

Telecommunications



Facts to Know

INTRODUCTION:

This handout is intended to provide an overview of the standards and required processes for various types of telecommunications facilities in Commerce City. It does not include all of the regulations contained in the Land Development Code, but provides enough information to get a typical project through the permitting process.

The standards for telecommunications facilities contained within Division 6 of Article V of the Land Development Code (LDC) were adopted by City Council in 2016, and apply to all new facilities and to existing facilities for which there is a new substantial change as defined by the Federal Communications Commission (FCC).

The following information will explain the types of telecommunications facilities allowed in Commerce City, where they are allowed, and the required application process for each. For the full text of the regulations for telecommunications facilities, please review Article V of the LDC, which is available on the City's website at www.c3gov.com/LDC, or contact the Planner of the Day.

TYPES OF TELECOMMUNICATIONS FACILITIES:

There are five basic types of telecommunications facilities allowed in Commerce City:

- **6409(a) Facilities:** These are facilities associated with an eligible facilities request to modify an existing wireless tower or base station that does not substantially change the physical dimensions of the existing facility, pursuant to Section 6409(a) of the Spectrum Act. Such facilities are reviewed in accordance with federal law, and are not subject to the standards contained here. Please see the *Application for 6409(a) Facilities* for a list of submittal requirements.
- **Concealed Facilities:** Telecommunications facilities, whether free-standing or mounted on a structure, which are disguised as a non-telecommunications structure or architectural feature are considered concealed facilities. Examples may include free standing facilities disguised as flag poles, water towers, silos, or signs, or structure-mounted facilities disguised as clocktowers, chimneys, parapets, or other architectural features.
- **Building or Structure Mounted Facilities:** This includes any non-6409(a) telecommunication facilities which are mounted on an existing building or an existing structure, such as a water tower. These do not include facilities mounted on existing utility or light poles.
- **Pole Mounted Facilities:** This type of facility is intended for small cell and distributed antenna systems installed on utility poles, light poles, pole signs, and similar types of structures, excluding monopoles.
- **Monopoles:** This refers to new free standing non-concealed cell tower facilities.

The following sections of this handout explain the locations where each type of facility is allowed as well as the specific standards for concealed, building/structure mounted, pole mounted, and monopole facilities.

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ALLOWED LOCATIONS:

The use schedule below lists the land uses which are permitted to have each of the types of telecommunications facilities. An “R” indicates that the facility is allowed with an administrative approval by the director. A “P” indicates that the facility is allowed as a use-by-permit with approval by the Board of Adjustments. If the cell is blank, the facility is prohibited. Vacant properties shall default to the future land use shown in the City’s current comprehensive plan and mixed use properties shall default to the predominant land use (for example, multi-family or commercial).

Land Use	New Non-Concealed Facilities Mounted on Existing Buildings or Structures*	New Concealed Facilities	New Non-concealed Monopoles	New Facilities Mounted on Existing Pole Structures
Single- Family Residential				P
Multi- Family Residential	P			R
Mobile Home Park				R
Commercial	R	R	P	R
Industrial	R	R	P	R
Public	R	R	R	R
Floodplain				

DESIGN STANDARDS:

Concealed Facilities

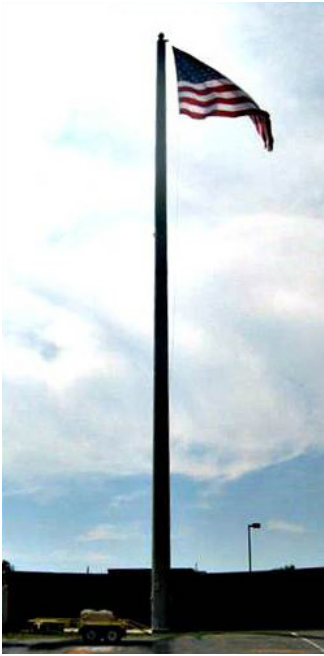
New concealed facilities may be located on properties with commercial, industrial, or public land uses with administrative approval subject to the following standards:

- (1) Dimensions. The dimensions of a concealed facility must reasonably approximate the dimensions of the object as which it is being disguised.
- (2) Design and Location. The design and location of a concealed facility must be compatible with the property on which it is located as well as the surrounding area.
- (3) Height and Setback. A concealed telecommunication facility shall comply with the bulk standards of the

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object as which it is being disguised and shall not reduce the required parking, landscaping, and/or open space requirements for the principal use.

