

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 09

Series, 2017

INTRODUCED BY COUNCILMEMBERS:

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

WHEREAS, the planning commission, at its regular meeting on April 10, 2017, held a public hearing and voted to recommend approval of an ordinance amending title 10 of the city code regarding commercial mobile radio service and wireless telecommunications; and

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

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

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

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

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

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

ANTENNA: Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna

configurations, or other similar devices and configurations. Exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OTARD: An Over-the-Air Receiving Device.

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

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

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

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

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

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

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

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

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

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

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

~~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,

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

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

271 (E) Abandonment:

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

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

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

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

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

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

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

Chapter 16. – WIRELESS COMMUNICATIONS FACILITIES (WCFS)

10-16-1: - INTENT AND PURPOSE:

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

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

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

360110-16-2: - APPLICABILITY:

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

(B) THE REQUIREMENTS SET FORTH IN THIS CHAPTER 16 SHALL NOT APPLY TO:

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

10-16-3: – OPERATIONAL STANDARDS:

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

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

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

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

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

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

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

10-16-4: – DESIGN STANDARDS:

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

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

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

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

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

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

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

2. SITING.

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

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

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

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

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

543 4. LANDSCAPING AND FENCING REQUIREMENTS

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

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

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

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

GROWTH AROUND THE SITE PERIMETER MAY BE
SUFFICIENT TO BUFFER.

- (E) NO TREES LARGER THAN 4 INCHES IN DIAMETER
MEASURED AT 4 ½ FEET HIGH ON THE TREE MAY BE
REMOVED, UNLESS AUTHORIZED BY THE COMMUNITY
DEVELOPMENT DIRECTOR. TO OBTAIN SUCH
AUTHORIZATION THE APPLICANT SHALL SHOW THAT TREE
REMOVAL IS NECESSARY, THE APPLICANT'S PLAN
MINIMIZES THE NUMBER OF TREES TO BE REMOVED AND
ANY TREES REMOVED ARE REPLACED AT A RATIO OF 2 TO
1.

5. NOISE. NOISE GENERATED ON THE SITE MUST NOT EXCEED THE
LEVELS PERMITTED IN THE CITY CODE, EXCEPT THAT A WCF
OWNER OR OPERATOR SHALL BE PERMITTED TO EXCEED CITY
CODE NOISE STANDARDS FOR A REASONABLE PERIOD OF TIME
DURING REPAIRS, NOT TO EXCEED TWO HOURS WITHOUT PRIOR
AUTHORIZATION FROM THE CITY.

6. ADDITIONAL DESIGN REQUIREMENTS SHALL BE APPLICABLE TO
THE VARIOUS TYPES OF WCFS AS SPECIFIED BELOW:

- (A) BASE STATIONS. IF AN ANTENNA IS INSTALLED ON A
STRUCTURE OTHER THAN A TOWER, SUCH AS A BASE
STATION (INCLUDING, BUT NOT LIMITED TO THE
ANTENNAS AND ACCESSORY EQUIPMENT) IT SHALL BE OF
A NEUTRAL, NON-REFLECTIVE COLOR THAT IS IDENTICAL
TO, OR CLOSELY COMPATIBLE WITH, THE COLOR OF THE
SUPPORTING STRUCTURE, OR USES OTHER
CAMOUFLAGE/CONCEALMENT DESIGN TECHNIQUES SO AS
TO MAKE THE ANTENNA AND RELATED FACILITIES AS
VISUALLY UNOBTRUSIVE AS POSSIBLE.

- (B) ALTERNATIVE TOWER STRUCTURES. ALTERNATIVE
TOWER STRUCTURES SHALL BE DESIGNED AND
CONSTRUCTED TO LOOK LIKE A BUILDING, FACILITY, OR
STRUCTURE TYPICALLY FOUND IN THE AREA.

