

ORDINANCE NO. ____

ENTITLED: “AN ORDINANCE PURSUANT TO SECTIONS 1.1.6 AND 2.4.1 OF THE CHEYENNE UNIFIED DEVELOPMENT CODE (“UDC”), REPLACING UDC SECTION 5.8.1 IN RESPONSE TO THE RAPIDLY CHANGING TECHNOLOGY AND REGULATORY ENVIRONMENT FOR WIRELESS COMMUNICATION FACILITIES, INCLUDING THE DEPLOYMENT OF NEWER, SMALLER WIRELESS COMMUNICATION FACILITIES.”

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

Section 1. That the Governing Body of the City of Cheyenne finds that the text amendment that is the subject of this ordinance meets the criteria specified in Section 2.4.1.d of the UDC.

Section 2. That the intent of this text amendment is to amend UDC Section 5.8.1, Wireless Telecommunications Services, to be in compliance with the Federal Communication Commission (FCC) Small Cell Order 18-133 which became effective January 14, 2019.

Section 3. That this text amendment is not regarding a specific parcel or a change in boundary due to a specific development proposal, changed circumstances for any specific property or its surrounding area, or changed public policy with respect to long-range plans.

Section 4. That Section 5.8.1, Wireless Telecommunications Services, of the UDC of Cheyenne, Wyoming, is hereby replaced in its entirety as follows:

5.8.1. Wireless Communication Facilities

a. Purpose.

1. The purpose of this Section is to establish general guidelines for siting traditional wireless communications towers and newer small wireless facilities within zone districts and rights-of-way. The goals of this Section are to: (1) protect residential areas and land uses from potential impacts of towers; (2) encourage the location of towers where they will best serve citizens and first responders; (3) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (4) encourage users of towers to locate them, to the extent possible, in areas where the impact on the community is minimal; and (5) facilitate the deployment of small wireless facilities in the rights-of-way, preferably on existing or replacement poles.
2. It is not the intent or purpose of this Section to prohibit or have the effect of prohibiting the deployment of wireless communications facilities, to regulate the placement, installation, or modification of such facilities on the basis of radio frequency emissions, or to unreasonably discriminate among wireless

communications providers who provide functionally equivalent services. Nothing contained in this Section is intended or has the purpose to preempt any State or federal law applicable to wireless communications facilities.

b. Definitions.

As used in this Section, the following terms shall have the meanings set forth below:

Antenna. Any transmitting or receiving communication device that sends or receives electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Antenna array. A single or group of antenna elements, not including small wireless facility antennas, and associated mounting hardware, transmission lines, remote radio units, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving wireless communication signals.

Applicant. Any person engaged in the business of providing wireless communication services or the wireless communications infrastructure required for wireless communication services and who submits an application.

Backhaul network. The physical telephone or fiber optic lines or microwave dishes that connect a provider's towers or cell sites to other cell sites or one or more cellular telephone switching offices or long distance providers, or the public switched telephone network.

Base station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a tower or any accessory equipment associated with a tower. Base Station includes, without limitation:

- A. Equipment used or contemplated to be used to support 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 City under this Section, has been reviewed and approved under the applicable zoning or siting 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; and
- B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small wireless facilities).

Collocation. The mounting or installation of equipment on an existing tower, building, or structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

Distributed Antenna System or DAS. A network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the desired coverage area.

Eligible Facilities Request. Any request for modification of an existing tower or base station that does not substantially change the physical dimensions involving:

- A. collocation of new equipment,
- B. removal of equipment, or
- C. replacement of equipment.

Eligible support structure. Any tower or base station as defined in this Section, provided that it is existing at the time the relevant application is filed with the City under this Section.

Existing. A tower or base station that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Macro cell. An antenna or antennas mounted on or in a tower, ground-based mast, rooftops or structures, at a height that provides coverage to the surrounding area.

Micro wireless facility. A small wireless facility that is less than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna less than 11 inches in length.

Pole. A pole or similar structure that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, signage, or a similar function, or for the collocation of small wireless facilities.

Replacement pole. Replacing an existing pole, with a pole of similar height, design and color to accommodate the collocation of a small wireless facility.

Site. In relation to a tower that is not in the public right-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site. In relation to support structures other than towers, site means an area in proximity to the structure and to other transmission equipment already deployed on the ground.

Small wireless facility(ies). Facilities that meet the following conditions: (1) the facilities -- (i) are mounted on structures fifty (50) feet or less in height including their antennas, or (ii) are mounted on structures no more than ten percent (10%) taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than fifty (50) feet or by more than ten percent (10%), whichever is greater; (2) each antenna associated with the deployment, excluding associated antenna equipment, is no more than three (3) cubic feet in volume; (3) all other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty eight (28) cubic feet in volume; (4) the facilities do not require antenna structure registration under federal law; (5) the facilities are not located on Tribal land as defined under federal law; and (6) the facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified under federal law. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Stealth design. A design that minimizes the visual impact of wireless communication facilities by camouflaging, disguising, screening or blending them into the surrounding environment. Examples of stealth design include but are not limited to facilities disguised as trees (monopines), flagpoles, utility and light poles, bell towers, clock towers, ball field lights and architecturally screened roof-mounted antennas or flush-mounted antennas that are either painted to match or enclosed in an architecturally-applicable box.

Substantial change is as defined in federal regulations.

Support structure(s). A structure designed to support small wireless facilities including, but not limited to billboards and other freestanding self-supporting structures.

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 communication 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.

