

**CITY OF RIFLE, COLORADO  
ORDINANCE NO. 13  
SERIES OF 2022**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING  
CHAPTER 16 AND APPENDIX A OF THE RIFLE MUNICIPAL CODE TO  
REGULATE THE SITING AND CONSTRUCTION OF WIRELESS  
COMMUNICATIONS FACILITIES WITHIN THE CITY

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Chapter 16 of the City of Rifle Municipal Code (the “Code”) sets forth the City’s regulations relating to land use, development, and zoning; and

WHEREAS, the technology used to provide service to mobile phones and wireless broadband devices has changed in recent years and service providers have started to deploy new and additional Wireless Communications Facilities (“WCFs”) to provide such services; and

WHEREAS, state and federal law and regulations provide guidelines regarding certain aspects of the operation and siting of WCFs; and

WHEREAS, the City desires to exercise local control over the design, siting, and construction of WCFs in order to minimize any impacts on public rights-of-way, City infrastructure, and the aesthetic character of the City, within the limits set by state and federal law; and

WHEREAS, on May 31, 2022, pursuant to Code Chapter 16, Article V, Division 3, the Rifle Planning Commission held a public hearing and approved TXT-2022-25, recommending City Council’s adoption of the Code amendments herein; and

WHEREAS, the City Council finds and determines that the following amendments to Chapter 16 and Appendix A of the Code are in the best interest of the public health, safety, and welfare of the citizens of Rifle.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The foregoing recitals are incorporated by reference as findings and determinations of the City Council.
2. Chapter 16 of the City Code is hereby amended to add a new Article 19 titled “Wireless Communications Facilities” as shown in **Exhibit A** to this Ordinance, which is incorporated herein by reference.

3. The schedules of allowed uses set forth in Sections 16-3-320, 16-3-420, and 16-18-1010 are hereby amended as shown in **Exhibit B** to this Ordinance, which is incorporated herein by reference.

4. The City's fee schedule in Appendix A to the City Code is hereby amended as shown in **Exhibit C** to this Ordinance, which is incorporated herein by reference.

INTRODUCED on July 6, 2022, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado on July 20, 2022, passed without amendment, approved, and ordered published in full as required by the Charter.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF RIFLE, COLORADO

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

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## Exhibit A

A new article shall be added to Chapter 16 of the City of Rifle Municipal Code as follows:

### ***CHAPTER 16, ARTICLE IXX: WIRELESS COMMUNICATIONS FACILITIES***

#### **Section 16.19.010. Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alternative tower structure or ATS* means any man-made trees, clock towers, bell steeples, light poles, water towers, farm silos, or similar alternative design mounting structures that conceal where technically feasible the presence of WCFs to make them architecturally compatible with the surrounding area pursuant to this chapter. A stand-alone pole in the right-of-way that accommodates small cell facilities is considered an alternative tower structure provided it meets the concealment or camouflage standards of this chapter. Alternative tower structures are not considered towers, for the purposes of this chapter.

*Antenna* means 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 devised and configurations.

*Antennas, panel* means an array of antennas, rectangular in shape, used to transmit and receive telecommunication signals.

*Antenna, whip* means a single antenna that is cylindrical in shape and omni-directional.

*Base station* means 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 includes, without limitation:

- A. 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.
- B. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).
- C. Any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in paragraphs A and B above that 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.

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The definition of base station does not include any structure that, at the time the relevant application is filed with the City under this chapter, does not support or house equipment described in paragraphs A and B above.

*Camouflage or camouflage design techniques* means measures used in the design and siting of wireless communication facilities with the intent to minimize 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, while still appearing to some extent as a WCF. This definition does not include the use of concealment design elements so that a facility looks like something other than a wireless tower or base station.

*Collocation* means mounting or installing an antenna facility on a pre-existing structure; and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

- A. For the purposes of eligible facilities requests, *collocation* means 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.
- B. For the purposes of facilities subject to shot clocks governed by 47 U.S.C. § 332, *collocation* means the attachment of facilities to existing structures, regardless of whether the structure or location has previously been zoned for wireless facilities.

*Concealment* means utilization of elements of stealth design in a facility so that the facility looks like something other than a wireless tower or base station. Analogous language any permit or other document required by the City Code is included in this definition to the extent such permit or other document reflects an intent at the time of approval to condition the site's approval on a design that looks like something else. Concealment can further include a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree), or is incorporated into (including without limitation, being attached to the exterior of such facility and painted to match it) 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 apparent. This definition does not include measures that merely minimize visual impact but do not incorporate concealment design elements so that the facility looks like something other than a WCF.

