areas of Town in order to provide faster wireless service and support more connections.

Prepared By: Janet Buck, Planning Director

DRAFT WIRELESS FACILITIES REGULATIONS
UNIFIED DEVELOPMENT CODE – CARBONDALE

March 22, 2019

UDC Chapter 17.08

8.3 Other Terms Defined

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	
Use Category	Use Type	AG	OTR	R/LD	R/M/D	R/H/D	C/T	CRW	HCC	MU	O	T	PF		-
WIRELESS FACILITIES															
	Small cell facility	P	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	S
	Freestanding tower structure											S	S	S	S
	Base station	S	S	S	S	S	S	S	S	S	S	S	S	S	S
	Small cell wall-mounted or roof-mounted wireless facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Non-small cell wall-mounted or roof-mounted wireless facilities	S			S	S	S	S	S	S	S	S	S	S	S
	Eligible Facilities Request	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Table 4.2-2: Allowed Uses – Rights-of-Way				
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 17.05 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 (paragraph below exempting 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.

D. Ground-Based Accessory Equipment.

All 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. Ground-based accessory equipment shall be subject to the accessory structure setback requirements in the underlying zone district or the applicable design standards, whichever is stricter.
2. All ground-based 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.
3. The total footprint coverage area of the accessory equipment associated with the wireless facility shall not exceed 350 sq. ft.
4. 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.

5. Buildings containing ground-based accessory equipment shall be architecturally compatible with the existing structures on the property and character of the neighborhood.
6. 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.

E. 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 with 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

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

Wall-mounted facilities are only allowed on multi-family structures containing eight or more dwellings or an institutional building.

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

Roof-mounted facilities are only allowed on multi-family structures containing eight or more dwellings or an institutional building

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 and 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. 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. 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 most restrictive.
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.

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)

- 2 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.

Table of Contents

Chapter 17.01: General Provisions	1
1.1 Title.....	1
1.2 Effective Date	1
1.3 Purpose	1
1.4 Authority	1
1.5 Jurisdiction and Applicability	1
1.5.1. Jurisdiction	1
1.5.2. General Applicability	2
1.5.3. Annexed Territory	2
1.5.4. Application to Public Agencies	2
1.6 Relationship to Comprehensive Plan and Other Adopted Plans	2
1.7 Interpretation and Conflicting Provisions	2
1.7.1. Interpretation	2
1.7.2. Minimum Requirements.....	2
1.7.3. Harmonious Construction	2
1.7.4. Conflict with Other Public Laws, Ordinances, Regulations, or Permits.....	3
1.7.5. Conflict with Agreements Between Private Properties	3
1.8 Enforcement	3
1.8.1. Enforcement Generally	3
1.8.2. Violations.....	4
1.8.3. Remedies and Penalties.....	5
1.9 Transition to the UDC from Prior Regulations	7
1.9.1. Purpose	7
1.9.2. Violations Continue.....	7
1.9.3. Uses, Structures, and Lots Rendered Conforming	7
1.9.4. Uses, Structures, and Lots Rendered Nonconforming.....	7
1.9.5. Applications Commenced or Approved Under Previous Ordinances	7
1.10 Severability	8
Chapter 17.02: Administration	9
2.1 Purpose and Organization of Chapter	9
2.1.1. Purpose	9
2.1.2. Summary of Chapter Organization	9
2.2 Summary Table of Procedures	9
2.3 Common Review Procedures	11
2.3.1. Step One: Pre-application Meeting	11
2.3.2. Step Two: Application Submittal	12
2.3.3. Step Three: Completeness Determination.....	13
2.3.4. Step Four: Application Review and Preparation of Staff Report.....	13
2.3.5. Step Five: Notice of Public Hearings	13
2.3.6. Step Six: Town Holds Public Hearing(s)	15
2.3.7. Step Seven: Town Issues Decision and Findings	15
2.3.8. Step Eight: Modification or Amendment of Approval.....	16
2.3.9. Step Nine: Lapse of Approval.....	16
2.4 Procedures and Approval Criteria: Amendments	17
2.4.1. Amendments to the Unified Development Code	17
2.4.2. General Rezoning (Amendments to the Zoning Map).....	18
2.4.3. Rezoning to Planned Unit Developments (PUDs).....	22
2.5 Procedures and Approval Criteria: Development Permits	30
2.5.1. Conditional Use Permit.....	30

