

### 7.3.303: COMMERCIAL AND INDUSTRIAL USES

#### Review Criteria

#### A. Agriculture and Animal-Related Services:

##### 1. Animal Care Facility and Small Animal Clinic:

- a. Each building and any associated animal run shall be constructed at least fifty-five (55) feet from any property line.
- b. Except in the A zone district, all activities shall be conducted within a totally and permanently enclosed, soundproofed building.
- c. In the A zone district, outdoor veterinary activities require conditional use permit approval pursuant to Section 7.5.601 (Conditional Use Permit).

##### 2. Stable:

- a. All buildings and corrals involved in the use of the property as a stable shall be constructed at least fifty-five (55) feet from any property line.
- b. When the stable is an accessory structure to another primary use of the property:
  - (1) The stable is only permitted on a lot containing at least thirty-seven thousand (37,000) square feet of gross area; and
  - (2) The use shall comply with the requirements of Sections 6.7.106 (Animals Kept on Premises; Sanitary Requirements) and 6.9.101 (Hoofed Animals Kept on Premises; Sanitary Requirements) of the City Code.



#### 3. Urban Agriculture:

##### a. Structures:

##### (1) Horticulture:

- (a) Cold frames are limited to a maximum height of three (3) feet and shall be located at least ten (10) feet from any lot line adjacent to a lot that has an occupied residential use or is within a residential zone district.



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(b) Accessory greenhouse and hoop house structures are limited to a maximum height of ten (10) feet, shall be located at least ten (10) feet from any lot line adjacent to a lot that has an occupied residential use or is within a residential zone district, and may not cover more than twenty-five (25) percent of the rear lot.

#### (2) Animals:

(a) Hoofed Pets: Up to four (4) hoofed pets may be kept on a property. If three (3) or more hoofed pets are kept on the same property, a housing structure that meets the following standards shall be required:

(i) The housing structure shall be located within the rear fifty percent (50%) of the lot.

(ii) The housing structure shall be at least twenty (20) feet from any abutting property line.

(iii) The housing structure shall provide adequate shelter for the hoofed pets.

(iv) Each hoofed pet shall have access to at least one-hundred and thirty (130) square feet of permeable area per goat in the rear fifty (50%) percent of the lot.

(b) Fowl: Standards for coops and other accessory structures shall comply with Subsection 7.3.304(A).

(3) Agricultural stands are limited to a maximum height of ten (10) feet and shall be located at least ten (10) feet from any lot line adjacent to a lot that has an occupied residential use or is within a residential zone district.

#### b. Operational Standards:

(1) Produce grown on the property may be sold only in accordance with the standards for cottage food sales in Subsection 7.3.304I.4 (Standards for Cottage Food Sales).

(2) The site drainage and maintenance shall prevent water, fertilizer, or any other product from draining onto adjacent property that is not part of the contiguous land in common use and shall comply with all City regulations regarding illicit discharges.

(3) Refuse and compost areas shall be enclosed at ground level to be rodent-resistant, and compost piles shall not exceed four (4) feet in height.

(4) No outdoor work activity that involves power equipment or generators may occur between 7:00 p.m. and 7:00 a.m. the next day.

#### c. Soil Quality:

(1) Food products may be grown in soil native to the site if the applicant can provide documentation to the El Paso County Public Health Department that a composite sample of the native soil, consisting of no less than five (5) individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the residential screening levels for soil exposure, direct-contact for lead established by the State of Colorado; and either:

(a) Proof through maps, deeds, prior permits, or a combination of those sources that the site has only been used for residential or agricultural activities in the past; or



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(b) Documentation that a composite sample of the native soil, consisting of no less than five (5) individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that the metals arsenic, cadmium, mercury, molybdenum, nickel, selenium, and zinc are determined to be at or below the residential screening levels for soil exposure, direct-contact established by the State of Colorado. If metal content in soil exceeds established thresholds, food products may only be grown in raised beds filled with clean topsoil.

(2) As an alternative to meeting the standards in Subsection (1) above, food products may be grown in clean soil brought to the site without completing a soil test of the soil native to the site.

#### B. Eating, Drinking, and Lodging Establishments:

1. **Adult Entertainment:** No Adult Entertainment Use shall be located within one thousand (1,000) feet of another Adult Entertainment use, an Adult Retail use, residentially zoned or used property, Religious Institution, Child Daycare Center, Park, Elementary or Secondary School, or Higher Education School (whether within or without the City).

