



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Meeting Agenda Planning Commission

Monday, April 10, 2017

6:30 PM

Council Chamber

Regular Meeting / Election of Officers

Planning Commission Regular Meeting

1. Roll Call

2. Approval of Agenda

3. Minutes to be Approved

- a. [ID# 17-95](#) Certification of the March 6, 2017 Regular Meeting Minutes

Attachments: [PC Minutes 030617](#)

4. Public Comment

Public Comment for Non-Agenda Related Items

5. Comments/Reports

- a. Community Development Director/Staff
- b. Chair/Members

6. Elect a Temporary Chair

- a. Appoint Recording Secretary as Temporary Chair

7. Adjournment Sine Die

Planning Commission Transitional Meeting

1. Temporary Chair calls the transitional Planning Commission meeting of April 10, 2017 to order

2. Introduction of New Commissioners

3. Election of Officers

- a. Election of Chair
- b. Election of Chair Pro Tem

4. Public Hearing

- a. [PC Reso 03-2017](#) An ordinance to amend the city's zoning code Title 10, with respect to commercial mobile radio service and to expand the city's regulations to include wireless communications facilities

Attachments: [PC Resolution 03-2017](#)
[DRAFT Council Ordinance for Wireless Updates](#)
[EXISTING CITY CODE 10-4-11](#)

5. Adjourn

The public is invited to attend all regular meetings or study sessions of the City Council or any City Board or Commission. Please call 303-795-3780 at least forty-eight (48) hours prior to the meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting. For any additional information concerning City meetings, please call the above referenced number.



Staff Communication

File #: ID# 17-95, **Version:** 1

Agenda Date: April 10, 2017

Subject:
Certification of the March 6, 2017 Regular Meeting Minutes

Presented By: Denise Ciernia, Recording Secretary

I hereby certify that the attached Action Minutes are an accurate representation of motions made and action taken at the March 6, 2017, regular meeting of the Littleton Planning Commission. I have also reviewed the video recording for the March 6, 2017 regular meeting of the Littleton Planning Commission and certify that the video recording is a full, complete, and accurate record of the proceedings and there were no malfunctions in the video or audio functions of the recording.

PROPOSED MOTION:

I move to approve, based on the recording secretary's certification, the March 6, 2017 action minutes for the March 6, 2017 regular meeting of the Littleton Planning Commission.



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Meeting Minutes

Planning Commission

Monday, March 6, 2017

6:30 PM

Council Chamber

Regular Meeting (moved from 2/27/17)

1. Roll Call

Also Present: Jocelyn Mills, Community Development Director; Brandon Dittman, Acting City Attorney; Denise Ciernia, Recording Secretary; Andrea Mimnaugh, Principal Planner

Present 6 - Chairman Elrod, Commissioner Bolt, Commissioner Graham, Commissioner Corbett, Commissioner Krueger, and Commissioner Stahlman

Absent 3 - Vice Chair Rudnicki, Commissioner Myles, and Commissioner Samuelson

2. Approval of Agenda

3. Minutes to be Approved

[ID# 17-52](#) Certification of the October 24, 2016 Regular Meeting Minutes

Attachments: [PC Minutes 102416](#)

A motion was made by Commissioner Corbett, seconded by Commissioner Krueger, that the minutes from the October 24, 2016 regular meeting be approved. The motion carried by the following vote: 5-0, with Commissioner Stahlman not voting.

Aye: 5 - Chairman Elrod, Commissioner Bolt, Commissioner Graham, Commissioner Corbett and Commissioner Krueger

Absent: 3 - Vice Chair Rudnicki, Commissioner Myles and Commissioner Samuelson

Abstain: 1 - Commissioner Stahlman

4. Public Comment

Public Comment for General Business or Non-Agenda Related Items - None

5. General Business

- a. [PC Reso 01-2017](#) A resolution approving a preliminary plat located at 5000 South Prince Street

Attachments: [PC Resolution 01-2017](#)[Application](#)[Letter of Intent](#)[Preliminary Plat Plan Set](#)[Unobstructed Open Space Exhibit](#)[Ground Level Patios Exhibit](#)[GPDP Plan Set \(for reference\)](#)

Staff Presentation by Andrea Mimnaugh, Principal Planner, with comments by Ryan Dooley, Acting City Engineer

Applicant Presentation by Jeremy Records, Central Development, and Mark Cevaal, Redland Engineering

A motion was made by Chair Elrod, seconded by Commissioner Krueger, to approve PC Resolution 01-2017, concerning the Platte 56 preliminary plat. The vote was unanimous (6-0) and the motion carried.

Aye: 6 - Chairman Elrod, Commissioner Bolt, Commissioner Graham, Commissioner Corbett, Commissioner Krueger and Commissioner Stahlman

Absent: 3 - Vice Chair Rudnicki, Commissioner Myles and Commissioner Samuelson

6. Public Hearing

None

7. Comments/Reports

a. Community Development Director/Staff

March and April calendar updates from Community Development Director Jocelyn Mills

b. Chair/Members

8. Adjourn

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I hereby certify that I have reviewed the video recording for the regular meeting of the Littleton Planning Commission, for March 6, 2017. The video recording is a full, complete, and accurate record of the proceedings and there were no malfunctions in the video or audio functions of the recording.



Denise Ciernia, Recording Secretary



Staff Communication

File #: PC Reso 03-2017, **Version:** 1

Agenda Date: April 10, 2017

Subject:

An ordinance to amend the city's zoning code Title 10, with respect to commercial mobile radio service and to expand the city's regulations to include wireless communications facilities

| |
|--|
| Presented By: Brandon Dittman, Acting City Attorney and Jocelyn Mills, Community Development Director |
|--|

BACKGROUND:

Recently, it has come to light that Littleton's zoning code, specifically in regards to commercial mobile radio service, is in need of an update to bring the code into compliance with current state and federal regulations around wireless telecommunication facilities. Also, the city has been approached by wireless telecommunication providers and infrastructure providers regarding the deployment of wireless communications within city rights-of-way. The current code also does not address how to manage such requests.

In 2009, the Federal Communications Commission (FCC) adopted a "Report and Order" known as the "Shot Clock Order" interpreting Section 332 of the Telecommunications Act of 1996. The Shot Clock Order requires that the local jurisdiction must act on an application for the collocation of additional antennas to existing infrastructure within ninety (90) days and an application for the construction of new infrastructure within one-hundred and fifty (150) days. The proposed code changes implement the Shot Clock Order.

In 2014, the Federal Communications Commission (FCC) adopted a second Report and Order known as the "Colocation Order" which interprets Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012. The Colocation Order prohibits local governments from denying eligible facilities' requests (EFRs) to modify existing wireless towers or base stations if the modification does not substantially change the dimensions of the facilities. As the colloquial name suggests, the Collocation Order primarily concerns the collocation of wireless facilities. The final rules created a new shot clock for EFRs whereby local jurisdiction must administratively approve of a completed EFR within sixty (60) days of filing. The proposed code changes implement the Colocation Order.

Recently, various wireless telecommunication providers and infrastructure providers have begun deploying "small cell" wireless communication facility technology. Small cells are a new generation of wireless technology which prioritizes data bandwidth at the expense of coverage area. While the "small" in small cell refers to the facility's coverage area, it is often the case that small cells have a small enough footprint to be placed within right of way either on existing vertical assets or on standalone poles. Small cell technology is a precursor to "5G" technology and will likely comprise of the majority of wireless siting requests going forward. Numerous companies have approached Colorado communities, including Littleton, requesting that small cell

facilities be placed in the right-of-way. Like many cities, Littleton's current code does not address the placement of WCFs in the right-of-way.

In 2017, the Colorado General Assembly introduced House Bill 1193 which addresses the deployment of small cells in the right of way. The bill is in final form and is close to passage. Importantly, the bill gives developers a use by right to deploy small cells in the right-of-way. This right is subject to local police powers and zoning codes. Currently, Littleton has no zoning regulations applicable to these facilities. If the city does not adopt zoning regulations applicable to small cells by the bills effective date on July 1, 2017, developers will have unfettered ability to deploy small cell facilities of any kind in the right-of-way. The proposed code changes create zoning regulations applicable to all WCFs in the right of way including important restrictions on the height and spacing of such facilities.

Taken together, the proposed code changes will comprehensively ensure that the city is meeting its obligations for siting WCFs under state and federal law while maximizing local control in areas where the law permits regulation by local jurisdictions.

STAFF ANALYSIS:

Littleton's existing code on Commercial Mobile Radio Service is outdated and in need of being updated to meet the current state and federal requirements described above. In addition, the advent of small cell technology has made it important to update the code to address issues the siting of wireless communications facilities within city rights-of-way.

Based on the need to ensure the city meets state and federal requirements for wireless telecommunications, the proposal is to establish a new chapter dedicated to the topic, within the city's zoning code. The proposed ordinance would repeal Section 10-4-11 (Commercial Mobile Radio Service) and replace it with a new chapter, Chapter 16. Additionally, updated and new definitions are proposed for Section 10-1-2, and further clarification is suggested in the Conditional Use chapter of the code for radio transmission and broadcast structures (10-8-2 (C)).

OPTIONS/ALTERNATIVES:

Discussions regarding updating and amending the city's codes for wireless are:

1. Keep the existing code as is without any update to it.
2. Recommend approval to city council on the proposed ordinance.

STAFF RECOMMENDATION:

Staff recommends planning commission recommend approval to city council on the proposed amendments to the zoning code regarding Commercial Mobile Radio Services, and to expand the city's regulations to include wireless telecommunications facilities

PROPOSED MOTION:

The planning commission may take the following actions on the application: approve; approve with conditions; continue to a date certain. A sample motion is provided for each option.

MOTION TO APPROVE AND/IF NECESSARY, WITH CONDITIONS

I move to approve PC Resolution 03-2017 to amend the city's zoning code regarding the Commercial Mobile Radio Services, and to expand upon the city's regulations to include wireless telecommunication facilities, which forwards a favorable recommendation to city council, [with the following condition(s):]

- 1.
- 2.
- 3.

The foregoing approval is based on findings that:

1. Littleton's existing code on Commercial Mobile Radio Service is outdated and in need of being updated to meet current state and federal requirements.
2. The advent of small cell technology has made it important to update the code to address issues the siting of wireless communications facilities within city rights-of-way.
- 3.
- 4.

MOTION TO CONTINUE TO A DATE CERTAIN

I move to continue PC Resolution 03-2017 to amend the city's zoning code regarding the Commercial Mobile Radio Services, and to expand upon the city's regulations to include wireless telecommunication facilities, to _____ (insert date) in order to _____.

Attachments:

1. PC Draft Resolution
2. Draft Ordinance
3. Existing City Code 10-4-11

1 PC RESOLUTION No. 03-2017

2
3 Series of 2017

4
5 **RESOLUTION OF THE PLANNING COMMISSION OF**
6 **THE CITY OF LITTLETON, COLORADO,**
7 **RECOMMENDING APPROVAL OF AN ORDINANCE**
8 **AMENDING TITLE 10 OF THE CITY CODE**
9 **CONCERNING COMMERCIAL MOBILE RADIO**
10 **SERVICES AND WIRELESS TELECOMMUNICATIONS**

11
12 **WHEREAS**, the planning commission held a public hearing at its regular
13 meeting on April 10, 2017, to consider an ordinance amending title 10 of the city code regarding
14 commercial radio communication services and wireless telecommunications;

15
16 **WHEREAS**, the planning commission considered evidence and testimony
17 concerning the proposed ordinance at said public hearing;

18
19 **WHEREAS**, the planning commission finds that the proposed ordinance is in the
20 best interest of the city and will promote the public health, safety, and welfare of its inhabitants;

21
22 **NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING**
23 **COMMISSION OF THE CITY OF LITTLETON, COLORADO, THAT:**

24
25 **Section 1:** The planning commission does hereby recommend that city
26 council approve the proposed amendments to title 10 of the city code regarding commercial
27 mobile radio services and wireless telecommunications, more specifically described in the
28 ordinance attached hereto as Exhibit "A".