- (4) Distance from Residential. Concealed monopoles shall not be located within 100 feet of a property zoned and/or developed for single-family residential purposes.
- (5) Co-Location. To the maximum extent feasible, concealed facilities shall be designed to accommodate a minimum of two users to reduce the overall number of sites required in the city.
- (6) Accessory Equipment. All accessory equipment shall be designed so as to not defeat the purpose of the concealment of the telecommunication facility itself through the use of screening, landscaping, or other technique.



↑ Examples of Freestanding Concealed Facilities

↓ Examples of Building Mounted Concealed Facilities



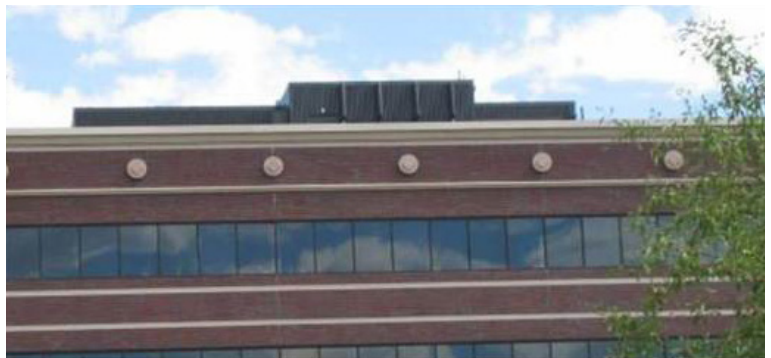
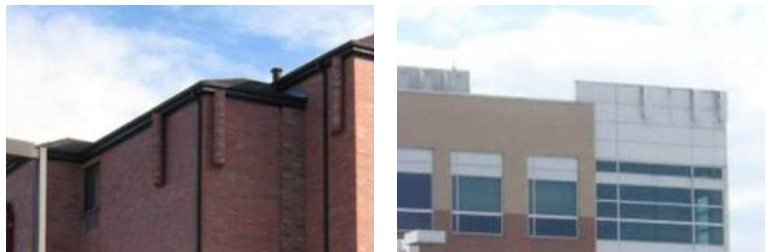
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Facilities Mounted on Existing Buildings or Structures (non-6409(a))

New building or structure mounted facilities may be located on properties with commercial, industrial, or public land uses with administrative approval, or on multi-family residential properties with a use-by-permit. Please see the separate *Facts to Know for Uses-by-Permit* for more information. The following standards apply to all building or structure mounted facilities:

- (1) Screening. The telecommunication facility shall be adequately screened in accordance with the rooftop mechanical and utility equipment screening standards found in the land development code.
- (2) Design. A wall-mounted telecommunication facility shall be flush-mounted and shall match the building or structure in design, color, and materials.
- (3) Accessory Equipment. Accessory equipment for a wall-mounted telecommunication facility which is located on the roof shall be adequately screened in accordance with the rooftop mechanical and utility equipment screening standards found in this land development code. If the accessory equipment is located on the ground, the accessory equipment shall adhere to the following requirements:
 - (a) The accessory equipment shall be located as close to the building or structure as possible.
 - (b) The accessory equipment footprint shall not exceed 400-square feet, and shall not be more than 15 feet in height.
 - (c) The accessory equipment shall be enclosed in a screening or concealing wall or fence to match the building or structure in color, design, and materials, and shall not reduce the landscaping or parking requirement for the use of the subject property.
 - (d) All accessory equipment structures shall be landscaped from public view and all rights-of-way along the outside of the required screening enclosure. Such landscaping shall consist of a minimum of one tree and three shrubs for every ten linear feet of publicly-visible enclosure perimeter, with a minimum of two trees per side. The first two trees per side shall be evergreen; the remaining landscaping should be an approximate 50% mix of evergreen and deciduous species to promote year-round visual interest.