2. **Alcohol Production Uses:** In the MX-N zone district, the gross floor area of the use shall not exceed five thousand (5,000) square feet.

3. **Commissary Kitchen:** Accessory uses for retail or educational purposes shall be conducted within the same building as the principal permitted use and shall not occupy more than twenty (20) percent of the gross floor area of the principal building.

#### 4. Restaurant:

a. In all zone districts, the Bar Area of a Restaurant may not exceed thirty-five (35) percent of the Restaurant's gross floor area.

b. In the MX-N zone district, the following standards apply:

(1) The gross floor area of the use shall not exceed five thousand (5,000) square feet.

(2) An outdoor seating area shall not be located within ten (10) feet of any property line of a lot containing a primary residential use or that is within a residential zone district.

c. In the PK zone district, a restaurant must be incidental to another permitted or conditional use.

5. **Bar:** A bar is permitted in the MX-N zone district but shall be located no less than two-hundred (200) feet from any residential zoning or use.

#### C. Entertainment and Recreation:

1. **Entertainment or Recreation, Outdoor:** In the R-5, R-Flex High, and MX-T zone districts, only golf courses and related facilities are allowed and require conditional use permit approval pursuant to Section 7.5.601 (Conditional Use Permit).

2. **Stadiums/Auditoriums:** In the PK zone district, Stadiums/Auditoriums shall be limited to 250,000 square feet, minus parking areas.



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#### **D. Heavy Commercial, Storage, and Industry:**

- 1. Heavy Industry: A garbage service company use shall be entirely contained within a building or yard enclosed on all sides by a wall or solid fence at least seven(7) feet in height and kept in good repair at all times.**
- 2. Junkyard: The yard shall be kept in good repair and be maintained to prevent nuisances and avoidable adverse impacts on adjacent properties at all times. Stacking height maximums and the proximity of stacked materials to lot lines shall comply with any additional requirements of the Fire Code Official.**
- 3. Mining and Mineral Extraction:**
  - a. Open-pit mining, surface mining, and underground mining with activities above ground is allowed as a conditional use only in the A zone district.**
  - b. Temporary surface, open pit mining, and underground mining with activities underground are allowed with conditional use approval pursuant to Section 7.5.601(Conditional Use Permit) in all other districts where mining and mineral extraction is allowed.**
  - c. This use will be allowed only if the applicant can demonstrate at the time of applying for a conditional use permit pursuant to Section 7.5.601 (Conditional Use Permit) that, in addition to other criteria that would otherwise apply to approval of a conditional use permit:**
    - (1) The property values of the land surrounding the conditional use will not be substantially reduced;**
    - (2) The mode and quality of life in any area of the City will not be adversely affected by the proposed mining operation;**
    - (3) The noise attributable to the mining operation will be in conformance with Section 9.8.104 (Permissible Noise Levels) of this Code;**
    - (4) The dust attributable to the mining operation will be within state and federal standards;**
    - (5) The road and highway traffic attributable to the mining operation will not adversely affect the City traffic system by causing unreasonable congestion or excessive deterioration of such system;**
    - (6) The mining operations will not cause or create adverse drainage and sewage problems;**
    - (7) An underground mining operation will not unreasonably interfere with the present or anticipated surface used by causing subsidence, vibrations, or dust;**
    - (8) The mining operation is in conformance with the Colorado Springs Comprehensive Plan and the Master Plan for Extraction of Commercial Mineral Deposits that was adopted July 1, 1975; and**
    - (9) The mining reclamation plan and time schedule are acceptable to the City.**
  - d. Following conditional approval of this use, the mining operator is required to post a bond with the City in an amount set by the City that is sufficient to ensure that the mining reclamation plan is carried out.**
  - e. For use, storage, and handling of explosives, contact the Fire Code Official. All dynamite shot plans must be reviewed by the Fire Code Official.**



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#### 4. Plant-Based Extraction:

a. This use shall install, maintain, and operate an adequate ventilation and filtration system that ensures odors are not detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

b. The design and operation of each Hazardous Plant-Based Extraction facility shall comply with all Fire Code Official requirements.