2.5.2.	Special Use Permit.....	33
2.5.3.	Site Plan Review	36
2.5.4.	Sign Permit.....	45
2.5.5.	Wireless Facilities.....	45
2.6	Procedures and Approval Criteria: Subdivisions	46
2.6.1.	Purpose	46
2.6.2.	Applicability	47
2.6.3.	Subdivision Conceptual Plan	47
2.6.4.	Preliminary Plats	50
2.6.5.	Final Plats	55
2.6.6.	Subdivision Exemption	60
2.6.7.	Plat Amendments	64
2.7	Procedures and Approval Criteria: Flexibility and Relief.....	67
2.7.1.	Variances	67
2.7.2.	Appeals	70
2.7.3.	Vested Rights.....	73
2.8	Review and Decision-Making Bodies	77
2.8.1.	Purpose.....	77
2.8.2.	Board of Trustees.....	77
2.8.3.	Planning and Zoning Commission.....	77
2.8.4.	Board of Adjustment.....	78
2.8.5.	Town Administration	79
Chapter 17.03: Zoning Districts.....		81
3.1	General Provisions.....	81
3.1.1.	Districts Established	81
3.1.2.	Zoning District Map	82
3.1.3.	Applicability of District Regulations	83
3.2	Residential Districts.....	83
3.2.1.	General Purpose for All Residential Districts	83
3.2.2.	Agricultural (AG).....	86
3.2.3.	Old Town Residential (OTR).....	88
3.2.4.	Residential/Low-Density (R/LD).....	90
3.2.5.	Residential/Medium-Density (R/MD).....	92
3.2.6.	Residential/High-Density (R/HD)	94
3.3	Commercial and Mixed-Use Districts	96
3.3.1.	General Purpose for All Commercial and Mixed-Use Districts	96
3.3.2.	Commercial/Transitional (C/T)	98
3.3.3.	Commercial/Retail/Wholesale (CRW)	102
3.3.4.	Historic Commercial Core (HCC).....	104
3.3.5.	Mixed-Use (MU)	106
3.4	Other Non-Residential Districts.....	108
3.4.1.	Open Space (O)	108
3.4.2.	Transit (T)	110
3.4.3.	Public Facilities (PF).....	112
3.4.4.	General Industrial (I).....	114
3.5	Overlay District(s).....	116
3.5.1.	General Purpose of Overlay Districts.....	116
3.5.2.	Establishment of Districts	116
3.5.3.	Current Overlay District(s)	116
3.6	Planned Unit Developments.....	116
3.6.1.	Purpose	116
3.6.2.	Applicability of Regulations.....	116
3.6.3.	Modification of Development Standards	117
3.6.4.	Open Space Area Required	117
3.7	Summary Tables of Dimensional Standards.....	118
3.7.1.	Summary of Residential Districts Dimensional Standards	118
3.7.2.	Maximum Impervious Lot Coverage, Residential Districts	119

