CITY OF CENTENNIAL,
COLORADO

ORDINANCE NO. 2017-O-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO AMENDING CHAPTER 12 OF THE MUNICIPAL CODE (LAND DEVELOPMENT CODE) CONCERNING WIRELESS COMMUNICATIONS FACILITIES

WHEREAS, pursuant to Article 23, Title 31 of the Colorado Revised Statutes, the City of Centennial (“City”) has authority to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City Council adopted the 2011 Land Development Code (“LDC”) by enactment of Ordinance No. 2010-O-13 and Ordinance No. 2011-O-14; and

WHEREAS, the LDC is codified as Chapter 12 of the Centennial Municipal Code; and

WHEREAS, through the implementation of the LDC, the City has identified the need for amendments to the LDC concerning the regulation of wireless communications facilities and the rights of telecommunications providers and broadband providers to locate facilities within the City subject to the City’s police powers; and

WHEREAS, the amendments to the LDC related to wireless communications facilities are intended to serve the health, safety, and welfare of the residents of the City; and

WHEREAS, at a duly noticed public hearing, the City of Centennial Planning and Zoning Commission recommended the proposed changes to the LDC to the City Council for approval; and

WHEREAS, in conformance with the LDC, the public hearings before Planning and Zoning Commission and City Council were properly noticed, including publication of the City Council public hearing in The Villager; and

WHEREAS, the City Council has determined that the adoption of this Ordinance is legislative in nature and will further the public health, safety and welfare of the residents of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:

Section 1. The foregoing recitals are affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Section 12-2-201, Zoning Districts Established, is amended include a new subsection (F), Public Rights-of-Way, to read in full as follows:

F. Public Rights-of-Way. Public rights-of-way within the City of Centennial shall not be zoned or governed by the zoning districts established in Section 12-2-201(A).
Section 3. Section 12-2-305, Wireless Telecommunications Facilities, is amended to repeal the Section in its entirety, and replace as follows:

Sec. 12-2-305 Wireless Communications Facilities

A. Intent and Purpose. It is the intent and purpose of this Section to establish a regulatory framework in which Wireless Communications Facilities may be constructed or located within the City of Centennial in consideration of the public health, safety and general welfare and without substantial adverse impacts to the visual integrity of the City, its neighborhoods, and its important view corridors. To achieve this objective, these regulations require the use of stealth design through Camouflage and Concealment Design Techniques, with limited exceptions, and encourage the use of Attached Communications Facilities.

B. Classification of Wireless Communications Facilities.

1. Attached Wireless Communications Facility. A Wireless Communications Facility is an "Attached Wireless Communications Facility" if it is affixed to an existing permanent structure (including buildings, water tanks, and communications towers, but excluding an existing freestanding Wireless Communication Facility) provided such structure conforms to all applicable regulations, including building and zoning regulations.

2. Freestanding Wireless Communications Facility. A Wireless Communications Facility that is not an attached communications facility is defined as either a "Stealth Freestanding Wireless Communications Facility" or a "Non-stealth Freestanding Wireless Communications Facility," as follows:

   a. A “Stealth Freestanding Wireless Communications Facility” is a freestanding facility that meets the requirements for Camouflage and Concealment Design Techniques.

   b. A “Non-stealth Freestanding Wireless Communications Facility” is a freestanding facility that does not meet the definition of a Stealth Freestanding Wireless Communications Facility.

C. Approval Authority. Applications for Wireless Communications Facilities shall be approved by the Director unless a Wireless Communications Facilities Conditional Use is required pursuant to Section 12-14-607, Wireless Communications Facilities Conditional Use Procedures.

