

# Clear Creek County Zoning Regulations: Section 18

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## **SECTION 18. TELECOMMUNICATIONS REGULATIONS**

### **1801. USE REGULATIONS**

#### **1801.1. LOW-POWER TELECOMMUNICATIONS FACILITIES AS A USE-BY-RIGHT**

Building, wall, or roof mounted telecommunication antennas which are supported by a legally existing building or structure are a permitted use in all zoning districts except MR-1, MR-5, MR-LT, R-1, R-2, R-3, or MH, subject to the Performance Standards established herein and a Low-Power Telecommunications Permit as stated in 1802. Permanent freestanding telecommunication facilities shall be permitted only in a Planned Development (PD) Zone District.

#### **1801.2. USES REQUIRING A SPECIAL USE PERMIT**

Temporary freestanding telecommunication facilities may be allowed in all zoning districts except MR-1, MR-5, MR-LT, R-1, R-2, R-3, MH, when specifically relating to special events, subject to approval of a Special Use Permit in accordance with the criteria and performance standards set forth in this section.

### **1802. PERFORMANCE STANDARDS**

All low power telecommunication facilities and related infrastructure shall be designed to meet the following standards of review:

- 1802.1. Facilities shall be sited to take advantage of existing land forms and vegetation to aid in screening and to blend in with the surrounding built and natural environment. Buildings, cabinets, antennas, and their support structures must be architecturally and visually compatible with existing and historic uses in the area, or those likely to exist under the terms of the applicable zone district.
- 1802.2. Facilities, access roads, and utility lines should be located to avoid a dominant silhouette on ridge lines and to preserve view corridors.
- 1802.3. Building, wall, and roof mounted antennas shall be of a non-reflective material and screened or camouflaged to match the background or structure.
- 1802.4. A variety of screening techniques should be used depending on site conditions. Techniques may include, but are not limited to, landscaping, berming, camouflaging, screening, and fencing, where appropriate. Equivalent screening shall be maintained throughout the life of the facility and until such time as conditions no longer warrant equivalent screening, as determined by the Board of County Commissioners.
- 1802.5. Any telecommunication facilities not being used for telecommunication purposes must be removed within twelve (12) months of cessation of use of the site.
- 1802.6. At any time, the County Planning Department may request a letter from the applicant certifying that the facility is in use in accordance with FCC regulations. If the County Planning Department determines that the facility is not in use, a letter will be sent to the land owner and/or the telecommunication company providing sixty (60) days notice to remove the facility and reclaim the land. If the facility is not removed and the land reclaimed, a lien may be filed on the property equal to the cost of removing the facility and the associated clean up, including administrative costs, if said costs exceed the amount secured pursuant to the conditions outlined below. Appeal of the County Planning Department's determination may be made to the Board of County Commissioners at any time within the sixty (60) day notice period.

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- 1802.7. Planned Development rezoning applicants shall evaluate whether the proposed site is capable of accommodating other low power telecommunication service providers. The applicant's written evaluation shall include an analysis of the available space, access, power, telephone, willingness of landowner(s), and relative visual/environmental impacts. No low power telecommunication service provider shall act to exclude any other low power telecommunication provider from using the same location for other low-power telecommunication facilities. If co-location is determined to be not technically feasible, the applicant shall provide evidence/justification as to why co-location is not feasible.
- 1802.8. All low power telecommunication facilities and related infrastructure shall be designed to meet the Development Standards identified in Section 10.
- 1802.9. Whip antennas which are allowed as a use-by-right shall be setback five (5) feet from the edge of the roof or structure to which they are mounted, may extend no more than ten (10) feet above the parapet of the roof or the structure with an allowable increase of six (6) inches for every one (1) foot of increased setback, not to exceed fifteen (15) feet in height.
- 1802.10. Panel (or antenna configurations other than whip) antenna and accessory equipment which are allowed as a use by right, shall be mounted to the structure and may extend no more than six and one-half (6.5) feet above the parapet of a flat roof with a required five (5) feet setback from the edge of the structure, with an allowable increase of six (6) inches for every one (1) foot of increased setback not to exceed ten (10) feet in height. The antenna and equipment shall be subject to the Performance Standards outlined in this Section. If the roof is not flat and the proposed antennae exceed the height of the peak of the roof, panel antenna shall be a use-by-right subject to Planning Commission site plan review and approval. All other antenna which are mounted to the walls or roof and do not exceed the height of the peak of the roof, may be allowed as a use by right subject to Planning Staff review and issuance of a Low-Power Telecommunications Permit.
- 1802.11. A reclamation bond, irrevocable letter of credit, or other security approved by the County Attorney adequate to ensure site demolition, removal of structures, access improvements and earthwork associated with the site, and reclamation in accordance with an approved plan with engineered cost estimates, shall be provided upon final approval prior to the issuance of a County Building Permit. The reclamation plan may accommodate anticipated future uses in conformity with the zoning district involved. The County may, from time to time, review the adequacy of the security in light of inflation to ensure adequate security to fund one-hundred (100) percent of the work in accordance with the approved reclamation plan.
- 1802.12. It shall be unlawful for any person, firm, or corporation to erect or construct a low-power telecommunication facility as a use-by-right under Subsection A.1 without first obtaining a permit from the Planning Department or review and approval by the Planning Commission.
- 1802.13. A third party independent study, performed by a qualified entity specializing in radio frequency electromagnetic fields, may be required by the County to insure compliance with FCC guidelines for human exposure to radio frequency electromagnetic fields on any new telecommunication facility.