



Planning Department

November 30, 2016

Honorable Mayor and Councilors
 City Manager
 City Attorney
 Clerk of Council

Subject: (REZN-11-15-2344) Request to amend the text of the Unified Development Ordinance (UDO) to revise section 3.2.72.K.1 and a new section 3.2.72.O. The amendment will allow for concealed support structures designed for small cell technology with in the right-of-way. Section 3.2.72.O. will create standards for placement of structures for small cell technology and an application process for submittal.

By amending and adding the aforementioned sections to the UDO, it will allow for the placement of small cell technology within the right-of-way.

**UNIFIED DEVELOPMENT ORDINANCE REVISIONS – CHAPTER 3
 (Explanation of Revisions)**

1. Explanation of Revisions: Amend section 3.2.72.K.1 to include the changes below.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 3.2.72.K.1 Design Criteria - Setbacks</p> <p>Section 3.2.72.K.1</p> <p>(B) All towers shall be located at least one-third of its height from any public right-of-way.</p>	<p>Sec. 3.2.72.K.1 Design Criteria - Setbacks</p> <p>Section 3.2.72.K.1</p> <p>(B) All towers shall be located at least one-third of its height from any public right-of-way, unless it is a concealed support structure designed for small cell technology.</p>

2. Explanation of Revisions: Create Section 3.2.72.O to set standards and application procedures for Small Cell Technology within the right-of-way.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 3.2.72.O - Is New</p>	<p>Sec. 3.2.72.O - To create standards and application procedures for Small Cell Technology within the right-of-way.</p> <p style="text-align: center;">Section 2.5.18.B.3.X</p> <p>A. <u>Application for use of right-of-way</u></p> <p>1. Unless specifically exempted by state or federal law or this Code, any Applicant that places or seeks to place wireless communication facilities in the public roads and highways or rights of way of Columbus shall provide to the Columbus Consolidated Government (CCG) Division of Traffic Engineering the following information:</p> <ul style="list-style-type: none"> a. The name, address, and telephone number of a principal office and local agent of such Applicant; b. Proof of certification from the Georgia Public Service Commission of such Applicant to provide wireless communication services in this state where required by State law, or Federal Communications Commission licensure where State certification is not required; c. Proof of insurance or self-insurance of such Applicant adequate to defend and cover claims of third parties and of municipal authorities. Columbus Consolidated Government (CCG) shall be named as an additional insured of the property; d. A description of the

	<p>Applicant’s service area and capacity, within Columbus which description shall be sufficiently detailed so as to allow Columbus to respond to subscriber inquiries. For the purposes of this paragraph, an Applicant may, in lieu of or as supplement to a written description, provide a map on 8 ½” by 11” paper that is clear and legible and that fairly depicts the geographic service areas and associated service capacities within the boundaries of Columbus;</p> <p>e. A description of the services to be provided;</p> <p>f. An affirmative declaration that the Applicant shall comply with all applicable federal, state, and local laws and regulations, including municipal ordinances and regulations, regarding the placement and maintenance of facilities in the public rights of way that are reasonable, nondiscriminatory, and applicable to all users of the public rights of way, including the requirements of Chapter 9 of Title 25, the “Georgia Utility Facility Protection Act”; and</p> <p>g. A statement in bold type at the top of the application as follows: “Pursuant to section 3.2.72.O of the Columbus Unified Development Ordinance and paragraph (2) of subsection (b) of Code Section 46-5-1 of the Official Code of Georgia Annotated, the municipal authority shall notify the applicant of any deficiencies in this application within 15 business days of receipt of this application.”</p> <p>2. Applicants will be notified in writing of any application deficiencies within 15 calendar days of receipt of this application. If no such notification is given within 15 calendar days of the receipt of an application, such application shall be deemed complete.</p>
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3. Within 60 calendar days of the receipt of a completed application, CCG may approve or deny such application by notification to the Applicant. The failure of CCG to approve an application within 60 calendar days of the receipt of a completed application shall be deemed to constitute final approval of such application.

B. Placement of small cell technology in the right-of-way

1. The following standards shall apply for the placement of small cell technology in the public right-of-way, or on a public road or CCG easement.

Any small cell technology in a city right-of-way shall be co-located on the property of a utility, or other franchisee, legally existing in the public right-of-way unless the applicant can demonstrate that no co-location opportunities exist in the area of need. A lease agreement will be required if the colocation opportunity is on a CCG facility. If the applicant demonstrates that no co-location opportunities exist, the applicant may submit an encroachment permit to CCG Engineering Department to allow for a small cell wireless support structure within the area of the public right-of-way.

C. Co-location standards

1. All co-location structures must comply with section 7.11.1 of the Unified Development Ordinance (UDO) and shall not increase the height of the tower or non-tower structure by more than 10% or ten feet whichever is greater, over existing structures that are located in the right-of way within the vicinity of construction.