- I. WITH RESPECT TO ITS POLE-MOUNTED
COMPONENTS, BE LOCATED ON AN EXISTING
UTILITY POLE SERVING ANOTHER UTILITY; OR

- II. BE CAMOUFLAGED/CONCEALED CONSISTENT WITH
OTHER EXISTING NATURAL OR MANMADE

600 FEATURES IN THE RIGHT-OF-WAY NEAR THE
601 LOCATION WHERE THE ALTERNATIVE TOWER
602 STRUCTURE WILL BE LOCATED; OR

603 III. WITH RESPECT TO ITS POLE COMPONENTS, BE
604 LOCATED ON A NEW UTILITY POLE WHERE OTHER
605 UTILITY DISTRIBUTION LINES ARE AERIAL, IF THERE
606 ARE NO REASONABLE ALTERNATIVES, AND THE
607 APPLICANT IS AUTHORIZED TO CONSTRUCT THE
608 NEW UTILITY POLES; OR

609 IV. TO THE EXTENT REASONABLY FEASIBLE, BE
610 CONSISTENT WITH THE SIZE AND SHAPE OF THE
611 POLE-MOUNTED EQUIPMENT INSTALLED BY
612 COMMUNICATIONS COMPANIES ON UTILITY POLES
613 NEAR THE ALTERNATIVE TOWER STRUCTURE;

614 V. BE SIZED TO MINIMIZE THE NEGATIVE AESTHETIC
615 IMPACTS TO THE RIGHT-OF-WAY;

616 VI. BE DESIGNED SUCH THAT ANTENNA INSTALLATIONS
617 ON TRAFFIC SIGNAL STANDARDS ARE PLACED IN A
618 MANNER SO THAT THE SIZE, APPEARANCE, AND
619 FUNCTION OF THE SIGNAL WILL NOT BE
620 CONSIDERABLY ALTERED.

621 VII. REQUIRE THAT ANY GROUND MOUNTED EQUIPMENT
622 SHALL BE LOCATED IN A MANNER NECESSARY TO
623 ADDRESS BOTH PUBLIC SAFETY AND AESTHETIC
624 CONCERNS IN THE REASONABLE DISCRETION OF THE
625 DIRECTOR, AND MAY, WHERE APPROPRIATE,
626 REQUIRE A FLUSH-TO-GRADE UNDERGROUND
627 EQUIPMENT VAULT.

628 VIII. NOT ALTER VEHICULAR CIRCULATION OR PARKING
629 WITHIN THE RIGHT-OF-WAY OR IMPEDE VEHICULAR,
630 BICYCLE, OR PEDESTRIAN ACCESS OR VISIBILITY
631 ALONG THE RIGHT-OF-WAY. THE ALTERNATIVE
632 TOWER STRUCTURE MUST COMPLY WITH THE
633 AMERICANS WITH DISABILITIES ACT AND EVERY
634 OTHER LOCAL, STATE, AND FEDERAL LAW AND
635 REGULATIONS. NO ALTERNATIVE TOWER
636 STRUCTURE MAY BE LOCATED OR MAINTAINED IN A
637 MANNER THAT CAUSES UNREASONABLE
638 INTERFERENCE. UNREASONABLE INTERFERENCE

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

(C) TOWERS.

- I. TOWERS SHALL EITHER MAINTAIN A GALVANIZED STEEL FINISH, OR, SUBJECT TO ANY APPLICABLE FAA STANDARDS, BE PAINTED A NEUTRAL COLOR SO AS TO REDUCE VISUAL OBTRUSIVENESS AS DETERMINED BY THE CITY;
- II. TOWER STRUCTURES SHOULD USE EXISTING LAND FORMS, VEGETATION, AND STRUCTURES TO AID IN SCREENING THE FACILITY FROM VIEW OR BLENDING IN WITH THE SURROUNDING BUILT AND NATURAL ENVIRONMENT;
- III. MONOPOLE SUPPORT STRUCTURES SHALL TAPER FROM THE BASE TO THE TIP;
- IV. ALL TOWERS SHALL BE ENCLOSED BY SECURITY FENCING OR WALL AT LEAST 6 FEET IN HEIGHT AND SHALL ALSO BE EQUIPPED WITH AN APPROPRIATE ANTI-CLIMBING DEVICE.

(D) RELATED ACCESSORY EQUIPMENT. ACCESSORY EQUIPMENT FOR ALL WCFS SHALL MEET THE FOLLOWING REQUIREMENTS:

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

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

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

IV. ACCESSORY EQUIPMENT, INCLUDING BUT NOT LIMITED TO REMOTE RADIO UNITS, SHALL BE LOCATED OUT OF SIGHT WHENEVER POSSIBLE BY LOCATING BEHIND PARAPET WALLS OR WITHIN EQUIPMENT ENCLOSURES. WHERE SUCH ALTERNATE LOCATIONS ARE NOT AVAILABLE, THE ACCESSORY EQUIPMENT SHALL BE CAMOUFLAGED OR CONCEALED.