D. Use Table. Subject to the standards of this Section, the Wireless Communications Facility classifications that are permitted in each zoning district are set out in Table 12-2-305, Wireless Communications Facilities. Wireless Communications Facilities located in the public right-of-way are permitted subject to the standards set forth in 12-2-425(F), Wireless Communications Facilities in the Public Right-of-Way.
Table 12-2-305
Wireless Communications Facilities

<table>
<thead>
<tr>
<th>Land Use</th>
<th>AG</th>
<th>RS</th>
<th>RA</th>
<th>RU</th>
<th>NC</th>
<th>L</th>
<th>C</th>
<th>AC</th>
<th>UC</th>
<th>BP</th>
<th>ED</th>
<th>OSR</th>
<th>Additional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached Communications Facility</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>Sec. 12-2-425</td>
</tr>
<tr>
<td>Stealth Freestanding Communications Facility</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
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<td>L</td>
<td>L</td>
<td>L</td>
<td>Sec. 12-14-601</td>
</tr>
<tr>
<td>Non-Stealth Freestanding Communications Facility</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>

Section 4. Section 12-2-425, Wireless Telecommunications Facilities, is amended to repeal the Section in its entirety, and replace as follows:

Sec. 12-2-425 Wireless Communications Facilities

A. Generally. The standards of this Section apply to Wireless Communications Facilities that are specified in Section 12-2-305, Wireless Communications Facilities, as Limited (“L”) or Conditional (“C”). These standards are applied in addition to the other applicable standards of the LDC including, but not limited to, standards related to signage, lighting and landscaping.

B. Attached Wireless Communications Facilities. Attached Wireless Communications Facilities are permitted in all zoning districts provided they are permanently attached to agricultural, commercial, industrial, institutional, or multifamily buildings and utilize Camouflage and Concealment Design Techniques.

C. Stealth Freestanding Wireless Communications Facilities.

1. AG, NC, NI, RA, RS, and RU Districts. Stealth Freestanding Wireless Communications Facilities are permitted in the AG, NC, NI, RA, RS, and RU districts if the property contains a principal use and such principal use of the property is either a multifamily or institutional use.

2. ED and OSR Districts. Stealth Freestanding Wireless Communications Facilities are permitted in the ED and OSR districts if the facility and any ground based equipment is restricted to a parking lot, trailhead, or area within a utility easement illustrated on an approved plat or other Development Order.


D. Non-Stealth Freestanding Wireless Communications Facilities. Non-stealth Freestanding Wireless Communications facilities are not permitted unless a Conditional Use is approved by the City Council pursuant to Section 12-14-607, Wireless Communications Facilities Conditional Use Procedures.

E. Design and Landscaping Standards. The following design and landscaping standards apply to all Wireless Communications Facilities as described.

   a. All Wireless Communications Facilities shall be located and designed to be compatible and blend in with surrounding buildings and existing or planned uses in the area through the use of Camouflage and Concealment Design Techniques.

   b. Stealth and Non-stealth Freestanding Wireless Communications Facilities shall not exceed the maximum height allowed in the zoning district, except for the AG, ED, NC, NI, OSR, RA, RS, and RU zoning districts where the maximum facility height shall be 35 feet, unless a conditional use is obtained pursuant to Section 12-14-607, Wireless Communications Facilities Conditional Use Procedures.

   c. The minimum setback from property lines for Stealth and Non-stealth Freestanding Wireless Communications Facilities shall be one of the following:

      i. The facility height, when the facility is within 250 feet of an existing residential structure;

      ii. The setback applicable to principal structures in the zoning district; or

      iii. An alternative setback, approved by the Director, for Stealth Freestanding Wireless Communications Facilities where the facility replaces or proposes an accessory structure to an established principal use, to include, but not limited to, signs, light poles, and flagpoles, where it is evidenced that the siting and location of the Stealth Freestanding Wireless Communications Facility allows for Camouflage and Concealment Design Techniques to a greater extent than would be achieved by application of the principal structure setback.

   d. Attached Wireless Communications Facilities (roof mounted), including the antenna, support structures and screening, shall not project more than ten (10) feet above the roof line of a building.

   e. Attached Wireless Communications Facilities (façade mounted), including the antenna, support structures and screening, shall not extend above the parapet wall, or, in the case of a pitched roof, above the fascia.

