

Wireless Communications Facilities Code Amendment

City Council - November 20, 2018
Continued from November 13, 2018

Consultant:

Brandon Dittman, Esq., *Kissinger & Fellman P.C.*

City Staff Representative:

Mike Tylka, *AICP, Senior Planner*

Strategic Plan

- Recognizable and Well-Planned Community



Purpose and Background

- Continued on November 13th in order for staff to work further with wireless communications industry representatives on certain provisions of the proposed amendment.
- Staff is not proposing any changes from the last presentation for our recommendations on Sections 12-16-200 through 12-16-270 or Section 17-32-30.
- Staff has prepared an amended ordinance that includes altered text for Section 17-20-140.

Criteria to Consider

- ✓ Follows amendment process outlined in Section 17-8-90 of the *Land Use and Development Code*.
- ✓ Complies with Colorado House Bill 17-1193 and is not in conflict with any provision therein.

WCF Code Amendment Proposal – Sec. 17-20-140

Areas of Discussion:

(a) Purpose and Intent

- Use of aspirational language
- Use of aspirational guidance

(c) Definitions

- Collocation
- Existing tower
- Small cell wireless facility
- Substantial change

WCF Code Amendment Proposal – Sec. 17-20-140

Areas of Discussion:

(e) Operational Standards

- Federal requirements
- Retroactive application
- Time periods for abandonment and removal

(f) Design Standards

- Undergrounding
- Particular sensitivity
- Collocation
- Landscaping

WCF Code Amendment Proposal – Sec. 17-20-140

Areas of Discussion:

(f) Design Standards (*continued*)

- Setbacks
- Rooftop antenna placement
- Height of roof-mounted panel antenna
- Pole height extension
- Spacing
- Accessory equipment allotment

WCF Code Amendment Proposal – Sec. 17-20-140

Areas of Discussion:

(g) Review Procedures and Requirements

- Inventory of existing sites
- Administrative review
- Small cell procedures
- Timeframe of repair

(h) Approval Criteria

- Pole height extension
- Spacing

Public Notice and Comment

- According to Section 17-8-90 of the *Land Use and Development Code*, a notice was published in the *Brighton Standard Blade* on October 24, 2018 as outlined in Section 17-8-30(f)(2).

Planning Commission Recommendation

- The Planning Commission initially heard the request on September 25, 2018 at a public hearing and recommended unanimous approval at their October 9, 2018 meeting.

Staff Recommendation

- As technologies continue to change, it is important that the City has regulations that are able to meet both the needs of residents and communications providers. Staff believes the proposed code amendment accomplishes these goals.
- Staff finds that the proposal meets the review criteria found in Section 17-8-90 of the Land Use and Development Code, and therefore recommends approval of this amendment.

Options for City Council

- ❖ City Council has the following four options before it. It may:
 - Approve the Ordinance as drafted;
 - Approve the Ordinance with specific changes;
 - Deny the Ordinance as drafted with specific findings to justify such action; or
 - Continue the item to be heard at a later specified date.