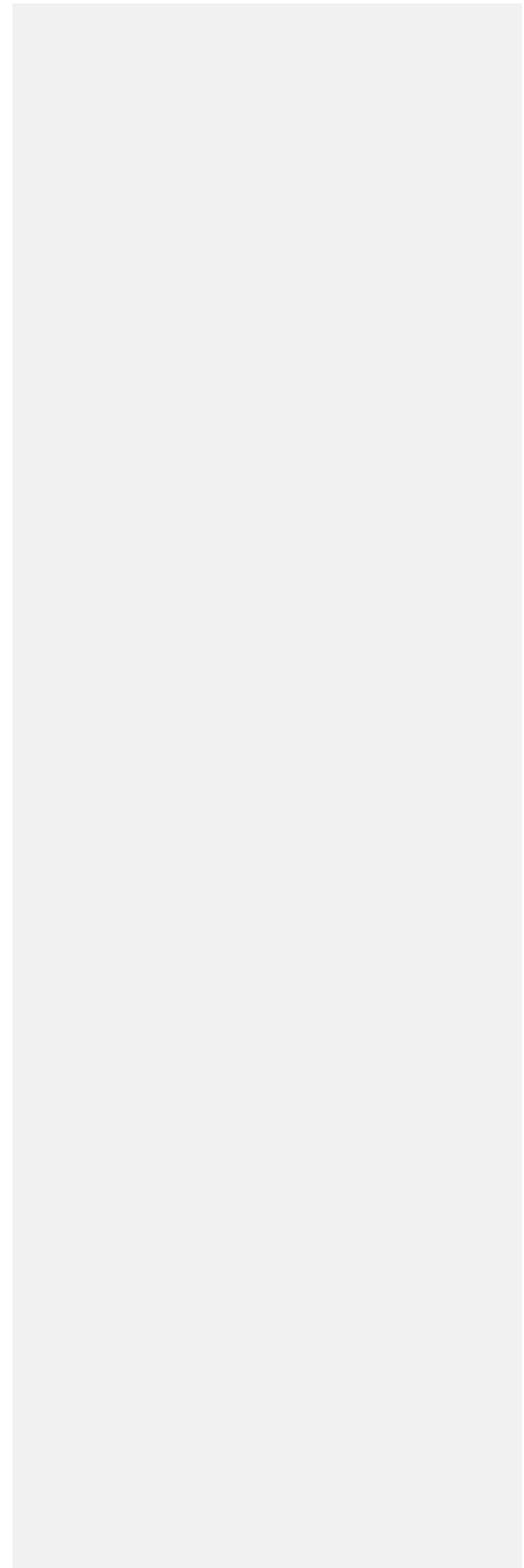
Formatted: List Paragraph, Outline numbered + Level: 3
+ Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment:
Left + Aligned at: 0.47" + Indent at: 0.97"

3.7.3.	Commercial and Mixed-Use Districts Dimensional Standards	120
3.7.4.	Other Non-Residential Districts Dimensional Standards	121
3.7.5.	Transitions Between Different Land Use Areas	121
3.8	Measurements and Exceptions	123
3.8.1.	Purpose	123
3.8.2.	Lot and Space Requirements	123
3.8.3.	Setbacks	124
3.8.4.	Building Height	127
3.8.5.	Impervious Lot Coverage	127
3.8.6.	Floor Area And Square Footage.....	128
Chapter 17.04: Use Regulations.....		129
4.1	Purpose and Organization of this Chapter	129
4.2	Table of Allowed Uses	129
4.2.1.	Explanation of Table Abbreviations	129
4.2.2.	Table Organization	130
4.2.3.	Use for Other Purposes Prohibited.....	130
4.2.4.	Classification of New and Unlisted Uses	130
4.2.5.	Table of Allowed Uses.....	131
4.3	Use-Specific Standards	137
4.3.1.	Performance Standards.....	137
4.3.2.	Residential Uses	138
4.3.3.	Public, Institutional, and Civic Uses	140
4.3.4.	Commercial Uses	141
4.3.5.	Industrial Uses.....	154
4.4	Accessory Uses and Structures	161
4.4.1.	Purpose	161
4.4.2.	Accessory Uses and Structures Allowed	161
4.4.3.	General Standards for All Accessory Uses and Structures.....	161
4.4.4.	Additional Standards for Specific Accessory Uses And Structures	162
4.5	Temporary Uses and Structures.....	166
4.5.1.	Purpose	166
4.5.2.	Temporary Uses and Structures Allowed	166
4.5.3.	Approval Process for Temporary Uses and Structures.....	167
4.5.4.	General Standards for All Temporary Uses and Structures	167
4.5.5.	Additional Standards for Temporary Uses	168
4.5.6.	Additional Standards for Temporary Structures	170
Chapter 17.05: Development Standards		171
5.1	General Provisions	171
5.1.1.	Purpose	171
5.1.2.	Applicability	171
5.1.3.	Alternative Compliance.....	172
5.2	Sensitive Area Protection.....	173
5.2.1.	Purpose	173
5.2.2.	General Site Design	173
5.2.3.	Flood Hazard Areas	173
5.2.4.	Geologic Hazard Areas	173
5.2.5.	Wildfire Hazard Areas	174
5.2.6.	Wetland and Surface Water	174
5.2.7.	Trees in Public Right-of-Way	175
5.2.8.	Park Land.....	176
5.3	Open Space	176
5.3.1.	Purpose	176
5.3.2.	Public Open Space Dedication (Residential)	176
5.3.3.	Private Common Open Space (Nonresidential, Mixed-Use, and PUD)	178
5.4	Landscaping and Screening	183