#### 5. Self-Storage:

a. All storage shall be kept within an enclosed building, except recreation or other oversized vehicles which shall be stored only in exterior areas screened from view from any street frontage.

b. Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces to conduct or operate a business is prohibited.

c. The storage of hazardous materials is prohibited.

d. Loading docks may not be located on a side of the facility adjacent to a residential zone district.

e. A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Part 7.4.9 (Landscaping and Green Space).

f. If the facility is within an OR or MX-N zone district, all storage shall be contained within a fully enclosed structure that:

(1) Is at least a two (2) story structure with storage units on upper floors with access doors to storage units accessed from interior hallways; and

(2) Does not have any garage doors or access doors to any storage unit facing any public street, park, or green space, unless the doors are screened from all visible public streets, parks, and green spaces.

g. The use of shipping containers for permanent structures is subject to Development Plan review and architectural review pursuant Part 7.4.11 (Building Design and Site Features).

h. Exterior façade treatment shall be consistent within the developed area including materials and colors.

#### 6. Light Industrial:

a. When adjacent to an Attached and Detached Single-Family and Two-Family Dwelling zoning or use, a data center office use shall adhere to the Buffer 2standards in Table 7.4.9-C.

b. Parking for data center office uses shall be 1 (one) per 1,000 (one thousand) sf of GFA.

#### E. Industrial Hemp:

##### 1. An Industrial Hemp use:



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- a. Is prohibited within a residential zone district or dwelling unit;
- b. Shall hold valid licenses or registrations from the United States Department of Agriculture (USDA) and Colorado Department of Agriculture (CDA), as applicable; and
- c. Shall install, maintain, and operate an adequate ventilation and filtration system that ensures odors are not reasonably detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

2. Outdoor grow facilities are prohibited.

#### F. Marijuana-Related Services:

##### 1. Prohibition of Other Marijuana Uses:

a. Except as expressly permitted in this UDC, the following uses are prohibited on all property within the City:

(1) Operating a retail marijuana establishment.

(2) Transferring or permitting the transfer of marijuana or marijuana concentrate at no cost to a person if the transfer is in any way related to remuneration for any other service or product.

(3) Growing, cultivating, or processing marijuana or medical marijuana except in compliance with the requirements of this UDC.

b. In addition to any other competent evidence identifying a substance as marijuana, or marijuana concentrate, results of the field test known as the "Duquenois-Levine Reagent System" shall be admissible in evidence and shall be prima facie evidence of whether the substance tested was marijuana or marijuana concentrate.

c. Outdoor grow facilities are prohibited.

##### 2. General Standards:

a. An MMJ Facility is prohibited within a residential zone district or dwelling unit except as allowed by Subsection 7.3.304J (Marijuana, Home Cultivation, Accessory),

b. An MMJ Facility shall hold valid local and state medical marijuana business licenses and local and state Sales Tax licenses, as applicable.

c. On-premises use, consumption, ingestion, or inhalation within an MMJ Facility is prohibited.

d. An MMJ Facility shall install, maintain, and operate an adequate ventilation and filtration system that ensures odors are not reasonably detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

##### 3. Marijuana Consumption Club Facility:

a. No new uses of the Marijuana Consumption Club (MCC) Facility type are allowed.



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b. Existing uses of this type are allowed only if prior to September 22, 2015, an existing use was lawfully operating pursuant to the "similar use determination" of the Manager, dated May 28, 2014. Those MCC Facilities operating pursuant to the similar use determination shall be considered nonconforming uses under this UDC, shall be licensed by the City, and shall cease operations no later than March 22, 2024. Any MCC Facility operating after March 22, 2024, shall be considered an unlawful use under this UDC.

c. No MCC Facility shall operate or permit any person upon the licensed premises without a ventilation and filtration system that ensures odors are not reasonably detectible by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit, or residential unit.

4. Medical Marijuana Store: This use shall be located at least one thousand (1,000) feet from any Elementary or Secondary School, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or any other Medical Marijuana Store. This minimum distance shall be measured from the nearest portion of the building used for the Medical Marijuana Store to the nearest property line of the school, Residential Childcare Facility, Drug or Alcohol Treatment Facility, or other Medical Marijuana Store using a route of direct pedestrian access.