   f. All ground based equipment must be screened by a solid fence or screen wall six (6) feet in height as measured in Section 12-3-204, Height, and surrounded by a 30-percent opacity bufferyard around the perimeter of the enclosed area pursuant to Division 8-4, Bufferyards. This requirement may be waived by the Director in areas where the City determines buildings or other structures provide a comparable or better screening effect. Existing landscaping within ten (10) feet the perimeter of the enclosed area may be applied towards the minimum planting requirements provided that the plant
material meets the requirements of Section 12-8-203, Selection of Plant Material. Reductions in parking may be permitted by the Director, provided that the minimum parking requirements pursuant to Article 5, Parking and Loading, are met.

g. All ground based equipment shall meet the setbacks applicable to principal structures in the zoning district, unless an alternative setback is established for a Stealth Freestanding Wireless Communications Facility pursuant to this Section.

2. Requirements for All Wireless Communications Facilities in the Public Right-of-Way.


F. Wireless Communications Facilities in the Public Right-of-Way. Wireless Communications Facilities may be permitted within the public right-of-way, subject to approval of a license agreement executed by the City Manager and adherence to all of the following standards:

1. Attachment of facilities on an existing (or replacement) traffic light pole, street light standard, or other vertical infrastructure is encouraged. These facilities may be permitted provided that:
   
a. The owner of the vertical infrastructure approves the use;

b. The facility meets the requirements for Camouflage and Concealment Design Techniques; and

   c. The facility, either:
      
      i. Does not exceed the height of the existing infrastructure on which it is mounted by more than ten (10) feet; or

      ii. Does not exceed the height limitations of subsection (F)(2)(b), whichever results in a lesser height.

2. Where a new freestanding facility is proposed (that is not an attachment to an existing facility), a Stealth Freestanding Wireless Communications Facility may be permitted, provided that:

   a. The facility:

      i. Proposes a new structure that is architecturally compatible with the surrounding area through application of Camouflage and Concealment Design Techniques; and

   b. The facility height is not more than:

      i. 30 feet when the facility is within 250 feet of a property zoned AG, ED, NC, NI, RS, RA, and RU, and any other property zoned or predominantly used for residential purposes;
ii. 35 feet when the facility is within 250 feet of a property zoned OSR; or

iii. 40 feet in all other areas; and

c. The facility is separated from all other Wireless Communications Facilities within the right-of-way by a distance of at least 600 feet, unless the facility replaces an existing traffic signal, street light pole, or similar structure as determined by the Director; and

d. When placed near a residential property, the facility is placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting streets. See Figure 12-2-425, Wireless Placement Near Residential Properties.
3. All ground based equipment shall be installed in an underground or partially underground equipment vault (projecting not more than 36 inches above grade), or co-located within a traffic cabinet of a design approved by the Director, unless a conditional use is obtained subject to the conditional use standards set out in Section 12-14-607, *Wireless Communications Facilities Conditional Use Procedures*.

4. Non-stealth Freestanding Wireless Communications Facilities, facilities that exceed the maximum height in subsection (b)(ii) above, and facilities that do not meet the minimum spacing in subsection (b)(iii) above are prohibited unless a conditional use is obtained subject to the conditional use standards set out in Section 12-14-607, *Wireless Communications Facilities Conditional Use Procedures*.

5. *Timeframe for Review*. Within 90 days of the date upon which an applicant submits an application deemed complete by the Director, the City shall render a decision on the application.

6. *Abandonment*. Abandoned or unused Wireless Communications Facilities shall be removed within 180 days from the date of ceasing operations, unless a shorter timeframe is required by the City through approval of a license agreement executed by the City Manager.

