

ORDINANCE NO. 879

**AN ORDINANCE AMENDING PORTIONS OF THE TOWN OF BERTHOUD
DEVELOPMENT CODE.**

Be it ordained by the Board of Trustees of the Town of Berthoud, Larimer and Weld Counties, Colorado that the Town of Berthoud Development Code is hereby amended with the following additions and deletions:

Section 1.

The following section is hereby added:

Section 30-9-600 Wireless Telecommunication Facilities

- A. **Location.** Wireless telecommunication facilities (includes towers, antennas, electrical equipment, structures that enclose such equipment, screening, and other items needed at a site to support the transmission of wireless communication) may be located in any zone district within the town subject to the restrictions of this section and special use review approval by the Board of Trustees. However, if a proposal meets the requirements of this section and the definition of a concealed wireless facility, then only an administrative site plan approval is required.
- B. **Concealed Wireless Facility.** Concealed wireless facilities are defined as having the antenna, support structure, and related equipment concealed from public view in a manner appropriate to the site's context and surrounding environment using screens or camouflages. Examples include the use of man-made trees, clock towers, flagpoles, light structures, steeples, silos, smokestacks, water towers, windmills, utility poles, and tall buildings. The Town Board will hear appeals of staff's determination as to whether an application meets this definition.
- C. **Co-location.** In order to minimize the negative visual impact of towers scattered throughout the town, no wireless telecommunication facility owner or lessee or employee thereof shall act to exclude or attempt to exclude any other wireless telecommunication provider from using the same building, structure or location, unless co-location is structurally, technically or otherwise impossible. The Town Administrator may revoke a special use permit for a wireless facility if it is determined that the owner or lessee is acting contrary to this co-location requirement.
- D. **Use of Existing Facilities.** To the extent practical, new wireless service providers should use existing wireless telecommunication facilities within

the area before requesting a separate facility. Additional service providers locating at a previously approved wireless telecommunication facility does not need a special use review as long as the site continues to meet the requirements of this section and the conditions associated with any special use approval.

E. **Third Party Expert.** The Town may require a third party, paid for by the applicant, to provide expert advice on co-location and pricing as related to items C and D above.

F. **Standards.**

1. **Setbacks.** Structures within a wireless telecommunication facility must meet the setbacks set forth in the applicable zoning district for primary structures. In addition, towers must be setback outside the toppling fall distance from residential dwelling units. This requirement can be waived by the Town Administrator if it can be shown that the tower will collapse rather than topple; the fall area is unlikely to ever contain residential dwellings; or if the tower was constructed prior to the dwelling unit(s) being constructed.
2. **Compatibility.** The components of a wireless telecommunication facility shall be compatible with the architectural style of the surrounding architectural environment (planned or existing) either by screening, landscaping, and/or by considering exterior materials, roof form, scale, mass, color, texture, and character. Such facilities shall also be compatible with the surrounding natural environment considering land forms, topography, and other natural features. The compatibility discussed above is particularly important as viewed from public roads, public trails, and neighboring properties.
3. **Towers.** Wireless telecommunication towers shall be located and designed to the extent practical with number 2 above. This may include disguising the tower with the site's existing features or as part of new but attractive feature(s) typically associated with the site, locating it in the middle of a roof, or mounting equipment to be flush in order to be unobtrusive. Free-standing towers shall be of a design that best meets the compatibility as discussed in number 2 above and or located amongst similar towers if appropriate.
4. **Co-location.** Wireless telecommunication facilities shall be designed to accommodate additional providers to the extent practical, while still meeting compatibility or concealment requirements. Factors to consider include but are not limited to space requirements for equipment, site location, and separation needed between antennas.

5. **Signs.** Signs at the site are limited to non-illuminated warning and equipment identification signs. This does not apply to antennas concealed into freestanding signs.
6. **Aircraft.** The owners' of towers impacting airports and flight paths shall obtain the necessary approvals from the Federal Aviation Administration.
7. **Abandonment.** Wireless telecommunication towers are considered abandoned if they are not used for wireless telecommunication on a regular basis for a period of 180 days. The Town Administrator will determine if abandonment has occurred. Upon abandonment, the tower owner has 90 days to either reinitiate regular use of the tower; transfer it to another owner who will use it; or dismantle the tower. If none of these actions occur, the town may remove the tower at the tower and/or property owner's expense and the special use review becomes null and void.
8. **Application.** As determined by the Planning Director, photo-realistic renderings of the site from certain vantage points may be required.

Section 2.

This Ordinance was introduced and read at the regular meeting of the Board of Trustees on December 12, 2000 and a public hearing set for January 9, 2001. At the regular meeting of the Board of Trustees on January 9, 2001 this Ordinance was adopted by the Board of Trustees. This ordinance shall be published and take effect thirty days after publication.

Milan Karspek

MAYOR: Milan Karspek

Mary K Cowdin

Town Clerk: Mary Cowdin

PUBLISH: Jan. 11, 2001