5.4.1.	Purpose	183
5.4.2.	Applicability	183
5.4.3.	Minimum Landscaping Required	183
5.4.4.	General Requirements for All Landscaping	187
5.4.5.	Screening	189
5.4.6.	Fencing	192
5.5	Transportation and Connectivity.....	193
5.5.1.	Purpose	193
5.5.2.	Streets and Vehicular Circulation.....	193
5.5.3.	Pedestrian Circulation	196
5.6	Residential Site and Building Design	198
5.6.1.	Purpose	198
5.6.2.	Applicability	198
5.6.3.	General Standards for All Residential Development	199
5.6.4.	Supplemental Standards/Guidelines: ≥3 Single-Family Detached Dwellings on One Parcel.....	200
5.6.5.	Supplemental Standards/Guidelines: Multifamily.....	201
5.6.6.	Supplemental Standards: Old Town Residential District.....	205
5.7	Commercial Site and Building Design.....	206
5.7.1.	Purpose	206
5.7.2.	Applicability	207
5.7.3.	General Site Layout Standards.....	207
5.7.4.	General Building Design	209
5.7.5.	Supplemental Standards: Properties with Frontage Along Highway 133	210
5.7.6.	Supplemental Standards: Buildings of 10,000 Square Feet or Greater	211
5.7.7.	Supplemental Standards: Historic Commercial Core (HCC) District	213
5.8	Off-Street Parking.....	218
5.8.1.	Purpose	218
5.8.2.	Applicability	218
5.8.3.	Off-Street Parking Requirements.....	219
5.8.4.	Parking Alternatives.....	226
5.8.5.	General Standards for Off-Street Parking and Loading Areas	228
5.8.6.	Design of Off-Street Parking and Loading Areas	230
5.8.7.	Off-Street Bicycle Parking.....	240
5.8.8.	Administration of Parking and Loading Requirements	241
5.9	Signs.....	242
5.9.1.	Purpose	242
5.9.2.	Sign Permit Required	242
5.9.3.	Prohibited Signs	242
5.9.4.	Types and Maximum Allowable Number of Permitted Signs	243
5.9.5.	Freestanding Signs	245
5.9.6.	Flush Wall-Mounted Signs.....	247
5.9.7.	Canopy, Porch Front, or Awning Signs.....	247
5.9.8.	Multitenant Buildings	247
5.9.9.	Subdivision and Mobile Home Park Signs	248
5.9.10.	Construction Site Signs	248
5.9.11.	Signs in Residential Districts	248
5.9.12.	Shopping Complex Signs	248
5.9.13.	Interior Window Signs.....	249
5.9.14.	Projections.....	250
5.9.15.	Exemptions	250
5.9.16.	Nonconforming Signs	251
5.9.17.	Insurance Requirements	251
5.10	Exterior Lighting.....	251
5.10.1.	Purpose	251
5.10.2.	Applicability	252
5.10.3.	General Requirements	254
5.10.4.	Residential Lighting Standards	256
5.10.5.	Nonresidential and Mixed-Use Lighting Standards	257
5.10.6.	Parking Lot Lighting.....	261