29
30 INTRODUCED, READ AND ADOPTED at the regularly scheduled meeting of the Planning
31 Commission of the City of Littleton, Colorado, held on the 10th Day of April 2017, at 6:30 p.m.
32 in the Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, by the following vote:

33

34

35 ATTEST:

APPROVED:

36 BY: _____

37 Denise Ciernia, Recording Secretary

Planning Commission Chair

38

39 Approved as to form:

40

41

42

43 _____
Kenneth Fellman, Acting City Attorney

44

45
46
47

Exhibit A

(see next page)

1 **CITY OF LITTLETON, COLORADO**

2 **ORDINANCE NO. ____**

3 **Series, 2017**

4
5 **INTRODUCED BY COUNCILMEMBERS:**

6 **AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, AMENDING TITLE**
7 **10 OF THE CITY CODE CONCERNING COMMERCIAL MOBILE RADIO SERVICES**
8 **AND WIRELESS TELECOMMUNICATION FACILITIES**

9 WHEREAS, the planning commission, at its regular meeting on April 10, 2017, held a
10 public hearing and voted to recommend approval of an ordinance amending title 10 of the city
11 code regarding parking space dimensions, drive aisle widths, and outdated references to handicap
12 accessible spaces; and

13 WHEREAS, the city council finds that the proposed amendments to the city code are in
14 the best interest of the city and will promote the public health, safety and welfare of its
15 inhabitants;

16 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
17 LITTLETON, COLORADO, THAT:

18 **Section 1:** Section 2, Definitions, of Chapter 1 of Title 10 of the City Code is hereby
19 amended as follows:

20 ~~ALTERNATIVE TOWER STRUCTURE: A manmade tree, clock tower, bell tower, telephone~~
21 ~~or power pole, light standard, electric transmission tower, or similar structure which is capable of~~
22 ~~being used as an alternative to conventional or monopole masts for the mounting of antennas~~
23 ~~which is compatible with its natural setting and surrounding structures, and which camouflages~~
24 ~~or conceals the presence of antennas. This definition includes any antenna or antennas attached~~
25 ~~to the alternative tower structure.~~

26 ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light
27 poles, buildings, and similar alternative design mounting structures that are compatible with the
28 natural setting and surrounding structures, and camouflage or conceals the presence of antennas
29 or towers so as to make them architecturally compatible with the surrounding area pursuant to
30 Chapter 16 of Title 10 of this code. This term also includes any antenna or antenna array attached
31 to an alternative tower structure.

32 ~~ANTENNA: A transmitting and/or receiving device used in telecommunications that radiates or~~
33 ~~captures radio signals.~~

34 ANTENNA: Any device used to transmit and/or receive radio or electromagnetic waves such as,
35 but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional

36 and non-directional antennas consisting of one or more elements, multiple antenna
37 configurations, or other similar devices and configurations. Exterior apparatus designed for
38 telephone, radio, or television communications through the sending and/or receiving of wireless
39 communications signals.

40 ~~ANTENNA SUPPORT STRUCTURE: A conventional or monopole mast, guyed tower or~~
41 ~~similar upright structure, designed to withstand extreme lateral forces, which is primarily~~
42 ~~intended for supporting commercial mobile radio service (CMRS) antennas, and any ancillary~~
43 ~~utility structures.~~

44 BASE STATION: A structure or equipment at a fixed location that enables FCC-licensed or
45 authorized wireless communications between user equipment and a communications network.
46 The definition of Base Station does not include or encompass a Tower as defined herein or any
47 equipment associated with a Tower. Base Station does include, without limitation:

48 1. equipment associated with wireless communications services such as private
49 broadcast, and public safety services, as well as unlicensed wireless services and fixed
50 wireless services such as microwave backhaul that, at the time the relevant application is
51 filed with the City under Chapter 16 of Title 10 has been reviewed and approved under
52 the applicable zoning or siting process, or under another State or local regulatory review
53 process, even if the structure was not built for the sole or primary purpose of providing
54 such support; and

55 2. radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup
56 power supplied, and comparable equipment, regardless of technological configuration
57 (including Distributed Antenna Systems (“DAS”) and small-cell networks) that, at the
58 time the relevant application is filed with the City under Chapter 16 has been reviewed
59 and approved under the applicable zoning or siting process, or under another State or
60 local regulatory review process, even if the structure was not built for the sole or primary
61 purpose of providing such support.

62 The definition of Base Station does not include any structure that, at the time the relevant
63 application is filed with the City under Chapter 16 of Title 10, does not support or house
64 equipment described in paragraphs 1 and 2 above.

65 CAMOUFLAGE, CONCEALMENT, OR CAMOUFLAGE DESIGN TECHNIQUES: A
66 Wireless Communication Facilities (WCF) is camouflaged or utilizes Camouflage Design
67 Techniques when any measures are used in the design and siting of a WCF with the intent to
68 minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site
69 utilizes Camouflage Design Techniques when it (i) is integrated as an architectural feature of an
70 existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a flagpole, or
71 (iii) uses a design which mimics and is consistent with the nearby natural, or architectural
72 features (such as an artificial tree) or is incorporated into or replaces existing permitted facilities
73 (including without limitation, stop signs or other traffic signs or freestanding light standards) so
74 that the presence of the WCF is not readily apparent.

75 ~~COLLOCATION: The siting of two (2) or more CMRS antenna arrays of similar or different~~
76 ~~technologies on the same antenna support structure or alternative tower structure, which allows~~
77 ~~appropriate separation of antennas to eliminate radio frequency interference between CMRS~~
78 ~~service providers.~~

79 COLLOCATION: The mounting or installation of transmission equipment on an Eligible
80 Support Structure for the purpose of transmitting and /or receiving radio frequency signals for
81 communications purposes.

82 ~~COMMERCIAL MOBILE RADIO SERVICE (CMRS): Low power wireless telecommunication~~
83 ~~services including, but not limited to, cellular, enhanced specialized mobile radio (ESMR),~~
84 ~~paging and personal communication systems, and point to point microwave.~~

85 ~~COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITY: An unmanned facility~~
86 ~~which consists of equipment for the reception, switching and transmission of wireless telephone~~
87 ~~or data communications. Such facility may include elevated transmitting and receiving antennas,~~
88 ~~radio frequency transmission equipment and interconnection equipment. Facility types include:~~
89 ~~a) roof and/or building mounted facilities; b) antenna support structures; c) collocated facilities;~~
90 ~~and d) ancillary utility structures.~~

91 ELIGIBLE FACILITIES REQUEST: Any request for modification of an Existing Tower or Base
92 Station that does not Substantially Change the physical dimensions of such Tower or Base
93 Station involving: (i) collocation of new Transmission Equipment, (ii) removal of Transmission
94 Equipment, or (iii) replacement of Transmission Equipment.

95 ELIGIBLE SUPPORT STRUCTURE: Any Tower or Base Station as defined in this Section,
96 provided that it is Existing at the time the relevant application is filed with the City under this
97 Section.

98 EXISTING TOWER OR BASE STATION: A constructed Tower or Base Station that was
99 reviewed, approved, and lawfully constructed in accordance with all requirements of applicable
100 law as of the time of an Eligible Facilities Request, provided that a Tower that exists as a legal,
101 non-conforming use and was lawfully constructed is Existing for purposes of this definition.

102 ~~MAST, CONVENTIONAL: An upright structure made of wood, lattice metal or other material,~~
103 ~~typically guyed by cables and primarily intended for supporting antennas.~~

104 ~~MAST, MONOPOLE: An upright, single spire structure made of metal or fiberglass, which is~~
105 ~~self-supporting and designed to withstand extreme lateral forces, and which is primarily intended~~
106 ~~for supporting cellular telecommunications antennas.~~

107 OTARD: An Over-the-Air Receiving Device.

108 OTARD ANTENNA: (i) An antenna that is designed to receive direct broadcast satellite service,
109 including direct-to-home satellite services, that is one meter or less in diameter; or (ii) an antenna

110 that is designed to receive video programming services via multipoint distribution services,
111 including multichannel multipoint distribution services, instruction television fixed services, and
112 local multipoint distribution services, and that is one meter or less in diameter or diagonal
113 measurement; or (iii) an antenna that is designed to receive television broadcast signals.

114 OTARD ANTENNA STRUCTURE: Any pole, tower, or other structure designed and intended
115 to support and OTARD Antenna.

116 SITE FOR TOWERS (other than Towers in the Right-of-Way and Eligible Support Structures):
117 The current boundaries of the leased or owned property surrounding the Tower or Eligible
118 Support Structure and any access or utility easements currently related to the Site. A Site, for
119 other Towers in the Right-of-Way, is further restricted to that area comprising the base of the
120 structure and to other related Accessory Equipment already deployed on the ground.

121 SUBSTANTIAL CHANGE FOR ELIGIBLE SUPPORT STRUCTURE: A modification that
122 Substantially Changes the physical dimensions of an Eligible Support Structure if it meets any of
123 the following criteria: (i) for Towers other than Alternative Tower Structures in the Right-of-
124 Way, it increases the height of the Tower by more than 10 percent or by the height of one
125 additional antenna array with separation from the nearest existing antenna not to exceed twenty
126 feet, whichever is greater; for other Eligible Support Structures, it increases the height of the
127 structure by more than 10 percent or more than ten feet, whichever is greater; (ii) for Towers
128 other than Towers in the Right-of-Way, it involves adding an appurtenance to the body of the
129 Tower that would protrude from the edge of the Tower more than twenty feet, or more than the
130 width of the Tower Structure at the level of the appurtenance, whichever is greater for Eligible
131 Support Structures, it involves adding an appurtenance to the body of the structure that would
132 protrude from the edge of the structure by more than six feet; (iii) for any Eligible Support
133 Structure, it involves installation of more than the standard number of new equipment cabinets
134 for the technology involved, but not to exceed four cabinets; or for Towers in the Right-of-Way
135 and Base Stations, it involves installation of any new equipment cabinets on the ground if there
136 are no pre-existing ground cabinets associated with the structure, or else involves installation of
137 ground cabinets that are more than 10 percent larger in height or overall volume than any other
138 ground cabinets associated with the structure; (iv) for any Eligible Support Structure, it entails
139 any excavation or deployment outside the current Site; (v) for any Eligible Support Structure, it
140 would impair the concealment elements of the Eligible Support Structure; or (vi) for any Eligible
141 Support Structure, it does not comply with conditions associated with the siting approval of the
142 construction or modification of the Eligible Support Structure or Base Station equipment, unless
143 the non-compliance is due to an increase in height, increase in width, addition of cabinets, or
144 new excavation that would not exceed the thresholds identified in paragraphs (i), (ii), and (iii) of
145 this Definition; and (vii) for any Eligible Support Structure, it does not comply with the generally
146 applicable building, structural, electrical, and safety codes or with other laws codifying objective
147 standards reasonably related to health and safety, or it does not comply with any relevant Federal
148 requirements.

149 TOWER: Any structure that is designed and constructed primarily built for the sole or primary
150 purpose of supporting one or more any FCC-licensed or authorized antennas and their associated

151 facilities, including structures that are constructed for wireless communications services
152 including, but not limited to, private, broadcast, and public safety services, as well as unlicensed
153 wireless services and fixed wireless services such as microwave backhaul, and the associated
154 site. Self-supporting lattice towers, guy towers or monopole towers. The term includes radio
155 and television transmission towers, microwave towers, common carrier towers, cellular
156 telephone towers, alternative tower structures and the like.

157 TRANSMISSION EQUIPMENT: Equipment that facilitates transmission for any FCC licensed
158 or authorized wireless communication service, including, but not limited to, radio transceivers,
159 antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes
160 equipment associated with wireless communications services including, but not limited to,
161 private, broadcast, and public safety services, as well as unlicensed wireless services and fixed
162 wireless services such as microwave backhaul.

163 ~~UTILITY STRUCTURE, ANCILLARY: A subordinate structure which is owned, operated or~~
164 ~~maintained by a commercial mobile radio service (CMRS) provider and which contains or is~~
165 ~~intended to contain equipment and tools which are related to the use, operation or maintenance of~~
166 ~~an on-site or adjacent CMRS facility.~~

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

181 **Section 2:** Section 11 of Chapter 4 of Title 10 of the City Code is hereby repealed:

182 ~~10-4-11: COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES:~~

183 ~~(A) CMRS Facilities Located Or Collocated On Existing Structures:~~

184 ~~1. CMRS facilities which are supported entirely by a roof or wall of an existing nonresidential~~
185 ~~structure are allowed as a permitted use in any zone district. A CMRS facility may be located on~~
186 ~~a multiple dwelling unit structure containing eight (8) or more dwelling units that is at least thirty~~
187 ~~five feet (35') in height. Antennas, ancillary utility structures, and associated transmission~~
188 ~~equipment shall be a neutral color that is identical to, or closely compatible with, the color of the~~

189 supporting structure. Antennas shall not extend more than fifteen feet (15') beyond the highest
190 point of the supporting structure.

191 2. Before any request for the construction of a new antenna support structure is approved, and
192 where technologically feasible, collocation of antennas on existing antenna support structures
193 shall be required. Where any party seeking access to an existing antenna support structure is
194 unable to satisfactorily contract for collocation, the parties shall appoint an arbitrator for
195 purposes of providing, by contract, for the terms, conditions, and costs which are to be associated
196 with the collocation. In those situations where the parties cannot agree on an arbitrator, one shall,
197 upon the request of the parties, be appointed by the city attorney. All costs of arbitration shall be
198 at the sole expense of the parties. The decision of the arbitrator shall be final and shall be binding
199 on the parties.

200 3. An applicant for a new antenna support structure shall demonstrate that it has contacted the
201 owners of all suitable structures within a five hundred foot (500') radius of the proposed facility,
202 and was denied permission to locate its CMRS facility on those structures.

203 4. No antenna support structure owner or lessee or employee thereof shall act to exclude or
204 attempt to exclude any other CMRS provider from the same location. An antenna support
205 structure owner or lessee or employee thereof shall cooperate in good faith to achieve collocation
206 of antennas with other CMRS providers.