↓ Examples of Building Mounted Facilities



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Facilities Mounted on Existing Poles (non-6409(a))

Small cell or Distributed Antenna System (DAS) equipment may be mounted on utility poles, light poles, and similar types of pole structures located on private property or within the public right-of-way. In areas with commercial, industrial, public, or multi-family residential land uses, such facilities may be approved administratively. In areas with single family residential land uses, approval of a use-by-permit is required. Please see the separate *Facts to Know for Use-by-Permit* for more information. When any facilities are located in the public right-of-way, a separate Right-of-Way Permit is also needed from the Public Works Department. The following standards apply to all pole-mounted facilities:

- (1) Location and Distance Requirements. In single-family residential zone districts, equipment shall only be located on existing poles within the right-of-way or within a utility easement. Such equipment must be located a minimum of 25 feet from any single-family residential home.
- (2) Mounting. Equipment shall be mounted as flush to the pole as is technically feasible.
- (3) Color. Equipment mounted on a pole shall be painted to match the color of the pole on which it is located.
- (4) Ground Equipment. Any equipment located on the ground shall be screened from public view in accordance with the screening standards found in the land development code.
- (5) Pole Replacement. Poles may be replaced in order to structurally accommodate the addition of a telecommunications facility. The new pole shall meet any applicable previous approvals and/or current requirements for those structures. Poles must have a primary functional component such as a light, and shall not be installed for the sole purpose of placing telecommunications equipment.



↑ Examples of Pole Mounted Facilities

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Monopoles

New monopoles may be approved administratively when located on properties with public land uses. For commercial and industrial land uses, approval of a use-by-permit is required. Please see the separate *Facts to Know for Use-by-Permit* for more information. The following standards apply to monopole facilities:

- (1) **Setback.** Monopoles shall be located in the side or rear yards of developed properties, and shall meet the required principal structure setbacks of the underlying zone district. The monopole shall not reduce the required parking, landscaping, and/or open space requirements for the principal use.
- (2) **Height Limitations.** Monopoles in industrial zoned districts shall not exceed 70 feet in height. Those in commercial zone districts shall not exceed 50 feet in height. The height of monopoles in all other zone districts shall be governed by the building height standards set forth in this code for the applicable zone district.
- (3) **Distance Requirements.**
 - (a) No portion of a monopole, including accessory equipment, shall be located within 100 feet of a property zoned and/or developed for single-family residential purposes. In the event that the height of a monopole exceeds 100 feet through a variance granted in compliance with this land development code, the monopole and all accessory equipment shall be set back from the aforementioned residential lands by a distance equal to the height of the monopole.
 - (b) To the maximum extent feasible, monopoles shall be located at least 2,000 feet from any existing freestanding telecommunications facility. It shall be the applicant's burden to establish a lack of feasibility.
 - (c) To the maximum extent feasible, monopoles shall not be located within 2,000 feet of the existing public service transmission line, which begins at Colorado State Highway 85, travels east, south of East 104th Avenue, moves north by northeast east of Picadilly Road, and concludes at Hayesmount Road. It shall be the applicant's burden to establish a lack of feasibility.
- (4) **General Screening.** Existing land forms, vegetation, and structures shall be used to aid in screening the monopole from view or blending in with the surrounding built and natural environment.
- (5) **Screening Wall.**
 - (a) When a monopole is located on an industrial zoned property and is visible from any public right-of-way, public or private open space, or non-industrial zoned property, the base of the monopole and associated accessory equipment shall be enclosed with a screening wall or fence compatible with the character of the property on which it is located and the surrounding area.
 - (b) When a monopole is located on a property that is not zoned industrial, the base of the monopole and any associated accessory equipment shall be enclosed with a screening wall or fence compatible with the character of the property on which it is located and the surrounding area.
 - (c) If a screening wall or fence is required, landscaping shall be installed on the outside of the fence to soften the appearance of the cell site. The landscaping shall consist of a minimum of one tree and three shrubs for every ten linear feet of publicly-visible enclosure perimeter, with a minimum of two trees per side. The first two trees per side shall be evergreen; the remaining landscaping should be an approximate 50% mix of evergreen and deciduous species to promote year-round visual interest.
- (6) **Co-Location.** To the maximum extent feasible, monopoles shall be designed for a minimum of two users. It shall be the applicant's burden to establish a lack of feasibility.