Tower height. The vertical distance measured from the base of the tower structure at grade to the highest point of the structure including the antenna. A lightning rod, not to exceed ten (10) feet in height, shall not be included within tower height.

Transmission equipment. Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, microwave dishes, coaxial or fiber-optic cable, and regular and backup power supplies. The term includes equipment associated with wireless communication services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Wireless communication facilities or *WCF*. An unstaffed facility or equipment for the transmission or reception of radio frequency (RF) signals, wireless communications, or other signals for commercial communications purposes, typically consisting of a group of antennas, a tower or base station, transmission cables and other transmission equipment, backup power supplies, power transfer switches, cut-off switches, electric meters, coaxial cables, fiber optic cables, wires, telecommunications demarcation boxes and related materials and equipment cabinets, and including small wireless facilities.

c. Applicability.

1. *New Towers, Antennas, DAS, and Small Wireless Facilities.* All new towers, antennas, DAS, and small wireless facilities shall be subject to these regulations.
 - (a) New towers exceeding the maximum height limitation in LR, MR., HR, N1, and N3 zone districts and towers exceeding 50' in non-residential districts, including those for small wireless facilities, require conditional use approvals.
 - (b) New antenna arrays meeting the requirements of Section f.18 below are permitted with a building permit.
 - (c) Small wireless facilities are permitted in any zone pursuant to Section e below.
 - (d) Antennas attached to utility poles and light poles in the public rights-of-way shall not extend more than ten percent (10%) or eight (8) feet, but whichever is greater, above the highest point of the pole structure and may be installed when permitted by the pole owner's franchise or by amendment to the pole owner's franchise and consent of the City upon payment of reasonable compensation for use of the rights-of-way.
2. *Exempt Facilities.* The following are exempt from this Section:
 - (a) FCC licensed amateur (ham) radio facilities;
 - (b) Satellite earth stations, dishes, or antennas used for private television reception not exceeding one (1) meter in diameter;
 - (c) A WCF installed upon the declaration of a state of emergency by the federal, state or local government, or a written determination of public necessity by the City; except that such facility must comply with all federal and State requirements. The WCF shall be exempt from the provisions of this Section for up to one month after the duration of the state of emergency;

- (d) A temporary, commercial WCF installed for providing coverage of a special event such as news coverage or sporting event, subject to approval by the City. The WCF shall be exempt from the provisions of this Section for up to two weeks before and one week after the duration of the special event;
- (e) Other temporary, commercial WCFs installed for a period of up to thirty (30) days, subject to the City's discretion; provided that such temporary WCF will comply with applicable setbacks and height requirements;
- (f) Antennas attached to existing structures (such as commercial buildings, houses or apartments) for Internet purposes and used solely by occupants of the building for which the antennas are attached as long as the height limitations of the zoning district are not exceeded and the antenna design is satisfactory to the City; and
- (g) Routine maintenance and repair of WCFs.

d. Use Categories.

1. *Use by Right.*

- (a) *General.* The uses listed in this Section are uses by right in any zone, but a site plan and any necessary legal instruments including, but not limited to, a lease agreement, are required.
- (b) *County or City Property.* The following use is specifically permitted:
 - (1). Antennas located on Laramie County property within the City or on City property, provided a lease authorizing the facility has been approved by the County or the City respectively.

2. *Administrative and Conditional Use Approval.*

- (a) *General.* In addition to the review procedures and approval criteria of Sections 2.2.5 (Conditional Use Approval), 2.2.6 (Administrative Use Approval), and the General Requirements of Section 5.8.1.f (General Requirements) the following provisions shall govern the issuance of administrative approvals.
 - (1) Each applicant for administrative approval shall provide the information set forth in this Section. A fee is required and shall be set by the Director.
 - (2) The Director shall review the application and determine if the proposed use complies with this Section.

- (3) In connection with any such administrative approval, the Director may, in order to encourage shared use, administratively waive any zoning district setback requirements or separation distances, if any, between towers by up to fifty (50) percent. Setback requirements shall not apply within or adjacent to a right-of-way.
 - (4) In connection with any administrative approval, the Director may, in order to encourage the use of monopoles, administratively allow the on-site upgrade or reconstruction of an existing tower to monopole construction.
 - (5) No new macro cell tower application shall be processed unless the applicant has discussed the proposal with the Director prior to submission to review the feasibility of using an existing tower or structure. The applicant must demonstrate that there is no current facility that can reasonably accommodate the applicant's proposed antenna.
- (b) *List of Administratively Approved Uses.* The following uses may be approved (for uses which do not qualify as a use by right or require Board Approval) by the Director after conducting an administrative review:
- (1) Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with said tower in the heavy industrial district, provided the tower height does not exceed one hundred (100) feet;
 - (2) Locating antennas on existing structures or towers consistent with the terms of subsections i. and ii. below:
 - i. **Antennas on Buildings.** Any antenna which is not attached to a tower may be approved by the development office as an accessory use to any commercial, industrial, professional, institutional, or multifamily structure of eight or more dwelling units, provided the antenna does not extend more than ten (10) feet above the highest point of the structure.
 - ii. **Antennas on Existing Towers or Reconstruction of an Existing Tower.** An antenna which is attached to an existing tower may be approved by the development office. Reconstruction of a tower which provides for future collocation of antennas shall take precedence over the construction of new towers, provided such collocation or

reconstruction is accomplished in a manner consistent with the following:

- (A) A tower which is modified or reconstructed to accommodate the collocation, unless the Director allows reconstruction as a monopole.
 - (B) Height:
 - (1) An existing tower may be modified or rebuilt to a taller height, not to exceed forty (40) feet over the tower's existing height, to accommodate the collocation of additional antennas.
 - (2) The height change referred to in this Section may only occur one time per tower.
 - (3) The additional height referred to in this Section shall not require additional setback distance separation. The tower's prior height shall be used to calculate such distance separations.
 - (C) On-site location:
 - (1) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on-site within fifty (50) feet of its existing location.
 - (2) After the new tower is built to accommodate collocation, only one tower may remain on the site, and the original tower shall be removed with ninety (90) days of completion of the new tower.
 - (3) The on-site relocation of a tower which does not comply with the separation distances to residential units or residentially zoned lands shall only be permitted when approved by the Board.
- (3) *New Towers in Nonresidential Zoning Districts.* Locating any new tower in a nonresidential zoning district, provided a Wyoming licensed professional engineer certifies the tower can structurally

accommodate the number of shared users proposed by the applicant and the tower meets the height and usage criteria of the respective zone.

- (4) Locating any alternative tower in a zoning district that, in the judgment of the Director, is in conformity with this Section.
 - (5) Installing a micro wireless facility through the use of low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone strand.
 - (6) Modification of an existing tower or base station pursuant to an Eligible Facilities Request and in accordance with the standards set forth in this Section.
 - (7) Installing small wireless facilities, poles and replacement poles.
- (c) *List of Conditional Use Approvals.* New macro cell towers located in the following residential zone districts: LR, MR, HR, NR-1, NR-2, and NR-3 shall require Board approval in compliance with Sections 2.2.4 (Conditional Use Approval) and 8.8.1.g.3 (*Factors Considered in Granting Conditional Use Approvals for Towers*).

e. Small Wireless Facilities.

1. Small wireless facilities are permitted uses subject to administrative review and the following standards:
 - (a) Small wireless facilities shall be a permitted use subject to administrative approval in all zoning districts and public rights-of-way as long as the pole or tower does not exceed the maximum height limit of the affected zoning district.
 - (b) Monopoles and replacement poles for small wireless facilities shall be a permitted use subject to administrative approval in utility and public rights-of-way, up to the greater of fifty (50) feet or ten (10) percent higher than any pole in the rights-of-way which is within five hundred (500) feet.
 - (c) Small wireless facilities may be located on a support structure, replacement pole, or other pole located in public or utility rights-of-way.
 - (d) Small wireless facilities shall not extend eight (8) feet above buildings, existing structures, or other similar structures or extend fifteen (15) feet in total height, whichever is greater. Small wireless facilities shall not extend more than ten (10) feet above poles or support structures.

- (e) The height of any free-standing small wireless facility shall not exceed the greater of fifty (50) feet or ten (10) percent higher than poles in the rights-of-way which are within five hundred (500) feet.
- (f) Small wireless facilities that use the structure of a utility pole for support are permitted under this Section. Such poles may extend up to ten (10) feet above the height of the utility pole.
- (g) Small wireless facilities and monopoles and replacement poles in the right-of-way shall be exempt from all setback requirements.
- (h) Small wireless facilities shall comply with all applicable codes.
- (i) Small wireless facilities and equipment shall, to the extent possible, use materials, colors, textures, screening, undergrounding, or other design options that will blend the small wireless facility into the surrounding natural setting and built environment. Design, materials, and colors of small wireless facilities shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located in the public right-of-way and on adjacent parcels. These aesthetic requirements are reasonable, objective, non-discriminatory and published per this ordinance.

2. *Application Requirements.*

- (a) An application for a small wireless facility as a permitted use subject to administrative approval shall contain the following:
 - (1) The signature of the authorized agent of the property owner, or the owner of the existing structure, support structure, pole or replacement pole.
 - (2) Separate pole attachment agreements with the pole owner, if the applicant seeks to install an attachment on another party's pole.
 - (3) A map showing the intended location(s) of the small wireless facility(ies), representative pictures of the intended small wireless facilities, and proposed engineering and construction plans and drawings prior to approval of the application.
 - (4) A statement certifying compliance with all non-discretionary structural, electrical, energy, building, safety and other applicable codes.

3. *Permitted Uses.* Distributed Antenna Systems and small wireless facilities are permitted uses in all zones, regardless of siting preferences identified herein, provided the applicant complies with all federal laws (such as the Americans with Disabilities Act), State laws and requirements, and stealth requirements of this Section.
4. *Review.* Distributed Antenna Systems and small wireless facilities in all zones are subject to approval by administrative review by the Director unless their installation requires the construction of a new tower exceeding the maximum height limitation of the affected zoning district.
5. *Batched Applications.* A single administrative approval application may be used for multiple distributed antennas that are part of a larger overall DAS network. A single administrative approval application may also be used for multiple sites for small wireless facilities. A single license agreement may be used for multiple node locations in DAS and/or small wireless facility networks.

f. General Requirements.

1. *Principal or Accessory Use.* Small wireless facilities may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
2. *Lot Size.* The dimensions of the entire lot shall control for purposes of measurements, even though the antennas or towers may be located on leased parcels within a lot.
3. *Lighting.* Towers may not be artificially lighted, unless required by public safety, the FAA or other applicable authority.
4. *State or Federal Requirements.* All towers and antennas must meet current standards and regulations of the FAA, FCC and any other agency of the local, state or federal government with the authority to regulate towers and antennas.
5. *Building Codes; Safety Standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that the tower is maintained in compliance with applicable state and local building code standards and the then applicable Industry standards for towers.
6. *Not Essential Services.* Towers and antennas will be regulated and approved pursuant to this Section and not regulated or permitted as essential services, public utilities, or private utilities.