*Eligible facilities request* means 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:

- A. Collocation of new transmission equipment.
- B. Removal of transmission equipment.
- C. Replacement of transmission equipment.

A request for modification of an existing tower or base station that 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 does not comply with any relevant Federal requirements, is not an eligible facilities request.

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*Eligible support structure* means 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 chapter.

*Equipment cabinet* means a cabinet or building used to house equipment used by telecommunication providers at a wireless communications facility. This definition does not include relatively small electronic components, such as remote radio units, radio transceivers, amplifiers, or other devices mounted behind antennas, if they are not used as physical containers for smaller, distinct devices.

*Existing* means for purposes of this chapter, 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.

*Micro wireless facility* means a small wireless facility that is no larger in dimensions than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length.

*OTARD* means over-the-air receiving device.

*OTARD antenna* means:

- A. 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
- B. 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
- C. An antenna that is designed to receive television broadcast signals.

*OTARD antenna structure* means any pole, tower, or other structure designed and intended to support an OTARD antenna.

*Related accessory equipment* means the transmission equipment customarily used with, and incidental to wireless communication facilities antennas, including by way of example, coaxial or fiber-optic cable, regular and backup power supply and remote radio units.

*Right-of-way* means in the context of this chapter any public street or road that is dedicated to public use for vehicular traffic.

*Site* means, in the context of this chapter for towers 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. For alternative tower structures, base stations, and small cell facilities in the right-of-way, a site is further restricted to that area comprising the base of the structure and to other related accessory equipment already installed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the City, if the approval of the modification occurred prior to the passage of the Middle Class Tax Relief and Job Creation Act of 2012, Section 6409(a) (the Spectrum Act) or otherwise outside of the section 6409(a) process.

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*Small cell facility* means a WCF where each of the following conditions are met:

- (i) The WCF is mounted on a structure less than 50 feet high including its antenna, the WCF is mounted on a structure no more than 10 percent taller than adjacent structures, or the WCF does not extend the existing structure on which it is located to a height of more than 50 feet or by more than 10 percent (whichever is greater).
- (ii) Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and all other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume.
- (iii) The WCF does not require antenna structure registration under Part 17 of the FCC's rules, the WCF is not located on tribal lands as defined in 36 CFR 800.16(x), and the WCF does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).

Small cell facility includes a micro wireless facility.

*Substantial change* means a modification that substantially changes the physical dimensions of an eligible support structure, which meets any of the following criteria:

1. For towers other than alternative tower structures in the right-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;
  - a. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.
2. 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 (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other 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 (6) feet;
3. 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 (4) 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 ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;

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4. It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public right-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;
  5. It would defeat the concealment elements of the eligible support structure; or
  6. 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 (1), (2), (3), and (4) of this definition; and
  7. 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* means any structure that is designed and built for the sole or primary purpose of supporting 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. The term includes radio and television transmission towers, self-supporting lattice towers, guy towers, monopoles, microwave towers, common carrier towers, cellular telephone towers and the like. Alternative tower structures and small cell facilities in the right-of-way are not towers.

*Transmission equipment* means 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.

*Wireless communications facility* or *WCF* means 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, directions, omni-directions and parabolic antennas, base stations, support equipment, small cell facilities, 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 users, such as vehicle or handheld radios/telephones and their associated transmitting

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antennas, nor does it include other facilities specifically excluded from the coverage of this section.

**Section 16.19.020. Purpose and goals.**

The purpose of these provisions is to establish requirements for the siting of wireless communications facilities. The goals of these provisions are 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 WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs.
- B. Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including, but not limited to, concealment design techniques and undergrounding of WCFs and the equipment associated therewith.
- C. Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs.
- D. Encourage the use of wall-mounted panel antennas.
- E. Encourage roof-mounted antennas only when wall-mounted antennas will not provide adequate service or are not otherwise feasible.
- F. Encourage the location of towers in non-residential areas, in a manner that minimizes the total number of towers needed throughout the community.
- G. Encourage the collocation of WCFs on new and existing sites.
- H. Encourage owners and users of WCFs and towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimized.
- I. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently.
- J. Effectively manage small cell facilities in the right-of-way.

**Section 16.19.030. Applicability; waiver; exemptions.**

The requirements set forth in this section shall apply to all WCF applications for base stations, alternative tower structures, small cell facilities, and towers as defined elsewhere herein. The City shall have the authority to waive any requirement or standard set forth in this section if the City determines that the specific requirement or standard is preempted by federal or state law. The requirements set forth in this section shall not apply to:

- A. *Amateur radio antennas.* 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. The City or its designee has the authority to approve modifications to the height restriction, if in the

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reasonable discretion of the City, modifications are necessary to comply with federal law.