207 (B) Antenna Support Structures:

208 1. Antenna support structures are allowed as a permitted use in any I-P, I-1 or I-2 zone district.
209 (Ord. 30, Series of 1997)

210 2. Antenna support structures which are proposed to be located in any OS, A-1, R-S, R-L, R-4,
211 R-5, B-P, T, B-1, B-2, B-3, CA, STP, CEM, or any PD zone district (except PD-R single family)
212 or which are proposed to be located within two hundred fifty feet (250') of any R-E, R-1, R-2, R-
213 3, R-3X, or PD-R zone district shall require approval by the planning commission as a
214 conditional use. (Ord. 8, Series of 2000; amd. Ord. 5, Series of 2005; Ord. 19, Series of 2012;
215 Ord. 15, Series of 2016)

216 3. Applications for proposed antenna support structures where, upon commencement of service,
217 the antennas of two (2) or more CMRS providers will be located, may be approved by
218 community development, based on the criteria applicable to conditional uses and the standards
219 set forth in this section.

220 4. Community development may approve the installation of a proposed antenna support structure
221 facility located on public property, based on the criteria applicable to conditional uses and the
222 standards set forth in this section. (Ord. 20, Series of 2012)

223 5. Excepting those antenna support structures permitted in the I-P, I-1, or I-2 zone districts, an
224 antenna support structure shall not be permitted within a distance of five hundred feet (500')

225 from an existing antenna support structure, except those facilities which are designed as
226 alternative tower structures and which receive planning commission approval as a conditional
227 use. The maximum permitted height of any antenna support structure shall be sixty feet (60') for
228 the first CMRS provider whose antennas are located on the structure, plus twenty feet (20') for
229 each additional provider's antennas, to a maximum height of one hundred feet (100'). (Ord. 30,
230 Series of 1997; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

231 ~~6. New antenna support structures shall be constructed to accommodate reasonably anticipated~~
232 ~~future collocated carriers.~~

233 ~~7. An applicant for a new antenna support structure shall notify all CMRS providers licensed to~~
234 ~~offer service in the city that an application has been submitted. Notice shall include the address~~
235 ~~of the proposed facility. (Ord. 30, Series of 1997)~~

236 ~~(C) Site Development Plan (SDP) Approvals:~~

237 ~~1. Applications for CMRS facilities which include an ancillary utility structure shall require~~
238 ~~approval of an SDP. Applications may also be referred to the planning commission for review~~
239 ~~under the procedures established for conditional uses where unique environmental or aesthetic~~
240 ~~considerations exist which may affect the application. (Ord. 20, Series of 2012; amd. Ord. 15,~~
241 ~~Series of 2016)~~

242 ~~2. Any decision to deny a request to place, construct, or modify personal wireless service~~
243 ~~(CMRS) facilities shall be in writing and supported by substantial evidence contained in a~~
244 ~~written record.~~

245 ~~(D) Site Development Plan; CMRS Standards: An SDP (see chapter 7 of this title) shall be~~
246 ~~required for all parcels upon which any antenna support structure is proposed to be installed. In~~
247 ~~addition to all applicable zone district standards, the following standards for all CMRS facilities~~
248 ~~shall apply:~~

249 ~~1. CMRS antennas attached to an antenna support structure may exceed the permissible height of~~
250 ~~the antenna support structure by no more than fifteen feet (15').~~

251 ~~2. CMRS facilities shall not occupy a leased parcel of more than two thousand five hundred~~
252 ~~(2,500) square feet of the total land area of the site on which they are located, except that where a~~
253 ~~freestanding CMRS facility supports antennas of two (2) or more providers, an additional three~~
254 ~~hundred (300) square feet of land area for each additional provider may be occupied. (Ord. 30,~~
255 ~~Series of 1997)~~

256 ~~3. CMRS facilities shall be landscaped and/or visually screened from adjacent residential~~
257 ~~properties and public rights of way. The exterior finish and color of CMRS facilities shall be~~
258 ~~compatible with adjacent development. Specific requirements for screening, landscaping, and/or~~
259 ~~exterior building finish shall be determined by community development for each application.~~
260 ~~Such requirements shall be based upon aesthetic considerations such as, but not limited to,~~

261 ~~preservation of views, compatibility with existing surrounding vegetation and development, and~~
262 ~~proximity of the proposed facility to residential properties and public rights of way. It is not the~~
263 ~~intent of this subsection to require the total screening of antenna support structures. (Ord. 20,~~
264 ~~Series of 2012)~~

265 ~~4. Ancillary utility structures shall meet the required minimum building setbacks. Antenna~~
266 ~~support structures which are not self-supporting shall be separated from any existing building~~
267 ~~except ancillary utility structures, by a distance not less than twenty five percent (25%) of the~~
268 ~~antenna support structure's height. Antenna support structures shall meet the required minimum~~
269 ~~setbacks and separations unless specifically requested otherwise in a conditional use application~~
270 ~~and approved by the planning commission. (Ord. 30, Series of 1997; amd. Ord. 19, Series of~~
271 ~~2012; Ord. 15, Series of 2016)~~

272 ~~(E) Abandonment:~~

273 ~~1. Whenever a CMRS provider notifies the federal communications commission that a site is to~~
274 ~~be removed from service, the provider shall promptly provide a copy of that notice to the city~~
275 ~~manager. CMRS facilities which are not in use for cellular purposes or which are deemed~~
276 ~~abandoned under subsection (E)2 of this section for a period of six (6) consecutive months, shall~~
277 ~~be removed by the CMRS facility owner. This removal shall occur within ninety (90) days of the~~
278 ~~end of said six (6) month period. Upon removal, the site shall be revegetated to substantially the~~
279 ~~condition it was in prior to the existence of the CMRS facility and, to that end, pursuant to a site~~
280 ~~plan approved by the city.~~

281 ~~2. Without limiting the generality of subsection (E)1 of this section, CMRS facilities shall be~~
282 ~~deemed abandoned if one or more of the following conditions exist:~~

283 ~~(a) Power service is intentionally disconnected, unless such disconnection is for the temporary~~
284 ~~purpose of maintenance or repair;~~

285 ~~(b) Any or all of the equipment required for transmission has been intentionally removed by the~~
286 ~~owner or lessee from the site; and/or~~

287 ~~(c) The affected CMRS facility owner has lost ownership, lease rights, or other legal authority to~~
288 ~~use the property for purposes of operating a CMRS facility. (Ord. 30, Series of 1997)~~

289 ~~3. Prior to any determination of abandonment by the city, the city shall notify the CMRS facility~~
290 ~~owner in writing of its intent to declare the facilities abandoned. The CMRS facility owner shall~~
291 ~~be entitled to respond within thirty (30) calendar days after its receipt of such notice stating~~
292 ~~reasons why the determination of abandonment should not be made. A decision concerning the~~
293 ~~matter of abandonment shall be made by the director of community development based upon the~~
294 ~~written response of the CMRS facility owner within fifteen (15) days from its receipt of the~~
295 ~~owner's reasons. A decision by the director of community development that the CMRS facility~~
296 ~~has been abandoned shall be subject to appeal to the planning commission in accordance with the~~
297 ~~provisions contained in subsection (E)4 of this section.~~

298 ~~4. The owner of a CMRS facility which has been determined by the director of community~~
299 ~~development to be abandoned may request a hearing before the planning commission, if such~~
300 ~~hearing is requested in writing within thirty (30) calendar days after its receipt of notice from the~~
301 ~~city that its site has been deemed abandoned. A hearing concerning the matter of abandonment~~
302 ~~shall thereafter be held by the planning commission within thirty (30) calendar days after its~~
303 ~~receipt of the owner's written request. A decision by the planning commission that the CMRS~~
304 ~~facility has been abandoned shall be final, shall direct the owner to remove said facility in~~
305 ~~conformance with subsection (E)1 of this section, and shall be subject to judicial review under~~
306 ~~rule 106(a)(4), CRCP. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)~~

307 ~~5. In the event that the owner fails to remove the abandoned CMRS facility within the time~~
308 ~~specified in subsection (E)1 of this section, the city is hereby authorized to remove or cause the~~
309 ~~removal of the abandoned CMRS facility without any liability for trespass therefor, and all costs~~
310 ~~incurred by the city, including an administrative cost equal to twenty five percent (25%) of all~~
311 ~~direct costs, shall be charged as a lien against such real property and the owners thereof.~~

312 ~~6. If the amount specified in subsection (E)5 of this section, is not paid within thirty (30)~~
313 ~~calendar days, the city shall have the right to seek collection of any amount due, plus statutory~~
314 ~~interest and any and all costs of collection, including, but not limited to, its attorney fees, through~~
315 ~~institution of an action at law or in equity. (Ord. 30, Series of 1997)~~

316 ~~7. If the CMRS facility owner intends to abandon or cease use of a facility, he or she shall~~
317 ~~immediately notify the director of community development, in writing, of such intent or~~
318 ~~cessation of usage. The owner shall thereafter have ninety (90) days in which to remove the~~
319 ~~facility, and if he or she fails to remove the facility, then subsections (E)5 and (E)6 of this section~~
320 ~~shall control. (Ord. 20, Series of 2012)~~

321 **Section 3:** A new Chapter 16 of Title 10 of the City Code is hereby added:

322 **Chapter 16. – WIRELESS COMMUNICATIONS FACILITIES (WCFS)**

323 **10-16-1: - INTENT AND PURPOSE:**

324 IN ORDER TO ACCOMMODATE THE COMMUNICATION NEEDS OF RESIDENTS
325 AND BUSINESSES WHILE PROTECTING THE PUBLIC HEALTH, SAFETY, AND
326 GENERAL WELFARE OF THE COMMUNITY, THE CITY COUNCIL FINDS THAT
327 THESE REGULATIONS ARE NECESSARY TO:

328 (A) PROVIDE FOR THE MANAGED DEVELOPMENT AND INSTALLATION,
329 MAINTENANCE, MODIFICATION, AND REMOVAL OF WIRELESS
330 COMMUNICATIONS INFRASTRUCTURE IN THE CITY WITH THE FEWEST
331 NUMBER OF WIRELESS COMMUNICATIONS FACILITIES (WCFS) TO
332 COMPLETE A NETWORK WITHOUT UNREASONABLY DISCRIMINATING
333 AGAINST WIRELESS COMMUNICATIONS PROVIDERS OF FUNCTIONALLY

- 334 EQUIVALENT SERVICES INCLUDING ALL OF THOSE WHO INSTALL,
335 MAINTAIN, OPERATE, AND REMOVE WCFS;
- 336 (B) PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE
337 BY REDUCING THE VISIBILITY OF WCFS TO THE FULLEST EXTENT
338 POSSIBLE THROUGH TECHNIQUES INCLUDING BUT NOT LIMITED TO
339 CAMOUFLAGE DESIGN TECHNIQUES AND UNDERGROUNDING OF WCFS
340 AND THE EQUIPMENT ASSOCIATED THEREWITH;
- 341 (C) ENCOURAGE THE DEPLOYMENT OF SMALLER, LESS INTRUSIVE WCFS
342 TO SUPPLEMENT EXISTING LARGER WCFS;
- 343 (D) ENCOURAGE THE USE OF WALL MOUNTED PANEL ANTENNAS;
- 344 (E) ENCOURAGE ROOF MOUNTED ANTENNAS ONLY WHEN WALL
345 MOUNTED ANTENNAS WILL NOT PROVIDE ADEQUATE SERVICE OR ARE
346 NOT OTHERWISE FEASIBLE;
- 347 (F) ENCOURAGE THE LOCATION OF TOWERS IN NON-RESIDENTIAL AREAS,
348 IN A MANNER THAT MINIMIZES THE TOTAL NUMBER OF TOWERS
349 NEEDED THROUGHOUT THE COMMUNITY;
- 350 (G) ENCOURAGE STRONGLY THE COLLOCATION OF WCFS ON NEW AND
351 EXISTING SITES;
- 352 (H) ENCOURAGE OWNERS AND USERS OF ANTENNAS AND TOWERS TO
353 LOCATE THEM, TO THE EXTENT POSSIBLE, IN AREAS WHERE THE
354 ADVERSE IMPACT ON THE COMMUNITY IS MINIMIZED;
- 355 (I) ENHANCE THE ABILITY OF WIRELESS COMMUNICATIONS SERVICE
356 PROVIDERS TO PROVIDE SUCH SERVICES TO THE COMMUNITY QUICKLY,
357 EFFECTIVELY, AND EFFICIENTLY;
- 358 (J) EFFECTIVELY MANAGE WCFS IN THE PUBLIC RIGHT-OF-WAY;
- 359 (K) MANAGE AMATEUR RADIO FACILITIES AND OVER-THE-AIR RECEIVING
360 DEVICES IN THE CITY.

361110-16-2: - APPLICABILITY:

- 362 (A) THE REQUIREMENTS SET FORTH IN THIS CHAPTER 16 SHALL APPLY TO
363 ALL WCF APPLICATIONS FOR BASE STATIONS, ALTERNATIVE TOWER
364 STRUCTURES, ALTERNATIVE TOWER STRUCTURES LOCATED WITHIN
365 RIGHT-OF-WAY, AND TOWERS AS DEFINED IN SECTION 10-1-2 AND
366 FURTHER ADDRESSED HEREIN.