G. **Eligible Facilities Request**. This section applies to any Eligible Facilities Request for co-location on, or modification to an existing Tower or Base Station that does not Substantially Change the physical dimensions of such Tower or Base Station.
1. Application and review.

   a. Review Required. No co-location or modification to any existing Tower or Base Station may occur except after a written request from an applicant, reviewed and approved by the Director in accordance with this subsection G.

   b. 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.

   c. Review Criteria. Upon receipt of an application for an Eligible Facilities request pursuant to this Section, the City shall review administratively such application to determine whether the application meets the following criteria for an Eligible Facilities Request:

      i. Does not result in a Substantial Change;

      ii. Does not violate a generally applicable law, regulation or other rule reasonably related to public health and safety and complies with generally applicable building, structural, electrical and safety codes;

      iii. Complies with the original application design elements or conditions of approval, including but not limited to colors, textures, surfaces, scale, character and siting, or any approved amendments thereto, subject to the thresholds established in the definition of Substantial Change; and

      iv. Complies with concealment elements of the Eligible Support Structure necessary to qualify as a stealth facility.

   d. Timeframe for Review. Within 60 days of the date on which an applicant submits a complete application, as determined by the Director, seeking approval under this subsection, the City shall approve the application unless it determines that the application is not covered by this section.

   e. 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 delays resulting from incomplete submittals), the request shall be deemed granted. Such automatic approval becomes effective only when the applicant notifies the City in writing after the review period has expired (accounting for delays resulting from incomplete submittals) that the application has been deemed granted.

H. Submittal Requirements. All of the following shall be provided for all proposed Wireless Communications Facilities. All items must be included to be determined to be a complete application by the Director.

   1. Project Statement. A project statement identifying the proposed facility and the communication service to be provided by the proposed facility. The project statement must indicate the facility’s capacity for co-location, which is encouraged where co-location will have less visual impact on the surrounding area than another facility.
2. **Proof of Ownership or Lease Rights.** The Applicant shall demonstrate that it owns or has lease rights to the subject site (prior to construction).

3. **Photo Simulations.** Photo simulations which illustrate "before" and "after" conditions as they relate to installation of the Wireless Communications Facility. Photos should be taken from all adjoining public streets and, when adjacent to residential properties, from the vantage point where the Wireless Communications Facility and equipment will be visible.

4. **Elevation Drawings.** Elevation drawings of the facility and any ground based equipment. The drawings should indicate the height, appearance, color, and material proposed for the facility and any ground based equipment.

5. **Plan.** A site or rooftop plan which indicates the location and height of all existing and proposed Wireless Communications Facilities, including freestanding facilities, antenna, and ground based equipment. Proposals that include freestanding facilities or ground based equipment shall show all existing and proposed buildings, parking, landscaping, and fencing on the site.

I. **Other Provisions.** The following additional provisions apply to all Wireless Communications Facilities.

1. **Permit Issuance.** No permit for a Wireless Communications Facility shall be issued on land subject to Division 14-7, *Subdivision Procedures*, unless the property is covered by an approved final plat, site plan, final development plan, administrative site plan, or subdivision development plan.

2. **Expiration and Extension.**
   
   a. All Wireless Communications Facilities permits shall expire and be of no further force and effect 180 days following the date of City approval unless, prior to the date of expiration: (1) Construction has been diligently pursued towards completion of the project, or (2) Approval has been extended in accordance with subsection (2)(b) below.

   b. Prior to the expiration of a Wireless Communications Facility permit, one (1) 180 day extension of the permit may be authorized by the Director upon a written request by the Applicant. An extension may be granted if a review of the permit shows that no major changes in the City’s development or zoning regulations or in the development pattern of the surrounding properties has occurred, as determined by the Director. If a Wireless Communications Facility permit expires, no further development of the facility may occur until a new permit application is submitted, reviewed and approved in accordance with this LDC, subject to all application and processing fees.

**Section 5.** Article 14, *Permits and Procedures*, is amended to include a new Section 12-14-607, *Wireless Communications Facilities Conditional Use Procedures*, to read in full as follows:

**Sec. 12-14-607 Wireless Communications Facilities Conditional Use Procedures**
A. **Generally.** A Wireless Communications Facilities Conditional Use is a use that is allowed within a zoning district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within the district. These uses commonly have the potential for various adverse impacts such as noise, visual and aesthetic impacts, which if unmitigated, could undermine the integrity of the zoning district. The designation of a Wireless Communications Facility as a conditional use means that it is only allowed in a proposed location if all of the conditions applicable to the use, set out in Division 2-4, *Limited and Conditional Use Standards*, the general standards of subsection C., below, and all of the other applicable requirements of this LDC, are met.