7. *Permit or License.* Owners and operators of towers and antennas shall certify that any permit or license required for the construction and operation of a wireless communication system in the City has been obtained.
8. *Public Notice.* For purposes of this Section, any application for a WCF, including small wireless facilities, variance, exception, or appeal of a request for approval requires public notice to all adjoining property owners and all owners of surrounding properties as required by the Unified Development Code.
9. *Multiple Antennas/Tower Plan.* Users are encouraged to submit a single application for approval of multiple towers and/or antenna sites. An application for multiple sites will be given priority in the review process.
10. *Equipment Cabinets.*
 - (a) *Compliance.* The equipment cabinets shall comply with all applicable building codes and zoning requirements. The site plan submitted with an application for administrative approval shall include the equipment cabinet, if any.
 - (b) *Location.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the site plan to be approved by the Director.
 - (c) *Minimum Requirements.* The related equipment structure shall be located in accordance with the minimum requirements of the zoning district in which it is located. A site plan application and fee are required.
11. *Inventory of Existing Sites.* Not more than one time every five (5) years, each applicant for a macro cell shall provide to the Director an inventory of the wireless carrier's existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location and height. The Director may share such information with other applicants applying for administrative approvals or conditional use approvals under this Section or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however that the Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
12. *Color.* To the extent feasible, the antenna array shall be placed and colored to blend into the architectural detail and coloring of the host structure. Towers shall be painted a color that best allows it to blend into the surroundings. The use of grays, blues, greens, dark bronze, browns or other site-specific colors may be appropriate; however, each case should be evaluated individually.

13. *Site Development Standards.* All wireless communication facilities shall be required to obtain a permit and shall be subject to the site development standards prescribed herein. A site development plan shall contain the following information:
 - (a) Construction drawings showing the proposed method of installation;
 - (b) The manufacturer's recommended installations, if any;
 - (c) A diagram to scale showing the location of the wireless communication facility, property and setback lines, easements, power lines, all structures, and the required landscaping; and
 - (d) Photo simulations that include to-scale visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four angles, together with a map that shows the location of each view, including all equipment and cabling.
14. *Signs.* No facilities may bear any signage other than that required by law or expressly permitted or required by the City, except if such signage functions in a manner designed to conceal the facility and is aesthetically consistent with its context.
15. *Visual Impact.* All WCFs in residential districts and within two hundred feet (200') of residential districts or the Greenway shall be sited and designed to minimize adverse visual impacts on surrounding properties and the traveling public to the greatest extent reasonably possible, consistent with the proper functioning of the WCF. Such WCFs and equipment enclosures shall be integrated through location and design to blend in with the existing characteristics of the site. Such WCFs shall also be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the built environment, through matching and complementary existing structures and specific design considerations such as architectural designs, height, scale, color and texture or be consistent with other uses and improvements permitted in the relevant zone.
16. *Use of Stealth Design.* The applicant shall use stealth design to the maximum extent feasible unless otherwise approved by the Director. Stealth and concealment techniques must be appropriate given the proposed location, design, visual environment, and nearby uses, structures, and natural features. Stealth design shall be designed and constructed to substantially conform to surrounding building designs or natural settings, so as to be visually unobtrusive. Stealth design that relies on screening wireless communication facilities in order to reduce visual impact must screen all substantial portions of the facility from view.

17. *Building-mounted WCFs.*

- (a) All transmission equipment shall be concealed within existing architectural features to the maximum extent feasible. Any new architectural features proposed to conceal the transmission equipment shall be designed to mimic the existing underlying structure, shall be as proportional as possible to the existing underlying structure or conform to the underlying use and shall use materials in similar quality, finish, color and texture as the existing underlying structure.
- (b) All roof-mounted transmission equipment shall be set back from all roof edges to the maximum extent feasible consistent with the need for “line-of-sight” transmission and reception of signals.
- (c) Antenna arrays and supporting transmission equipment shall be installed so as to camouflage, disguise or conceal them to make them closely compatible with and blend into the setting or host structure.

18. *Antenna Arrays.* Wireless communication antenna arrays are permitted in any zone as long as they are located upon an existing structure (except on single family houses, duplexes, or signage, but shall be allowed on industry standard billboards or large signs exceeding 600 sq. ft. in size), that provides sufficient elevation for the array’s operation without the necessity of constructing a tower or other apparatus to extend the antenna array more than ten feet (10’) above the structure. Installation on City property requires the execution of necessary agreements. However, if any tower exceeding the height limitation of the zoning district is needed to achieve the desired elevation, then a conditional use approval is required.

19. *Pole-Mounted Equipment.*

- (a) Utility support structure-mounted equipment: All pole-mounted transmission equipment shall be mounted as close as technically possible to the pole so as to reduce the overall visual profile to the maximum extent feasible subject to applicable safety codes.

20. *Permit, License or Agreement.*

- (a) For all WCFs to be located within the rights-of-way, prior to applying for an administrative approval, the applicant must have a valid permit, municipal agreement, license, Right-of-Way agreement, encroachment permit or exemption otherwise granted by applicable law. Prior to the installation or construction of a WCF within the rights-of-way or a utility easement, the applicant or provider must notify all utilities located within such rights-of-way or utility easement regarding the use of the rights-of-way or utility easement.