#### G. Retail Sales and Service:

1. Adult Retail: No Adult Retail Use shall be located within one thousand (1,000) feet of another Adult Retail use, an Adult Entertainment use, residentially zoned or used property, Religious Institution, Child Daycare Center, Park, Elementary or Secondary School, or Higher Education School (whether within or without the City).

#### H. Utilities and Communication:

##### 1. Wireless Communication Facility:

a. Purpose: The purpose of these use-specific standards is to accommodate the communication needs of residents and businesses while protecting the public, health, safety, and welfare of the community. In particular, the purpose of these standards is to:

(1) 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;

(2) 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 stealth design techniques and undergrounding of the equipment associated with WCFs where technologically feasible;

(3) Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs;

(4) Encourage the use of wall-mounted panel antennas;

(5) Encourage Roof Mounted antennas only when wall-mounted antennas will not provide adequate service or are not otherwise technologically feasible;

(6) Encourage the location of Towers in non-residential areas in a manner that minimizes the total number of Towers needed throughout the community;

(7) Encourage, strongly, the Collocation of WCFs on new and existing sites;



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**(8) Encourage owners of Antennas and Towers to locate them, to the extent possible, in areas where the adverse impact to the community is minimized;**

**(9) Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently; and**

**(10) Effectively manage WCFs in the right-of-way.**

**b. Permit Required: No person shall construct, establish, or build a WCF without first having obtained a lease (as applicable), a pole attachment master license agreement (as applicable), a Building Permit, and a WCF Permit pursuant to Section 7.5.513 (WCF Permit).**

**c. Applicability: The requirements of this Section apply to all WCF applications, non-eligible modifications, Small Cell Facilities, and Micro Cell Facilities. The requirements of this Section do not apply to:**

**(1) Amateur radio antenna, Over-the-Air Receiving Device (OTARD), and residential television reception/antenna towers except as provided in Subsection below.**

**(2) Any WCF for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this Section, other than the requirements of Subsection d below. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of Subsection d below.**

**(3) A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the Manager.**

**(4) A temporary WCF installed for providing coverage of a special event such as news coverage or a sporting event, subject to a Temporary Use Permit.**

**d. Operational Standards:**

**(1) Federal Requirements: All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (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 shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency.**

**(2) Permission to Use Right-of-Way: Only Small Cell Facilities (including Micro Cell Facilities) are permitted in the right-of-way. No other WCF sites are permitted in the right-of-way. For Small Cell Facilities in the right-of-way, the applicant shall execute a master license agreement with the City. Attachment of Small Cell Facilities on an existing traffic signal, street light pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner. Prior to, or concurrently with, seeking land use approval for Small Cell Facilities in the right-of-way, the applicant shall execute a master license agreement with the City.**

**(3) Operation and Maintenance: To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with the standards contained in the Regional Building Code, other applicable codes such as safety codes, and any federal requirements in effect at the time of original installation or modification. If, upon inspection at any time, the City concludes that a WCF fails to comply with such codes and**





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constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Manager may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring the WCF into compliance within said time period, the Manager may remove it at the owner's expense.

**(4) Abandonment and Removal:** If a WCF has not been in use for a period of six (6) 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 six (6) months. Any WCF that has not operated for a continuous period of twelve (12) 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 sixty (60) days of receipt of written notice from the City. If such WCF is not removed within said sixty (60) days, the Manager may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the City, in its sole discretion, shall not approve any new WCF application until the applicant who is also the owner or operator of any such abandoned WCF has removed such WCF or payment for such removal has been made to the City. The owner of the property and owner of the WCF shall be jointly responsible for the removal of a WCF that is abandoned or is unused for a period of twelve (12) months.

**(5) Hazardous Materials:** No hazardous materials shall be permitted in association with WCFs, except those necessary for the operation of the WCF and only in accordance with all applicable laws governing such materials.

