

Arapahoe County Land Development Code

PART 1 ZONING REGULATIONS

SECTION 4500 COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES

1-4501 INTENT

- To provide for the installation of Commercial Mobile Radio Service (CMRS) facilities, and ensure that such facilities are located and designed in a manner that is consistent with the health, safety, welfare, aesthetic values, and economic interest of the community.

1-4502 GENERAL PROVISIONS

1-4502.01 CO-LOCATION

- The County encourages co-location of CMRS facilities when co-location minimizes their number and aesthetic impact.
- 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 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.
- No CMRS facility owner or operator shall unfairly exclude a wireless provider competitor from using the same facility or location. Upon request by the County, the owner or operator shall provide evidence why co-location is not possible.
- If a CMRS competitor attempts to co-locate a facility on an existing or approved CMRS facility or location, and the third parties cannot reach agreement, 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 the minimum necessary effort to make a determination regarding co-location.

Arapahoe County Land Development Code

1-4502.02

- CMRS facilities must comply with any and all applicable federal, state, and county rules, regulations, and/or requirements pertaining to specific use.

1-4502.03

- CMRS facilities shall conform to the provisions of the governing zoning district unless otherwise provided for in this section.

1-4502.04

- Any CMRS facility lawfully operating on the date of enactment of this section and found to be in violation of this section shall be deemed a nonconforming use as provided for in Section 1-500 (non-conforming uses) of these regulations.

1-4502.05

- 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.

1-4502.06

- Planned Unit Developments (PUD's): CMRS facilities shall comply with the provisions set forth within the Preliminary and/or Final Development Plan for the parcel, as approved and/or amended by the Board of County Commissioners. However, these CMRS facility regulations shall govern where said Preliminary and/or Final Development Plans do not address provisions required by these regulations.

1-4502.07

- Abandoned CMRS facilities which are not in use for CMRS purposes for a period of six (6) consecutive months, shall be removed by the CMRS facility owner. This removal shall occur within Ninety (90) days of the said six month period. Upon removal, the site shall be revegetated or restored to substantially the condition it was in prior to the existence of the CMRS facility within the time limit specified above. The County is hereby authorized to remove or cause the removal of the abandoned CMRS facility without any liability for trespass, and all costs incurred by the County, including and

Arapahoe County Land Development Code

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.

1-4503 SPECIFIC PROVISIONS

1-4503.01

- Requirements for all CMRS facilities.

1-4503.01.01

- No component of a CMRS facility shall exceed the maximum structure height of a zoning district by more than fifteen feet (15) unless specifically excepted in the zoning district, or unless the County approves a greater height as a P.U.D. Amendment or Variance, whichever applies (1-5300 and 1-5700).

1-4503.01.02

- Land forms, vegetation, structures, and architectural treatments shall be used when appropriate to aid in screening the facility from view and to blend in into the surrounding built and natural environment to the degree it is technically feasible (consideration should be given to placing equipment underground or within existing structures).

1-4503.01.03

- Utilize design, materials, and colors of antennae, support structure and equipment storage shelters, which are compatible with the surrounding environment and/or structures in terms of general appearance, scale, bulk, and height.

1-4503.01.04

- All equipment, storage shelters, and/or cabinet components of the CMRS facility shall be grouped as closely as technically possible.

1-4503.02

- Additional requirements for free standing CMRS facilities.

Arapahoe County Land Development Code

1-4503.02.01

- A free-standing CMRS facility shall meet the greater of the following minimum setbacks from all property lines: the setback for a principal structure within the applicable zone district; or twenty-five percent of the CMRS facility height, including antennae; or the CMRS facility height if the facility is adjacent to a residentially zoned parcel or if the CMRS facility is within 250 feet of existing residential structure.

1-4503.02.02

- The equipment storage shelters and/or cabinets for a free standing CMRS facility shall meet the following standards:
 - The total footprint of each service provider's equipment storage shelter and/or cabinets shall not exceed 360 square feet; and
 - No equipment storage shelter and/or cabinet shall exceed thirteen (13) feet in height.