- B. *Pre-existing WCFs.* Any WCF for which a permit has been properly issued prior to the effective date of this section, shall not be required to meet the requirements of this section, other than the requirements of Sections 16.19.040.A, 040.B, 040.E, and 040.F below. 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.
- C. *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 the requirement that the height be no more than the distance from the base to the property line is met. The City Planning Director or her/his 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.

#### **Section 16.19.040. 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 the City has or receives concerns regarding compliance with radio frequency emissions standards for a WCF, the City may request that the owner or operator of the WCF provide information demonstrating compliance. If such information is not sufficient, in the reasonable discretion of the City, to demonstrate 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. 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 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 ("signal interference letter") from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential

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interference problems, and shall allow the City to monitor interference levels with public safety communications during this process.

- D. *Legal access.* In all applications for WCFs outside of the right-of-way, an applicant shall demonstrate 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 determines 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 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. 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.
- 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.

#### **Section 16.19.050. Design and siting standards.**

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 any one or more of these requirements if it determines that the goals of this section are better served thereby. WCFs shall be designed and located to minimize the impact on surrounding properties and residential neighborhoods and to maintain the character and appearance of the City, consistent with other provisions of this Code.

- A. *Camouflage and concealment.* All WCFs and any related accessory equipment shall, to the maximum extent possible, use concealment design techniques, and where not possible utilize camouflage design techniques. Camouflage design techniques include, but are not limited to using materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF to the surrounding natural setting and built environment.
  - 1. Where WCFs are located in areas of high public visibility, they shall, where physically possible, be designed to be concealed. Where concealment is not possible, they shall be designed to minimize the WCF profile through placement

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of some equipment fully or partially underground, or in a location that is obscured (e.g., behind landscape berms or behind existing objects).

2. A concealment design may include the use of alternative tower structures should the City determine that such design meets the intent of this Code and the community is better served thereby.
3. All WCFs, including antennas, vaults, equipment rooms, equipment enclosures, and towers shall be constructed of non-reflective materials (visible exterior surfaces only). Coloring of welds, bands, bolts, and the like, shall be of an identical or similar color to the main WCF.

B. *Siting.*

1. Order of preference. Except for eligible facilities requests, an applicant shall submit documentation demonstrating a good faith effort to locate WCFs in accordance with the following order of preference:
  - a. Collocated on the rooftop of an existing building.
  - b. Collocated on an existing or planned tower or alternative tower structure.
  - c. Collocated on an existing utility pole or traffic signal pole.
  - d. New tower or alternative tower structure, with the alternative tower structure replacing an existing streetlight where the alternative tower structure is in the right-of-way.
  - e. New stand-alone tower or alternative tower structure.
2. Setbacks. All WCFs shall comply with setback requirements. At a minimum, except for WCFs located in the right-of-way, all WCFs shall comply with the minimum setback requirements of the underlying zone district; if the following requirements are more restrictive than those of the underlying zone district, the more restrictive standard shall apply.
  - a. All WCFs, except for WCFs in the right-of-way, shall be located at least fifty (50) feet from any property lines, except when roof-mounted or wall mounted.
  - b. Monopole towers, except for monopole towers in the right-of-way, shall be set back from any residentially zoned properties a distance of at least three (3) times the monopole's height (i.e., a sixty (60) foot setback would be required for a twenty (20) foot monopole) and the setback from any public road, as measured from the right-of-way line, shall be at least equal to the height of the monopole.
3. No portion of any WCF may extend beyond the property line.
4. WCFs shall be required to be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the City approves an alternative design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or site.

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5. WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below Code standards.
  6. WCFs shall not encroach into any sight distance triangles areas as defined in Section 16-13-110(a) and shall meet the requirements for the placement street trees in Section 16-13-110(c), except for collocations on an existing structures or poles or where a WCF replaces an existing pole.
  7. When located adjacent to a commercial establishment, WCFs shall not be located in front of store front windows, primary walkways, primary entrances or exits, or in such a way that would impede a delivery to the building.
  8. When located within a right-of-way, WCF deployment shall not impede existing and future facilities, including sidewalks, stormwater infrastructure, water infrastructure, and electric infrastructure, and other infrastructure included in adopted City plans.
- C. *Areas of Special Importance.*
1. Notwithstanding any height limits specified in subsection (G) below, *Specific design and siting requirements*, any WCF in one of the following areas shall be subject to the following height limits unless it is collocated on an existing structure or replaces an existing structure:
    - a. In the Central Business District: 25 feet.
    - b. In all residential zone districts, including Planned Unit Development residential districts: 25 feet.
  2. Any WCF in the Central Business District shall be collocated on an existing structure, including buildings, traffic signal poles, and utility poles, or shall replace an existing pole, including light poles. No new stand-alone WCF poles, towers, monopoles, or alternative tower structures are permitted in the Central Business District.
- D. *Lighting.* WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences. Lighting shall otherwise comply with the City's lighting requirements for the applicable zone district.
- E. *Landscape and fencing requirements.*
1. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the lot or parcel, below any applicable Code standards including without limitation, planned unit development standards.
  2. Except for WCFs in the right-of-way or WCFs collocated on existing structures, the site of the WCF shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from any adjacent property. The standard