- 367 (B) THE REQUIREMENTS SET FORTH IN THIS CHAPTER 16 SHALL NOT
368 APPLY TO:
- 369 1. AMATEUR RADIO ANTENNAS THAT ARE OWNED AND OPERATED
370 BY A FEDERALLY LICENSED AMATEUR RADIO STATION OPERATOR
371 OR ARE USED EXCLUSIVELY FOR RECEIVE-ONLY ANTENNAS,
372 PROVIDED THAT THE REQUIREMENT THAT THE HEIGHT BE NO
373 MORE THAN THE DISTANCE FROM THE BASE OF THE ANTENNA TO
374 THE PROPERTY LINE IS MET.
- 375 2. PRE-EXISTING WCFS. ANY WCF FOR WHICH A PERMIT HAS BEEN
376 PROPERLY ISSUED PRIOR TO _____, 2017, SHALL NOT BE
377 REQUIRED TO MEET THE REQUIREMENTS OF THIS CHAPTER 16,
378 OTHER THAN THE REQUIREMENTS OF SECTION 10-16-4. CHANGES
379 AND ADDITIONS TO PRE-EXISTING WCFS (INCLUDING TRADING
380 OUT OF ANTENNAS FOR AN EQUAL NUMBER OF ANTENNAS) SHALL
381 MEET APPLICABLE REQUIREMENTS OF THIS SECTION 10-16-4.
- 382 3. MISCELLANEOUS ANTENNAS. ANTENNAS USED FOR RECEPTION OF
383 TELEVISION, MULTI-CHANNEL VIDEO PROGRAMMING AND RADIO
384 SUCH AS OTARD ANTENNAS, TELEVISION BROADCAST BAND
385 ANTENNAS, AND BROADCAST RADIO ANTENNAS, PROVIDED THAT
386 ANY REQUIREMENTS RELATED TO ACCESSORY USES CONTAINED
387 IN CHAPTER 16 OF THIS CODE and the requirement that the height be no
388 more than the distance from the base to the property line are met. The Director
389 or his or her designee has the authority to approve modifications to the height
390 restriction related to OTARD antennas and OTARD antenna structures, if in the
391 reasonable discretion of the City, modifications are necessary to comply with
392 federal law.

393 **10-16-3: – OPERATIONAL STANDARDS:**

- 394 (A) FEDERAL REQUIREMENTS. ALL WCFS SHALL MEET THE CURRENT
395 STANDARDS AND REGULATIONS OF THE FAA, THE FCC AND ANY
396 OTHER AGENCY OF THE FEDERAL GOVERNMENT WITH THE
397 AUTHORITY TO REGULATE WCFS. IF SUCH STANDARDS AND
398 REGULATIONS ARE CHANGED, THEN THE OWNERS OF THE WCF
399 GOVERNED BY THIS SECTION SHALL BRING SUCH FACILITY INTO
400 COMPLIANCE WITH SUCH REVISED STANDARDS AND REGULATIONS
401 WITHIN THE TIME PERIOD MANDATED BY THE CONTROLLING FEDERAL
402 AGENCY. FAILURE TO MEET SUCH REVISED STANDARDS AND
403 REGULATIONS SHALL CONSTITUTE GROUNDS FOR THE REMOVAL OF
404 THE WCF AT THE OWNER'S EXPENSE.

405 (B) RADIO FREQUENCY STANDARDS. ALL WCFS SHALL COMPLY WITH
406 FEDERAL STANDARDS FOR RADIO FREQUENCY EMISSIONS. IF
407 CONCERNS REGARDING COMPLIANCE WITH RADIO FREQUENCY
408 EMISSIONS STANDARDS FOR A WCF HAVE BEEN MADE TO THE CITY,
409 THE CITY MAY REQUEST THAT THE OWNER OR OPERATOR OF THE WCF
410 PROVIDE INFORMATION DEMONSTRATING COMPLIANCE. IF SUCH
411 INFORMATION SUGGESTS, IN THE REASONABLE DISCRETION OF THE
412 CITY, THAT THE WCF MAY NOT BE IN COMPLIANCE, THE CITY MAY
413 REQUEST AND THE OWNER OR OPERATOR OF THE WCF SHALL SUBMIT
414 A PROJECT IMPLEMENTATION REPORT WHICH PROVIDES CUMULATIVE
415 FIELD MEASUREMENTS OF RADIO FREQUENCY EMISSIONS OF ALL
416 ANTENNAS INSTALLED AT THE SUBJECT SITE, AND WHICH COMPARES
417 THE RESULTS WITH ESTABLISHED FEDERAL STANDARDS. IF, UPON
418 REVIEW, THE CITY FINDS THAT THE FACILITY DOES NOT MEET
419 FEDERAL STANDARDS, THE CITY MAY REQUIRE CORRECTIVE ACTION
420 WITHIN A REASONABLE PERIOD OF TIME, AND IF NOT CORRECTED,
421 MAY REQUIRE REMOVAL OF THE WCF PURSUANT TO SECTION 10-16-
422 3(A). ANY REASONABLE COSTS INCURRED BY THE CITY, INCLUDING
423 REASONABLE CONSULTING COSTS TO VERIFY COMPLIANCE WITH
424 THESE REQUIREMENTS, SHALL BE PAID BY THE APPLICANT.

425 (C) SIGNAL INTERFERENCE. ALL WCFS SHALL BE DESIGNED AND SITED,
426 CONSISTENT WITH APPLICABLE FEDERAL REGULATIONS, SO AS NOT TO
427 CAUSE INTERFERENCE WITH THE NORMAL OPERATION OF RADIO,
428 TELEVISION, TELEPHONE AND OTHER COMMUNICATION SERVICES
429 UTILIZED BY ADJACENT RESIDENTIAL AND NON-RESIDENTIAL
430 PROPERTIES; NOR SHALL ANY SUCH FACILITIES INTERFERE WITH ANY
431 PUBLIC SAFETY COMMUNICATIONS. THE APPLICANT SHALL PROVIDE A
432 WRITTEN STATEMENT FROM A QUALIFIED RADIO FREQUENCY
433 ENGINEER, CERTIFYING THAT A TECHNICAL EVALUATION OF EXISTING
434 AND PROPOSED FACILITIES INDICATES NO POTENTIAL INTERFERENCE
435 PROBLEMS AND SHALL ALLOW THE CITY TO MONITOR INTERFERENCE
436 LEVELS WITH PUBLIC SAFETY COMMUNICATIONS DURING THIS
437 PROCESS. ADDITIONALLY, THE APPLICANT SHALL NOTIFY THE CITY
438 AT LEAST TEN CALENDAR DAYS PRIOR TO THE INTRODUCTION OF NEW
439 SERVICE OR CHANGES IN EXISTING SERVICE, AND SHALL ALLOW THE
440 CITY TO MONITOR INTERFERENCE LEVELS WITH PUBLIC SAFETY
441 COMMUNICATIONS DURING THE APPLICANT'S TESTING PROCESS.

442 (D) LEGAL ACCESS. IN ALL APPLICATIONS FOR WCFS AN APPLICANT MUST
443 WARRANT AND REPRESENT THAT IT HAS THE WRITTEN AGREEMENT
444 OF THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THE
445 APPLICATION FOR LEGAL ACCESS TO AND FROM THE WCF AND THE
446 APPLICANT MUST ALSO WARRANT AND REPRESENT THAT IT WILL

447 HAVE LEGAL ACCESS TO THE UTILITIES TO OPERATE AND MAINTAIN
448 THE WCF.

449 (E) OPERATION AND MAINTENANCE. TO ENSURE THE STRUCTURAL
450 INTEGRITY OF WCFs, THE OWNER OF A WCF SHALL ENSURE THAT IT IS
451 MAINTAINED IN COMPLIANCE WITH STANDARDS CONTAINED IN
452 APPLICABLE LOCAL BUILDING AND SAFETY CODES. IF UPON
453 INSPECTION, THE CITY CONCLUDES THAT A WCF FAILS TO COMPLY
454 WITH SUCH CODES AND CONSTITUTES A DANGER TO PERSONS OR
455 PROPERTY, THEN, UPON WRITTEN NOTICE BEING PROVIDED TO THE
456 OWNER OF THE WCF, THE OWNER SHALL HAVE 30 DAYS FROM THE
457 DATE OF NOTICE TO BRING SUCH WCF INTO COMPLIANCE. UPON GOOD
458 CAUSE SHOWN BY THE OWNER, THE CITY'S CHIEF BUILDING OFFICIAL
459 MAY EXTEND SUCH COMPLIANCE PERIOD NOT TO EXCEED 90 DAYS
460 FROM THE DATE OF SAID NOTICE. IF THE OWNER FAILS TO BRING
461 SUCH WCF INTO COMPLIANCE WITHIN SAID TIME PERIOD, THE CITY
462 MAY REMOVE SUCH WCF AT THE OWNER'S EXPENSE.

463 (F) ABANDONMENT AND REMOVAL. IF A WCF HAS NOT BEEN IN USE FOR A
464 PERIOD OF THREE MONTHS, THE OWNER OF THE WCF SHALL NOTIFY THE
465 CITY OF THE NON-USE AND SHALL INDICATE WHETHER RE-USE IS
466 EXPECTED WITHIN THE ENSUING THREE MONTHS. ANY WCF THAT IS
467 NOT OPERATED FOR A CONTINUOUS PERIOD OF SIX MONTHS SHALL BE
468 CONSIDERED ABANDONED. THE CITY, IN ITS SOLE DISCRETION, MAY
469 REQUIRE AN ABANDONED WCF TO BE REMOVED. THE OWNER OF SUCH
470 WCF SHALL REMOVE THE SAME WITHIN 30 DAYS OF RECEIPT OF
471 WRITTEN NOTICE FROM THE CITY. IF SUCH WCF IS NOT REMOVED
472 WITHIN SAID 30 DAYS, THE CITY MAY REMOVE IT AT THE OWNER'S
473 EXPENSE AND ANY APPROVED PERMITS FOR THE WCF SHALL BE DEEMED
474 TO HAVE EXPIRED.

475 **10-16-4: – DESIGN STANDARDS:**

476 (A) THE REQUIREMENTS SET FORTH IN THIS SECTION SHALL APPLY TO THE
477 LOCATION AND DESIGN OF ALL WCFs GOVERNED BY THIS SECTION AS
478 SPECIFIED BELOW; PROVIDED, HOWEVER, THAT THE CITY MAY WAIVE
479 THESE REQUIREMENTS IF IT DETERMINES THAT THE GOALS OF THIS
480 SECTION ARE BETTER SERVED THEREBY. TO THAT END, WCFs SHALL
481 BE DESIGNED AND LOCATED TO MINIMIZE THE IMPACT ON THE
482 SURROUNDING NEIGHBORHOOD AND TO MAINTAIN THE CHARACTER
483 AND APPEARANCE OF THE CITY, CONSISTENT WITH OTHER PROVISIONS
484 OF THIS CODE.

485 1. CAMOUFLAGE/CONCEALMENT. ALL WCFs AND ANY
486 TRANSMISSION EQUIPMENT SHALL, TO THE EXTENT POSSIBLE,

487 USE CAMOUFLAGE DESIGN TECHNIQUES INCLUDING, BUT NOT
488 LIMITED TO THE USE OF MATERIALS, COLORS, TEXTURES,
489 SCREENING, UNDERGROUNDING, LANDSCAPING, OR OTHER
490 DESIGN OPTIONS THAT WILL BLEND THE WCF TO THE
491 SURROUNDING NATURAL SETTING AND BUILT ENVIRONMENT.
492 DESIGN, MATERIALS AND COLORS OF WCFS SHALL BE
493 COMPATIBLE WITH THE SURROUNDING ENVIRONMENT. DESIGNS
494 SHALL BE COMPATIBLE WITH STRUCTURES AND VEGETATION
495 ON THE SAME PARCEL AND ADJACENT PARCELS.

496 (A) CAMOUFLAGE DESIGN MAY BE OF HEIGHTENED
497 IMPORTANCE WHERE FINDINGS OF PARTICULAR
498 SENSITIVITY ARE MADE (E.G. PROXIMITY TO HISTORIC OR
499 AESTHETICALLY SIGNIFICANT STRUCTURES, VIEWS,
500 AND/OR COMMUNITY FEATURES). IN SUCH INSTANCES
501 WHERE WCFS ARE LOCATED IN AREAS OF HIGH VISIBILITY,
502 THEY SHALL (WHERE POSSIBLE) BE DESIGNED (E.G.,
503 PLACED UNDERGROUND, DEPRESSED, OR LOCATED
504 BEHIND EARTH BERMS) TO MINIMIZE THEIR PROFILE.

505 (B) THE CAMOUFLAGE DESIGN MAY INCLUDE THE USE OF
506 ALTERNATIVE TOWER STRUCTURES SHOULD THE
507 COMMUNITY DEVELOPMENT DIRECTOR DETERMINE THAT
508 SUCH DESIGN MEETS THE INTENT OF THIS CODE AND THE
509 COMMUNITY IS BETTER SERVED THEREBY.

510 (C) ALL WCFS, SUCH AS ANTENNAS, VAULTS, EQUIPMENT
511 ROOMS, EQUIPMENT ENCLOSURES, AND TOWER
512 STRUCTURES SHALL BE CONSTRUCTED OUT OF NON-
513 REFLECTIVE MATERIALS (VISIBLE EXTERIOR SURFACES
514 ONLY).

