

Staff Note: This code draft is intended to provide a new Commercial Mobile Radio Service Facilities regulation to replace the existing 12-1100 CMRS Code. Language currently located within chapters of the Land Development Code regulating individual zone districts and referencing specific requirements in relation to locating CMRS Facilities will be deleted and replaced with a statement noting “CMRS Facilities in accordance with 12-1100 of this code.” Red-lining indicates changes incorporated as a result of the Planning Commission recommendation.

SECTION 12-1100 COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES

12-1101 INTENT

The intent of this section is:

1. To accommodate the wireless communication needs of the County residents, businesses, and visitors, while protecting the public health, safety, general welfare, and visual environment of the County;
2. To enhance the ability to provide wireless services to County residents, businesses and visitors, while using performance standards and incentives to promote location of CMRS facilities on concealed structures and existing buildings;
3. To ensure that telecommunications facilities minimize adverse visual impacts through careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;
4. To encourage the joint use of new and existing telecommunications facility locations and to reduce the number of towers needed to serve the County by requiring facilities to be placed on existing structures and requiring co-location of CMRS providers on existing and new towers, wherever possible.

12-1102 CLASSIFICATION OF WIRELESS FACILITIES

A. Attached. A wireless telecommunications facility is an “attached facility” if it is affixed to an **existing or proposed** structure (including, but not limited to, buildings, water tanks, traffic signal light standard, utility poles, and broadcast towers) provided such structure conforms to all applicable regulations including building and zoning regulations. A wireless telecommunications facility that is attached to an existing structure which is classified as a legal nonconforming use is considered an “attached facility.”

B. Freestanding. A wireless facility that is not an attached facility and is defined as either a “concealed freestanding facility” or a “non-concealed freestanding facility” as follows:

1. A concealed freestanding facility is a structure, as defined in Chapter 19, that has been designed to be architecturally compatible with the surrounding area and camouflages or conceals the presence of the tower and antennas. These structures would include, but are not limited to: artificial rocks and trees, freestanding clock towers and steeples, light poles, flagpoles, and artistic structures.
2. A wireless facility is a non-concealed freestanding facility if it is a lattice tower, monopole tower, guyed tower, or other freestanding facility that does not meet the definition of a concealed freestanding facility.

12-1103 GENERAL PROVISIONS

12-1103.01 Other Regulations

All CMRS facilities must comply with FCC Regulations and all other federal and state regulations.

12-1103.02 Where Allowed
ANTENNA LOCATION REGULATIONS

ZONE DISTRICT	Attached - Not Freestanding	Temporary CMRS Facility	Freestanding Facility - Concealed	Freestanding Facility – Non-Concealed
OBSOLETE** DISTRICTS				
R-2	P ^{1,3,6}	TUP	P ^{1,3,4,5,6}	NP
R-3	P ^{1,3,6}	TUP	P ^{1,3,4,5,6}	NP
R3S	P ^{1,3,6}	TUP	P ^{1,3,4,5,6}	NP
R-P	P ^{1,3,6}	TUP	P ^{1,3,4,5,6}	NP
R-4	P ^{1,3,6}	TUP	P ^{1,3,4,5,6}	NP
R-5	P ^{1,3,6}	TUP	P ^{1,3,4,5,6}	NP
B-5**	P	TUP	P	CP ²
CURRENT DISTRICTS				
A-E	P ⁶	TUP	P ^{3,4,6}	CP ^{2,6}
A-1	P ⁶	TUP	P ^{3,4,6}	CP ^{2,6}
A-2	P ^{3,6}	TUP	P ^{3,4,6}	CP ^{2,6}
R-A	P ^{1,3,6}	TUP	P ^{3,4,6}	NP
R-E	P ^{1,3,6}	TUP	P ^{3,4,6}	NP
R-1	P ^{1,3,6}	TUP	P ^{1,3,4,5,6}	NP
R-PSF	P ^{1,3,6}	TUP	P ^{1,3,4,5,6}	NP
R-PM	P ^{1,3,6}	TUP	P ^{1,3,4,5,6}	NP
R-PH	P ⁺³	TUP	P ^{+3,4,5}	NP
SH	P ⁺³	TUP	P ^{+3,4,5}	NP
R-M	P ^{1,3,6}	TUP	P ^{1,3,4,5,6}	NP
B-1	P	TUP	P	CP ²
B-3	P	TUP	P	CP ²
B-4	P	TUP	P	CP ²
I-1	P	TUP	P	CP ²
I-2	P	TUP	P	CP ²
MU	P ³	TUP	P ^{3,4}	NP
C	P	TUP	P	NP
O	P	TUP	P	NP
F	NP	NP	NP	NP
P = Permitted by administrative review as an accessory use as described in this code. Building permit needed.		TUP = Applicant must apply for and obtain a Temporary Use Permit		
NP = Not Permitted		CP=Conditionally Permitted in accordance with applicable sections of this code		
1 = Limited to quasi-public and public use areas.		4 = Outside Referral Required.		
2 = Over height facilities may apply for a Special Exception Use Permit through Board of Adjustment.		5 = Applicant required to conduct neighborhood meeting. Applicant required to send notices to all Home Owners Associations and property owners within 500 feet of the site, or may require notification to a larger area if the Planning Division Manager determines the facility's visual impact warrants a greater notification area.		
3 = Setback from property lines of properties in the residential and agricultural zone districts and mixed-use zone districts with a residential component: 100 percent of tower height, but not less than minimum building setbacks in the underlying zoning district, except when an alternative setback has been approved or when attached to a public utility substation or to a high-tension power line tower within a utility corridor, the setback may be the same as the setback for the existing high-tension power line tower or substation.		6 = Not allowed on Residential Buildings or any building containing residential uses.		
**In this phase of the LDC Rewrite, B-5 is proposed to be moved from an obsolete zone district to a current zone district. If this proposed modification is approved, B-5 will be moved from an obsolete zone district to a current zone district in this chapter.				

