

4. Wall mounted antennas may encroach into required setbacks a maximum of thirty inches (30"), but shall not extend across property lines.

5. Ground based equipment and equipment shelter buildings shall comply with the setback requirements for accessory structures for the zone district in which they are located.

6. CMRS facilities, which are located on City or Colorado Springs Utility property, rights of way or easements, are exempted from these setback requirements. (Ord. 99-121; Ord. 01-42; Ord. 02-153; Ord. 06-162; Ord. 12-76)

**7.4.607: SITE SELECTION AND COLLOCATION REQUIREMENTS:**

A. Site Selection: Carriers shall consider the following types of sites as they select specific locations for CMRS facilities:

1. On existing structures such as buildings, water tanks, existing towers, signs, etc.

2. On City owned or Colorado Springs Utility (CSU) sites which have been identified as appropriate locations for CMRS facilities. Appropriate City and CSU sites are required to meet the following criteria:

a. The proposed CMRS facility will not have an adverse impact upon the operational or security requirements for the site.

b. The site can accommodate a CMRS facility in a manner which lessens the visual impact and increases the land use compatibility over privately held sites within the same vicinity.

3. In locations where the existing topography, vegetation, buildings or other structures provide the greatest screening potential.

B. Collocation Requirements:

1. These regulations seek to encourage the collocation of CMRS equipment of various carriers on the same structures where feasible and where the visual impact of having one taller facility is determined to be more desirable than having two (2) or more lower facilities constructed within the same vicinity.

2. The following note shall be included on all development plans:

*(Name of Applicant/Carrier) will consider co-location proposals from other commercial radio providers with an interest in this facility.*

(Ord. 99-121; Ord. 01-42; Ord. 06-162)

**7.4.608: DESIGN CRITERIA AND CONSTRUCTION STANDARDS:**

A. Wall And Roof Mounted Facilities:

1. The design, materials, color and location of these facilities shall be selected to achieve the architectural compatibility with the host building to which they are attached. The antennas and equipment shall blend in with the building to the maximum extent possible.

2. Roof mounted equipment which will be visible against the skyline shall be painted white, gray or some alternative light shade, which will allow it to blend with the sky background as viewed from adjoining streets and neighboring properties.

3. Wall mounted equipment shall be mounted as flush to the building as technically possible.

4. Installation shall meet or exceed National Electrical Safety Code clearances.

B. Stealth Freestanding Facilities:

1. "Stealth freestanding facilities" are freestanding CMRS facilities that are designed to substantially conceal and camouflage the antennas and associated equipment and are typified by bell towers, flagpoles, parking lot light poles, clock towers, decorative architectural features, tree towers, etc.

2. Stealth facilities are preferred and encouraged in instances where a freestanding facility is necessary and the potential for substantial adverse visual impact is high.

3. Facilities should be architecturally compatible with the adjacent buildings and land uses and integrated through design, materials, color, and location to blend in with the existing characteristics of the site to the maximum extent possible.

The height, bulk and scale of a stealth CMRS facility should be compatible with the adjacent buildings and land uses.

- C. Nonstealth Freestanding Facilities: Nonstealth freestanding CMRS facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility and the nature of the surrounding land uses.
- D. Ground Based Facilities:
  1. Ground based equipment and buildings located on existing developed sites should be integrated into the overall landscape design for the project. The views of these facilities from adjoining public streets and properties should be screened and well landscaped. It is the responsibility of the applicant to ensure that all required landscaping is in place or financially secured with the City prior to operation of the CMRS facility.
  2. Equipment shelters shall be painted or clad with materials that are compatible with adjacent structures on the site, on neighboring lots and the surrounding environment.
  3. Fencing materials are to be compatible with fencing materials used in surrounding land uses and/or to blend with the surrounding environment.
  4. Installation shall meet or exceed National Electrical Safety Code clearances.
- E. Lighting: Security lighting, mounted on the building, ground or equipment, may be provided to the extent that it does not substantially adversely affect nearby properties. Artificial lighting mounted on antenna support structures shall be limited to mandatory safety lighting required by Federal regulation authorities possessing jurisdiction over communication structures.
- F. Review And Approval Of Airport Advisory Commission: Any requests for approval of roof mounted or freestanding CMRS facilities in the AO overlay zone will be subject to review and approval of the Airport Advisory Commission in order to assess hazards to aviation safety.
- G. Review And Approval Of Military Installations: Any requests for approval of roof mounted or freestanding CMRS facilities within a two (2)

mile radius of a military installation will be subject to review and approval of the military installation in order to assess hazards to aviation safety. (Ord. 06-162; Ord. 09-70; Ord. 12-65)

7.4.609: **DISCONTINUANCE:** Carriers shall notify the City when they place the FCC on notice, via the filing of FCC form 489, that a specific CMRS facility is being discontinued. Antennas and support structures, which are not in use for six (6) months for CMRS purposes, shall be removed by the CMRS facility owner. This removal shall occur within sixty (60) days of the end of the six (6) month period. Upon removal, the site shall be restored to blend with the surrounding environment. If an abandoned facility is not removed within the required time frame the City shall remove the facility and bill the property owner upon which the facility is located for the cost incurred with said removal. In the event that the property owner fails, within thirty (30) days after billing, to pay for the cost and expenses of removal the City may assess a lien against the property for such costs. The lien created hereby shall be superior and prior to all other liens excepting liens for general and special taxes. (Ord. 01-42; Ord. 06-162)