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buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.

3. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived in whole or in part by the City.
  4. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.
  5. No trees larger than four inches in diameter measured at 4½ feet high on the tree may be removed, unless specifically authorized by the City. 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 two to one.
- F. *Noise.* Noise generated on the site shall not exceed the standards permitted in the City Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two (2) hours without prior authorization from the City.
- G. *Specific design and siting requirements.* Additional design requirements shall be applicable to the types of WCFs as specified below:
1. *Base stations.*
    - a. Base stations 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 two feet.
    - c. Wall mounted WCFs shall not extend above the roofline.
    - d. Roof mounted WCFs shall be approved only where an applicant demonstrates a wall mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
      - i. Roof mounted whip antennas shall extend no more than 12 feet above the parapet of any flat roof or ridge of a sloped roof to which they are attached;
      - ii. Roof mounted panel antennas shall extend no more than seven feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted; and
      - iii. Other roof mounted related accessory equipment shall extend no more than seven feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.
  2. *Alternative tower structures (ATS) and small cell facilities.*

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- a. Shall be designed and constructed to look like a building, facility, or structure typically found in the area and shall be painted with a similar color to surrounding structures or the natural environment.
  - b. The height and size shall be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located or subject to a maximum height limit of 50 feet, whichever is lower.
  - c. Shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries.
  - d. Shall consider the uses on adjacent and nearby properties and the compatibility of the facility to these uses.
  - e. Shall be compatible with the surrounding topography, tree coverage, and foliage.
  - f. Shall be designed to be concealed where technically feasible and to reduce or eliminate visual obtrusiveness.
  - g. Shall minimize visual impacts of the proposed ingress and egress.
  - h. Shall, for small cell facilities collocated on buildings or rooftops, comply with the design requirements for base stations in Section 16.19.050(G)(1) of this Article.
3. *Alternative tower structures (ATS) and small cell facilities located in the right-of-way.*
- a. No ATS or small cell facility pole shall be (i) higher than 35 feet, including any cannister or antennas located on top of a pole; or (ii) more than ten feet higher (as measured from the ground to the top of the pole or structure) than any existing utility pole or traffic signal within 500 feet, whichever is lower.
  - b. Any new ATS or small cell facility pole shall be separated from any other existing WCF facility by a distance of at least 500 feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the City.
    - i. The City Planning Director may exempt an applicant from this requirement for a particular proposed site if the applicant demonstrates through network engineering documentation that the minimum separation requirement cannot be satisfied for technical reasons, or if the Director determines that the placement of the facility at a distance of less than 500 feet from another WCF will nevertheless advance the goal of reducing visibility and visual clutter of WCF facilities.
  - c. Shall be designed and constructed to look like a building, facility, pole, or structure typically found in the area and shall be painted with a similar color to surrounding structures or the natural environment. Any new small cell

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facility pole shall be painted the same color as surrounding streetlights and traffic signal poles.

- d. Shall be concealed consistent with other existing natural or manmade features in the right-of-way where technically feasible.
- e. Shall use a top-mounted antenna with a cylindrical “cantenna” design for any facilities on new or replacement stand-alone poles.
- f. When placed near a residential property, shall be sited in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility shall be sited in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets.
- g. Shall install related accessory equipment within the pole structure or, for ground-mounted equipment, in an underground or partially underground equipment vault (projecting not more than 36 inches above grade) or collocated in an existing equipment cabinet.
- h. Shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way.
- i. Shall comply with the Federal Americans with Disabilities Act and all applicable local, state, and federal law and regulations.
- j. Shall not be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the City, the 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.
- k. In addition to the above requirements, small cell facilities shall:
  - i. Be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered; and
  - ii. Be designed such that all antennas, mast arms, equipment, and other facilities are sized to minimize visual clutter, and where possible, concealed within the structure; and
  - iii. Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the facility.
  - iv. Be located on an existing building, utility pole, or traffic pole or be located on a new pole if there are no reasonable alternatives.
  - v. Comply with the design requirements for base stations in Section 16.19.050(G)(1) of this Article when collocated on a building or rooftop.

