



**PLANNING DEPARTMENT
MEMORANDUM # 14 - 07**

DATE: March 24th, 2014
TO: Honorable Mayor Joyce Downing and City Council Members
FROM: John Pick, City Manager 
Brook Svoboda, Director of Planning & Development 
SUBJECT: CB-1820 - Modifications to Commercial Mobile Radio Facilities

BACKGROUND

Federal legislation was recently passed related to Commercial Mobile Radio Facilities (Cell Towers) that preempts local authorities from denying non-substantial modifications to existing facilities. The policy regulations identify that local authorities shall have the ability to regulate “substantial changes;” however, the new regulations fail to define “substantial change”. The purpose of this ordinance is to amend the City’s current regulations to implement the new federal regulations, and define the term “substantial change” i.e., that approval for modifications will be granted unless the proposed modification will “substantially change” the physical dimensions of the existing CMRS facility.

BUDGET/TIME IMPLICATIONS

None

RECOMMENDATION

A motion to approve CB-1820 a bill for an ordinance amending section 11-55-2 and 11-55-7 of the City of Northglenn Municipal Code regarding modifications to commercial mobile radio facilities.

STAFF REFERENCE

Brook Svoboda, Director of Planning & Development bsvoboda@northglenn.org 303.450.8937

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1820
Series of 2014

Series of 2014

A BILL FOR AN ORDINANCE AMENDING SECTION 11-55-2 AND 11-55-7 OF THE CITY OF NORTHGLENN MUNICIPAL CODE REGARDING MODIFICATIONS TO COMMERCIAL MOBILE RADIO FACILITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 11-55-2 of the City of Northglenn Municipal Code is hereby amended as follows:

(a) **Accessory equipment for a CMRS facility:** equipment, including buildings and structures, used to protect and enable radio switching equipment, back up power and other devices incidental to a CMRS facility, but not including antennae.

(b) **Building roof-mounted CMRS facility:** a CMRS facility that is mounted and supported entirely on the roof of a legally existing building or structure.

(c) **Building wall-mounted CMRS facility:** a CMRS facility that is mounted and supported entirely on the wall of a legally existing building or structure.

(d) **Commercial mobile radio service facility or CMRS facility:** an unmanned facility consisting of antennae and accessory equipment, and used for the reception, switching, transmission or receiving of wireless telecommunications operating at 1000 watts or less effective radiated power, and using frequencies authorized by the Federal Communications Commission ("FCC") including, but not limited to, paging, enhanced specialized mobile radio, personal communication systems, cellular telephone, point-to-point microwave signals, and similar technologies.

(e) **Equipment storage shelter:** buildings, storage shelters, and cabinets used to house CMRS facility equipment.

(f) **Freestanding CMRS facility:** a CMRS facility that consists of a stand-alone support structure such as a tower or monopole, and antennae and accessory equipment.

(g) **Microwave antenna:** a disk-type antenna used to link communication sites together by wireless voice or data transmission.

(h) **Pole-mounted CMRS facility:** a CMRS facility that is mounted and supported entirely on a legally existing traffic signal, utility pole, street light, flagpole, CMRS facility, electric transmission line, or other similar structure.

(i) **SUBSTANTIAL CHANGE:** A TYPE OF CMRS FACILITY MODIFICATION THAT OCCURS IF:

(1) THE MOUNTING OF A PROPOSED ANTENNA ON A CMRS FACILITY WOULD INCREASE THE EXISTING HEIGHT OF THE CMRS FACILITY BY MORE THAN TEN PERCENT (10%), OR BY THE HEIGHT OF ONE (1) ADDITIONAL ARRAY WITH SEPARATION FROM THE NEAREST EXISTING ANTENNA NOT TO EXCEED TWENTY FEET (20'), WHICHEVER IS GREATER, EXCEPT THAT THE MOUNTING OF THE PROPOSED ANTENNA MAY EXCEED THE SIZE LIMITS SET FORTH HEREIN IF NECESSARY TO AVOID INTERFERENCE WITH EXISTING ANTENNAS; OR

(2) THE MOUNTING OF THE PROPOSED ANTENNA WOULD INVOLVE THE INSTALLATION OF MORE THAN THE STANDARD NUMBER OF NEW EQUIPMENT STORAGE CABINETS FOR THE TECHNOLOGY INVOLVED, NOT TO EXCEED FOUR (4), OR MORE THAN ONE (1) NEW EQUIPMENT STORAGE SHELTER; OR

(3) THE MOUNTING OF THE PROPOSED ANTENNA WOULD INVOLVE ADDING AN APPURTENANCE TO THE BODY OF THE CMRS FACILITY THAT WOULD PROTRUDE FROM THE EDGE OF THE FACILITY MORE THAN TWENTY FEET (20'), OR MORE THAN THE WIDTH OF THE CMRS FACILITY STRUCTURE AT THE LEVEL OF THE APPURTENANCE, WHICHEVER IS GREATER, EXCEPT THAT THE MOUNTING OF THE PROPOSED ANTENNA MAY EXCEED THE SIZE LIMITS SET FORTH IN THIS PARAGRAPH IF NECESSARY TO SHELTER THE ANTENNA FROM INCLEMENT WEATHER OR TO CONNECT THE ANTENNA TO THE TOWER VIA A CABLE; OR

(4) THE MOUNTING OF THE PROPOSED ANTENNA WOULD INVOLVE EXCAVATION OUTSIDE THE CMRS FACILITY SITE, DEFINED AS THE CURRENT BOUNDARIES OF THE LEASED OR OWNED PROPERTY SURROUNDING THE CMRS FACILITY AND ANY ACCESS OR UTILITY EASEMENTS CURRENTLY RELATED TO THE SITE.

(j) **Whip antenna:** an array of antennae that is cylindrical in shape.

Section 2. Section 11-55-7 of the City of Northglenn Municipal Code is hereby amended by the addition of a new subpart (g), which shall read as follows:

(g) Modifications to CMRS facilities.

(1) Any modification to a CMRS facility that differs from the original design that was approved by the City shall require new application and approval. Notwithstanding the foregoing, the City may, in its sole discretion, waive or postpone the submittal of any application requirement detailed in this Section when considering a modification request.

(2) Any request for modification that does not substantially change the dimensions of an existing CMRS facility shall be approved by the City.

(3) Any application for modification to a CMRS facility shall be reviewed by the City within thirty (30) days of the City's receipt of the completed modification application.

INTRODUCED, READ AND ORDERED POSTED this 24th day of March, 2014.

/s/
JOYCE DOWNING
Mayor

ATTEST:

/s/
JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2014.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

/s/
COREY Y. HOFFMANN
City Attorney