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

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

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

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

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

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

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

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

OTHER ALTERNATIVE DESIGN OPTIONS SUCH AS BASE STATIONS OR ALTERNATIVE TOWER STRUCTURES ARE NOT VIABLE OPTIONS AS DETERMINED BY THE CITY. NOTWITHSTANDING ANYTHING IN THIS TITLE TO THE CONTRARY, NO TOWERS LOCATED IN THE RIGHT-OF-WAY SHALL EXCEED 35 FEET IN HEIGHT.

5. REVIEW PROCEDURES FOR ELIGIBLE FACILITIES REQUESTS.

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

I. WOULD RESULT IN A SUBSTANTIAL CHANGE;

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

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

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

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

(D) TOLLING OF THE TIMEFRAME FOR REVIEW. THE 60-DAY REVIEW PERIOD BEGINS TO RUN WHEN THE APPLICATION IS FILED, AND MAY BE TOLLED ONLY BY MUTUAL AGREEMENT

OF THE CITY AND THE APPLICANT, OR IN CASES WHERE THE
DIRECTOR DETERMINES THAT THE APPLICATION IS
INCOMPLETE:

I. TO TOLL THE TIMEFRAME FOR INCOMPLETENESS, THE
CITY MUST PROVIDE WRITTEN NOTICE TO THE
APPLICANT WITHIN 30 DAYS OF RECEIPT OF THE
APPLICATION, SPECIFICALLY DELINEATING ALL
MISSING DOCUMENTS OR INFORMATION REQUIRED IN
THE APPLICATION;

II. THE TIMEFRAME FOR REVIEW BEGINS RUNNING AGAIN
WHEN THE APPLICANT MAKES A SUPPLEMENTAL
WRITTEN SUBMISSION IN RESPONSE TO THE CITY'S
NOTICE OF INCOMPLETENESS; AND

III. FOLLOWING A SUPPLEMENTAL SUBMISSION, THE CITY
WILL NOTIFY THE APPLICANT WITHIN 10 DAYS THAT
THE SUPPLEMENTAL SUBMISSION DID NOT PROVIDE
THE INFORMATION IDENTIFIED IN THE ORIGINAL
NOTICE DELINEATING MISSING INFORMATION. THE
TIMEFRAME IS TOLLED IN THE CASE OF SECOND OR
SUBSEQUENT NOTICES PURSUANT TO THE
PROCEDURES IDENTIFIED IN PARAGRAPH (D)I. IN THE
CASE OF A SECOND OR SUBSEQUENT NOTICE OF
INCOMPLETENESS, THE CITY MAY NOT SPECIFY
MISSING INFORMATION OR DOCUMENTS THAT WERE
NOT DELINEATED IN THE ORIGINAL NOTICE OF
INCOMPLETENESS.

(E) FAILURE TO ACT. IN THE EVENT THE CITY FAILS TO ACT ON
A REQUEST SEEKING APPROVAL FOR AN ELIGIBLE
FACILITIES REQUEST UNDER THIS SECTION WITHIN THE
TIMEFRAME FOR REVIEW (ACCOUNTING FOR ANY TOLLING),
THE REQUEST SHALL BE DEEMED GRANTED. THE DEEMED
GRANT BECOMES EFFECTIVE WHEN THE APPLICANT
NOTIFIES THE CITY IN WRITING AFTER THE REVIEW PERIOD
HAS EXPIRED (ACCOUNTING FOR ANY TOLLING) THAT THE
APPLICATION HAS BEEN DEEMED GRANTED.