5.10.7.	Lighting of Gasoline Stations	262
5.10.8.	Prohibited Lights.....	263
5.10.9.	Outdoor Recreational Facilities.....	264
5.10.10.	Street Lighting	264
5.10.11.	Backlight, Uplight, and Glare (BUG) Ratings	265
5.11	Community Housing Inclusionary Requirements.....	266
5.11.1.	Purpose	266
5.11.2.	Applicability	266
5.11.3.	Exemptions	266
5.11.4.	Residential Development Mitigation Requirements.....	267
5.11.5.	Prioritization of Preference for Community Housing Location	267
5.11.6.	Minimum Requirements.....	268
5.11.7.	Homeowners' Association Dues and Assessments	268
5.11.8.	Housing Mitigation Plan.....	268
5.11.9.	Variances	268
5.11.10.	Guidelines for Implementation	269
5.11.11.	Administration.....	269
5.11.12.	Applicability of Other Provisions of Code	269
5.12	Solar Access.....	270
5.12.1.	Intent	270
5.12.2.	Applicability	270
5.12.3.	Solar Access Zones Established	270
5.12.4.	Shading Analysis.....	270
5.12.5.	Shade Prohibitions	270
5.12.6.	Inconsequential Shade	271
5.12.7.	Nonconforming Uses	271
5.12.8.	Variances	272
5.13	Wireless Facilities.....	270
5.13.1.	Intent.....	270
5.13.2.	Applicability	270
5.13.3.	General Standards for all Wireless Facilities.....	270
5.13.4.	Supplemental Standards: Wireless Facilities in the Right-of-Way.....	270
5.13.5.	Supplemental Standards: Wireless Facilities not in the Right-of-Way	270
Chapter 17.06:	Subdivision.....	275
6.1	General Provisions.....	275
6.1.1.	Purpose	275
6.1.2.	Applicability	275
6.1.3.	Existing Subdivision Agreements and Covenants.....	275
6.2	Design and Improvement Standards.....	275
6.2.1.	Compliance with Zoning Requirements	275
6.2.2.	Minimal Standards.....	276
6.2.3.	Suitability of Land for Subdivision	276
6.2.4.	Lot and Block Design	276
6.2.5.	Street Design.....	276
6.2.6.	Alleys and Easements.....	277
6.2.7.	Street Improvements	277
6.2.8.	Drainage Easements.....	277
6.2.9.	Bridges	277
6.2.10.	Water Distribution.....	278
6.2.11.	Sanitary Sewage Collection.....	278
6.2.12.	Underground Utilities	278
6.2.13.	Conservation Subdivisions	278
6.3	Fee Exemptions for Qualified Developers of Affordable Housing	280
6.3.1.	Incentives for Affordable Housing Projects	280
Chapter 17.07:	Nonconformities	283
7.1	Purpose	283
7.2	Nonconformities Generally	283

7.2.1.	Authority to Continue	283
7.2.2.	Determination of Nonconformity Status	283
7.2.3.	Nonconformities Created Through Government Action.....	283
7.2.4.	Change of Ownership or Tenancy	283
7.2.5.	Maintenance and Minor Repair.....	284



7.3	Nonconforming Uses	284
7.3.1.	Nonconforming Use of Structure	284
7.3.2.	Nonconforming Use of Land	285
7.3.3.	Abandonment of Nonconforming Use	285
7.4	Nonconforming Structures	285
7.4.1.	Continued Use	285
7.4.2.	Alteration, Repairs, or Replacement	286
7.4.3.	Damage or Destruction	286
7.5	Nonconforming Sites or Lots	287
7.5.1.	Change in Use or Expansion of Use or Structure	287
7.5.2.	Nonconforming Site or Lot Created by Enactment of this Code	287
7.6	Nonconforming Parking	287
7.6.1.	Change in Use	287
7.6.2.	Expansion	287
7.6.3.	Twenty Percent Limitation	287
7.6.4.	Leased Parking	288
7.7	Nonconforming Exterior Lighting	288
7.7.1.	Existing Exterior Lighting	288
7.7.2.	Removal or Replacement of Nonconforming Exterior Lighting Required	288
Chapter 17.08: Definitions		289
8.1	Rules of Construction	289
8.1.1.	Meanings and Intent	289
8.1.2.	Headings, Illustrations, and Text	289
8.1.3.	Lists and Examples	289
8.1.4.	Computation of Time	289
8.1.5.	Technical and Non-technical Terms	289
8.1.6.	Mandatory and Discretionary Terms	289
8.1.7.	Conjunctions	289
8.1.8.	Tenses, Plurals, and Gender	290
8.2	Definitions of General Use Categories	290
8.2.1.	Residential Uses	290
8.2.2.	Commercial Uses	291
8.2.3.	Industrial Uses	292
8.2.4	<u>Wireless Facilities</u>	
8.3	Other Terms Defined	293
A	293	
B	296	
C	298	
D	302	
E	304	
F	305	
G	309	
H	310	
I	311	
J	312	
K	312	
L	312	
M	314	
N	316	
O	316	
P	317	
Q	320	
R	320	
S	322	
T	327	
U	328	
V	328	
W	328	