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4. *Towers.*

- a. 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.
- b. Shall use existing landforms, vegetation, and structures to aid in concealing the facility from view or blending in with the surrounding built and natural environment.
- c. Monopole support structures shall taper from the base to the tip.
- d. Shall be enclosed by security fencing or a wall at least six feet in height and equipped with an appropriate anti-climbing device. No security fencing or any portion thereof shall consist of barbed wire or chain link material.
- e. Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 60 feet, or as permitted through a conditional use permit.
- f. Towers shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries where technically feasible.
- g. Towers shall take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses.
- h. Towers shall be designed using design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- i. Visual impacts of the proposed ingress and egress shall be minimized.
- j. No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing towers, alternative tower structures, poles, or other collocation options can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing structures can accommodate these needs may consist of the following:
  - i. No existing structures are of sufficient height and are located within the geographic area required to meet the applicant's engineering requirements.
  - ii. Existing structures do not have sufficient structural strength to support applicant's proposed WCF.
  - iii. The applicant's proposed WCF would cause electromagnetic interference with the WCFs on the existing structures or the existing WCFs would cause interference with the applicant's proposed WCF.
  - iv. The applicant demonstrates that there are other limiting factors that render existing structures unsuitable for collocation.
- k. A tower shall meet the greater of the following minimum setbacks from all property lines:

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- i. The setback for a principal building within the applicable zone district.
      - ii. Twenty-five percent of the tower height, including WCFs and transmission equipment; or
      - iii. The tower height, including antennas, if the tower is in or adjacent to a residential zone district or residential property.
      - iv. Towers over 40 feet in height shall not be located within one-quarter mile from any existing tower that is over 40 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.
    - l. Towers are prohibited in the right-of-way, in residential zone districts, and in Central Business District Sub-Districts.
  5. *Related accessory equipment.* Related accessory equipment for all WCFs shall meet the following requirements, subject to more specific requirements for the specific type of WCF where applicable:
    - a. All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible.
    - b. The total footprint coverage area of the related accessory equipment shall not exceed 350 square feet.
    - c. No related accessory equipment or accessory structure shall exceed 12 feet in height.
    - d. Related accessory equipment 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 related accessory equipment shall be concealed where technically feasible or otherwise camouflaged in a manner appropriate for the specific site.

#### **Section 16.19.060. Application Requirements and Review Procedures.**

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 section. The applicant should conduct a pre-application conference with the City Planning Staff before applying under this section. All WCFs, except eligible facilities requests, shall be reviewed pursuant to the following procedures:

- A. *Submittal requirements.* Each applicant for a WCF shall be required to submit the following information, as indicated on an application checklist provided by the City:
  1. Land Use Application Form and narrative explaining compliance with Chapter 16, Article 19 of the City's Code.
  2. Completed Right-of-Way Permit and/or Conditional Use Permit application as applicable, depending on the type of facility and proposed location.

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3. Application fee as listed on the fee schedule in Appendix A to the Rifle Municipal Code.
  4. Signal interference letter (see Section 16.19.040(C) above).
  5. Inventory of existing sites (see Section 16.19.060(B) below).
  6. Documentation of legal access to site, as applicable (see Section 16.19.040(D) above).
  7. Site plan. A scaled site plan, scaled elevation view, structural plans, 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, facility height, setbacks, access, fencing, landscaping, adjacent uses, and drainage.
    - i. The site plan must include the location of all existing water, sewer, power, and other utilities at a minimum of a “Quality Level B” as defined by ASCE C-I 38-02, Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data.
    - ii. It is the responsibility of the applicant to ensure that the proposed installation location is within the right-of-way or within any applicable easements.
  8. Photographs. Visual "before" and "after" photograph simulations specifying the location of WCFs and accessory equipment and identifying land uses within one hundred fifty (150) feet.
  9. Associated permits and approvals. All forms necessary for the City to grant all approvals necessary to authorize the construction and deployment of the WCF, including a Right-of-Way Use and Excavation Permit, grading permit, electrical permit, Colorado Department of Transportation approvals (to include Colorado Department of Transportation right-of-way permit where applicable), contractor license documentation, building permit, or any other required permits for concurrent review and processing by the applicable City departments. If the applicant does not wish to submit such documentation concurrently with its WCF application, applicant shall execute a tolling agreement with the City that excludes such permits or approvals from the review period(s) specified in Section 16.19.060(D)(1-5) below. The applicant shall also submit a list of other permits, including any state or federal permits, that the applicant and/or operator will be required to obtain to operate the facility.
  10. Any other information deemed necessary by the City to determine compliance with this section or any other City Code section.
- B. *Inventory of existing sites.* Each applicant for a WCF shall provide to the City 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 areas of the City in which it believes WCFs may need to be located within the next three years. The inventory list should identify the site name, site address, and a general description of the facility