B. **Required Approval.** Wireless Communications Facilities Conditional Use applications are decided by City Council.

C. **General Standards for Wireless Communications Facilities Conditional Use Approval.** In addition to the applicable standards of this LDC, including those set out in Division 2-4, *Limited and Conditional Use Standards*, and Division 2-5, *Temporary Uses*, as applicable, all Wireless Communications Facilities designated as a conditional use shall comply with all of the following general standards:

1. The Wireless Communications Facilities Conditional Use shall not be of a type that would tend to undermine the implementation of the Comprehensive Plan, including an adopted Sub-Area Plan, for the location of the proposed conditional use.

2. The Wireless Communications Facilities Conditional Use shall be compatible with surrounding land uses and the natural environment and shall not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trajectory.

3. No Wireless Communications Facilities Conditional Use shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the City that no existing Wireless Communications Facility can accommodate the needs that the Applicant proposes to address with its application. Evidence submitted to demonstrate that no existing Wireless Communications Facility can accommodate these needs may consist of one or more of the following:
   a. No existing Wireless Communications Facilities with a suitable height are located within the geographic area required to meet the Applicant’s engineering requirements;
   b. Existing Wireless Communications Facilities do not have sufficient structural strength to support the Applicant’s proposed Wireless Communications Facility;
   c. The Applicant’s proposed Wireless Communications Facility would cause electromagnetic interference with the equipment on the existing Wireless Communications Facility or the existing Wireless Communications Facility would cause interference with the Applicant’s proposed Wireless Communications Facility; or
d. The Applicant demonstrates that there are other limiting factors that render existing Wireless Communications Facilities unsuitable or unavailable for co-location.

4. Approval of the Wireless Communications Facilities Conditional Use will not create a critical mass of similar conditional uses that is likely to discourage permitted uses by making the vicinity less desirable for said permitted uses.

5. The Wireless Communications Facilities Conditional Use minimizes disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.

6. The Wireless Communications Facilities Conditional Use shall be conducted in a manner that is not materially more disruptive to adjacent properties than other permitted uses in the district. City Council may attach conditions of approval to the conditional use to ensure that this requirement is satisfied.

D. Application Materials. Applications for approval of a Wireless Communications Facilities Conditional Use permit shall be on a form approved by the Director. At a minimum, the application must include:

1. A complete application for a Wireless Communications Facility as specified in Section 12-2-425(H), Application Materials for Wireless Communications Facilities.

2. A letter of intent requesting the Wireless Communications Facilities Conditional Use and fully describing the intended use of the property. The letter must explain, justify and validate the request, stating all facts relied upon and providing documentation where possible. The letter must be signed by the property owner and applicant (if different from property owner), and a copy of the owner’s deed must be included in the submittal.

3. The required application fee for a Wireless Communications Facilities Conditional Use.

4. Additional information may be required by the Director if it is deemed to be appropriate to the request.

E. Annotation of Zoning Map. If the application is approved, the Zoning Map shall be annotated to reference the approval by resolution number.

Section 6. Section 12-13-201, City Council, is amended include WCF Conditional Use Permits within Subsection (E), Decisions, to reflect that WCF Conditional Use Permits are decided upon by the City Council to read in full as follows:

E. Decisions. The City Council shall decide applications for:

1. Conditional use permits/WCF Conditional Use Permits;

2. Regulating plans;

3. Site plans, as specified in Section 12-14-204, Public Hearing Development Orders;

4. Planned unit developments or PUD terminations;
5. Rezonings;
6. Text amendments;
7. Vested rights determinations;
8. Certificates of designation (and approval of uses that require them); and

Section 7. Table 12-14-204, Public Hearing Development Orders, is amended to reflect that WCF Conditional Use Permits are decided upon by the City Council to read in full as follows:

<table>
<thead>
<tr>
<th>Development Order</th>
<th>Required For</th>
<th>Timing</th>
<th>Exceptions</th>
<th>Issued By</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional Use Permit / WCF Conditional Use Permit</td>
<td>New conditional uses; changes in use to a conditional use; material changes to or expansion of a conditional use.</td>
<td>Prior to establishment or modification of the conditional use or WCF conditional use.</td>
<td>NA</td>
<td>City Council</td>
<td>See Division 2-4, Limited and Conditional Use Standards.</td>
</tr>
<tr>
<td>Temporary Use Certificate for Temporary Conditional Uses</td>
<td>Establishment of a temporary use that is listed as “C” in Table 12-2-305, Temporary Uses.</td>
<td>Prior to installation of temporary structures or establishment of temporary use, whichever comes first.</td>
<td>NA</td>
<td>Planning and Zoning Commission</td>
<td>See Division 2-5, Temporary Uses.</td>
</tr>
<tr>
<td>Regulating Plan</td>
<td>Establishing the pattern of development in the UC district.</td>
<td>Prior to or concurrent with site plan approval.</td>
<td>NA</td>
<td>City Council</td>
<td>See Article 4, Form and Design Standards.</td>
</tr>
<tr>
<td>Site Plan (P&amp;Z)</td>
<td>All new development and subdivisions, except those approved administratively (see Sec. 12-14-203, Administrative Permits) or by City Council (see Site Plan (Council), below)</td>
<td>Prior to building permit or plat approval.</td>
<td>Single-family detached and duplex buildings on existing platted lots.</td>
<td>Planning and Zoning Commission; Ratified by City Council</td>
<td>Compliance with all requirements of this LDC or implementation of approved PDP or regulating plan.</td>
</tr>
<tr>
<td>Site Plan (Council)</td>
<td>All new development and subdivisions for parcels proposed for development located within 500 feet of a residential district boundary in the City that either: (1) are larger than 10 acres; or (2) are proposed to include buildings that are more than 30 feet in height; or both.</td>
<td>Prior to building permit or plat approval.</td>
<td>Single-family detached and duplex buildings on existing platted lots.</td>
<td>City Council</td>
<td>Compliance with all requirements of this LDC or implementation of approved PDP or regulating plan.</td>
</tr>
<tr>
<td>Pattern Book Approval</td>
<td>All traditional neighborhood developments; multi-housing neighborhoods for which variations in lot dimensions or setbacks are requested.</td>
<td>Concurrent with approval of site plan.</td>
<td>NA</td>
<td>Planning and Zoning Commission; Ratified by City Council</td>
<td>See Division 9-3, Alternative Subdivision and Development Design Standards.</td>
</tr>
<tr>
<td>Sign Design Program</td>
<td>Development of signage that is not strictly consistent with the general requirements of Article 6, Signs and Lighting.</td>
<td>Prior to construction of signage that would be subject to the sign design program, generally with a site plan, pattern book, or regulating plan.</td>
<td>NA</td>
<td>Planning and Zoning Commission; Ratified by City Council</td>
<td>See Division 6-6, Sign Design Program.</td>
</tr>
<tr>
<td>Variance</td>
<td>Deviation from the strict interpretation of this LDC.</td>
<td>Prior to building permit for improvements for which a variance is required; concurrently with other applications for development approval that include variances.</td>
<td>NA</td>
<td>Planning and Zoning Commission</td>
<td>See Sec. 12-14-801, Variances.</td>
</tr>
<tr>
<td>PUD Termination</td>
<td>Elimination of an existing PUD and rezoning to a standard zone district</td>
<td>Simultaneously with application for rezoning to a standard zone district.</td>
<td>NA</td>
<td>City Council</td>
<td>See Sec. 12-14-903, Planned Unit Developments.</td>
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<tr>
<td>Rezoning</td>
<td>Changing the zoning district of a parcel from one district to another.</td>
<td>Prior to or concurrently with the submittal of site plan or plat approval.</td>
<td>NA</td>
<td>City Council</td>
<td>See Sec. 12-14-604, Rezoning Procedures.</td>
</tr>
</tbody>
</table>
Table 12-14-204
Public Hearing Development Orders