515 1. HAZARDOUS MATERIALS. NO HAZARDOUS MATERIALS SHALL
516 BE PERMITTED IN ASSOCIATION WITH WCFS, EXCEPT THOSE
517 NECESSARY FOR THE OPERATIONS OF THE WCF AND ONLY IN
518 ACCORDANCE WITH ALL APPLICABLE LAWS GOVERNING SUCH
519 MATERIALS.

520 2. SITING.

521 (A) NO PORTION OF ANY WCF MAY EXTEND BEYOND THE
522 PROPERTY LINE.

523 (B) COLLOCATION. WCFS MAY BE REQUIRED TO BE DESIGNED
524 AND CONSTRUCTED TO PERMIT THE FACILITY TO

525 ACCOMMODATE WCFS FROM AT LEAST 2 WIRELESS
526 SERVICE PROVIDERS ON THE SAME WCF UNLESS THE CITY
527 APPROVES AN ALTERNATIVE DESIGN. NO WCF OWNER OR
528 OPERATOR SHALL UNFAIRLY EXCLUDE A COMPETITOR
529 FROM USING THE SAME FACILITY OR LOCATION.

530 (C) WCFS SHALL BE SITED IN A LOCATION THAT DOES NOT
531 REDUCE THE PARKING FOR THE OTHER PRINCIPAL USES
532 ON THE PARCEL BELOW CODE STANDARDS.

533 3. LIGHTING. WCFS SHALL NOT BE ARTIFICIALLY LIGHTED,
534 UNLESS REQUIRED BY THE FAA OR OTHER APPLICABLE
535 GOVERNMENTAL AUTHORITY, OR THE WCF IS MOUNTED ON A
536 LIGHT POLE OR OTHER SIMILAR STRUCTURE PRIMARILY USED
537 FOR LIGHTING PURPOSES. IF LIGHTING IS REQUIRED, THE CITY
538 MAY REVIEW THE AVAILABLE LIGHTING ALTERNATIVES AND
539 APPROVE THE DESIGN THAT WOULD CAUSE THE LEAST
540 DISTURBANCE TO THE SURROUNDING VIEWS. LIGHTING SHALL
541 BE SHIELDED OR DIRECTED TO THE GREATEST EXTENT POSSIBLE
542 SO AS TO MINIMIZE THE AMOUNT OF GLARE AND LIGHT FALLING
543 ONTO NEARBY PROPERTIES, PARTICULARLY RESIDENCES.

544 4. LANDSCAPING AND FENCING REQUIREMENTS

545 (A) WCFS SHALL BE SITED IN A MANNER THAT DOES NOT
546 REDUCE THE LANDSCAPED AREAS FOR THE OTHER
547 PRINCIPAL USES ON THE PARCEL, BELOW CODE
548 STANDARDS.

549 (B) WCFS SHALL BE LANDSCAPED WITH A BUFFER OF PLANT
550 MATERIALS THAT EFFECTIVELY SCREEN THE VIEW OF THE
551 WCF FROM ADJACENT RESIDENTIAL PROPERTY. THE
552 STANDARD BUFFER SHALL CONSIST OF THE FRONT, SIDE,
553 AND REAR LANDSCAPED SETBACK ON THE PERIMETER OF
554 THE SITE.

555 (C) IN LOCATION WHERE THE VISUAL IMPACT OF THE WCF
556 WOULD BE MINIMAL, THE LANDSCAPING REQUIREMENT
557 MAY BE REDUCED OR WAIVED ALTOGETHER BY THE
558 DIRECTOR OR ASSIGNED DESIGNEE.

559 (D) EXISTING MATURE TREE GROWTH AND NATURAL
560 LANDFORMS ON THE SITE SHALL BE PRESERVED TO THE
561 MAXIMUM EXTENT POSSIBLE. IN SOME CASES, SUCH AS
562 WCFS SITED ON LARGE, WOODED LOTS, NATURAL

- 563 GROWTH AROUND THE SITE PERIMETER MAY BE
564 SUFFICIENT TO BUFFER.
- 565 (E) NO TREES LARGER THAN 4 INCHES IN DIAMETER
566 MEASURED AT 4 ½ FEET HIGH ON THE TREE MAY BE
567 REMOVED, UNLESS AUTHORIZED BY THE COMMUNITY
568 DEVELOPMENT DIRECTOR. TO OBTAIN SUCH
569 AUTHORIZATION THE APPLICANT SHALL SHOW THAT TREE
570 REMOVAL IS NECESSARY, THE APPLICANT'S PLAN
571 MINIMIZES THE NUMBER OF TREES TO BE REMOVED AND
572 ANY TREES REMOVED ARE REPLACED AT A RATIO OF 2 TO
573 1.
- 574 5. NOISE. NOISE GENERATED ON THE SITE MUST NOT EXCEED THE
575 LEVELS PERMITTED IN THE CITY CODE, EXCEPT THAT A WCF
576 OWNER OR OPERATOR SHALL BE PERMITTED TO EXCEED CITY
577 CODE NOISE STANDARDS FOR A REASONABLE PERIOD OF TIME
578 DURING REPAIRS, NOT TO EXCEED TWO HOURS WITHOUT PRIOR
579 AUTHORIZATION FROM THE CITY.
- 580 6. ADDITIONAL DESIGN REQUIREMENTS SHALL BE APPLICABLE TO
581 THE VARIOUS TYPES OF WCFs AS SPECIFIED BELOW:
- 582 (A) BASE STATIONS. IF AN ANTENNA IS INSTALLED ON A
583 STRUCTURE OTHER THAN A TOWER, SUCH AS A BASE
584 STATION (INCLUDING, BUT NOT LIMITED TO THE
585 ANTENNAS AND ACCESSORY EQUIPMENT) IT SHALL BE OF
586 A NEUTRAL, NON-REFLECTIVE COLOR THAT IS IDENTICAL
587 TO, OR CLOSELY COMPATIBLE WITH, THE COLOR OF THE
588 SUPPORTING STRUCTURE, OR USES OTHER
589 CAMOUFLAGE/CONCEALMENT DESIGN TECHNIQUES SO AS
590 TO MAKE THE ANTENNA AND RELATED FACILITIES AS
591 VISUALLY UNOBTRUSIVE AS POSSIBLE.
- 592 (B) ALTERNATIVE TOWER STRUCTURES. ALTERNATIVE
593 TOWER STRUCTURES SHALL BE DESIGNED AND
594 CONSTRUCTED TO LOOK LIKE A BUILDING, FACILITY, OR
595 STRUCTURE TYPICALLY FOUND IN THE AREA.
- 596 I. WITH RESPECT TO ITS POLE-MOUNTED
597 COMPONENTS, BE LOCATED ON AN EXISTING
598 UTILITY POLE SERVING ANOTHER UTILITY; OR
- 599 II. BE CAMOUFLAGED/CONCEALED CONSISTENT WITH
600 OTHER EXISTING NATURAL OR MANMADE

- 601 FEATURES IN THE RIGHT-OF-WAY NEAR THE
602 LOCATION WHERE THE ALTERNATIVE TOWER
603 STRUCTURE WILL BE LOCATED; OR
- 604 III. WITH RESPECT TO ITS POLE COMPONENTS, BE
605 LOCATED ON A NEW UTILITY POLE WHERE OTHER
606 UTILITY DISTRIBUTION LINES ARE AERIAL, IF THERE
607 ARE NO REASONABLE ALTERNATIVES, AND THE
608 APPLICANT IS AUTHORIZED TO CONSTRUCT THE
609 NEW UTILITY POLES; OR
- 610 IV. TO THE EXTENT REASONABLY FEASIBLE, BE
611 CONSISTENT WITH THE SIZE AND SHAPE OF THE
612 POLE-MOUNTED EQUIPMENT INSTALLED BY
613 COMMUNICATIONS COMPANIES ON UTILITY POLES
614 NEAR THE ALTERNATIVE TOWER STRUCTURE;
- 615 V. BE SIZED TO MINIMIZE THE NEGATIVE AESTHETIC
616 IMPACTS TO THE RIGHT-OF-WAY;
- 617 VI. BE DESIGNED SUCH THAT ANTENNA INSTALLATIONS
618 ON TRAFFIC SIGNAL STANDARDS ARE PLACED IN A
619 MANNER SO THAT THE SIZE, APPEARANCE, AND
620 FUNCTION OF THE SIGNAL WILL NOT BE
621 CONSIDERABLY ALTERED.
- 622 VII. REQUIRE THAT ANY GROUND MOUNTED EQUIPMENT
623 SHALL BE LOCATED IN A MANNER NECESSARY TO
624 ADDRESS BOTH PUBLIC SAFETY AND AESTHETIC
625 CONCERNS IN THE REASONABLE DISCRETION OF THE
626 DIRECTOR, AND MAY, WHERE APPROPRIATE,
627 REQUIRE A FLUSH-TO-GRADE UNDERGROUND
628 EQUIPMENT VAULT.
- 629 VIII. NOT ALTER VEHICULAR CIRCULATION OR PARKING
630 WITHIN THE RIGHT-OF-WAY OR IMPEDE VEHICULAR,
631 BICYCLE, OR PEDESTRIAN ACCESS OR VISIBILITY
632 ALONG THE RIGHT-OF-WAY. THE ALTERNATIVE
633 TOWER STRUCTURE MUST COMPLY WITH THE
634 AMERICANS WITH DISABILITIES ACT AND EVERY
635 OTHER LOCAL, STATE, AND FEDERAL LAW AND
636 REGULATIONS. NO ALTERNATIVE TOWER
637 STRUCTURE MAY BE LOCATED OR MAINTAINED IN A
638 MANNER THAT CAUSES UNREASONABLE
639 INTERFERENCE. UNREASONABLE INTERFERENCE

640 MEANS ANY USE OF THE RIGHT-OF-WAY THAT
641 DISRUPTS OR INTERFERES WITH ITS USE BY THE
642 CITY, THE GENERAL PUBLIC, OR OTHER PERSON
643 AUTHORIZED TO USE OR BE PRESENT UPON THE
644 RIGHT-OF-WAY, WHEN THERE EXISTS AN
645 ALTERNATIVE THAT WOULD RESULT IN LESS
646 DISRUPTION OR INTERFERENCE. UNREASONABLE
647 INTERFERENCE INCLUDES ANY USE OF THE RIGHT-
648 OF-WAY THAT DISRUPTS VEHICULAR OR
649 PEDESTRIAN TRAFFIC, ANY INTERFERENCE WITH
650 PUBLIC UTILITIES, AND ANY OTHER ACTIVITY THAT
651 WILL PRESENT A HAZARD TO PUBLIC HEALTH,
652 SAFETY, OR WELFARE.

653 (C) TOWERS.

654 I. TOWERS SHALL EITHER MAINTAIN A GALVANIZED
655 STEEL FINISH, OR, SUBJECT TO ANY APPLICABLE
656 FAA STANDARDS, BE PAINTED A NEUTRAL COLOR SO
657 AS TO REDUCE VISUAL OBTRUSIVENESS AS
658 DETERMINED BY THE CITY;

659 II. TOWER STRUCTURES SHOULD USE EXISTING LAND
660 FORMS, VEGETATION, AND STRUCTURES TO AID IN
661 SCREENING THE FACILITY FROM VIEW OR BLENDING
662 IN WITH THE SURROUNDING BUILT AND NATURAL
663 ENVIRONMENT;

664 III. MONOPOLE SUPPORT STRUCTURES SHALL TAPER
665 FROM THE BASE TO THE TIP;

666 IV. ALL TOWERS SHALL BE ENCLOSED BY SECURITY
667 FENCING OR WALL AT LEAST 6 FEET IN HEIGHT AND
668 SHALL ALSO BE EQUIPPED WITH AN APPROPRIATE
669 ANTI-CLIMBING DEVICE.

670 (E) RELATED ACCESSORY EQUIPMENT. ACCESSORY
671 EQUIPMENT FOR ALL WCFS SHALL MEET THE FOLLOWING
672 REQUIREMENTS:

673 I. ALL BUILDINGS, SHELTER, CABINETS, AND OTHER
674 ACCESSORY COMPONENTS SHALL BE GROUPED AS
675 CLOSELY AS TECHNICALLY POSSIBLE;

676 II. THE TOTAL FOOTPRINT COVERAGE AREA OF THE
677 WCF'S ACCESSORY EQUIPMENT SHALL NOT EXCEED
678 350 SQUARE FEET;

679 III. NO RELATED ACCESSORY EQUIPMENT OR
680 ACCESSORY STRUCTURE SHALL EXCEED 12 FEET IN
681 HEIGHT;

682 IV. ACCESSORY EQUIPMENT, INCLUDING BUT NOT
683 LIMITED TOO REMOTE RADIO UNITS, SHALL BE
684 LOCATED OUT OF SIGHT WHENEVER POSSIBLE BY
685 LOCATING BEHIND PARAPET WALLS OR WITHIN
686 EQUIPMENT ENCLOSURES. WHERE SUCH
687 ALTERNATE LOCATIONS ARE NOT AVAILABLE, THE
688 ACCESSORY EQUIPMENT SHALL BE CAMOUFLAGED
689 OR CONCEALED.