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(e.g., rooftop antennas and ground mounted equipment). This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City. Rather, it is an attempt to provide a mechanism for the City and all applicants for WCFs to share general information, assist in the City's comprehensive planning process, and promote collocation by identifying areas in which WCFs might be appropriately constructed for multiple users.

The City may share such information with other applicants applying for administrative approvals or conditional use permits under this section or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- C. *License agreement and fees.* No new WCF facility shall be constructed or collocated upon any tower or other structure in a right-of-way without executing a license agreement and paying a license fee with the City or applicable owner of the right-of-way, not to exceed the amount that would be authorized of an entity regulated pursuant to 47 U.S.C. § 224.
- D. *Application review procedures for WCFs.* Each application for a WCF submitted pursuant to this Article 19 shall be administratively reviewed by the Planning Director and City Staff for compliance with this Article as a permitted use or, in addition or in the alternative, shall be reviewed as a conditional use by the Planning Commission consistent with the procedures for a conditional use permit review in Chapter 16, Article 5, Division 3 of the City's Code. The schedules of uses in Sections 16-3-320, 16-3-420, and 16-18-1010 indicate whether a WCF is a permitted, conditional, or prohibited use in certain zone districts. Except for WCFs in the right-of-way that meet all requirements of this section or eligible facilities requests, the City may refer an application to Planning and Zoning Commission for approval if the City finds the proposed WCF to have a significant visual impact (e.g., proximity to historic or designated view corridors, or on significant community features) or otherwise is substantially incompatible with the structure on which the WCF will be installed, or it does not meet the clear intent of this section.
1. Time periods for review. The City shall act on a siting application on or before the shot clock date for the application, as defined in paragraph (5) of this subsection, Review Procedures for Wireless Communication Facilities, unless the applicant and the City agree to a different time period for review.
  2. Shot clock period. The shot clock period for a siting application is the sum of the number of days of the presumptively reasonable period of time for the pertinent type of application, pursuant to paragraph (3) of this subsection; plus, the number of days of the tolling period, if any, pursuant to paragraph (4) of this subsection.
  3. Presumptively reasonable periods of time. The following are the presumptively reasonable periods of time for action on applications seeking authorization for deployments in following categories:

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1. Review of an application to collocate a small cell facility using an existing structure: 60 days.
  2. Review of an application to collocate a facility other than a small cell facility using an existing structure: 90 days.
  3. Review of an application to deploy a small cell facility using a new structure: 90 days.
  4. Review of an application to deploy a facility other than a small cell facility using a new structure: 150 days.
  5. The “batching” rules stated in 47 C.F.R. § 1.6003, as may be amended from time to time, apply to applications seeking authorization for multiple deployments.
4. Tolling period. Unless a written agreement between the applicant and the City provides otherwise, the tolling period for an application (if any) is:
    - i. For an initial application to deploy Small Wireless Facilities, if the City notifies the applicant on or before the 10th day after submission that the application is materially incomplete, and clearly and specifically identifies the missing documents or information and the specific rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the City to render the application complete.
    - ii. For all other initial applications, the tolling period shall be the number of days from:
      1. The day after the date when the City notifies the applicant in writing that the application is materially incomplete and clearly and specifically identifies the missing documents or information that the applicant must submit to render the application complete and the specific rule or regulation creating this obligation; until
      2. The date when the applicant submits all the documents and information identified by the City to render the application complete;
      3. But only if the notice pursuant to paragraph (4)(ii)(a) of this subsection, is given on or before the 30th day after the date when the application was submitted; or
    - iii. For resubmitted applications following a notice of deficiency, the tolling period shall be the number of days from
      1. The day after the date when the City notifies the applicant in writing that the applicant's supplemental submission was not sufficient to render the application complete and clearly and specifically identifies the missing documents or information that

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need to be submitted based on the City's original request under paragraph (4)(i) or (ii) of this subsection, until

2. The date when the applicant submits all the documents and information identified by the City to render the application complete;
  3. But only if the notice is given on or before the 10th day after the date when the applicant makes a supplemental submission in response to the City's request.
5. Shot clock date. The shot clock date for a WCF application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to paragraph (2) of this subsection, provided, that if the date calculated in this manner is a legal holiday within the City, the shot clock date is the next business day after such date.
6. *Consolidated Applications.* The City shall allow a wireless provider to file a consolidated application for multiple small cell facilities and receive a single permit for the small cell network. The City's denial of any individual small cell facility is not a basis to deny the application as a whole or any other small cell facility incorporated within the consolidated application.