2. All equipment and support infrastructure shall have a color and finish to blend with the structure to which they are attached to.

3. Any support structure shall be made of steel, composite, metal, wood or concrete.

4. All electrical wiring shall be concealed within the structure. If this is unattainable, then a covering of the same color as the structure may be used to conceal the wiring, but cause must be provided.

5. All electrical power shall be provided by underground utilities where feasible.

6. All modification construction plans shall be submitted with the encroachment permit to show schematics of utilities, accessory equipment, and location of underground utilities and overall height of the structure with antenna.

D. New Construction Standards

1. If Applicant can demonstrate that no co-location opportunities exist in the area of need, then the Applicant must submit the following to support its proposed use of the right-of-way:

a. A construction plan, as defined herein, that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

b. Evidence supporting the choice of location, including, without limitation,

i. Maps or plats showing the proposed location(s) of applicant's proposed wireless support structure(s);

	<p>and</p>
	<p>ii. A notarized statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:</p> <ol style="list-style-type: none"> 1. Would not result in the same wireless service functionality, coverage, or capacity; 2. Is technically infeasible; or 3. Is an economic burden to the Applicant. <p>iv. The map shall describe the boundaries of the geographic area to be served in clear and concise terms</p> <ol style="list-style-type: none"> 2. A concealed support structure used to house a small cell antenna shall be no more than 40 feet in height with a 5-foot antenna. 3. Any support structure shall be made of steel, composite, metal or concrete; provided, wood support structures may be approved by the Director of Engineering when necessary to maintain compatibility with surrounding structures. 4. All electrical wiring shall be concealed within the structure. If this is unattainable, then a covering of the same color as the structure may be used to conceal the wiring, but cause must be provided. 5. All electrical power shall be provided by underground utilities where feasible.

E. Use by public utilities and placement of utilities

1. All authorized public underground utilities shall be located within the right-of-way of a public street or within an easement designated for such use. Within public street right-of-way, placement of the various authorized utilities (power, gas, cable TV, Telegraph or Telephone Company, Internet provider, Water and sewer) shall conform to the specific locations designated for such use by the city, as illustrated in Section 7.11.1 of this UDO below.

F. Installation of poles and other wireholding structures and relocation

1. Unless otherwise provided in a valid service agreement, no placement of any pole or wireholding structure of the Applicant is to be considered a vested interest in the right-of-way, and such poles or structures are to be removed, relocated underground, or modified by the utility at its own expense whenever Columbus determines that the public benefit would be enhanced thereby or the Facilities or equipment thereon are no longer in use. The Facilities shall be so located and installed as to cause minimum interference with the rights and convenience of property owners, and such Facilities shall not interfere with or restrict pedestrian or other designated pathways.

G. Definitions

1. **Accessory equipment** means: any equipment serving or being used in conjunction with small cell technology or a small cell technology wireless support structure and includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets, and storage sheds, shelters, or

similar structures.

2. **Modification construction plan**

means: when referring substantial modification of an existing wireless facility or wireless support structure means a plan that describes the proposed modifications to the wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

3. **New construction plan**

means: when referring to a new wireless support structure means a written plan for construction that demonstrates that the aesthetics of the wireless support structure is substantially similar to the existing structures located in the right of way nearest the proposed location; includes the total height and width of the wireless facility and wireless support structure, including cross section and elevation, footing, foundation and wind speed details; a structural analysis indicating the capacity for future and existing antennas, including a geotechnical report and calculations for the foundations capacity; the identity and qualifications of each person directly responsible for the design and construction; and signed and sealed documentation from a professional engineer or surveyor that shows the proposed location of the wireless facility and wireless support structure and all easements and existing structures within fifty (50) feet of such wireless facility or wireless support structure.

4. **Small cell technology** means:

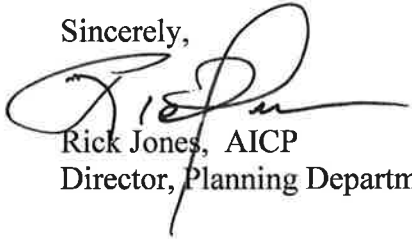
i. Individual compact low-powered radio access base stations that include Femto cells, Pico cells, Micro cells and Metro cells having a range of 30 feet to 1000 feet; or

ii. Networks of spatially separated small cell wireless antenna nodes connected to a common source transport medium that provides wireless service within a geographic area or structure commonly referred to as

	distributed antenna systems.

The Planning Advisory Commission (PAC) considered this text amendment at their meeting on November 16, 2016. The PAC recommended **Approval**. The Planning Department recommends **Approval**.

Sincerely,



Rick Jones, AICP
Director, Planning Department