690 **10-16-5: – REVIEW PROCEDURES AND REQUIREMENTS:**

691 (A) NO NEW WCF SHALL BE CONSTRUCTED AND NO COLLOCATION OR
692 MODIFICATION TO ANY WCF MAY OCCUR EXCEPT AFTER A WRITTEN
693 REQUEST FROM AN APPLICANT, REVIEWED AND APPROVED BY THE CITY
694 IN ACCORDANCE WITH THIS CHAPTER. ALL WCFS SHALL BE REVIEWED
695 PURSUANT TO THE FOLLOWING PROCEDURES:

696 1. SUBMITTAL REQUIREMENTS. IN ADDITION TO AN APPLICATION
697 FORM, SIGNAL INTERFERENCE LETTER, AND SUBMITTAL FEES,
698 EACH APPLICANT SHALL SUBMIT A SCALED SITE PLAN, PHOTO
699 SIMULATION, SCALED ELEVATION VIEW AND OTHER SUPPORTING
700 DRAWINGS, CALCULATIONS, AND OTHER DOCUMENTATION,
701 SIGNED AND SEALED BY APPROPRIATE QUALIFIED
702 PROFESSIONALS, SHOWING THE LOCATION AND DIMENSION OF
703 ALL IMPROVEMENTS, INCLUDING INFORMATION CONCERNING
704 TOPOGRAPHY, RADIO FREQUENCY COVERAGE, TOWER HEIGHT,
705 SETBACKS, DRIVES, PARKING, FENCING, LANDSCAPING, ADJACENT
706 USES, DRAINAGE, AND OTHER INFORMATION DEEMED BY THE
707 DIRECTOR TO BE NECESSARY TO ASSESS COMPLIANCE WITH THIS
708 SECTION.

709 2. INVENTORY OF EXISTING SITES. EACH APPLICANT FOR A WCF
710 SHALL PROVIDE TO THE DIRECTOR A NARRATIVE AND MAP
711 DESCRIPTION OF THE APPLICANT'S EXISTING OR THEN
712 CURRENTLY PROPOSED WCFS WITHIN THE CITY, AND OUTSIDE OF
713 THE CITY WITHIN ONE MILE OF ITS BOUNDARIES. IN ADDITION,
714 THE APPLICANT SHALL INFORM THE CITY GENERALLY OF THE

715 AREAS OF THE CITY IN WHICH IT BELIEVES WCFS MAY NEED TO BE
716 LOCATED WITHIN THE NEXT THREE YEARS. THE INVENTORY LIST
717 SHOULD IDENTIFY THE SITE NAME, SITE ADDRESS, AND A
718 GENERAL DESCRIPTION OF THE FACILITY (I.E. – ROOFTOP
719 ANTENNAS AND GROUND MOUNTED EQUIPMENT). THIS PROVISION
720 IS NOT INTENDED TO BE A REQUIREMENT THAT THE APPLICANT
721 SUBMIT ITS BUSINESS PLAN, PROPRIETARY INFORMATION, OR
722 MAKE COMMITMENTS REGARDING LOCATIONS OF WCFS WITHIN
723 THE CITY. RATHER, IT IS AN ATTEMPT TO PROVIDE A MECHANISM
724 FOR THE CITY AND ALL APPLICANTS FOR WCFS TO SHARE
725 GENERAL INFORMATION, ASSIST IN THE CITY’S COMPREHENSIVE
726 PLANNING PROCESS, AND PROMOTE COLLOCATION BY
727 IDENTIFYING AREAS IN WHICH WCFS MIGHT BE APPROPRIATELY
728 CONSTRUCTED FOR MULTIPLE USERS.

729 THE COMMUNITY DEVELOPMENT DEPARTMENT MAY SHARE SUCH
730 INFORMATION WITH OTHER APPLICANTS APPLYING FOR
731 ADMINISTRATIVE APPROVALS OR CONDITIONAL PERMITS UNDER
732 THIS SECTION OR OTHER ORGANIZATIONS SEEKING TO LOCATE
733 WCFS WITHIN THE JURISDICTION OF THE CITY, PROVIDED
734 HOWEVER, THAT THE COMMUNITY DEVELOPMENT DEPARTMENT
735 IS NOT, BY SHARING SUCH INFORMATION, IN ANY WAY
736 REPRESENTING OR WARRANTING THAT SUCH SITES ARE
737 AVAILABLE OR SUITABLE.

738 3. IN ALL ZONING DISTRICTS, APPLICATIONS FOR BASE STATIONS,
739 ALTERNATIVE TOWER STRUCTURES AND ALTERNATIVE TOWER
740 STRUCTURES WITHIN RIGHT-OF-WAY, SHALL BE REVIEWED BY THE
741 DIRECTOR FOR CONFORMANCE TO THIS SECTION AND CODE USING
742 THE SITE PLAN REVIEW PROCEDURES SET FORTH IN SECTION 10-7
743 OF THIS CODE. SHOULD THE DIRECTOR CONSIDER THE PROPOSED
744 WCF TO HAVE A SIGNIFICANT VISUAL IMPACT, (I.E. PROXIMITY TO
745 HISTORICAL SITES) OR OTHERWISE BE INCOMPATIBLE WITH THE
746 STRUCTURE OR SURROUNDING AREA, OR NOT MEET THE INTENT
747 OF THESE PROVISIONS, THE DIRECTOR MAY REFER THE
748 APPLICATION TO CITY COUNCIL FOR APPROVAL, AFTER A
749 RECOMMENDATION BY PLANNING COMMISSION.

750 4. IN ALL ZONING DISTRICTS, ALL OTHER TOWERS MAY BE
751 PERMITTED ONLY AS A CONDITIONAL USE. WCFS SHALL BE
752 REVIEWED FOR CONFORMANCE TO THIS SECTION AND CODE
753 USING THE CONDITIONAL USE REVIEW PROCEDURES SET FORTH IN
754 SECTION 10-8-1, ET SEQ. OF THIS CODE. ALL APPLICATIONS FOR
755 TOWERS SHALL DEMONSTRATE THAT OTHER ALTERNATIVE
756 DESIGN OPTIONS SUCH AS BASE STATIONS OR ALTERNATIVE

757 TOWER STRUCTURES ARE NOT VIABLE OPTIONS AS DETERMINED
758 BY THE CITY. NOTWITHSTANDING ANYTHING IN THIS TITLE TO
759 THE CONTRARY, NO TOWERS LOCATED IN THE RIGHT-OF-WAY
760 SHALL EXCEED 35 FEET IN HEIGHT.

761 5. REVIEW PROCEDURES FOR ELIGIBLE FACILITIES REQUESTS.

762 (A) APPLICATION. IN ALL ZONING DISTRICTS, ELIGIBLE
763 FACILITIES REQUESTS SHALL BE CONSIDERED A USE BY
764 RIGHT SUBJECT TO ADMINISTRATIVE REVIEW. THE CITY
765 SHALL PREPARE, AND FROM TIME TO TIME REVISE AND
766 MAKE PUBLICLY AVAILABLE, AN APPLICATION FORM WHICH
767 SHALL BE LIMITED TO THE INFORMATION NECESSARY FOR
768 THE CITY TO CONSIDER WHETHER AN APPLICATION IS AN
769 ELIGIBLE FACILITIES REQUEST. SUCH INFORMATION MAY
770 INCLUDE, WITHOUT LIMITATION, WHETHER THE PROJECT:

771 I. WOULD RESULT IN A SUBSTANTIAL CHANGE;

772 II. VIOLATES A GENERALLY APPLICABLE LAW,
773 REGULATIONS, OR OTHER RULE REASONABLY
774 RELATED TO PUBLIC HEALTH AND SAFETY.

775 THE APPLICATION MAY NOT REQUIRE THE APPLICANT TO
776 DEMONSTRATE A NEED OR BUSINESS CASE FOR THE
777 PROPOSED MODIFICATION OR COLLOCATION.

778 (B) TYPE OF REVIEW. UPON RECEIPT OF AN APPLICATION FOR
779 AN ELIGIBLE FACILITIES REQUEST PURSUANT TO THIS
780 SECTION, THE DIRECTOR SHALL REVIEW SUCH APPLICATION
781 TO DETERMINE WHETHER THE APPLICATION SO QUALIFIES.

782 (C) TIMEFRAME FOR REVIEW. SUBJECT TO THE TOLLING
783 PROVISIONS OF SUBPARAGRAPH D. BELOW, WITHIN 60 DAYS
784 OF THE DATE ON WHICH AN APPLICANT SUBMITS AN
785 APPLICATION SEEKING APPROVAL UNDER THIS SECTION,
786 THE CITY SHALL APPROVE THE APPLICATION UNLESS IT
787 DETERMINES THAT THE APPLICATION IS NOT COVERED BY
788 THIS SUBSECTION.

789 (D) TOLLING OF THE TIMEFRAME FOR REVIEW. THE 60-DAY
790 REVIEW PERIOD BEGINS TO RUN WHEN THE APPLICATION IS
791 FILED, AND MAY BE TOLLED ONLY BY MUTUAL AGREEMENT
792 OF THE CITY AND THE APPLICANT, OR IN CASES WHERE THE

- 793 DIRECTOR DETERMINES THAT THE APPLICATION IS
794 INCOMPLETE:
- 795 I. TO TOLL THE TIMEFRAME FOR INCOMPLETENESS, THE
796 CITY MUST PROVIDE WRITTEN NOTICE TO THE
797 APPLICANT WITHIN 30 DAYS OF RECEIPT OF THE
798 APPLICATION, SPECIFICALLY DELINEATING ALL
799 MISSING DOCUMENTS OR INFORMATION REQUIRED IN
800 THE APPLICATION;
- 801 II. THE TIMEFRAME FOR REVIEW BEGINS RUNNING AGAIN
802 WHEN THE APPLICANT MAKES A SUPPLEMENTAL
803 WRITTEN SUBMISSION IN RESPONSE TO THE CITY'S
804 NOTICE OF INCOMPLETENESS; AND
- 805 III. FOLLOWING A SUPPLEMENTAL SUBMISSION, THE CITY
806 WILL NOTIFY THE APPLICANT WITHIN 10 DAYS THAT
807 THE SUPPLEMENTAL SUBMISSION DID NOT PROVIDE
808 THE INFORMATION IDENTIFIED IN THE ORIGINAL
809 NOTICE DELINEATING MISSING INFORMATION. THE
810 TIMEFRAME IS TOLLED IN THE CASE OF SECOND OR
811 SUBSEQUENT NOTICES PURSUANT TO THE
812 PROCEDURES IDENTIFIED IN PARAGRAPH (D)I. IN THE
813 CASE OF A SECOND OR SUBSEQUENT NOTICE OF
814 INCOMPLETENESS, THE CITY MAY NOT SPECIFY
815 MISSING INFORMATION OR DOCUMENTS THAT WERE
816 NOT DELINEATED IN THE ORIGINAL NOTICE OF
817 INCOMPLETENESS.
- 818 (E) FAILURE TO ACT. IN THE EVENT THE CITY FAILS TO ACT ON
819 A REQUEST SEEKING APPROVAL FOR AN ELIGIBLE
820 FACILITIES REQUEST UNDER THIS SECTION WITHIN THE
821 TIMEFRAME FOR REVIEW (ACCOUNTING FOR ANY TOLLING),
822 THE REQUEST SHALL BE DEEMED GRANTED. THE DEEMED
823 GRANT BECOMES EFFECTIVE WHEN THE APPLICANT
824 NOTIFIES THE CITY IN WRITING AFTER THE REVIEW PERIOD
825 HAS EXPIRED (ACCOUNTING FOR ANY TOLLING) THAT THE
826 APPLICATION HAS BEEN DEEMED GRANTED.
- 827 (F) INTERACTION WITH TELECOMMUNICATIONS ACT SECTION
828 332(C)(7). IF THE CITY DETERMINES THAT THE APPLICANT'S
829 REQUEST IS NOT AN ELIGIBLE FACILITIES REQUEST AS
830 DELINEATED IN THIS CHAPTER, THE PRESUMPTIVELY
831 REASONABLE TIMEFRAME UNDER SECTION 332(C)(7), AS
832 PRESCRIBED BY THE FCC'S SHOT CLOCK ORDER, WILL BEGIN

833 TO RUN FROM THE ISSUANCE OF THE CITY'S DECISION THAT
834 THE APPLICATION IS NOT A COVERED REQUEST. TO THE
835 EXTENT SUCH INFORMATION IS NECESSARY, THE CITY MAY
836 REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT
837 TO EVALUATE THE APPLICATION UNDER SECTION 332(C)(7)
838 REVIEWS.

839 6. ABANDONMENT AND REMOVAL. PRIOR TO APPROVAL,
840 AFFIDAVITS SHALL BE REQUIRED FROM THE OWNER OF THE
841 PROPERTY AND FROM THE APPLICANT ACKNOWLEDGING THAT
842 EACH IS RESPONSIBLE FOR THE REMOVAL OF A WCF THAT IS
843 ABANDONED OR IS UNUSED FOR A PERIOD OF SIX MONTHS.