1-4503.03

- Additional requirements for structure, roof, or building face mounted CMRS facilities.
- The maximum number of antennae per provider for a micro-cell or repeater CMRS facility shall be three (3) whip antennae or eight (8) panel antennae per provider. For a full CMRS facility per provider shall be three (3) whip or twelve (12) panel antennae, and one (1) microwave antennae.

1-4503.03.01

- Whip antennae shall not exceed a length of 15 feet (including mounting hardware) and a diameter of 4 inches from the base of the radiating element to the top of the antennae.

1-4503.03.02

- A panel antennae shall not exceed an area of six and one half (6.5) square feet, a length of six (6) feet, or a width of thirteen (13) inches.

1-4503.03.03

- The maximum diameter of a microwave dish antenna is two (2) feet in residential zoning districts and four (4) feet in all other zoning districts.

Arapahoe County Land Development Code

1-4503.03.04

- A building face mounted CMRS facility shall meet the following additional requirements:
 - Antennae for a building face mounted CMRS facility mounted on a legally existing building may encroach into a setback area a maximum of 24 inches, but not extend over a property line.
 - Antennae mounted to a building shall be flush to the building as technically possible.
 - Maximum area of panel antennae per building face, measured as the sum of individual panel antennae areas, shall not exceed aggregate total of fifty (50) square feet for all CMRS facilities.

1-4503.03.05

- A roof mounted facility shall meet the following additional requirements:
 - No component of a roof mounted CMRS facility, except whip antennae, may extend more than ten (10) feet above the roof of the building to which they are mounted.
 - Whip antennae may extend no more than fifteen feet above the roof of the building to which they are mounted.

1-4503.03.06

- The equipment storage shelter(s) and/or cabinets for structure, roof, or building face mounted CMRS facilities shall meet the following additional requirements:
 - Total footprint of each service provider's equipment storage shelters and/or cabinets shall not exceed sixty (60) square feet for micro-cell or repeater CMRS facilities and 360 square feet for all roof or building mounted CMRS facilities.
 - No equipment storage shelter shall exceed eight (8) feet in height for micro-cell or repeater facilities and thirteen (13) feet in height for full CMRS facilities.
 - Equipment storage shelters and/or cabinets shall not exceed an aggregate total coverage of fifteen (15) percent of the building roof area for all CMRS facilities.

Arapahoe County Land Development Code

ZONE DISTRICT	Micro-cell or Repeater Structure, Roof and Building Face-Mounted CMRS	Structure, Roof, and Building Face-Mounted CMRS	Free-Standing CMRS
---------------	---	---	-----------------------

OBSOLETE DISTRICTS

R-E	P ¹	NP	NP
R-2	P ¹	NP	NP
R-3	P ¹	NP	NP
R3S	P ¹	NP	NP
R-P	P ¹	A	NP
R-4	P ²	P ²	NP
R-5	P	P	P ³
B-2	P	P	P ³
B-5	P	P	P ³

CURRENT DISTRICTS

A-E	P	P	P ³
A-1	P	P	P ³
A-2	P	P	P
R-A	P ¹	NP	NP
R-1	P ¹	NP	NP
R-PSF	P ¹	NP	NP
R-PM	P ¹	A	NP
R-PH	P ¹	A	NP
SH	P	P	P ³
R-M	P ¹	NP	NP
B-1	P	P	P ³
B-3	P	P	P ³
B-4	P	P	P
I-1	P	P	P
I-2	P	P	P ³
MU	P ⁴	P ⁴	A
C	P	P	NP
O	P	P	NP
F	NP	NP	NP

A = Amend the PUD

NP = Not Permitted

P = Permitted
accessory use as
further restricted in
CMRS Section of
Land Development
Code. Building
permit needed.

1 = Limited to quasi-public and public use areas

2 = Limited to quasi-public, public use areas and placement on multi-family structures

3 = Over height facilities may proceed though the Special Exception Use Permit Process (See Zoning)

4 = Limited to quasi-public use areas, public use areas, and all areas at least 250 feet from the closest single-family attached or detached residential structure (See Planning)

5= Limited to camouflaged facilities