12-1104 ADDITIONAL CRITERIA

A. New CMRS Facilities

New CMRS facilities shall be categorized as one of the following categories: Attached, Freestanding Concealed, or Freestanding Non-Concealed.

B. Location

1. Attached Facilities:

To the maximum extent feasible, CMRS facilities shall be located on existing structures, including but not limited to buildings, water towers, broadcast towers, and related facilities, provided that such installation preserves the character and integrity of those structures.

2. Freestanding Facility - Concealed:

The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate. If the applicant demonstrates that it is not feasible to locate on an existing structure, CMRS facilities shall be designed so as to be concealed and be architecturally compatible with the surrounding area and camouflages or conceals the presence of the tower and antennas. These freestanding facilities would include, but are not limited to: artificial rocks and trees, freestanding clock towers and steeples, light poles, flagpoles, and artistic structures.

3. Freestanding Facility – Non-Concealed:

The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate and that a concealed facility is also not feasible. Such Non-Concealed Freestanding facilities include: a lattice tower, monopole tower, guyed tower, or other freestanding facility that does not meet the definition of a concealed freestanding facility.

4. Rights-of-Way

a. CMRS facilities may be located in County rights-of-way, on a case-by-case basis and subject to review and approval from the Public Works and Development Department.

b. Must obtain a right-of-way permit with the County.

c. CMRS facilities may be allowed on an existing traffic signal light pole, street light standard, utility pole, or other vertical infrastructure, or on a replacement traffic signal light pole, street light standard, utility pole, or other vertical infrastructure, provided:

i. The owner of the vertical infrastructure approves the use; and

ii. The facility does not exceed the height of the existing infrastructure on which it is mounted by more than eight (8) feet.

iii. CMRS facility shall be structurally similar to existing infrastructure.

iv. CMRS facility shall continue the function of the existing infrastructure.

v. Freestanding Facilities shall not be permitted in the rights-of-way; limited to attached facilities.

vi. Ground-based equipment may be located within the rights-of-way on a case-by-case basis, taking into account the impacts of such equipment within the ROW on the public health, safety and welfare.

d. Applications for CMRS facilities in the rights-of-way that are within five hundred (500) feet of residentially zoned property shall require a referral to all interested or affected parties.

C. Facilities on Residential Properties

CMRS facilities may not be placed on buildings used for single family residential purposes.