**(6) Collocation:** No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Manager, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

#### e. Site Selection Considerations:

**(1) An applicant shall consider the following types of sites as locations for WCFs. This list is not in order of priority:**

**(a) On existing structures such as buildings, water tanks, existing towers, signs, or similar features;**

**(b) On City-owned or Colorado Springs Utilities sites that have been identified as appropriate locations for WCFs, provided:**

**(i) The proposed WCF will not have an adverse impact upon the operational or security requirements for the site; and**

**(ii) The site can accommodate a WCF in a manner that lessens the visual impact and increases the land-use compatibility over privately held sites within the same vicinity.**

**(c) In locations where the existing topography, vegetation, buildings, or other structures provide the greatest screening potential.**

**(2) Applicants are discouraged from locating Small Cell Facilities within a right-of-way that is less than fifty (50) feet wide or that is adjacent to residential structures or vacant land that is zoned or master planned for residential uses.**

#### f. Design Standards:



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**(1) General:** The requirements set forth in this Subsection f shall apply to the location and design of all WCFs governed by this UDC. WCFs shall be designed and located to minimize impacts on surrounding neighborhoods and to maintain the character and appearance of the City, consistent with other provisions of this UDC.

**(2) Stealth Design Techniques and Concealment Elements:**

**(a)** All WCFs and any transmission equipment shall, to the extent technically feasible, use Stealth Design Techniques including but not limited to the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the WCF to the surrounding natural setting or built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located in the right-of-way and on adjacent parcels.

**(b)** Stealth Design Techniques may be of heightened importance where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views, or community features). Should the Manager determine that WCFs are located in areas of high visibility, they shall (where possible) be designed to minimize their profile (e.g., stealth design, camouflages, placed underground, depressed, or located behind earth berms).

**(c)** Stealth Design Techniques may include the use of Alternative Tower Structures if the Manager determines that such design meets the intent of this UDC and better serves the community.

**(d)** The visible exterior surfaces of all WCFs shall be constructed out of, or be finished with, non-reflective materials.

**(3) Collocation:** Except for Small Cell Facilities in the right-of-way, WCFs shall be designed and constructed to permit the facility to accommodate WCFs from at least two (2) wireless service providers on the same WCF, to the extent it is technologically feasible based upon construction, engineering, and design standards, and except where such collocation would materially compromise the design intent of the WCF, including stealth design. Collocation requirements for Small Cell Facilities maybe addressed in a master license agreement or in regulations established pursuant to these WCF standards (Subsection 7.3.303H.1 (Wireless Communication Facility)).

**(4) Lighting:** WCFs shall not be artificially lit, unless required by the FAA or other applicable governmental authority, or if the WCF is mounted on a Support Structure primarily used for lighting purposes. If lighting is required, the Manager may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties or environs. All lighting shall comply with the requirements of Part 7.4.12 and shall be shielded or directed to the maximum extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

**(5) Noise:** Noise generated on the site shall not exceed the levels permitted in this Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards during repairs for a reasonable period of time not to exceed two (2) hours without prior authorization from the City.

**(6) Landscaping and Fencing:**

**(a)** WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the property below the requirements of Part7.4.9 or elsewhere in the UDC.



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(b) Excluding Small Cell Facilities deployed in the right-of-way, WCFs shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from any adjacent residential properties. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived by the Manager. Where the City has requested landscaping, the Manager may require irrigation.

(c) Where fencing or screening is required by the Manager, the fencing or screening material shall meet the standard of the zone district in which the WCF will be located. In no case may fencing material be primarily wire or metal except as allowed by the applicable zone district.

(d) 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 lots with an abundance of vegetation, including trees, natural growth around the site perimeter may be sufficient to buffer.

(e) No trees larger than four (4) inches in diameter measured at four-and-a-half (4½) feet high from the ground may be removed, unless authorized by the Manager. Authorization shall only be granted if the applicant demonstrates that tree removal is necessary, that the applicant's plan minimizes the number of trees to be removed, and that any trees removed are replaced at a ratio of two (2) to one (1). The City shall designate a tree caliper requirement for all replacement trees. Additional landscaping required by the City will be maintained at the expense of the WCF owner.

(7) **Adjacent to Residential Uses:** Adjacent to residential uses, WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential zone district boundaries. When placed adjacent to property in a residential zone district, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two (2) intersecting streets. All applicable setback requirements shall be met.

(8) **Specific Design Requirements:** Additional design requirements shall be applicable to the various types of WCFs and related Accessory Equipment as specified below.

**(a) Wall-Mounted WCFs:**

(i) Wall-mounted WCFs shall be architecturally compatible with and textured and colored to match the wall or structure to which they are attached. The antennas and equipment shall blend in with the wall to the maximum extent feasible.