21. *Accessory Equipment.* In residential districts, within 200 feet of a residential district or the Greenway, all accessory equipment located at the base of a WCF shall be located or placed (at the applicant's choice) in an existing building, underground, or in an equipment shelter or cabinet that is (a) designed to blend in with existing surroundings, using architecturally compatible construction and colors; and (b) be located so as to be as unobtrusive as possible consistent with the proper functioning of the WCF.
22. *Site Design Flexibility.* Individual WCF sites vary in the location of adjacent buildings, existing trees, topography and other local variables. By mandating certain design standards, there may result a project that could have been less intrusive if the location of the various elements of the project could have been placed in more appropriate locations within a given site. Therefore, the WCF and supporting equipment shall be installed so as to best camouflage, disguise or conceal them, to make the WCF more closely compatible with and blend into the setting or host structure, upon approval by the City.
23. *Landscaping, Screening, Fencing, and Walls.*
 - (a) Equipment shelters and cabinets and other on the ground ancillary equipment (except for those in the public rights-of-way) shall be screened from view from adjacent rights-of-way, residential properties, commercial properties, Greenways, parks and open space by a site-obscuring fence or wall. Alternatively, where technically feasible, the applicant shall incorporate the cabinet and other equipment into the base of a new pole (for example, for a small wireless facility) provided there is adequate space in the right-of-way and that ADA sidewalk accessibility requirements can be met. All provisions of the ADA (including, but not limited to, clear space requirements) shall be met by the applicant.
 - (b) In particular, the ground level view of towers outside of the public-rights-of-way shall be mitigated by additional landscaping provisions as established through the administrative approval process.
 - (c) Except for locations in the rights-of-way, a site-obscuring fence or wall shall be constructed around each tower and around related support or guy anchors at the height specified for the particular zoning district. Access shall only be through a locked gate. Fences and walls shall comply with applicable design standards of the Unified Development Code.
 - (d) *New Poles.* To the extent technically feasible, new poles must be designed to match the existing light fixtures and other poles, and they shall serve a dual purpose (for example, a new light fixture, flag pole or banner clips).

24. *Additional Submittal Requirements for Towers.* At the time of filing an administrative approval application for a tower, an applicant shall provide all of the following:

- (a) *Collocation Consent.* A written statement will be signed by a person with the legal authority to bind the applicant and the project owner, which indicates whether the applicant is willing to allow other transmission equipment owned by others to collocate with the proposed wireless communication facility whenever technically and economically feasible and aesthetically desirable.
- (b) *Design Justification.* A clear and complete written analysis that explains how the proposed design complies with the applicable design standards under this Section to the maximum extent feasible. A complete design justification must identify all applicable design standards under this Section and provide reasons why the proposed design either complies or cannot feasibly comply.
- (c) *Noise Study.* A noise study shall be required if the anticipated noise generated by the facility is expected to be at least 72 dBA or above the ambient (existing background) noise level, and the proposed site is in or within two hundred feet (200') of a residential district or the Greenway, for the proposed WCF and all associated equipment. The WCF shall not interfere with the peaceful and quiet enjoyment of the surrounding area and shall not create a nuisance to pedestrian or vehicular traffic.
- (d) *Additional Information Required.* Applicants for a conditional use approval for a tower shall also submit the following information:
 - (1) A scaled site plan clearly indicating the location, type, height and width of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities or the County), separation distances, adjacent roadways, photo simulations, a depiction of all proposed transmission equipment, proposed means of access, setbacks from property lines, elevation drawings or renderings of the proposed tower and any other structures, topography, parking, utility runs and other information deemed by the Director to be necessary to assess compliance with this Section.
 - (2) Legal description of the parent tract and leased parcel (if applicable).
 - (3) The setback distance between the proposed tower and the nearest residential unit and the nearest residentially zoned property.

- (4) A landscape plan showing specific landscape materials, if applicable.
- (5) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- (6) A certification of compliance with all applicable federal, state and local laws.
- (7) A description of the suitability of the use of existing towers or other structures to provide the services to be provided through the use of the proposed new tower.
- (8) A clear and complete written statement of purpose which shall minimally include: (1) a description of the objective to be achieved; (2) a to-scale map that identifies the proposed site location and the targeted service area to be benefited by the proposed project; and (3) full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. These materials shall be reviewed and signed by a Wyoming-licensed professional engineer or a qualified employee of the applicant. The qualified employee of the applicant shall submit his or her qualifications with the application.

25. *Radio Frequency (RF) Emissions Compliance Report.* A written report will be prepared, signed, and sealed by a Wyoming-licensed professional engineer or a qualified employee of the applicant, which assesses whether the proposed WCF demonstrates compliance with the RF emissions limits established by the FCC. The qualified employee of the applicant shall submit his or her qualifications with the application.

26. *Noise.* In residential zone districts, or within two hundred feet (200') of a residential district or the Greenway, noise levels shall not exceed 55 dBA during daytime hours (7 a.m. to 10:30 p.m.) and 50 dBA during nighttime hours (10:30 p.m. to 7 a.m.) at a point measured horizontally from the tower, related appurtenances and related equipment cabinets. Except, emergency backup power equipment may operate up to 72 dBA for up to 72 hours.

g. Sharing of Towers and Collocation of Facilities.