(F) INTERACTION WITH TELECOMMUNICATIONS ACT SECTION
332(C)(7). IF THE CITY DETERMINES THAT THE APPLICANT'S
REQUEST IS NOT AN ELIGIBLE FACILITIES REQUEST AS
DELINEATED IN THIS CHAPTER, THE PRESUMPTIVELY
REASONABLE TIMEFRAME UNDER SECTION 332(C)(7), AS

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

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

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

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

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

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

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

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

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

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

10-16-6: – STANDARDS FOR APPROVAL:

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

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

1. BASE STATIONS:

- (A) SUCH FACILITIES SHALL BE ARCHITECTURALLY COMPATIBLE WITH RESPECT TO ATTACHMENTS, AND COLORED TO MATCH THE BUILDING OR STRUCTURE TO WHICH THEY ARE ATTACHED;
- (B) THE MAXIMUM PROTRUSION OF SUCH FACILITIES FROM THE BUILDING OR STRUCTURE FACE TO WHICH THEY ARE ATTACHED SHALL BE 6 FEET;

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

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

- 976 (C) NATURE OF USES ON ADJACENT AND NEARBY PROPERTIES;
- 977 (D) COMPATIBILITY WITH THE SURROUNDING TOPOGRAPHY:
- 978 (E) COMPATIBILITY WITH THE SURROUNDING TREE COVERAGE
979 AND FOLIAGE;
- 980 (F) DESIGN OF THE TOWER, WITH PARTICULAR REFERENCE TO
981 DESIGN CHARACTERISTICS THAT HAVE THE EFFECT OF
982 REDUCING OR ELIMINATING VISUAL OBTRUSIVENESS;
- 983 (G) PROPOSED INGRESS AND EGRESS;
- 984 (H) NO NEW TOWERS SHALL BE PERMITTED UNLESS THE
985 APPLICANT DEMONSTRATES TO THE REASONABLE
986 SATISFACTION OF THE CITY THAT NO EXISTING WCFS CAN
987 ACCOMMODATE THE NEEDS THAT THE APPLICANT
988 PROPOSES TO ADDRESS WITH ITS TOWER APPLICATION.
989 EVIDENCE SUBMITTED TO DEMONSTRATE THAT NO
990 EXISTING WCF CAN ACCOMMODATE THESE NEEDS MAY
991 CONSIST OF THE FOLLOWING:
- 992 I. NO EXISTING WCFS WITH A SUITABLE HEIGHT ARE
993 LOCATED WITHIN THE GEOGRAPHIC AREA REQUIRED
994 TO MEET THE APPLICANT'S ENGINEERING
995 REQUIREMENTS;
- 996 II. EXISTING WCFS DO NOT HAVE SUFFICIENT
997 STRUCTURAL STRENGTH TO SUPPORT APPLICANT'S
998 PROPOSED WCF;
- 999 III. THE APPLICANT'S PROPOSED WCFS WOULD CAUSE
1000 ELECTROMAGNETIC INTERFERENCE WITH THE WCFS
1001 ON THE EXISTING WCFS OR THE EXISTING WCF WOULD
1002 CAUSE INTERFERENCE WITH THE APPLICANT'S
1003 PROPOSED WCF; AND
- 1004 IV. THE APPLICANT DEMONSTRATES THAT THERE ARE
1005 OTHER LIMITING FACTORS THAT RENDER EXISTING
1006 WCFS UNSUITABLE FOR COLLOCATION.
- 1007 (J) SETBACKS AND SEPARATION. THE FOLLOWING MINIMUM
1008 SETBACKS AND SEPARATION REQUIREMENTS SHALL APPLY
1009 TO ALL WCFS FOR WHICH A CONDITIONAL USE APPROVAL IS
1010 REQUIRED; PROVIDED, HOWEVER, THAT THE CITY MAY

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

I. THE SETBACK FOR A PRINCIPAL BUILDING WITHIN THE APPLICABLE ZONING DISTRICT OR PLANNED DEVELOPMENT;

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

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

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

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

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

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

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

(a) The setback of the structure from any property line shall be at least equal to the height of the structure plus ten feet (10'). Height shall be measured from ground level to the top of the highest attachment or, in the case of wind generators, the largest rotary blade, when vertical.

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

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

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

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

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

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

PUBLIC HEARING on the Ordinance to take place on the 2nd day of May, 2017, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

1075 PASSED on second and final reading, following public hearing, by a vote of
1076 FOR and _____ AGAINST on the ____ day of _____, 2017 and ordered published
1077 by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of
1078 Littleton Website.

1079 ATTEST:

1080 _____

1081 Wendy Heffner

1082 CITY CLERK

1083

1084 APPROVED AS TO FORM:

1085

1086 _____

1087 Kenneth S. Fellman

1088 ACTING CITY ATTORNEY

Bruce O. Beckman

MAYOR