(ii) The antenna shall be mounted as flush to the wall as technically practicable. The maximum protrusion of such facilities from the wall or structure face to which they are attached shall be six (6) feet.

(iii) Panel antennas shall not extend above the wall or parapet to which they are attached.

(iv) Wall-mounted antennas are not subject to a maximum mounting height above existing grade, provided they meet the standards above.

(v) Accessory Equipment for wall-mounted antennas may be located on the roof of a building.

(vi) Wall-mounted facilities and accessory equipment that meet the standards of this Subsection (a) are considered to use Stealth Design Techniques.



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#### **(b) Roof-Mounted WCFs:**

**(i) All Roof Mounted WCFs and Accessory Equipment shall be fully screened from view with existing parapets or with the addition of architecturally compatible screening walls or other structures as viewed at ground level.**

**(ii) Any screen walls shall be set back from the parapet or roof edge so that visibility from the street or adjacent residential properties is minimized to the extent technologically feasible.**

**(iii) A Roof Mounted WCF and Accessory Equipment shall not be permitted on a sloped roof unless the applicant can demonstrate that the WCF or equipment is not visible from the street or adjacent residential areas.**

**(iv) Where permitted, Roof Mounted equipment that will be visible against the skyline shall be painted white, gray, or some similar light shade that blends with the sky background as viewed from adjoining streets and neighboring properties.**

**(v) Roof Mounted Antennas and equipment are not subject to a maximum height when proposed on an existing structure, provided that the applicant can demonstrate that all Roof Mounted Antennas and Accessory Equipment can be located behind an existing parapet or existing screen wall that is at least as tall as the antennas and Accessory Equipment. Expansions to existing screen walls may be authorized by the Manager, if the applicant can demonstrate that any expansion does not result in any additional height and is in compliance with the design standards of this Subsection (b) or that the requested modification is an Eligible Facilities Request. Roof Mounted Antenna and Accessory Equipment not meeting the screening standard of this paragraph are subject to the lesser of the maximum building height for the zone district or no more than ten (10) feet above the roof parapet.**

**(c) Miscellaneous: If an Antenna is installed on a structure other than a Tower or Alternative Tower Structure (including, but not limited to the antennas and Accessory Equipment), it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the Supporting Structure, or uses other Stealth Design Techniques so as to make the Antenna and related facilities as visually unobtrusive as technologically feasible, including for example, without limitation, painting the Antennas and Accessory Equipment to match the structure.**

**(d) Alternative Tower Structures not in the Right-of-Way: An Alternative Tower Structure not located in a right-of-way shall:**

**(i) Be designed and constructed to look like a building, facility, or structure typically found in the area;**

**(ii) Use camouflage or concealment to be consistent with other existing natural or manmade features near its location;**

**(iii) Be architecturally compatible with the surrounding area;**

**(iv) Be of a height and size that is minimized to the extent technologically feasible;**

**(v) Be sited in a manner that evaluates the proximity of the facility to residential structures and residential zone district boundaries for aesthetic purposes;**

**(vi) Take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses for aesthetic purposes;**



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**(vii) Be compatible with the surrounding topography;**

**(viii) Be compatible with the surrounding tree coverage and foliage;**

**(ix) Be compatible with the context and design of the site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and**

**(x) Minimize impact on the surrounding area of the proposed ingress and egress, if any.**

**(e) Alternative Tower Structures for Small Cell Facilities in the Right-of-Way: Alternative Tower Structures and associated Small Cell Facilities (including Micro Cell Facilities) may be deployed in the right-of-way through the use of a street light pole, distribution lines, utility poles, traffic signal, or similar structure. Such facilities shall remain subject to the applicable Alternative Tower Structures standards of approval noted above. Small Cell Facilities in the right-of-way are exempt from setbacks, but are subject to the following additional design criteria below:**

**(i) To the extent that an Alternative Tower Structure is a stand-alone vertical structure located in the right-of-way (such as a street light pole), pole-mounted equipment should be mounted on or within the pole or in a flush-to-grade underground equipment vault;**

**(ii) To the extent reasonably feasible, the Alternative Tower Structure shall be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the Alternative Tower Structure;**

**(iii) The structure shall be sized to minimize the negative aesthetic impacts to the right-of-way;**

**(iv) The structure shall be designed such that Antenna installations on traffic signal standards are placed in a manner so that the size, appearance, and function of the signal will not be materially altered;**