1. It is the policy of the City to minimize the number of wireless communication towers and to encourage the collocation of antenna arrays of more than one wireless communication service provider on a single tower.
2. For macro cell towers seventy-five (75) feet and taller, no new macro cell tower may be constructed within one thousand (1,000) feet of an existing macro cell tower, unless it can be demonstrated an existing macro cell is not available or feasible for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant. For macro cell towers less than seventy-five (75) feet tall, no new macro cell tower may be constructed within five hundred (500) feet of an existing macro cell tower, unless it can be demonstrated an existing macro cell is not available or feasible for collocation of an additional wireless communication facility, or that its specific location does not satisfy the operational requirements of the applicant. Factors to be considered in determining whether an applicant has made this demonstration include those listed in the subsection below.
3. *Factors Considered in Granting Conditional Use Approvals for Towers.* In addition to any standards pursuant to the Unified Development Code, the Board shall consider the following factors in determining whether to recommend a conditional use approval, although the Board may waive or reduce the burden on the applicant of one or more of these criteria if the Board concludes that the goals of this Section are better served thereby.
 - (a) Towers exceeding a height of fifty (50) feet shall be able to accommodate collocation of one additional provider. Additional height to accommodate additional collocation may be approved if the applicant submits information certifying the tower has capacity for at least two (2) additional providers. The applicant shall provide a letter indicating its good faith intent to encourage collocation on the tower.
 - (b) Proximity of the tower to residential structures, residential districts, the Greenway and downtown area.
 - (c) Nature of uses on adjacent and nearby properties.
 - (d) Surrounding topography.
 - (e) Surrounding tree coverage and foliage.
 - (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (g) Proposed ingress and egress.

- (h) No existing structures are located within the geographic area which meet applicant's engineering requirements.
 - (i) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (j) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (k) The applicant demonstrates that there are other limiting factors not enumerated herein that render existing towers and structures unsuitable.
 - (l) Compliance with the requirements of Section 5.8.1.f (General Standards).
4. *Placement Provisions.* Macro cell towers that are proposed to be located in a residential district or within 200 feet of a residential district or the Greenway shall be subject to the siting priorities set forth for preferred tower locations in this Section.

h. Setback Requirements.

- 1. The tower structure shall be setback from property lines as required by that zone, master plan, if any, or a minimum of one foot (1') for every foot of tower height, whichever produces the greater setback, unless:
 - (a) The setback is waived by the owner of the adjacent property and that waiver is filed with the City; or
 - (b) The tower is constructed with breakpoint design technology. If the tower has been constructed using breakpoint design technology, the minimum setback distance shall be equal to one hundred ten percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the applicable zone's minimum side setback requirements, whichever is greater. For example, on a 100-foot tall monopole with a breakpoint at eighty feet (80'), the minimum setback distance would be twenty-two feet (22') (110% of 20 feet, the distance from the top of the monopole to the breakpoint) or the minimum side yard setback requirements for that zone, whichever is greater. Provided, that if an applicant proposes to use breakpoint design technology to reduce the required setback from a residence, the issuance of a permit for the tower shall be conditioned upon approval of the tower design by a Wyoming licensed professional engineer.
 - (b) The tower is a small wireless facility located within the right-of-way or within a setback adjacent to a right-of-way.

2. All equipment shelters, cabinets, or other on the ground ancillary equipment shall meet the setback requirement of the zone in which it is located.

i. Preferred Tower Locations.

1. All new macro cell towers proposed to be located in a residential district or within two hundred feet (200') of a residential district or the Greenway are permitted only after application of the following siting priorities, ordered from most-preferred to least-preferred:
 - (a) City-owned or operated property and facilities not in the residential district or near the Greenway and not including rights-of-way;
 - (b) industrial zones;
 - (c) commercial zones;
 - (d) other non-residential districts;
 - (e) City rights-of-way in residential districts;
 - (f) parcels of land in residential districts;
 - (g) designated historic structures or districts.
2. The applicant for a macro cell tower located in a residential district or within two hundred feet (200') of a residential district or the Greenway shall address these preferences in an alternative sites analysis prepared pursuant to the subsection below.

j. Submittal Requirements for Alternative Sites Analysis

1. For a macro cell tower in a residential district or within two hundred feet (200') of a residential district or the Greenway, the applicant must address the City's preferred tower locations with a detailed explanation justifying why a site of higher priority was not selected. The City's tower location preferences must be addressed in a clear and complete written alternative sites analysis that shows at least three (3) higher ranked, alternative sites considered that are in the geographic range of the service coverage objectives of the applicant, together with a factually detailed and meaningful comparative analysis between each alternative candidate and the proposed site that explains the substantive reasons why the applicant rejected the alternative candidate.
2. A complete alternative sites analysis provided under this subsection may include less than three (3) alternative sites so long as the applicant provides a factual

written rationale for why it could not identify at least three (3) potentially available, higher ranked, alternative sites.

3. For purposes of disqualifying potential collocations or alternative sites for the failure to meet the applicant's service coverage or capacity objectives the applicant will provide (a) a description of its objective, whether it be to or address a deficiency in coverage, capacity or frequency; (b) detailed maps or other exhibits with clear and concise RF data to illustrate that the objective is not met using the alternative (whether it be collocation or a more preferred location); and (c) a description of why the alternative (collocation or a more preferred location) does not meet the objective.

k. Exceptions to Standards.