X	329
Y	329
Z	329

**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	Staff Review	Planning and Zoning Commission	Board of Adjustment	Board of Trustees
	M = Mandatory O = Optional		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>Small Cell Wall- or Roof-Mounted Wireless Facility</u>	<u>M</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			
Flexibility 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

2.3 COMMON REVIEW PROCEDURES

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

i.i. 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.

8.2.3 INDUSTRIAL USES

A. Industrial Services

Uses include the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

B. Manufacturing and Production

Uses including all transformative processes, regardless of whether or not the new product is finished or semi-finished. Production is typically for commercial wholesaling rather than for direct sales. Manufacturing and production uses include the following:

C. Storage and Warehousing

Uses that are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

D. Waste and Salvage

Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

E. Utilities

All lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local level.

8.2.1. INDUSTRIAL USES

F. Industrial Services

Uses include the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

G. Manufacturing and Production

Uses including all transformative processes, regardless of whether or not the new product is finished or semi-finished. Production is typically for commercial wholesaling rather than for direct sales. Manufacturing and production uses include the following:

H. Storage and Warehousing

Uses that are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some that will call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

I. Waste and Salvage

Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

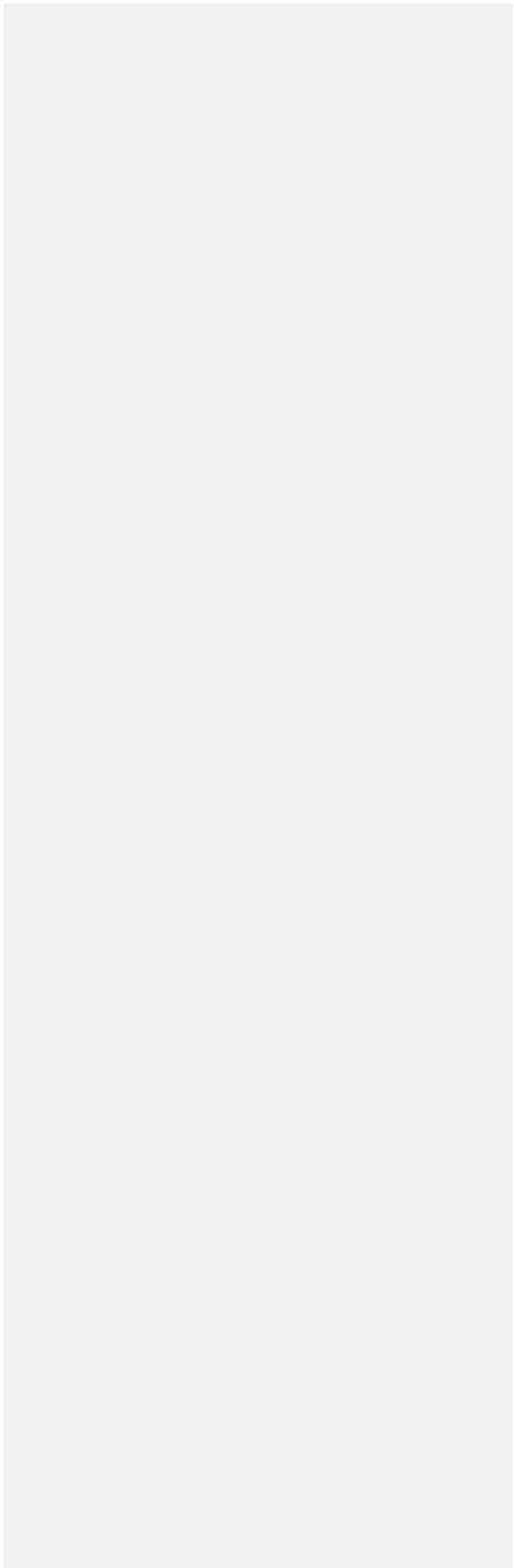
J. Utilities

All lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local level.