**(v) Ground mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Manager such as being screened from view, and may, where appropriate and to the extent it is technologically feasible based upon construction, engineering, and design standards, require a flush-to-grade underground equipment vault;**

**(vi) The Alternative Tower Structure shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian accessor visibility along the right-of-way, and shall comply with the Americans with Disabilities Act and every other federal, state, and local law and regulation;**

**(vii) The Support Structure height (as measured from the ground to the top of the pole or structure) may not exceed the greater of forty (40) feet or five (5)feet taller than any existing utility or traffic signal pole within six hundred (600) feet of the pole or structure;**

**(viii) Unless the WCF is deployed on an existing structure in the right-of-way, new WCFs placed on poles in the right-of-way shall be separated from any other pole, Accessory Equipment, or WCF in the right-of-way by at least six hundred (600) feet;**

**(ix) To the extent technically feasible, Collocations are strongly encouraged where other Support Structures are located in proximity; and**



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(x) Equipment enclosures shall be located out of view as much as technically feasible and shall comply with the requirements of this Code (e.g., sight line criteria).

(f) Towers:

(i) Towers shall either maintain a non-reflective galvanized steel finish or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;

(ii) Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;

(iii) Monopole support structures shall taper from the base to the tip;

(iv) All Towers, excluding Alternative Tower Structures in the right-of-way, shall be enclosed by security fencing or a wall at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.

(g) Related Accessory Equipment: Accessory Equipment for all WCFs shall meet the following requirements:

(i) All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;

(ii) Except for Small Cell Facilities in the rights-of-way, the total footprint coverage area of the WCF's Accessory Equipment shall not exceed three hundred and fifty (350) square feet per carrier, unless otherwise approved by the Manager.

(9) Setbacks and Separation: All zone setbacks and separation requirements shall apply to WCFs except as specifically stated otherwise in these WCF standards (Subsection 7.3.303H.1 (Wireless Communication Facility)). A Tower shall meet the greater of the following minimum setbacks from all property lines:

(a) The setback for a principal building within the applicable zone district;

(b) Twenty-five (25) percent of the facility height, including WCFs and Related Accessory Equipment; or

(c) Five (5) times the Tower height, including antennas, if the Tower is in, or adjacent to, a residential zone district or school site, unless a conditional use is approved.

(10) Administrative Waiver:

(a) Any of the WCF design standards may be waived or reduced by the Manager upon a determination that the purpose and intent of this part is better served thereby and that the application in question involves circumstances that are not generally applicable to WCFs of the same type. The Manager shall identify the specific purpose or intent, as set forth above, that is better served by the waiver and the circumstances that warrant a waiver.

(b) If necessary to ensure that this Subsection f does not have the effect of prohibiting the provision of wireless service, any of the design standards may be waived or reduced by the Manager upon written request from the applicant that demonstrates the following waiver criteria:

(i) The design standard prohibits or has the effect of prohibiting the provision of wireless service through the WCF at the location because the standard will not allow the technology to function at that location;



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(ii) There is no existing nearby alternate structure for collocation or attachment that will provide the technological functionality and which otherwise meets the design standard sought to be waived;

(iii) The proposal for varying from the design standard represents a reasonable and best approximation of the specific standard sought to be waived; and

(iv) The proposed alternative does not and will not constitute or create any public safety, health, or welfare concern.

(c) All waiver requests made by applicants shall be in writing and supported by substantial evidence contained in a written record. Each of the criteria addressed above shall be addressed in the written request with references to supporting evidence. The Manager may require sworn affidavits be provided by qualified engineers to support any waiver requests based on technological requirements.

(d) All waiver decisions shall be made in writing. If any design standard is approved for waiver, the WCF proposed shall nevertheless meet all other applicable design standards not specifically waived in the Manager's decision. Each waiver shall be site specific and shall not apply to any type or kind of WCF generally.

(e) If a waiver request is denied for failure to meet any of the criteria specified above and there is no alternative for installation of the WCF at the particular location in a manner that meets the applicable design standards, then such application for the WCF for such specific location shall be denied.

(11) Additional Design Standards: The Manager is authorized to establish, through administrative regulations, additional design standards for WCFs in the Manager's discretion.