1. *Applicability.* Except as otherwise provided in this Section (under Site Design Flexibility), no WCF shall be used or developed contrary to any applicable development standard unless an exception has been granted pursuant to this Section. These provisions apply exclusively to conditional use approvals and are in lieu of the generally applicable variance provisions in the Unified Development Code; provided this Section does not provide an exception from this Section's visual impact and stealth design.
2. *Procedure Type.* A WCF exception is subject to approval by the Board.
3. *Submittal Requirements.* An application for a wireless communication facility exception shall include:
 - (a) A written statement demonstrating how the exception would meet the criteria.
 - (b) A site plan that includes:
 - (1) Description of the proposed facility's design and dimensions, as it would appear with and without the exception.
 - (2) Elevations showing all components of the wireless communication facility, as it would appear with and without the exception.
 - (3) Color simulations of the wireless communication facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the exception.
4. *Criteria.* An application for a wireless communication facility exception shall be granted if the following criteria are met:

- (a) The exception is consistent with the purpose of the development standard for which the exception is sought.
- (b) Based on a visual analysis, the design minimizes the visual impacts to residential districts or the Greenway through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
- (c) The applicant demonstrates the following:
 - (1) The development standard materially limits or inhibits the ability of the applicant to compete in a fair and balanced legal and regulatory environment;
 - (2) The situation can only be addressed through an exception to one or more of the standards in this Section; and
 - (3) The exception is narrowly tailored such that the wireless communication facility conforms to this Section's standards to the greatest extent possible.

l. Removal of Abandoned Wireless Communication Facilities.

Any wireless communication facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such WCF shall so notify the City in writing and remove the same within ninety (90) days of giving notice to the City of such abandonment. Failure to remove an abandoned WCF within said ninety (90) days shall be grounds to remove the WCF at the owner's expense, including all costs and reasonable attorneys' fees. Irrespective of any agreement between them to the contrary, the owner of such unused facility and the owner of a building or land upon which the WCF is located, shall be jointly and severally responsible for the removal of abandoned WCFs and the tower's foundation, if any. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. A building demolition permit is required for a tower.

m. Independent Technical and Legal Review.

Although the City intends for City staff to review applications to the extent feasible, the City may retain the services of an independent technical expert and attorney of its choice to provide evaluations of permit applications for WCFs, when they are subject to conditional use approvals or administrative review. The third-party consultants shall have recognized qualifications in the field of wireless communication facilities. The expert's review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed WCF complies with the applicable approval criteria set forth in this Section. The applicant shall

pay the cost, not to exceed three thousand dollars (\$3,000) per application review, for any independent consultant fees through a deposit within ten (10) days of the City's request. When the City requests such payment, the application shall be deemed incomplete for purposes of application processing timelines until the deposit is received. In the event that such costs and fees do not exceed the deposit amount, the City shall refund any unused portion within thirty (30) days after the final permit is released or, if no final permit is released, within thirty (30) days after the City receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before the permit is issued. The third party shall provide an itemized description of the services provided and related fees and charges.

n. Final Inspection.

1. A certificate of completion will only be granted upon satisfactory evidence that the WCF was installed in substantial compliance with the approved plans and photo simulations.
2. If it is found that the WCF installation does not substantially comply with the approved plans and photo simulations, the applicant shall make any and all such changes required to bring the WCF installation into compliance promptly.

o. Compliance.

1. All wireless communication facilities must comply with all standards and regulations of the FCC and any State or other federal government agency with the authority to regulate wireless communication facilities.
2. The site and wireless communication facilities, including all landscaping, fencing and related transmission equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans.
3. All graffiti on wireless communication facilities must be removed at the sole expense of the permittee after notification by the City to the owner/operator of the WCF.
4. If any FCC, State or other governmental license or any other governmental approval to provide communication services is ever revoked as to any site permitted or authorized by the City, the permittee must inform the City of the revocation within thirty (30) days of receiving notice of such revocation.

p. Indemnification.

Each WCF located on City property shall be deemed to have as a condition of its approval a requirement that the applicant defend, indemnify and hold harmless the City and its officers, agents, employees, volunteers, and contractors ("City Indemnitees") from any and all liability, damages, or charges (including attorneys' fees and expenses) arising out of claims,

suits, demands, or causes of action as a result of the permit process, a granted permit, construction, location, performance, operation, maintenance, repair, installation, replacement, removal or restoration of the WCF; except no indemnity shall be required where the claim arises from the sole negligence or willful misconduct of the City.

q. Eligible Facilities Request.

1. *Purpose.* This Section implements Section 6409(a) of the Spectrum Act (47 U.S.C. Section 1455(a)), as interpreted by the FCC in its Report and Order No. 14-153 and Declaratory Ruling and Third Report and Order released September 27, 2018, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.
2. *Application Review.*
 - (a) *Application:* The City shall prepare and make publicly available an application form, the requirements for which shall be limited to the information necessary for the City to consider whether an application is an Eligible Facilities Request. The City may not require an applicant to submit any other documentation intended to illustrate the need for any such wireless facilities or to justify the business decision to modify such wireless facilities.
 - (b) *Review:* Upon receipt of an application for an Eligible Facilities Request pursuant to this section, the City shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.
 - (c) *Timeframe for Review:* Within 60 days of the date on which an applicant submits an application seeking approval of an Eligible Facilities Request under this section, the City shall review and act upon the application, subject to the tolling provisions below.
 - (d) *Tolling of the Timeframe for Review:* The 60-day review period begins to run when an application is filed, and may be tolled only by mutual agreement between the City and the applicant, or in cases where the City determines that the application is incomplete.
 - (1) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

- (2) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.
 - (3) Following a supplemental submission, the City will have 10 days to notify the applicant if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this Section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- (e) **Failure to Act:** In the event the City fails to approve or deny a complete application under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted provided the applicant notifies the City in writing after the review period has expired.

r. Small Wireless Facilities - Collocation on Existing Structures.