<table>
<thead>
<tr>
<th>Development Order</th>
<th>Required For</th>
<th>Timing</th>
<th>Exceptions</th>
<th>Issued By</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Text Amendment</td>
<td>Changes the text of this LDC.</td>
<td>NA</td>
<td>NA</td>
<td>City Council</td>
<td>Consistency with Comprehensive and Sub-Area Plans. See Sec. 12-14-605, Amendments to this LDC.</td>
</tr>
<tr>
<td>Comprehensive Plan or Sub-Area Plan Adoption and Amendment</td>
<td>Changes to the text or maps in the Comprehensive Plan or a Sub-Area Plan, adoption of new plans.</td>
<td>NA</td>
<td>NA</td>
<td>Planning and Zoning Commission; Ratified by City Council</td>
<td>Public Interest.</td>
</tr>
<tr>
<td>Vested Rights Determination</td>
<td>Vesting of rights beyond the periods specified in this LDC.</td>
<td>NA</td>
<td>NA</td>
<td>City Council</td>
<td>Sec. 12-14-606, Vested Property Rights.</td>
</tr>
<tr>
<td>Certificate of Designation</td>
<td>Development of disposal sites.</td>
<td>Prior to development of the site.</td>
<td>NA</td>
<td>City Council</td>
<td>According to the applicable provisions of the Colorado Revised Statutes.</td>
</tr>
<tr>
<td>Vacation of Plat or Right-of-Way</td>
<td>Vacating a plat or right-of-way.</td>
<td>NA</td>
<td>NA</td>
<td>City Council</td>
<td>Sec. 12-14-706, Plat and Road Vacation.</td>
</tr>
<tr>
<td>CMRS Permit - Conditional Use</td>
<td>All new wireless telecommunications facilities that are a conditional use.</td>
<td>Prior to construction of wireless telecommunications facility.</td>
<td>NA</td>
<td>City Council</td>
<td>Sec. 12-2-305, Wireless Telecommunications Facilities</td>
</tr>
</tbody>
</table>

**TABLE NOTE:**

1 Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this LDC.

**Section 8.** Table 12-14-311, Public Notice, is amended to reflect that WCF Conditional Use Permits require public notice to read in full as follows:

Table 12-14-311
Required Notice

<table>
<thead>
<tr>
<th>Type of Public Hearing Development Order</th>
<th>Posted Notice</th>
<th>Publication Notice</th>
<th>Mailed Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Requirements – All Applications</td>
<td>Signs must be posted on the property that is subject to the application at least 14 days before the hearing.</td>
<td>Publication in a newspaper of general circulation in the City of Centennial. The first day of publication must occur at least 14 days before each public hearing.</td>
<td>At least 14 days prior to the hearing date, notice must be mailed to the Owner(s) of Record of adjacent properties, registered neighborhoods (within the established threshold distances in Section 12-14-304, Threshold Review), CenCON, and participants who signed in to community meetings.</td>
</tr>
<tr>
<td>Conditional Use Permit; WCF Conditional Use Permit; Temporary Conditional Use Permit; Site Plan; Pattern Book; Variance; Floodplain Variance</td>
<td>Required</td>
<td>NA</td>
<td>Required.</td>
</tr>
<tr>
<td>PUD Conversions; Rezonings (including the establishment or addition to any overlay district, except for a City initiated rezoning)</td>
<td>Required</td>
<td>Required</td>
<td>Required.</td>
</tr>
<tr>
<td>Type of Public Hearing Development Order</td>
<td>Required Notice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Text Amendment; Comprehensive Plan or Sub-Area Plan Amendment; Large Scale Legislative Rezoning</td>
<td><strong>NA</strong></td>
<td><strong>Required</strong>&lt;sup&gt;1&lt;/sup&gt;</td>
<td><strong>NA</strong></td>
</tr>
<tr>
<td>Small Scale City Rezoning</td>
<td><strong>NA</strong></td>
<td><strong>Required</strong></td>
<td><strong>Required</strong></td>
</tr>
</tbody>
</table>

*Publication notice of Planning and Zoning Commission public hearings for text amendments to the LDC shall not be required.