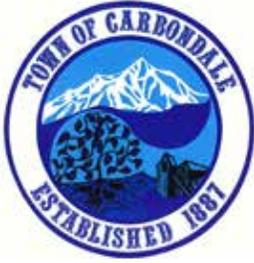
8.2.4 Wireless Facilities

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.

|



|



**TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623**

Planning Commission Agenda Memorandum

Meeting Date: 3-14-2019

TITLE: Public Hearing - Unified Development Code (UDC) Zone Text
Amendments - Wireless Facilities

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Draft Wireless Facilities Regulations

BACKGROUND

This is a public hearing for the purpose of considering amendments to the Unified Development Code (Chapter 17 of the Carbondale Municipal Code) to include regulations related to Wireless Facilities, including Small Cell Antenna regulations.

The Commission is required to hold a public hearing and recommend approval of the amendments or recommend denial. The Commission may also continue the public hearing.

DISCUSSION

The latest generation of wireless technology is called Fifth Generation or 5G. 5G is intended to provide faster wireless service and support more wireless connections. 5G utilizes small cell antenna technology.

As a result, wireless providers such as Verizon, AT&T, T-Mobile, etc., will most likely be requesting approval to allow the installation of small cell antennas. Because of their small coverage area, there needs to be a greater number of small cell facility sites than traditional cellular towers. The small cell antennas can be placed on buildings, light poles, towers and new base stations or alternative towers. They are generally three cubic feet in size.

There have been recent developments in federal and state law which requires that the Town address wireless facilities in the UDC.

State law was created in 2017 to allow small cell facilities as a use-by-right in any zone district and created a 90 day timeframe in which the Town must act on a small cell

facility application. The law also gives wireless providers the right to locate or collocate small cell facilities on light poles, traffic signals and similar infrastructure in the Town's rights-of-way.

Recently the FCC approved new rules which took effect on January 14, 2019 imposing new "shot clocks" for the processing an application for small cell facilities. The timeline established by the FCC is 90 days from the date a complete application is submitted for new stand-alone facilities or 60 days for small cell facilities on city infrastructure.

In addition, under the FCC regulations, local governments have until April 14, 2019 to adopt regulations and design standards for new small cell antenna facilities. This means the Town will need to pass an ordinance at the April 9, 2019 Board meeting.

As a result, Staff and Tarn Udall, the Town Attorney, began drafting language to address wireless facilities. As we began this work, we found that the UDC is mostly silent on wireless facilities. In order to bring the UDC up to date with wireless facility technology, the draft code amendments also include regulations on other wireless facilities.

The draft regulations are in a work in progress. We anticipate it will take two meetings for the Planning Commission to review them, provide direction to Staff and finalize them for the Board's consideration. There are some threshold questions which we would like the Commission to weigh in on so Staff can complete the draft regulations.

AMENDMENTS

The main changes to the UDC would be:

- Ø Adding definitions
- Ø Establishing new uses in the Land Use Table
- Ø Creating new review processes
- Ø Adding design standards for wireless facilities and infrastructure associated with those facilities, i.e., base stations, towers, etc.

As noted above, the Town is only required to address small cell wireless facilities in the Town's right-of-way by April 14, 2019. We are not required to address other regulations related to wireless facilities. So one threshold question for the Commission is whether it is appropriate that the draft regulations address wireless facilities in general or should we limit new regulations to small cell facilities?

CHAPTER 17.08 DEFINITIONS

A number of definitions need to be added to this chapter to address wireless facilities. Because this is so specialized, it is difficult to understand how the various facilities will appear and their potential impacts on the Town.