1. *Purpose.* This section implements the 60 day shot clock which is contained in the FCC's Declaratory Ruling and Third Report and Order released September 27, 2018, regarding the collocation of small wireless facilities on existing structures.
2. *Application Review.*
 - (a) **Application:** The City shall prepare and make publicly available an application form, which form shall be used by the applicant.
 - (b) **Reset:** Upon submission of an application for collocation of small wireless facilities on an existing structure pursuant to this section, the City shall have 10 days from the submission of the application to determine whether the application is incomplete. Once the applicant files a resubmittal, the shot clock shall then reset to a new 60-day period.
 - (c) **Tolling of the Timeframe for Review:** Following a supplemental submission, the City shall have 10 days to notify the applicant if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness. Tolling may also occur by mutual agreement of the City and applicant.

- (d) Failure to Act: In the event the City fails to approve or deny a complete application under this section within the timeframe for review, the applicant shall be entitled to pursue all remedies under applicable law.

s. Small Wireless Facilities - Construction (New Structures).

1. *Purpose.* This section implements the 90-day shot clock which is contained in the FCC's Declaratory Ruling and Third Report and Order released September 27, 2018, regarding the construction of small wireless facilities on a new structure.
2. *Application Review.*
 - (a) Application: The City shall prepare and make publicly available an application form; which form shall be used by the applicant.
 - (b) Reset: Upon submission of an application for the construction of small wireless facilities on a new structure pursuant to this section, the City shall have 10 days from the submission of the application to determine whether the application is incomplete. Once the applicant files a resubmittal, the shot clock shall then reset to a new 90-day period.
 - (c) Tolling of the Timeframe for Review: Following a supplemental submission, the City shall have 10 days to notify the applicant if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness. Tolling may also occur by mutual agreement of the City and applicant.
 - (d) Failure to Act: In the event the City fails to approve or deny a complete application under this section within the timeframe for review, the applicant shall be entitled to pursue all remedies under applicable law.

t. Collocation Applications for Other than Small Wireless Facilities.

1. *Purpose.* This Section implements, in part, 47 U.S.C. Section 332(c)(7) of the Federal Communications Act of 1934, as interpreted by the FCC in its Report and Order No. 14-153, and Declaratory Ruling and Third Report and Order released September 27, 2018.
2. *Application Review.*
 - (a) Application: The City shall prepare and make publicly available an application form, the requirements of which shall be limited to the

information necessary for the City to consider whether an application is a collocation request for other than small wireless facilities.

- (b) Review: Upon receipt of an application for a request pursuant to this section, the City shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.
- (c) Timeframe for Review: Within 90 days of the date on which an applicant submits an application seeking approval of a request under this section, the City shall review and act upon the application, subject to the tolling provisions below.
- (d) Tolling of the Timeframe for Review: The 90-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the City and the applicant, or in cases where the City determines that the application is incomplete.
 - (1) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - (2) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.
 - (3) Following a supplemental submission, the City will notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- (e) Failure to Act: In the event the City fails to approve or deny a complete application under this section within the timeframe for review (accounting for any tolling), the applicant shall be entitled to pursue all remedies under applicable law.

u. New Site or Tower Applications.

1. *Purpose.* This Section also implements, in part, 47 U.S.C. Section 332(c)(7) of the Federal Communications Act of 1934, as interpreted by the FCC in its Report

and Order No. 14-153, and Declaratory Ruling and Third Report and Order released September 27, 2018.

2. *Application Review.*

- (a) **Application:** The City shall prepare and make publicly available an application form, the requirements of which shall be limited to the information necessary for the City to consider whether an application is a request for a new site or tower.
- (b) **Review:** Upon receipt of an application for a request for a new site or tower pursuant to this section, the City shall review such application, make its final decision to approve or disapprove the application, and advise the applicant in writing of its final decision.
- (c) **Timeframe for Review:** Within 150 days of the date on which an applicant submits an application seeking approval of a request for a new site or tower under this section, the City shall review and act upon the application, subject to the tolling provisions below.
- (d) **Tolling of the Timeframe for Review:** The 150-day review period begins to run when the application is filed, and may be tolled only by mutual agreement between the City and the applicant, or in cases where the City determines that the application is incomplete.
 - (1) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - (2) The timeframe for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.
 - (3) Following a supplemental submission, the City will notify the applicant within 10 days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in this section. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- (e) **Failure to Act:** In the event the City fails to approve or deny a complete application under this section within the timeframe for review (accounting

for any tolling), the applicant shall be entitled to pursue all remedies under applicable law.

v. Multiple Sites in One Application.

An applicant may propose no more than ten (10) sites in a batched application. The denial of a site in a batched application shall not affect the approval of any remaining sites.

w. Application Fees.

In connection with the filing of an application, the applicant shall pay all fees according to the City's fee schedule and federal law.

x. Laws, Rules and Regulations.

This Section shall be subject to all applicable laws, rules and regulations.

y. Severability.

The various parts, sentences, paragraphs, sections and clauses of this Section are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected thereby.

z. Conflicts.

These Wireless Communication Facilities regulations are in addition to other regulations in the Unified Development Code. In case of a conflict between regulations, this Section shall control.

Section 5. That the aforementioned Section of the UDC is hereby amended as set out within this ordinance and sections currently existing within the UDC not set out within this ordinance remain unchanged.

Section 6. That this ordinance shall be in full force and effect upon approval and publication.

FIRST READING:

SECOND READING:

THIRD AND FINAL READING:

MARIAN J. ORR, MAYOR

(SEAL)

ATTEST:

Kristina F. Jones, City Clerk

Publish: Wyoming Tribune Eagle