**Section 9.** Article 16, *Definitions*, shall be amended to repeal and replace the following definition to read in full as follows:

**Wireless Communications Facility (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, directional, omni-directional and parabolic antennas, Base Stations, support equipment, 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 subscribers, such as vehicle or hand held radios/telephones and their associated transmitting Antennas, nor does it include other facilities specifically excluded from the coverage of this LDC. A WCF more specifically includes the following supplemental definitions:

1. **Antenna.** An exterior transmitting or receiving device used in communications that radiates or captures CMRS (or similar) signals.

2. **Base Station**, as used in Section 12-2-425(G), Eligible Facilities Request, means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications structure. 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 that, at the time the relevant application is filed with the City under this section, 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.

b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks) that, at the time the relevant application is filed with the City under this section, 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.

The definition of Base Station does not include any structure that, at the time the relevant application is filed with the City under this section, does not support or house equipment described in paragraphs (2)(a)(b).

3. **Commercial Mobile Radio Service (CMRS).** Telecommunications services, including cellular telephone, personal communications service (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, wireless Internet access and similar commercial services.

4. **Facility, CMRS.** The equipment, physical plant and portion of the property and/or building used to provide CMRS services. This includes but is not limited to cables and wires, conduits, pedestals, antennas, towers, concealed structures, electronic devices, equipment buildings and cabinets, landscaping, fencing and screening and parking areas.

5. **Radio or television tower or transmitter.** Non-stealth Freestanding Communications Facilities used to transmit radio and television broadcasts, including: lattice towers, monopole towers, guyed towers, or other freestanding facilities that do not meet the definition of a Stealth Freestanding Communications Facility.

6. **Tower.** Any structure 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.

**Section 10.** Article 16, *Definitions,* shall be amended to include a new definition for Camouflage and Concealment Design Techniques, to read in full as follows:

**Camouflage and Concealment Design Techniques** means measures used in the design and siting of Wireless Communications Facilities with the intent to eliminate the visual impacts of such facilities to surrounding uses so that the presence of the Wireless Communications Facility is not readily apparent. A Wireless Communications Facility utilizes Camouflage and Concealment Design Techniques when:
1. The facility is integrated as an architectural feature of an existing structure, such as a tower, clock tower, bell steeple, cupola, penthouse, architectural feature or other similar structure;

2. The facility is integrated into vertical infrastructure such as a traffic signal, flagpole, light pole or other similar structure; or

3. The facility uses a design which mimics and is consistent with landscaping features (such as artificial rocks, trees, and other vegetation), while maintaining authenticity in its application.

Section 11. Minor Edits, Corrections and Additions. The Community Development Director shall be authorized to make minor typographical, immaterial or grammatical corrections or additions to the Land Development Code, including but not limited to correcting spelling errors and adding, removing or supplementing materials that do not materially change the meaning or intent of the Land Development Code, without City Council approval, provided that the Community Development Department shall maintain full and complete records of all such edits, additions and corrections made to the Land Development Code.

Section 12. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 13. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 14. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE ___ DAY OF __________, 2017.

CITY OF CENTENNIAL

By: __________________________
Cathy A. Noon, Mayor
Approved as to Form:

For City Attorney’s Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of ____________, 2017 and ordered published one time by title only in The Villager newspaper on ____________, 2017, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: ____________________________
   City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN THE VILLAGER NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE ___ DAY OF ______________, 2017, BY A VOTE OF _____ IN FAVOR AND _____ AGAINST.

CITY OF CENTENNIAL

By: ____________________________
   Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of ____________, 2017, and ordered published by title only, one time by The Villager newspaper on ____________, 2017 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: ____________________________
   City Clerk or Deputy City Clerk
Published in full on the City’s website:  www.centennialco.gov, on April 27, 2017 by Barbara Setterlind, City Clerk