844 7. DECISION. ANY DECISION TO APPROVE, APPROVE WITH
845 CONDITIONS, OR DENY AN APPLICATION FOR A WCF, SHALL BE IN
846 WRITING AND SUPPORTED BY SUBSTANTIAL EVIDENCE IN A
847 WRITTEN RECORD. THE APPLICANT SHALL RECEIVE A COPY OF
848 THE DECISION.

849 8. COMPLIANCE WITH APPLICABLE LAW. NOTWITHSTANDING THE
850 APPROVAL OF AN APPLICATION FOR COLLOCATION AS DESCRIBED
851 HEREIN, ALL WORK DONE PURSUANT TO WCF APPLICATIONS MUST
852 BE COMPLETED IN ACCORDANCE WITH ALL APPLICABLE BUILDING
853 AND SAFETY REQUIREMENTS AS SET FORTH IN CITY CODE AND
854 ANY OTHER APPLICABLE REGULATIONS. IN ADDITION, ALL WCF
855 APPLICATIONS SHALL COMPLY WITH THE FOLLOWING:

856 (A) COMPLY WITH ANY PERMIT OR LICENSE ISSUED BY A LOCAL,
857 STATE, OR FEDERAL AGENCY WITH JURISDICTION OF THE
858 WCF;

859 (B) COMPLY WITH EASEMENTS, COVENANTS, CONDITIONS
860 AND/OR RESTRICTIONS ON OR APPLICABLE TO THE
861 UNDERLYING REAL PROPERTY;

862 (C) BE MAINTAINED IN GOOD WORKING CONDITION AND TO THE
863 STANDARDS ESTABLISHED AT THE TIME OF APPLICATION
864 APPROVAL; AND

865 (D) REMAIN FREE FROM TRASH, DEBRIS, LITTER, GRAFFITI, AND
866 OTHER FORMS OF VANDALISM. ANY DAMAGE SHALL BE
867 REPAIRED AS SOON AS PRACTICABLE, AND IN NO INSTANCE
868 MORE THAN TEN CALENDAR DAYS FROM THE TIME OF
869 NOTIFICATION BY THE CITY OR AFTER DISCOVERY BY THE
870 OWNER OR OPERATOR OF THE SITE. NOTWITHSTANDING THE

871 FOREGOING, ANY GRAFFITI ON WCFS LOCATED IN THE
872 RIGHTS-OF-WAY OR ON OTHER CITY-OWNED PROPERTY MAY
873 BE REMOVED BY THE CITY AT ITS DISCRETION, AND THE
874 OWNER AND/OR OPERATOR OF THE WCF SHALL PAY ALL
875 COSTS OF SUCH REMOVAL WITHIN THIRTY (30) DAYS AFTER
876 RECEIPT OF AN INVOICE FROM THE CITY.

877 9. COMPLIANCE REPORT. UPON REQUEST BY THE CITY, THE
878 APPLICANT SHALL PROVIDE A COMPLIANCE REPORT WITHIN 45
879 DAYS AFTER INSTALLATION OF A WCF, DEMONSTRATING THAT AS
880 INSTALLED AND IN OPERATION, THE WCF COMPLIES WITH ALL
881 CONDITIONS OF APPROVAL, APPLICABLE CODE REQUIREMENTS
882 AND STANDARD REGULATIONS.

883 **10-16-6: – STANDARDS FOR APPROVAL:**

884 (A) IT IS THE INTENT OF THE CITY TO PROVIDE FOR APPROVAL OF WCFS
885 ADMINISTRATIVELY IN CASES WHERE VISUAL IMPACTS ARE MINIMIZED,
886 VIEW CORRIDORS ARE PROTECTED, WCFS UTILIZE APPROPRIATE
887 CAMOUFLAGE/CONCEALMENT DESIGN TECHNIQUES TO AVOID ADVERSE
888 IMPACTS ON THE SURROUNDING AREA, AND WCFS ARE DESIGNED,
889 MAINTAINED, AND OPERATED AT ALL TIMES TO COMPLY WITH THE
890 PROVISIONS OF THIS TITLE AND ALL APPLICABLE LAW.
891 NOTWITHSTANDING THE APPROVAL OF AN APPLICATION FOR
892 COLLOCATION AS DESCRIBED HEREIN, ALL WORK DONE PURSUANT TO
893 WCF APPLICATIONS MUST BE COMPLETED IN ACCORDANCE WITH ALL
894 APPLICABLE BUILDING AND SAFETY REQUIREMENTS AS SET FORTH IN
895 CITY CODE AND ANY OTHER APPLICABLE REGULATIONS.

896 WCFS, WHICH ARE NOT ELIGIBLE FACILITIES REQUESTS, SHALL BE
897 EVALUATED FOR APPROVAL SUBJECT TO COMPLIANCE WITH THE
898 DESIGN STANDARDS OF SECTION 10-16-4 AND THE FOLLOWING CRITERIA:

899 1. BASE STATIONS:

900 (A) SUCH FACILITIES SHALL BE ARCHITECTURALLY
901 COMPATIBLE WITH RESPECT TO ATTACHMENTS, AND
902 COLORED TO MATCH THE BUILDING OR STRUCTURE TO
903 WHICH THEY ARE ATTACHED;

904 (B) THE MAXIMUM PROTRUSION OF SUCH FACILITIES FROM THE
905 BUILDING OR STRUCTURE FACE TO WHICH THEY ARE
906 ATTACHED SHALL BE 6 FEET;

- 907 (C) WALL MOUNTED WCFS SHALL NOT EXTEND ABOVE THE
908 ROOFLINE; AND
- 909 (D) ROOF MOUNTED WCFS SHALL BE APPROVED ONLY WHERE
910 AN APPLICANT DEMONSTRATES A WALL MOUNTED WCF IS
911 INADEQUATE TO PROVIDE SERVICE AND EVALUATED FOR
912 APPROVAL BASED UPON THE FOLLOWING CRITERIA:
- 913 I. ROOF MOUNTED ANTENNAS SHALL EXTEND NO MORE
914 THAN 12 FEET ABOVE THE PARAPET OF ANY FLAT
915 ROOF OR RIDGE OF A SLOPED ROOF TO WHICH THEY
916 ARE ATTACHED; AND
- 917 II. OTHER ROOF MOUNTED TRANSMISSION EQUIPMENT
918 SHALL EXTEND NO MORE THAN 7 FEET ABOVE ANY
919 PARAPET OF A FLAT ROOF UPON WHICH THEY MAY BE
920 PLACED, AND SHALL NOT BE PERMITTED ON A SLOPED
921 ROOF.
- 922 2. ALTERNATIVE TOWER STRUCTURES:
- 923 (A) SUCH STRUCTURES SHALL BE ARCHITECTURALLY
924 COMPATIBLE WITH THE SURROUNDING AREA;
- 925 (B) HEIGHT OR SIZE OF THE PROPOSED ALTERNATIVE TOWER
926 STRUCTURE SHOULD BE MINIMIZED AS MUCH AS POSSIBLE;
- 927 (C) WCFS SHALL BE SITED IN A MANNER THAT EVALUATES THE
928 PROXIMITY OF THE FACILITY TO RESIDENTIAL STRUCTURES
929 AND RESIDENTIAL DISTRICT BOUNDARIES;
- 930 (D) WCFS SHOULD TAKE INTO CONSIDERATION THE USES ON
931 ADJACENT AND NEARBY PROPERTIES AND THE
932 COMPATIBILITY OF THE FACILITY TO THESE USES;
- 933 (E) COMPATIBILITY WITH THE SURROUNDING TOPOGRAPHY;
- 934 (F) COMPATIBILITY WITH THE SURROUNDING TREE COVERAGE
935 AND FOLIAGE;
- 936 (G) COMPATIBILITY OF THE DESIGN OF THE SITE, WITH
937 PARTICULAR REFERENCE TO DESIGN CHARACTERISTICS
938 THAT HAVE THE EFFECT OF REDUCING OR ELIMINATING
939 VISUAL OBTRUSIVENESS; AND

- 940 (H) IMPACT ON THE SURROUNDING AREA OF THE PROPOSED
941 INGRESS AND EGRESS, IF ANY.
- 942 3. ALTERNATIVE TOWER STRUCTURES WITHIN RIGHT-OF-WAY. AN
943 ALTERNATIVE TOWER STRUCTURE MAY ALSO INCLUDE
944 UTILIZATION OF A TRAFFIC SIGNAL, STREET LIGHT POLE, OR
945 SIMILAR STRUCTURE WITHIN A PUBLIC RIGHT-OF-WAY OR
946 FREESTANDING STRUCTURE WITHIN A COMMERCIAL, OFFICE, OR
947 INDUSTRIAL AREA. SUCH FACILITIES SHALL REMAIN SUBJECT TO
948 THE ALTERNATIVE TOWER STRUCTURES STANDARDS OF
949 APPROVAL NOTED ABOVE AND SUBJECT TO THE FOLLOWING
950 CRITERIA BELOW:
- 951 (A) THE POLE OR STRUCTURE IS NOT MORE THAN TEN FEET
952 HIGHER (AS MEASURED FROM THE GROUND TO THE TOP OF
953 THE POLE) THAN ANY EXISTING UTILITY OR TRAFFIC SIGNAL
954 WITHIN 500 FEET OF THE POLE OR STRUCTURE.
- 955 (B) ANY SUCH POLE SHALL IN NO CASE BE HIGHER THAN 35
956 FEET.
- 957 (C) ANY SUCH POLE SHALL BE SEPARATED FROM ANY OTHER
958 POLE, ACCESSORY EQUIPMENT OR WIRELESS
959 COMMUNICATION FACILITY IN THE RIGHT-OF-WAY BY A
960 DISTANCE OF AT LEAST 600 FEET.
- 961 D. COLLOCATIONS ARE STRONGLY ENCOURAGED AND THE
962 NUMBER OF POLES WITHIN THE RIGHT-OF-WAY SHOULD BE
963 LIMITED AS MUCH AS POSSIBLE.
- 964 E. EQUIPMENT ENCLOSURES SHALL BE LOCATED OUT OF VIEW
965 AS MUCH AS POSSIBLE.
- 966 4. ALL OTHER TOWERS. THE CITY SHALL CONSIDER THE FOLLOWING
967 FACTORS IN DETERMINING WHETHER TO ISSUE A CONDITIONAL
968 USE APPROVAL, ALTHOUGH THE CITY MAY WAIVE OR REDUCE THE
969 BURDEN ON THE APPLICANT OF ONE OR MORE OF THESE CRITERIA
970 IF THE CITY CONCLUDES THAT THE GOALS OF THIS TITLE ARE
971 BETTER SERVED THEREBY.
- 972 (A) HEIGHT OR SIZE OF THE PROPOSED TOWER;
- 973 (B) PROXIMITY OF THE TOWER TO RESIDENTIAL STRUCTURES
974 AND RESIDENTIAL DISTRICT BOUNDARIES;

- 975 (C) NATURE OF USES ON ADJACENT AND NEARBY PROPERTIES;
- 976 (D) COMPATIBILITY WITH THE SURROUNDING TOPOGRAPHY:
- 977 (E) COMPATIBILITY WITH THE SURROUNDING TREE COVERAGE
978 AND FOLIAGE;
- 979 (F) DESIGN OF THE TOWER, WITH PARTICULAR REFERENCE TO
980 DESIGN CHARACTERISTICS THAT HAVE THE EFFECT OF
981 REDUCING OR ELIMINATING VISUAL OBTRUSIVENESS;
- 982 (G) PROPOSED INGRESS AND EGRESS;
- 983 (H) NO NEW TOWERS SHALL BE PERMITTED UNLESS THE
984 APPLICANT DEMONSTRATES TO THE REASONABLE
985 SATISFACTION OF THE CITY THAT NO EXISTING WCFS CAN
986 ACCOMMODATE THE NEEDS THAT THE APPLICANT
987 PROPOSES TO ADDRESS WITH ITS TOWER APPLICATION.
988 EVIDENCE SUBMITTED TO DEMONSTRATE THAT NO
989 EXISTING WCF CAN ACCOMMODATE THESE NEEDS MAY
990 CONSIST OF THE FOLLOWING:
- 991 I. NO EXISTING WCFS WITH A SUITABLE HEIGHT ARE
992 LOCATED WITHIN THE GEOGRAPHIC AREA REQUIRED
993 TO MEET THE APPLICANT'S ENGINEERING
994 REQUIREMENTS;
- 995 II. EXISTING WCFS DO NOT HAVE SUFFICIENT
996 STRUCTURAL STRENGTH TO SUPPORT APPLICANT'S
997 PROPOSED WCF;
- 998 III. THE APPLICANT'S PROPOSED WCFS WOULD CAUSE
999 ELECTROMAGNETIC INTERFERENCE WITH THE WCFS
1000 ON THE EXISTING WCFS OR THE EXISTING WCF WOULD
1001 CAUSE INTERFERENCE WITH THE APPLICANT'S
1002 PROPOSED WCF; AND
- 1003 IV. THE APPLICANT DEMONSTRATES THAT THERE ARE
1004 OTHER LIMITING FACTORS THAT RENDER EXISTING
1005 WCFS UNSUITABLE FOR COLLOCATION.
- 1006 (J) SETBACKS AND SEPARATION. THE FOLLOWING MINIMUM
1007 SETBACKS AND SEPARATION REQUIREMENTS SHALL APPLY
1008 TO ALL WCFS FOR WHICH A CONDITIONAL USE APPROVAL IS
1009 REQUIRED; PROVIDED, HOWEVER, THAT THE CITY MAY