#### I. Vehicle-Related:

##### 1. Automobile and Light Vehicle Repair, Minor and Major:

a. All work on vehicles shall be done entirely within an enclosed building.

b. Automotive parts or junk vehicles may not be stored outside.

c. The nearest point of the building in which the repair activity occurs shall be more than one hundred (100) feet from the boundary of any residential zone district.

##### 2. Automobile and Light Vehicle Sales and Rental:

a. If vehicle repair services are provided, this use shall comply with the standards in Subsection 1 above for Automobile and Light Vehicle Repair, Minor and Major.

b. Vehicles shall not be displayed in areas designated for landscaping unless otherwise shown on an approved Development Plan.

c. Outdoor display areas for vehicles are allowed as an accessory use or conditional accessory use in those districts where Outdoor Display of Goods, Accessory is permitted in Table 7.3.2-A (Base and NNA-O District Use Table).



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d. Required maneuvering or access areas shall not be used for display or storage of motor vehicles. Display or storage areas shall be delineated on required plans.

3. Fuel Dispensing Stations: Fuel Dispensing Stations shall maintain a two hundred and fifty (250) foot separation from residential zone districts including R-E, R-19, R-1 6, R-2, R-4, R-5, R-Flex Low, R-Flex Medium, and R-Flex High.

4. Heavy Vehicle and Equipment Storage: This use shall be entirely contained within a building or within a yard enclosed on all sides by a wall or solid fence at least seven (7) feet in height and kept in good repair at all times.

#### J. Waste and Recycling:

##### 1. Landfill:

a. Landfills are only permitted subject to the approval of a certificate of designation by the El Paso County Public Health Department.

b. A landfill used for medical or pharmaceutical waste shall be located at least one (1) mile from any residential zone district or residential use, and shall comply with all federal, state, and local laws and regulations regarding the disposal of medical and pharmaceutical waste.

##### 2. Recycling Collection Center, Large:

a. If the property is within the LI or BP zone district, all recycling activities shall be conducted in an enclosed structure or container in an area enclosed on all sides by a wall or solid fence at least seven (7) feet in height and kept in good repair at all times. No materials shall be stored or kept at a level higher than the surrounding wall or fence.

b. The Development Plan shall indicate off-site and on-site management techniques used to protect against litter and debris.

c. The use of power-driven light processing activities required for the temporary storage and shipment of materials, including compacting, baling, and paper or plastic shredding, is only permitted if shown on an approved Development Plan.

##### 3. Recycling Collection Center, Small:

a. Recycling activities shall be conducted in an enclosed structure or container in an area enclosed on all sides by a wall or solid fence at least seven (7) feet in height and kept in good repair at all times. No materials shall be stored or kept at a level higher than the surrounding wall or fence.

b. The center shall use off-site and on-site management techniques used to protect against litter and debris.

c. The collection facilities shall not be located and collection activities shall not occur:

(1) On any portion of the site required or designated for landscaping or other purposes;

(2) In any area that reduces the available off-street parking on the site below the minimum parking required by Part 7.4.10; or





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**(3) In any area that interferes with vehicular circulation or required lines of sight for vehicles entering, leaving, or circulating on the property.**

**d. Power driven light processing activities required for the temporary storage and shipment of materials, including compacting, baling, and paper or plastic shredding, shall be permitted when this use is accessory to a principal use.**

**e. In the Mixed-Use and Industrial zone districts, this use is permitted as an accessory use to any multi-family, office, commercial, industrial, institutional, or civic use.**

#### **4. Recycling Processing Center or Waste Transfer Station:**

**a. The use shall be entirely enclosed within a building or yard enclosed on all sides by a wall or solid fence at least seven (7) feet in height and kept in good repair at all times. No waste or recyclable materials shall be stored or kept at a level higher than the surrounding wall or fence.**

**b. The Development Plan shall indicate off-site and on-site management techniques used to protect against litter and debris.**

**c. The use shall comply with the laws, standards, rules, and regulations of the Air Quality Control Commission, the Water Quality Control Commission, and the Colorado Department of Public Health and Environment, where applicable.**

**d. The collection facilities shall not be located, and collection activities shall not occur, on any portion of the site required or designated for landscaping or other purposes. (Ord. 23-03; Ord. 23-09)**