12-1105 TEMPORARY CMRS FACILITIES

1. Temporary CMRS facilities designed for use while a permanent CMRS facility or network is under construction may operate for up to 180 days, after which the temporary facility must be removed. In cases where temporary facilities are necessary due to destruction or significant damage to permanent structures hosting CMRS facilities due to causes beyond the control of an applicant, renewal requests for temporary facilities are subject to review and approval by the PWD Director on a case-by-case basis. Unless such renewal request is granted, no other temporary facility can be built by the provider on the property after the original temporary facility is removed.
2. Temporary CMRS facilities designed for use during a special event may operate for up to 14 days, after which they must be removed at the provider's expense. An extension of the temporary use may be granted by the Planning Division Manager to coincide with an extended period of time for the special event and subject to conditions to mitigate impacts of the extended use. Such temporary facilities may be operated on a property up to four times a year.
3. Temporary CMRS facilities must comply with this code (requirements and performance standards). The Planning Division Manager may require landscaping and screening requirements for temporary facilities where adjacent or nearby properties or users of public rights-of-way may be impacted.

12-1106 REQUIREMENTS AND PERFORMANCE STANDARDS

12-1106.01 General Standards and Requirements

1. CMRS facilities shall comply with all applicable federal, state, and county rules, regulations, and/or requirements pertaining to specific use.
2. CMRS facilities shall conform to the provisions of the governing zoning district unless otherwise provided for in this section.
3. Any CMRS facility lawfully operating on the date of enactment of this section that is inconsistent with the provisions of this Code shall be deemed a nonconforming use as provided for in this Code (nonconforming uses), except that co-location will not be considered an expansion of a nonconforming use.
4. The absence of a principal use on a given parcel of land does not preclude the establishment of a CMRS facility as an accessory use.
5. Planned Unit Developments (PUD's): CMRS facilities shall comply with the provisions set forth within the Final Development Plan for the parcel, as approved by the Board of County Commissioners, or in the absence of a Final Development Plan shall comply with the provisions set forth within the approved Preliminary Development Plan or Master Development Plan (MDP), except that these CMRS facility regulations shall govern where said Preliminary, Master, and/or Final Development Plans do not otherwise address provisions required by these regulations.
6. CMRS facilities shall comply with the provisions set forth within the approved Location and Extent Plan, Administrative Site Plan, and Use by Special Review for the parcel, as applicable.

12-1106.02 Setbacks for CMRS Facilities

1. Attached Facilities.

- a. Attached facilities and ground-based equipment may encroach up to twenty-four (24) inches into the minimum building setbacks in the underlying zoning district but must not extend over property lines.
- b. Ground-based equipment may be located within the rights-of-way on a case-by-case basis, taking into account the impacts of such equipment within the right-of-way on the public health, safety and welfare.
- c. The required setback for facilities and ground-based equipment within the ROW shall be determined by the Public Works and Development Department and shall be based on safety requirements and consistent with the setbacks for similar structures.

2. Freestanding Facility - Concealed.

- a. Minimum setbacks for Freestanding Facilities – Concealed are the same as the minimum building setbacks in the underlying zoning district, or the height of the facility, whichever is greater.
- b. An alternative setback may be approved by the Planning Division Manager, if the proposed concealed freestanding facility will replace an accessory structure to an established principal use, not limited to signs, light poles, and flagpoles.
 - i. The proposed alternative setback decrease shall not be more than thirty percent (30%) of the original setback dimension, and
 - ii. Such alternative setback may be permitted where it is evidenced that the siting and location of the concealed freestanding facility with the alternative setback substantially camouflages or conceals the presence of the tower and antennas and has less visual impact than would be achieved by applying the principal structure setback.

3. Freestanding Facility – Non-Concealed.

- a. Minimum setbacks for non-concealed freestanding facilities are as follows:
 - i. From property lines of properties in the Business and Industrial zone districts: 30 percent of the facility height but not less than minimum building setbacks in the underlying zoning district.
 - ii. From property lines of properties in the residential and agricultural zone districts and mixed-use zone districts with a residential component: 100 percent of the facility height but not less than minimum building setbacks in the underlying zoning district.

4. Ground-based Equipment.

- a. All ground-based equipment shall meet the setbacks applicable to principal structures in the zone district, unless an alternative setback is established for a concealed freestanding facility.
- b. Ground-based equipment may be located within the rights-of-way on a case-by-case basis, taking into account the impacts of such equipment within the right-of-way on the public health, safety and welfare.