E. *Administrative review procedures for eligible facilities requests.*

1. *Application.* In all zoning districts and planned unit developments, eligible facilities requests for collocation on or modification of an existing tower or base station shall be considered a permitted use subject to administrative review and determination by the City. The City shall prepare and make publicly available an application form which shall be limited to the information necessary for the City to consider whether an application for collocation or modification is an eligible facilities request. Such information may include, without limitation, whether the project:
  - a. Would result in a substantial change;
  - b. Violates a generally applicable building, structural, electrical, or safety code or other law codifying objective standards 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.

2. *Type of review.* Upon receipt of an application for an eligible facilities request pursuant to this section, the City shall review such application to determine whether the application so qualifies.
3. *Timeframe for review.* Subject to the tolling provisions of subparagraph (4) 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 section.

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4. *Tolling of the timeframe for review.* The sixty-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 City determines that the application is incomplete:
    - a. 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;
    - b. 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
    - c. Following a supplemental submission, the City will notify the applicant within ten 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 subparagraph 4(a) of this subsection E. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.
  5. *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 of approval 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.
  6. *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 section the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's shot clock order, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under Section 332(c)(7) review. The City shall identify the need for any such additional information together with the notice that the request is not an eligible facilities request, and if such additional information is requested, the reasonable time frame under Section 332(c)(7) will begin to run beginning on the date that such additional information is received by the City.
- F. *Micro wireless facilities.* An application, application fee, and permit are not required for the installation, placement, operation, maintenance, or replacement of a micro wireless facility suspended on cable operator-owned cables or lines that are strung between existing utility poles in compliance with national safety codes. Cable operator shall have the meaning set forth in C.R.S. § 29-8-103(1), as amended. However, a right-of-way permit is required if the installation, placement, operation, maintenance, or replacement of a micro wireless facility:

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- i. Involves working within a highway travel lane or requires the closure of a highway travel lane;
  - ii. Disturbs the pavement or a shoulder, roadway, or ditch line;
  - iii. Includes placement on limited access rights-of-way; or
  - iv. Requires any specific precautions to ensure the safety of the traveling public; the protection of public infrastructure; or the operation of public infrastructure; and such activities either were not authorized in, or will be conducted in a time, place, or manner that is inconsistent with, the approval terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.
- G. *Abandonment and removal.* Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF, including related accessory equipment, that is abandoned or is unused for a period of six months.
- H. *Decision.* Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing, supported by substantial evidence in a written record, and shall be provided to the applicant within ten days of the decision. If the approval is for a concealed WCF, the written decision shall specifically identify that the WCF is a concealed facility.
- I. *Compliance with 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 the City Code, and any other applicable regulations. In addition, all WCF applications shall comply with the following:
- a. Comply with any permit or license issued by a local, State, or Federal agency with jurisdiction of the WCF;
  - b. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
  - c. Be maintained in good working condition and to the standards established at the time of application approval or as otherwise required by applicable law; and
  - d. Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten days from the time of notification by the City or after discovery by the owner or operator of the site.
- J. *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 City requirements and standard regulations.

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**Section 16.19.070. Standards for approval.**

No WCF, including related accessory equipment, shall be approved unless it meets the following approval criteria:

- A. The applicant has provided the City complete application materials and any other materials necessary for review under this Article.
- B. Visual impacts, impacts to City infrastructure, and impacts to pedestrian and vehicular circulation are minimized to the greatest extent feasible.
- C. The WCF meets the applicable design standards for the type of WCF in accordance with Section 16.19.050, Design standards; and
- D. The WCF is and will be operated at all times in accordance with Section 16.19.040.
- E. For WCF applications requiring a conditional use permit, the WCF meets the standards listed in Section 16-5-280.

**Section 16.19.080. Miscellaneous.**

- A. *Severability.* If any portion of this chapter is found to be void or ineffective, it shall be deemed severed from this chapter and the remaining provisions shall remain valid and in full force and effect.
- B. *Codification amendments.* The codifier of the City Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this chapter within the City Code.

