

DIVISION 1. GENERAL USES**Sec. 146-1200. Commercial Mobile Radio Service Facilities.**

- (A) *Purpose.* The purpose of this section is to minimize negative visual impacts by encouraging building-mounted, stealth, and co-located telecommunication facilities. Consistent development review practices are promoted through the application of explicit design and location criteria and the avoidance of conditional use approvals for CMRS facilities.
- (B) *Site Selection Criteria.* An application for a commercial mobile radio service facility (CMRS) shall address each of the following site selection elements:
1. Potential for screening by existing vegetation, structures, and topographic features. *All antennas and equipment will be screened behind walls/structure to match color & texture of building*
 2. Compatibility with adjacent land uses. *Adjacent land uses are commercial and residential. Wireless & E911 phone service improvements will benefit the neighborhood.*
 3. Opportunities to mitigate visual impacts. *Antennas and equipment will be fully concealed to mitigate the visual impacts.*
 4. Availability of suitable existing structures for antenna mounting. An applicant for a new freestanding CMRS facility shall demonstrate that a good faith effort has been made to locate its CMRS facility on existing structures including, but not limited to, existing freestanding CMRS facilities. The applicant shall demonstrate that due to physical constraints, or economic or technological infeasibility, no such location or co-location is available. The applicant shall demonstrate that contact has been made with the owners of all suitable structures within the search area of the proposed site and was denied permission to locate its CMRS facility on those structures. *The closest CMRS facility is located 1/2 mile away and is too far south to adequately cover Verizon's target area to address network coverage gaps.*
 5. Search area description. *See attached Letter of Intent / Project Description.*
- (C) *Design Criteria.* All commercial mobile radio service facilities shall comply with the following criteria:
1. CMRS facilities shall be designed to be compatible with surrounding buildings and existing or planned uses in the area. This may be accomplished by using compatible architectural elements in the design, such as color, texture, scale, and character. *The proposed facility is designed to appear as part of the existing commercial building structure.*
 2. CMRS facilities shall preserve or enhance the existing character of the topography and vegetation. Existing vegetation should be preserved or improved if it is compatible. *No existing vegetation will be disturbed as part of this facility installation.*
 3. Roof and building mount antennae shall be screened and/or colored to match the building to which they are attached. *The proposed antennas and equipment will be screened by walls painted to match the building.*
 4. Structures sheltering accessory equipment shall be compatible with the surrounding built or natural environments. *Accessory equipment will be screened behind the walls/structures.*
 5. A variety of techniques should be considered to screen CMRS facilities, including, but not limited to, landscaping, berming, and fencing or combinations thereof. *No landscaping, berming or fencing will be required. CMRS facility will be fully concealed behind walls designed/painted/textured to match building.*

6. Maximum height for CMRS facilities:
- a. The height of any freestanding or stealth CMRS facility shall conform to the height limit of the subject zone district, unless a height waiver is granted by planning commission or city council, or the structure is to be located within a height overlay district.
Proposed CMRS facility is 50'.
 - b. Whenever an antenna is attached to a building roof, the height of the antenna shall not be more than 15 feet beyond the height of the building. If the building is constructed to the height limit of the applicable zone district, an additional 15 feet of antenna height is permissible. *N/A. Antennas are not attached to building roof.*
 - c. The height of a stealth CMRS facility in an open zone shall not exceed fifty (50) feet, unless a waiver is granted by planning commission or city council. *Proposed CMRS facility is 50'.*
7. Minimum setbacks for freestanding and stealth CMRS facilities:
This facility will be attached to building wall by integrated fencing and appear to be part of building structure.
- a. Freestanding and stealth facilities located adjacent to any property zoned for residential use: one foot for every foot of tower height.
This facility is more than 50' from nearest residential property.
 - b. Freestanding and stealth facilities not located adjacent to property zoned for residential use: minimum setback in the underlying zone district for buildings or structures. *N/A*
 - c. Freestanding and stealth facilities located adjacent to any existing or planned public right-of-way: one foot for every foot of tower height. *This facility at least 50' from nearest adjacent right-of-way.*
- (D) *Schedule of Zone Districts.* CMRS facilities shall be permitted as follows:

Table 12.1 Permitted CMRS Uses

	<i>Zone District</i>			
	<i>P-Permitted Use NP-Not Permitted Use A-Administrative Review Required</i>	<i>Roof or Building Mounted Facility¹</i>	<i>Freestanding Facility (Non-Stealth)^{2, 3}</i>	<i>Stealth Facility⁴</i>
1.	Open	A	NP	A
2.	Single-family detached: R-A through R-1, PCZD-SFD and PD-SFD	P ⁴	NP	A
3.	Single-family attached: R-1A through R-2, PCZD-SFA and PD-SFA	P ⁴	NP	A
4.	Multi-family: R-2M through R-5, PCZD-MF and PDMF	A	NP	A
5.	City Center Districts: Core, fringe and periphery	A	NP	A
6.	Office Districts: AO, CO and MO, PCZD office and PD office	A	NP	A
7.	Business Districts: B-1 through B-4, PCZD commercial and PD commercial	A	P	A
8.	Industrial Districts: M-1, PCZD industrial and PD industrial	A	P	A
9.	M-2 and M-3	A	A	A
10.	E-470 corridor zone industrial and Buckley R&D subareas, and Northeast Plains zone district Front Range Airport and Northeast Plains General subareas	A	A	A
11.	E-470 corridor zone (except industrial and Buckley R&D subareas), and Northeast Plains zone district (except Front Range Airport and Northeast Plains General subareas)	A	NP	A

¹ Roof or building-mounted CMRS facilities are not permitted on any single-family residential structure, but are permitted or may be approved on institutional buildings such as schools and hospitals, or on other buildings not used for residential purposes, for example a church.

² Subject to the pertinent height limitations, which limitations may be waived as provided in this Code.

³ Every freestanding CMRS facility shall be designed and constructed in order to accommodate two (2) CMRS providers.

⁴ Stealth CMRS facilities are not permitted on any single-family residential lot.

(E) Application and Approval Procedures.

1. **Site Plan.** An application for freestanding facilities shall be submitted with a site plan in conformance with the requirements of this chapter. If required, the planning commission shall conduct a public hearing on the proposed plan to determine if the plan conforms to the provisions of this section. The city shall make reasonable efforts to approve or deny all applications within ninety (90) calendar days after receiving a complete application. A decision of the planning commission may be appealed according to the procedures in this chapter.

2. *Administrative Approval.* An application for administrative approval shall be submitted in conformance with the submittal requirements as adopted by the director of planning, who shall review the application for conformity with the requirements of this section. The director shall render a decision within 30 calendar days of submittal of a complete application or the application will be deemed approved. A decision of the director may be appealed according to the procedures in this chapter.
 3. Temporary CMRS facilities (also known as cell on wheels) shall not be erected at any location without approval by the city manager of a temporary use permit pursuant to section 146-207 of this Code.
- (F) *Decision.* Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.
- (G) *Co-location.*
1. A maximum of two providers' visible panel antenna arrays is permitted on any one freestanding structure. However, visible whip antennae may be maintained for a third and fourth co-locator. A third provider's visible panel antenna array may be permitted if it is determined through plan review that the addition of the third array is compatible with the surrounding buildings and existing or planned uses in the area. Each CMRS provider possessing visible panel antenna arrays on a freestanding facility may also operate one microwave dish on the freestanding facility not to exceed 48 inches in diameter.
 2. No CMRS facility owner or lessee or employee thereof shall act to exclude or attempt to exclude any other CMRS provider from the same location. A CMRS facility owner or lessee or employee thereof shall cooperate in good faith to achieve co-location of antennae with other CMRS providers.
- (H) *Removal and Notification of Decommission.*
1. Any CMRS facility that ceases to be used for CMRS purposes shall be removed from its site by the CMRS operator or operators that ceased to utilize the facility or, alternatively, by the land owner, not later than one hundred eighty (180) days after such cessation.
 2. A CMRS operator shall notify the planning department at the time the FCC is notified of a decommissioned site.

(Ord. No. 2001-72, 12-3-2001; Ord. No. 2004-17, § 2, 5-3-2004)