12-1106.03 Equipment Design

A. Attached Facilities:

1. Attached facilities on a roof may extend up to fifteen (15) feet over the height of the building or structure, subject to FAA height restrictions if located within an Airport Influence Area (AIA).
2. Such facilities may exceed the maximum height of the underlying zoning district by up to fifteen (15) feet, subject to FAA height restrictions if located within an Airport Influence Area (AIA).
3. Attached antennas must be located, painted and/or screened to be architecturally and visually compatible with the building or structure it is attached to unless conflicting with state or federal requirements.

B. Freestanding Facility - Concealed:

1. Concealed Freestanding Facilities must be painted or coated in a color that blends with the surrounding building and natural environment, unless state or federal regulations require different colors.
2. When a CMRS facility is incorporated into an overall photometric plan, such as a CMRS facility being included on a parking lot light pole or on sports field lighting, the CMRS facility height must be consistent with the pole height used for the parking lot or sports field. The CMRS Facility must meet the height restrictions outlined in the Land Development Code.

C. Freestanding Facility – Non-Concealed.

1. Freestanding Non-Concealed Facilities must not be artificially lighted, unless required by the FAA or other state or federal agencies.
2. Security lighting on the CMRS facility may be mounted up to 15 feet high and must be directed toward the ground to reduce light pollution, to prevent offsite light spillage and avoid illuminating the tower.

D. Ground-Based Equipment:

1. Ground-based equipment must be compatible with the architectural style of the surrounding building environment with consideration given to exterior materials, roof form, scale, mass, color, texture and character. Ground-based equipment must be constructed with materials that are comparable to the materials of the principal use. Equipment cabinets must be located, painted and/or screened to be architecturally and visually compatible with the surrounding building and natural environment. All equipment, storage shelters, and/or cabinet components of the CMRS facility shall be grouped as closely as technically possible.
2. The total footprint of each service provider's equipment storage shelter and/or cabinets shall not exceed 400-square feet and shall not exceed fifteen (15) feet in height. The Planning Division Manager may approve a request submitted as part of a CMRS Facility application to increase the maximum allowable footprint of each service provider's equipment storage shelter and/or cabinets otherwise meeting the requirements of this Code for Equipment Design for Ground-Based Equipment, subject to the following:
 - a. The amount of increase in the footprint of the ground-based equipment approved by the Planning Division Manager shall not exceed 30% of the maximum allowable area.

b. Criteria to be considered by the Planning Division Manager in the determination of whether to allow an increase in the maximum allowable footprint shall include, but not be limited to, information provided by the applicant: justifying the need for the increased area for ground-based equipment; demonstrating that a single, larger equipment enclosure would better integrate into the architecture and site design for the property where the equipment is to be located than multiple smaller cabinets for co-located facilities; demonstrating efforts to incorporate the ground-based equipment into the design of the buildings and grounds for the principal use of the property; demonstrating use of landscaping or other mitigating design elements to enhance the property and/or mitigate negative impacts from the larger ground-based equipment enclosure.

3.2. Equipment must not generate noise that can be measured at the property line. However, this does not apply to generators used in emergency situations where the regular power supply for a facility is temporarily interrupted. It also does not apply to air conditioners or noise made during regular maintenance and upkeep of the facility and site.

12-1106.04 Site Design

1. Screening and landscaping appropriate to the context of the site and in harmony with the character of the surrounding environment is required when any part of the facility is visible from a public right-of-way or adjacent properties. Screening shall be architectural design, fencing, landscaping, or other suitable means for the site. Landscaping shall be in accordance with the requirements of this Code and shall be maintained. Fencing may be up to six feet high and shall be a solid fence of a suitable architectural finish for the development and compatible with the quality and design of buildings on the site (no chain link permitted). If a facility fronts on a public street, street trees must be planted along the roadway to provide additional screening. Landscaping in the ROW may require review by the Engineering Services Division and approval of any necessary license agreements.
2. Existing vegetation and grades on the site must be preserved as much as possible.
3. Signage at the site is limited to non-illuminated warning and equipment identification signs, not to exceed 6-feet in height and a maximum of six (6) square feet in area. This does not apply to concealed facilities incorporated into freestanding signs, as otherwise permitted in the Land Development Code.
4. CMRS facilities shall not include manned offices, long-term vehicle storage or other outdoor storage, or other uses not needed to send, receive, or relay transmissions.