To try to gain a better understanding, Staff searched “small cell antenna images” on the internet. A significant amount of material comes up and it was very helpful. It is interesting to see how small cell wireless facilities are being deployed in other communities.

TABLE 4.2-1 ALLOWED USES

We have included a new section in Table 4.2-1 called “Wireless Facilities.” This lists the various uses associated with small and non-small wireless facilities. We made the small cell antenna and associated infrastructure (base station, alternative tower structure and base station) permitted uses if they are in the Town’s right-of-way. On the flip side, other facilities such as towers on private property, base stations on private property, and non-small antenna are listed as special review uses. The intention is to provide an incentive to the providers to utilize the least-impactful type of facilities.

The one exception is allowing wall-mounted and roof-mounted wires facilities as a conditional use in all zone districts with the exception of OTR and R/LD. (This would, of course, require permission from property owners). These types of facilities may provide more options for providers when deploying small cell facilities.

This threshold question is are we on the right track with the land use table?

CHAPTER 17.05 DEVELOPMENT STANDARDS

The draft regulations also include design standards for wireless communication facilities. There are several methods to accommodate the infrastructure necessary for small cell wireless facilities while trying to maintain community aesthetics. Design standards in the draft regulations include the following techniques:

- Ø Screening and matching architecture, colors and texture of buildings and matching or mimicking building materials.
- Ø Landscape screening requirements.
- Ø Maximum heights.
- Ø Maximum setbacks.
- Ø Maximum projections from sides of structures and buildings.

- Ø Utilizing existing poles, traffic signals, street lights.
- Ø Allowing alternative tower, i.e., clock tower, artificial trees, light poles, etc.
- Ø Colocation (requiring that providers share infrastructure)
- Ø Spacing requirements between wireless facilities

The regulations include design standards for most of the wireless facilities but still need some additional work, i.e., base stations and towers.

Other communities allow the roof- and wall-mounted facilities to exceed the allowed building height and extend into setbacks. The Planning Commission should provide feedback on that. Staff would anticipate that those exceptions would be similar to those in Section 3.8.3. Setbacks and Section 3.8.4. Building Heights. These two tables allow setback and height exceptions.

CHAPTER 17.02 ADMINISTRATION

Another item which needs to be addressed is how land use applications for wireless facilities are processed. Staff originally tried to utilize existing processes. However, because of the uniqueness of submittal requirements and review processes set out under State and Federal law, we chose to create a new process section in Chapter 17.02 called UDC Section 2.5.5. Wireless Facilities.

This section is still rough. We have been working to match it up to the other process sections in Chapter 17.02 but it is not quite there yet. In addition, changes will need to be made based on the Planning Commission's feedback at this meeting. This section includes:

- Ø Purpose Section
- Ø Applicability
- Ø Summary Flowchart
- Ø Submittal Requirements
- Ø Review and Action
- Ø Criteria
- Ø Lapsing Period for Approval

AMENDMENTS REQUIRED FOR OTHER SECTIONS OF THE UDC

In addition to the sections discussed above, there are other sections of the UDC which will need some amendments as a result of new wireless facility regulations. These sections include:

- Ø Table Contents
- Ø Table 2.2-1 Summary Table of Carbondale Review Procedures

- Ø Section 2.3.1.B. – Adding Wireless Facilities to required pre-application meeting
- Ø Section 3.8.4. Building height Exception for Roof-Mounted Facilities
- Ø Section 3.8.3. Setback Exceptions for Wall-Mounted Facilities
- Ø Section 4.3 – Does any of this belong in Use-Specific Standards?

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Section 2.4.1.C.3.b. states amendments to the UDC may be approved if the Town finds that all of the following approval criteria have been met:

1. The proposed amendment will promote the public health, safety, and general welfare;
2. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

FISCAL ANALYSIS

The fiscal impacts have not been explored. The Town may charge a fee to allow use of the Town's right-of-way but that has not been discussed.

RECOMMENDATION

Staff recommends the following motion: **Move to continue the public hearing to the March 28, 2019 meeting.**

Prepared By: Janet Buck, Planning Director