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- (7) Design. Monopoles and any associated antennas shall be of a color which generally matches the building, surroundings or background and minimizes their visibility, unless a different color is required by the FCC or FAA. Muted colors, earth tones and subdued colors shall be used wherever possible.
- (8) Antenna Type. In some circumstances, the city may require canister-type antenna instead of the traditional array antenna, if the city determines that the proposed location would be negatively impacted by the array antenna.
- (9) Accessory Equipment. Telecommunication accessory equipment, such as buildings, shelters, cabinets, and other components, shall be grouped as closely together as technically possible. The total footprint coverage area shall not exceed 400-square feet per provider, and shall not reduce the requirements for parking and/or landscaping area for other principal uses on the parcel. No structure shall exceed 15 feet in height, and shall be compatible with the design, materials, and colors of structures on the same and/or adjacent parcels.

PROCESS FOR ADMINISTRATIVE APPROVAL:

General Timeframe

The typical processing time for a telecommunications permit is between 2 and 3 months. In certain cases, depending on the complexity and magnitude of the request, application processing time may be extended to address staff comments after initial review. Following approval of a telecommunications permit, a building permit for the proposed facility can be submitted. Please see the Facts to Know for Uses-by-Permit for information regarding the timeframe, review process, and approval criteria for those types of applications.

Review Process

- The applicant prepares the telecommunications permit application requirements.
- A completed application, associated materials, and non-refundable fees are submitted to the city for review
 - At the time of submittal, staff will determine if the application is complete (incomplete applications will not be accepted and will be returned without review).
 - The city will refer the application out to various departments within the city for review and comment.
 - After an initial review period of approximately 3 weeks, the applicant will receive a comment letter identifying necessary revisions and questions to be answered.
 - The applicant will address these comments and resubmit to the city for a subsequent review cycle of approximately 2 weeks. This process will continue until all comments are resolved (may involve multiple review cycles).
- Based on results of the reviews, the Community Development Director will take final action on the telecommunications permit application and either approve, approve with conditions, or deny such application.
- If the application is approved, a building permit may then be submitted for the proposed facility.

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Submittal Requirements

To help ensure that the telecommunications permit is reviewed in a timely manner, please be sure that the proposed facility meet the standards found in this packet, and that your permit application includes the information listed below. Incomplete or non-conforming applications will lengthen the review process, and may be returned without review.

- One (1) copy of the development review application and the non-refundable review fee.
- One (1) copy of general warranty deed, with a complete legal description (often in the form of Exhibit “A,” attached to the warranty deed) for the property or properties for which the application is made.
- One (1) copy of a lease agreement for the proposed facility lease area (if applicable).
- Two (2) copies of a written statement describing the need and purpose of the proposed facility, what alternative locations were considered, how it meets the standards for that type of facility, and ways in which any potential negative impacts have been mitigated.
- Two (2) copies of a site plan. The site plan shall be drawn to scale on 11” x 17” paper (at minimum). Oversized plans shall be folded to a standard size. Non-folded oversized plans will not be accepted. Site plans for telecommunications permits shall include the following:
 - Depiction of entire property, including all existing structures and setbacks to property lines;
 - Exact location of proposed telecommunications facility, with all setbacks to property lines;
 - Square feet of proposed facility area;
 - Location, dimensions, and surface material of access drive to proposed facility;
 - Location of fence, including pedestrian and/or vehicular gates;
 - Height and type of fence proposed;
 - Location, dimensions, and height of any equipment shelters within the proposed facility area;
 - Proposed landscaping and screening measures.
- Two (2) copies of an elevation view of the proposed facility drawn to scale on 11” x 17” paper (at minimum), including separate elevations for fencing and equipment shelters, as well as all dimensions.
- Two (2) sets of any color photographs, visual simulations, or renderings associated with the request.
- Any other information or technical studies, as determined by the city.

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Approval Criteria

Applications for new telecommunications facilities may be approved if the Director finds that:

- The facility complies with all city standards;
- The facility is suitable for the site, considering the size of the facility and lot, the location of the lot and the facility within the lot, the topography and natural features on the lot, and existing structures or improvements on the lot.
- There will be adequate mitigation of the visual impacts to the site on which the facility is located and the surrounding area to ensure harmony with adjacent uses and public rights-of-way;
- The facility creates a positive precedent for future telecommunications facilities and collocations.

Sources for Additional Information

- Land Development Code Article V, Division 6
- Facts to Know for Uses by Permit
- Application for 6409(a) Facilities
- Approved Plant List
- Planner of the Day: 303-227-8777 or cdplanner@c3gov.com