12-1106.05 Co-Location on Existing CMRS Facilities

1. CMRS providers must not exclude other providers from co-locating on the same free-standing (concealed or non-concealed) facility when co-location is structurally, technically or otherwise possible. When requested, the applicant must provide written documentation which demonstrates that co-location was refused or provide evidence that co-location is not possible before attempting to locate an additional free-standing CMRS facility (concealed or non-concealed) on a given parcel of land. The County may require a third-party technical study at the expense of either or both parties to determine the feasibility of co-location. The

study will be conducted at a reasonable cost and with minimum necessary effort to make determination regarding co-location.

2. If the facility height is not increased, and the new CMRS facility, along with any ground-based equipment, comply with all applicable regulations of this Code as well the approved plan for the existing facility, CMRS facilities may be attached to an approved existing tower upon administrative approval of a complete application.
3. In addition to equipment proposed for the applicant's use, proposed CMRS facilities sites must be designed to accommodate co-location of one additional CMRS provider for every 40-foot segment of the structure's height over 40 feet.
4. With respect to any application for new CMRS facilities, the County may reduce the required shared capacity if sharing of such CMRS facility dominates and adversely alters the area's visual character.
5. The addition of equipment for co-location of CMRS facilities on existing legal, nonconforming antenna towers is not considered a nonconforming use expansion and is exempt from the nonconformities section of this Code, if the facility height remains unchanged. Appropriate permits are required for the addition of any equipment.

12-1106.06 Abandonment

CMRS facilities are considered abandoned if they are unused by all providers at the facility for a period of 180 days. A copy of the notice to the Federal Communications Commission (FCC) of intent to cease operations of a subject facility shall be promptly submitted to the County. If the lot or parcel for the facility is leased, a redacted copy of the relevant portions of a signed lease, which requires the removal of the communications facility upon cessation of operations at the site, or a notarized letter with signatures from both landlord and tenant explaining such procedures, shall be submitted at the time of application or at the time of leasing, whichever is later. The Planning Division Manager will determine if a CMRS facility has been abandoned. The Planning Division Manager has the right to request documentation from the facility owner regarding tower or antenna usage.

1. Upon abandonment, the facility owner has 90 days to:
 - a. Reuse the facility or transfer the facility to another owner who will reuse it; or
 - b. Dismantle the facility. If the facility is not removed within 90 days of abandonment, the county may pursue enforcement subject to the provisions of this Land Development Code. If the facility is removed, County approval of the facility is null and void. The site must be restored at facility owner's expense.
2. The County is hereby authorized to remove or cause the removal of the abandoned CMRS facility without any liability for trespass.
3. All direct and indirect costs incurred by the County, 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.

12-1106.07 Revocation of Permit

A building permit or other administrative approval may be revoked and the facility removed at the owner's expense if:

- a. The free-standing facility owner is not willing to provide space for other carriers at a fair market rate when it would not impair the structural integrity of the tower or cause interference; or
- b. The free-standing facility owner modifies the structure in a way to make co-location impractical or impossible.
- c. The free-standing facility owner fails to maintain all landscaping, equipment shelters, buildings, cabinets, and screening.

12-1107 APPLICATION REVIEW

12-1107.01 Review Processes

A. Presubmittal Meeting

A presubmittal meeting is required for all CMRS applications. The presubmittal meeting may be waived provided the facility is **not** proposed to be located in a right-of-way.

B. Administrative Review

Applications for proposed CMRS facilities must comply with the provisions of this Land Development Code. The time period in which the County will review and act upon applications shall be tolled for any applications that are not complete. The County shall notify an applicant of any deficiencies in its application within thirty (30) days of filing, and/or within thirty (30) days of submitting any additional information, to the extent that any supplemental application materials remain incomplete. If outside referrals or a neighborhood meeting is required, notification shall be provided in a manner determined by the County.

The Planning Division Manager, or designee, will make a decision to approve or deny an application that qualifies for administrative review within 45 days of submittal and inform the applicant of said decision. If a third-party technical study (technical issues and expert review) is required, a decision to approve or deny an application may be postponed until fifteen (15) days after the study is complete, and within ninety (90) days of the filing of a complete application for a co-location or one hundred fifty (150) days of the filing of a complete application for any other application; provided however, that the County and the applicant may always agree to extend the time in which final action on the application is required by this Code. Any decision to deny a request to place, construct, or modify facilities must be in writing and include specific reasons for the action.