**Exhibit B**

**Changes to use schedules to accommodate Wireless Communications Facilities**

Additions are shown in double underline; deletions are shown in ~~strike through~~.

**Sec. 16-3-320. Schedule of uses for residential districts.**

The following is the schedule of uses for the LDR, MDR and MDR-X Zone Districts:

<i>USE</i>	<i>LDR</i>	<i>MDR</i>	<i>MDR-X</i>
<u>Wireless Communications Facilities (subject to use-specific standards and application procedures in Sections 16.19.010 - 16.19.080)</u>			
<u>Alternative Tower Structure in right-of-way</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Alternative Tower Structure not in right-of-way</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Base Station in right-of-way</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Base Station not in right-of-way</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Eligible Facilities Request</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Small Cell Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Tower</u>	<u>*</u>	<u>*</u>	<u>*</u>

P = Permitted use  
 C = Conditional use  
 \* = Prohibited use

**Sec. 16-3-420. Schedule of uses for commercial and industrial districts.**

The following is the schedule of uses for the CS, TC, LI and I Zone Districts. For the Central Business District, see Section 16-18-1010 of this Chapter.

<i>USES</i>	<i>CS'</i>	<i>TC'</i>	<i>LI</i>	<i>I</i>
<u>Wireless Communications Facilities (subject to use-specific standards and application procedures in Sections 16.19.010 - 16.19.080)</u>				
<u>Alternative Tower Structure in right-of-way</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Alternative Tower Structure not in right-of-way</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>
<u>Base Station in right-of-way</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Base Station not in right-of-way</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>
<u>Eligible Facilities Request</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Small Cell Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Tower</u>	<u>*</u>	<u>*</u>	<u>C</u>	<u>C</u>

P = Permitted use  
 C = Conditional use  
 \* = Prohibited use

**Sec. 16-18-1010. Table of land uses.**

- (a) Table 16-18-1010 lists the categories of land uses allowed in each sub-district of the Central Business District, subject to varying levels of review. See Section 16-1-220 of this Chapter for land use definitions and Section 16-18-1020 of this Chapter for standards specific to each land use.

[ . . . ]

Legend for Table 16-18-1010

- P: Use is permitted subject to a Tier 1 level of review (see Section 16-18-1230)
- C: Use is conditional subject to a Tier 2 level of review (see Section 16-18-1240)
- D: Use is discouraged subject to a Tier 2 level of review (see Sections 16-18-40, 16-18-1240 and 16-18-1270)
- Empty cell: Use is prohibited
- \* See regulations specifically applicable to this land use in Section 18-16-1020
- \*\* For projects involving elements that are subject to varying levels of review, the entire project shall be subject to the highest level of review required
- \*\*\* Within the Creekside Neighborhood, stand-alone commercial buildings are prohibited, except for indoor commercial lodging

**Table 16-18-1010\*\***

	<i>Central Business District Sub-Districts</i>					
	<i>Centennial Neighborhood</i>	<i>Creekside Neighborhood***</i>	<i>Historic Core</i>	<i>Second Street Mixed Use</i>	<i>North Gateway</i>	<i>River Gateway</i>
	<i>CBD-CN</i>	<i>CBD-CS</i>	<i>CBD-HC</i>	<i>CBD-MU</i>	<i>CBD-NG</i>	<i>CBD-RG</i>
<b><u>Wireless Communications Facilities (subject to use-specific standards and application procedures in Sections 16.19.010 - 16.19.080)</u></b>						
<u>Alternative Tower Structure in right-of-way</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Alternative Tower Structure not in right-of-way</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Base Station in right-of-way</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Base Station not in right-of-way</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Eligible Facilities Request</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Small Cell Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Tower</u>						

**Exhibit C**

**Changes to the fee schedule to address Wireless Communications Facilities**

Additions are shown in double underline; deletions are shown in ~~strikethrough~~.

**APPENDIX A - Fees and Charges**

\* \* \*

<i>Code §</i>	<i>Description</i>	<i>Fee</i>
<i>Chapter 16</i>		
<u>16-19-060</u>	<b><u>Wireless Communications Facilities Application Fees</u></b>	
	<u>Application fee: new pole or structure intended to support one or more small cell facilities.</u>	<u>\$1,000.00</u>
	<u>Application fee: collocation or placement on existing structures of up to five small cell facilities</u>	<u>\$500.00</u> <u>(plus an additional \$100.00 for each small cell facility beyond five)</u>
	<u>Application fee: non-small cell facility or special use permit</u>	<u>\$1,000 plus \$1,000 deposit</u>