1010 REDUCE STANDARD SETBACKS AND SEPARATION
1011 REQUIREMENTS IF THE APPLICANT DEMONSTRATES THAT
1012 THE GOALS OF THIS SECTION CAN BE BETTER MET BY
1013 REDUCED SETBACK AND SEPARATION REQUIREMENTS THAT
1014 PROTECT THE PUBLIC HEALTH AND SAFETY, VIEW
1015 CORRIDORS, OR MINIMIZE ADVERSE IMPACT. A TOWER
1016 SHALL MEET THE GREATER OF THE FOLLOWING MINIMUM
1017 SETBACKS FROM ALL PROPERTY LINES:

1018 I. THE SETBACK FOR A PRINCIPAL BUILDING WITHIN THE
1019 APPLICABLE ZONING DISTRICT;

1020 II. TWENTY-FIVE PERCENT OF THE FACILITY HEIGHT,
1021 INCLUDING WCFS AND RELATED ACCESSORY
1022 EQUIPMENT;

1023 III. THE TOWER HEIGHT, INCLUDING ANTENNAS, IF THE
1024 TOWER IS IN OR ADJACENT TO A RESIDENTIAL
1025 DISTRICT; AND

1026 IV. TOWERS OVER 90 FEET IN HEIGHT SHALL NOT BE
1027 LOCATED WITHIN ONE-QUARTER MILE FROM ANY
1028 EXISTING TOWER THAT IS OVER 90 FEET IN HEIGHT,
1029 UNLESS THE APPLICANT HAS SHOWN TO THE
1030 SATISFACTION OF THE CITY THAT THERE ARE NO
1031 REASONABLY SUITABLE ALTERNATIVE SITES IN THE
1032 REQUIRED GEOGRAPHIC AREA WHICH CAN MEET THE
1033 APPLICANT'S NEEDS.

1034

1035 **Section 4:** Section 2 of Chapter 8 of Title 10 of the City Code is hereby amended as
1036 follows:

1037 **10-8-2: REQUIREMENTS AND CONDITIONS FOR SPECIFIC USES**

1038 (C) Radio Transmission/BROADCAST Towers, Wind Generators And Similar Structures:

1039 1. Radio transmission towers (except ~~those used for cellular telecommunications~~ FOR
1040 WIRELESS COMMUNICATION FACILITIES (WCF), AS DEFINED IN 10-1-2),
1041 wind generators and similar structures are permitted in all zone districts provided the
1042 conditions set forth below, at a minimum, are met:

1043 (a) The setback of the structure from any property line shall be at least equal to
1044 the height of the structure plus ten feet (10'). Height shall be measured from

1045 ground level to the top of the highest attachment or, in the case of wind
1046 generators, the largest rotary blade, when vertical.

1047 (b) The drawings and specifications for the structure and footings shall be
1048 approved by and bear the seal of a registered engineer competent in structural
1049 design.

1050 (c) The maximum noise level permitted for any wind generator shall be as
1051 specified in section 7-3-6 of this code.

1052 ~~2. Those commercial mobile radio service (CMRS) facilities which are allowable as~~
1053 ~~conditional uses shall be subject to the standards set forth in section 10-4-11 of this~~
1054 ~~title.~~

1055 **Section 5: Severability.** If any part, section, subsection, sentence, clause or phrase of this
1056 ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the
1057 remaining sections of this ordinance. The City Council hereby declares that it would have passed
1058 this ordinance, including each part, section, subsection, sentence, clause or phrase hereof,
1059 irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases
1060 may be declared invalid.

1061
1062 **Section 6: Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this
1063 ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of
1064 such ordinance nor revive any ordinance thereby.
1065

1066 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
1067 of the City of Littleton on the ___ day of _____, 2017, passed on first reading by a vote of
1068 ___ FOR and ___ AGAINST; and ordered published by posting at Littleton Center, Bemis
1069 Library, the Municipal Courthouse and on the City of Littleton Website.

1070 PUBLIC HEARING on the Ordinance to take place on the ___ day of
1071 _____, 2017, in the Council Chambers, Littleton Center, 2255 West Berry Avenue,
1072 Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

1073 PASSED on second and final reading, following public hearing, by a vote of
1074 FOR and _____ AGAINST on the ___ day of _____, 2017 and ordered published

1075 by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of
1076 Littleton Website.

1077 ATTEST:

1078 _____

1079 Wendy Heffner

1080 CITY CLERK

1081

1082 APPROVED AS TO FORM:

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10-4-11: COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES:

(A) CMRS Facilities Located Or Collocated On Existing Structures:

1. CMRS facilities which are supported entirely by a roof or wall of an existing nonresidential structure are allowed as a permitted use in any zone district. A CMRS facility may be located on a multiple dwelling unit structure containing eight (8) or more dwelling units that is at least thirty five feet (35') in height. Antennas, ancillary utility structures, and associated transmission equipment shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure. Antennas shall not extend more than fifteen feet (15') beyond the highest point of the supporting structure.
2. Before any request for the construction of a new antenna support structure is approved, and where technologically feasible, collocation of antennas on existing antenna support structures shall be required. Where any party seeking access to an existing antenna support structure is unable to satisfactorily contract for collocation, the parties shall appoint an arbitrator for purposes of providing, by contract, for the terms, conditions, and costs which are to be associated with the collocation. In those situations where the parties cannot agree on an arbitrator, one shall, upon the request of the parties, be appointed by the city attorney. All costs of arbitration shall be at the sole expense of the parties. The decision of the arbitrator shall be final and shall be binding on the parties.
3. An applicant for a new antenna support structure shall demonstrate that it has contacted the owners of all suitable structures within a five hundred foot (500') radius of the proposed facility, and was denied permission to locate its CMRS facility on those structures.
4. No antenna support structure owner or lessee or employee thereof shall act to exclude or attempt to exclude any other CMRS provider from the same location. An antenna support structure owner or lessee or employee thereof shall cooperate in good faith to achieve collocation of antennas with other CMRS providers.

(B) Antenna Support Structures:

1. Antenna support structures are allowed as a permitted use in any I-P, I-1 or I-2 zone district. (Ord. 30, Series of 1997)
2. Antenna support structures which are proposed to be located in any OS, A-1, R-S, R-L, R-4, R-5, B-P, T, B-1, B-2, B-3, CA, STP, CEM, or any PD zone district (except PD-R single-family) or which are proposed to be located within two hundred fifty feet (250') of any R-E, R-1, R-2, R-3, R-3X, or PD-R zone district shall require approval by the planning commission as a conditional use. (Ord. 8, Series of 2000; amd. Ord. 5, Series of 2005; Ord. 19, Series of 2012; Ord. 15, Series of 2016)

3. Applications for proposed antenna support structures where, upon commencement of service, the antennas of two (2) or more CMRS providers will be located, may be approved by community development, based on the criteria applicable to conditional uses and the standards set forth in this section.
4. Community development may approve the installation of a proposed antenna support structure facility located on public property, based on the criteria applicable to conditional uses and the standards set forth in this section. (Ord. 20, Series of 2012)
5. Excepting those antenna support structures permitted in the I-P, I-1, or I-2 zone districts, an antenna support structure shall not be permitted within a distance of five hundred feet (500') from an existing antenna support structure, except those facilities which are designed as alternative tower structures and which receive planning commission approval as a conditional use. The maximum permitted height of any antenna support structure shall be sixty feet (60') for the first CMRS provider whose antennas are located on the structure, plus twenty feet (20') for each additional provider's antennas, to a maximum height of one hundred feet (100'). (Ord. 30, Series of 1997; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)
6. New antenna support structures shall be constructed to accommodate reasonably anticipated future collocated carriers.
7. An applicant for a new antenna support structure shall notify all CMRS providers licensed to offer service in the city that an application has been submitted. Notice shall include the address of the proposed facility. (Ord. 30, Series of 1997)

(C) Site Development Plan (SDP) Approvals:

1. Applications for CMRS facilities which include an ancillary utility structure shall require approval of an SDP. Applications may also be referred to the planning commission for review under the procedures established for conditional uses where unique environmental or aesthetic considerations exist which may affect the application. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
2. Any decision to deny a request to place, construct, or modify personal wireless service (CMRS) facilities shall be in writing and supported by substantial evidence contained in a written record.

(D) Site Development Plan; CMRS Standards: An SDP (see [chapter 7](#) of this title) shall be required for all parcels upon which any antenna support structure is proposed to be installed. In addition to all applicable zone district standards, the following standards for all CMRS facilities shall apply:

1. CMRS antennas attached to an antenna support structure may exceed the permissible height of the antenna support structure by no more than fifteen feet (15').
2. CMRS facilities shall not occupy a leased parcel of more than two thousand five hundred (2,500) square feet of the total land area of the site on which they are located, except that where a freestanding CMRS facility supports antennas of two (2) or more providers, an

additional three hundred (300) square feet of land area for each additional provider may be occupied. (Ord. 30, Series of 1997)

3. CMRS facilities shall be landscaped and/or visually screened from adjacent residential properties and public rights of way. The exterior finish and color of CMRS facilities shall be compatible with adjacent development. Specific requirements for screening, landscaping, and/or exterior building finish shall be determined by community development for each application. Such requirements shall be based upon aesthetic considerations such as, but not limited to, preservation of views, compatibility with existing surrounding vegetation and development, and proximity of the proposed facility to residential properties and public rights of way. It is not the intent of this subsection to require the total screening of antenna support structures. (Ord. 20, Series of 2012)
4. Ancillary utility structures shall meet the required minimum building setbacks. Antenna support structures which are not self-supporting shall be separated from any existing building except ancillary utility structures, by a distance not less than twenty five percent (25%) of the antenna support structure's height. Antenna support structures shall meet the required minimum setbacks and separations unless specifically requested otherwise in a conditional use application and approved by the planning commission. (Ord. 30, Series of 1997; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(E) Abandonment:

1. Whenever a CMRS provider notifies the federal communications commission that a site is to be removed from service, the provider shall promptly provide a copy of that notice to the city manager. CMRS facilities which are not in use for cellular purposes or which are deemed abandoned under subsection (E)2 of this section for a period of six (6) consecutive months, shall be removed by the CMRS facility owner. This removal shall occur within ninety (90) days of the end of said six (6) month period. Upon removal, the site shall be revegetated to substantially the condition it was in prior to the existence of the CMRS facility and, to that end, pursuant to a site plan approved by the city.
2. Without limiting the generality of subsection (E)1 of this section, CMRS facilities shall be deemed abandoned if one or more of the following conditions exist:
 - (a) Power service is intentionally disconnected, unless such disconnection is for the temporary purpose of maintenance or repair;
 - (b) Any or all of the equipment required for transmission has been intentionally removed by the owner or lessee from the site; and/or
 - (c) The affected CMRS facility owner has lost ownership, lease rights, or other legal authority to use the property for purposes of operating a CMRS facility. (Ord. 30, Series of 1997)
3. Prior to any determination of abandonment by the city, the city shall notify the CMRS facility owner in writing of its intent to declare the facilities abandoned. The CMRS facility owner shall be entitled to respond within thirty (30) calendar days after its receipt of such notice stating reasons why the determination of abandonment should not be made. A decision concerning the matter of abandonment shall be made by the director of community development based upon the written response of the CMRS facility owner within fifteen (15) days from its receipt of the

owner's reasons. A decision by the director of community development that the CMRS facility has been abandoned shall be subject to appeal to the planning commission in accordance with the provisions contained in subsection (E)4 of this section.

4. The owner of a CMRS facility which has been determined by the director of community development to be abandoned may request a hearing before the planning commission, if such hearing is requested in writing within thirty (30) calendar days after its receipt of notice from the city that its site has been deemed abandoned. A hearing concerning the matter of abandonment shall thereafter be held by the planning commission within thirty (30) calendar days after its receipt of the owner's written request. A decision by the planning commission that the CMRS facility has been abandoned shall be final, shall direct the owner to remove said facility in conformance with subsection (E)1 of this section, and shall be subject to judicial review under rule 106(a)(4), CRCP. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
5. In the event that the owner fails to remove the abandoned CMRS facility within the time specified in subsection (E)1 of this section, the city is hereby authorized to remove or cause the removal of the abandoned CMRS facility without any liability for trespass therefor, and all costs incurred by the city, including an administrative cost equal to twenty five percent (25%) of all direct costs, shall be charged as a lien against such real property and the owners thereof.
6. If the amount specified in subsection (E)5 of this section, is not paid within thirty (30) calendar days, the city shall have the right to seek collection of any amount due, plus statutory interest and any and all costs of collection, including, but not limited to, its attorney fees, through institution of an action at law or in equity. (Ord. 30, Series of 1997)
7. If the CMRS facility owner intends to abandon or cease use of a facility, he or she shall immediately notify the director of community development, in writing, of such intent or cessation of usage. The owner shall thereafter have ninety (90) days in which to remove the facility, and if he or she fails to remove the facility, then subsections (E)5 and (E)6 of this section shall control. (Ord. 20, Series of 2012)