C. Outside Referrals

If outside referrals are required, the applicant shall provide all necessary referral packets to the County for distribution. Such packets shall be prepared for all property owners and Home Owners Associations within 500 feet, or **such additional distance** as required by the Planning Division Manager at his or her sole reasonable discretion. The packet(s) shall include a letter of intent, site plan with underlying zoning, proposed facility height, proposed setbacks, photo-simulations, and any other information deemed necessary by the Planning Division Manager.

D. Neighborhood Meeting

If a CMRS Facility is proposed within 500 feet of a residentially zoned property, the applicant must schedule and conduct a neighborhood meeting to inform residents about the project. Notice for such Neighborhood meeting shall be provided in a manner determined by the County. Notice must be sent to all property owners and Home Owners Associations within 500 feet of the site, or a larger area if the Planning Division Manager determines the facility's visual impact warrants a greater notification area. Such notice shall be sent at least 14 days prior to such scheduled meeting date.

E. Appeal of Planning Division Manager's Decision

For a CMRS facility proposed within 500 feet of residentially zoned property, the applicant and the adjacent neighborhood(s) will be notified of the Planning Division Manager's decision. Such notice will be provided in a manner determined by the County. For the purposes of 47 U.S.C. Sec. 332 (c)(7), the decision of the Planning Division Manager is final. An applicant or an interested citizen may, prior to challenging the County's action in court, appeal the Planning Division Manager's decision to the Board of County Commissioners, which appeal shall be based upon the administrative record, and in accordance with the following:

1. Citizen Appeal

The Planning Division Manager's decision may be appealed by a citizen or citizen group. Such appeal shall be submitted to the Planning Division Manager in writing within 10 working days of the decision. Such appeal may be taken to the Board of County Commissioners for consideration and decision. If the Board of County Commissioners hears such appeal, proper public notice requirements per this Land Development Code shall be followed.

2. Applicant Appeal

The Planning Division Manager's decision may be appealed by the applicant. Such appeal shall be submitted in writing to the Planning Division Manager within 10 working days of the decision. Such appeal may be taken to the Board of County Commissioners for consideration and decision. If the Board of County Commissioners hears such appeal, proper public notice requirements per this Land Development Code shall be followed.

12-1107.02 Other Review/Permit

A. Technical Issues and Expert Review

CMRS facilities may involve complex technical issues that require review and input that is beyond the expertise of County staff. The Planning Division Manager may require the applicant to pay reasonable costs of a third-party technical study of a proposed CMRS facility. Selection of expert(s) to review the proposal will be in the sole discretion of the County.

B. Building Permit

Administrative approval of CMRS facilities is separate from the building permit review process. Building permits for the construction of CMRS facilities cannot be issued until the facility is approved through the Administrative or Special Exception Use process, as applicable.

12-1108 APPLICATION

12-1108.01 Application Not Required for Maintenance

A CMRS application is not required for routine maintenance or replacement of existing facilities or equipment, so long as the new facilities or equipment are consistent with the approved size, height, concealment, screening, and other applicable site and facility design elements being replaced.

12-1108.02 Application Contents

Applications for proposed CMRS facilities, and additions or modifications to existing facilities, must include the following:

- A. **Letter of Intent.** A letter of intent or project statement that outlines the details of the proposed facility must be submitted. Include proposed facility height and setbacks, underlying zoning, maximum height allowed in zone district, setbacks in zone district, area of all ground-based equipment and applicable screening for such equipment, other landscaping and screening information, and any other relevant information. Such letter shall include information regarding the intent to remove the facility at the expense of the facility and/or property owner if it is abandoned, as provided in this Code (abandonment).
- B. **Completed Carrier Acknowledgement Form.** Carrier Acknowledgement Form is intended to provide evidence that the applicant has read the County's Land Development Code Regulations and, to the best of their knowledge, the application is in compliance therewith.
- C. **Completed Application.**
- D. **Co-Location Letter.** A letter of intent to allow co-location on the CMRS facility as provided in this Code (co-location), if the facility is over 40 feet.
- E. **Site Plan.** A site plan showing the location and legal description of the entire parcel; lease area; on-site land uses and zoning; adjacent roadways; parking and access; areas of vegetation and landscaping to be added, retained, replaced or removed; setbacks per zoning; setbacks from property lines; screening and/or fencing; and the location of the facility, including all related improvements and equipment.
 - 1. **Landscaping**
A schedule for the installation of landscaping and screening, if applicable.
 - 2. **Vicinity Map**
A vicinity map must be submitted. Such map shall show adjacent properties (including all adjacent zoning), general land uses, and road-ways:
 - a. Within 500 feet of a proposed attached antenna site; and
 - b. Within a distance of (tower height × twenty) of a proposed CMRS facility.
- F. **Elevations.** Elevation drawings of the proposed facility along with all ground-based equipment and associated screening, fencing, landscaping, lighting, and other improvements related to the facility, showing specific materials, placement, and colors.
- G. **Photo-Simulations.** Photo-realistic renderings, photosyms (photo simulations) of the site after construction, demonstrating the true impact of the facility on the surrounding visual environment. The Planning Division Manager may request such exhibits from specific vantage points.
- H. **Other Information:**
 - 1. A report describing the facility and the technical, economic, and other rationale for its design and location; the need for the facility and its role in the network; and the

capacity of the structure, including the number and type of antennas it can accommodate.

2. The FAA response to the notice of proposed construction or alteration (FAA Form 7460-1 or equivalent), if the facility is located within an Airport Influence Area.
3. Documentation detailing responsibility for maintenance of landscaping, screening and the replacement of dead landscaping.
4. The Planning Division Manager may request additional copies of any submittal item for review by other agencies.

12-1108.03 Facility Inventory

The first application in a calendar year (January through December) for a proposed CMRS facility by a provider must include an inventory of all the provider's existing and approved facilities within Arapahoe County, all incorporated areas within the County, and one mile beyond the county border. Such inventory shall include the location and type of facilities.

CHAPTER 19 - DEFINITIONS

Staff note: These definitions will be added to Chapter 19 Definitions with adoption of these code amendments rather than being included within 12-1100 Commercial Mobile Radio Service Facilities, but are included as part of W10-017 for ease of public review and to ensure that they are not added to Chapter 19 without the approval of the proposed 12-1100 text.

Antenna. An exterior transmitting or receiving device used in telecommunications that radiates or captures CMRS signals. "Antenna" as used in this section does not include radio or television towers or transmitters.

Antenna, attached. An antenna mounted on an existing building, silo, smokestack, water tower, utility or power pole or a support structure other than an antenna tower.

Antenna, concealed. An antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view in a manner appropriate to the site's context and surrounding environment. Examples of concealed antennas include antennas mounted on manmade trees, clock towers, flag poles, light structures, steeples, buildings, and similar objects.

Antenna tower. A freestanding structure, including monopole, guyed and lattice towers, designed and constructed primarily to support antennas and transmitting and receiving equipment.

Antenna tower height. The distance from the finished grade at the antenna tower base to the highest point of the tower. Overall antenna tower height includes the base pad, mounting structures and panel antennas but excludes lightning rods and whip antennas.

Antenna Tower, temporary. A CMRS facility designed for use while a permanent CMRS facility or network is being designed or built, or for a special event where many people attending are CMRS users.

Co-development. Two or more CMRS providers working together to develop a single CMRS facility.

Co-location. Locating wireless communications equipment for more than one CMRS provider on a single structure.

Commercial mobile radio service (CMRS). Telecommunications services, including cellular telephone, personal communications service (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, wireless Internet access and similar commercial services.

Facility, CMRS. The equipment, physical plant and portion of the property and/or building used to provide CMRS services. This includes but is not limited to cables and wires, conduits, pedestals, antennas, towers, concealed structures, electronic devices, equipment buildings and cabinets, landscaping, fencing and screening and parking areas.

Ground-based Equipment. The plant, equipment, including but not limited to, cables, wires, conduits, ducts, pedestals, electronics and other appurtenances used to transmit, receive, distribute, provide, or offer CMRS services, that are not mounted to a tower or other structure, and are located on the ground or in a structure located on or under the ground.

Guyed Tower. A non-self-supported tower utilizing a guy wire support framework under tension on a concrete base. The guy wire support system allows for greater tower height but requires a larger land area for installation.

Monopole. A self-supported freestanding tower with structural support in the one-legged design on a single concrete foundation

Lattice Tower A multi-legged freestanding framework tower with structural support provided by the framework sections of the tower. Each leg of the lattice tower has a separate concrete foundation.

Setback (CMRS). The distance between a property line and the footprint of the antenna structure, including antennas, reflectors, dishes and other appurtenances.