



## Legislation Text

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**File #:** Ord 2186, **Version:** 1

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AN ORDINANCE AMENDING SECTIONS 21-5602, 21-5606 AND 21-11200 OF THE LAND DEVELOPMENT CODE AND ENACTING A NEW SECTION 21-5607 TO THE LAND DEVELOPMENT CODE RELATING TO SMALL CELL TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY

**Summary and Background Information:** The Land Development Code (LDC) (Ordinance #1798) was adopted by City Council in January 2009 and went into effect on March 1, 2009. This Land Development Code was a comprehensive update to the Commerce City Zoning Ordinance, which included a wide variety of topics dealing with development and land use, such as application types, zoning districts, use standards, subdivision procedures, design standards and signs. Thousands of items are included within the Land Development Code and overall, the updated code has been a tremendous help to staff and applicants when reviewing development proposals.

The Land Development Code is a “living document” that acts as a tool to guide future development of a community, protect neighborhoods, focus development, and enhance the environment. As a part of the public review process for the LDC, it was mentioned that the code would be an “on-going work in progress,” and that this document would continually evolve to reflect the needs and desires of the city. To implement this, changes or amendments are implemented periodically.

Since 2010, the Planning Commission and City Council have reviewed and approved a variety of updates to the Land Development Code. Some of these updates were topic specific (floodplain, marijuana, and telecommunications) while others have been general minor amendments which work to advance the goals and desires of the community. This year, there are 35 proposed minor amendments to the LDC in five general categories: additions to the Land Use Table; new definitions; updating various fencing standards; updating various design standards; and clarifying certain processes. For legal clarity, some of these will be adopted as separate ordinances.

The intent of these revisions is to make minor changes, additions, or deletions to the LDC in order to continue to meet the needs of the community. Therefore, major revisions to the LDC have not been incorporated into this round of updates and will be discussed and examined in detail at a future date. Staff will continue to monitor issues that arise in the future and track those issues in order to make necessary changes in the future. Therefore, City Council should expect to see additional amendments in the future in order to ensure that the LDC is meeting the needs of the community.

The amendment proposed in Ordinance 2186 will update the existing Small Cell Telecommunications regulations to reflect recent court decisions regarding small cell facilities placed in the right-of-way,

and will add a new section of standards for small cell facilities located on new poles to be installed in the right-of-way. These changes will align the code with state law while preserving the city's ability to reasonably regulate the design and appearance of such facilities within the public right-of-way. A separate fee resolution will accompany this request at City Council for new application fees and right-of-way access fees for these facilities.

Study sessions were held with Planning Commission on February 6, 2018 and with City Council on June 11, 2018 to discuss the proposed amendments and provide feedback. Comments were incorporated into the proposed amendments, and on November 7, 2018 Planning Commission voted 5 to 0 to recommend approval to City Council. The complete final language for the proposed amendments is within the council packet.

**Staff Responsible (Department Head):** Chris Cramer, Director of Community Development  
**Staff Member Presenting:** Caitlin Long

**Financial Impact:** N/A  
**Funding Source:** N/A

**Staff Recommendation:** APPROVAL

**Suggested Motion:** I move to approve the findings and recommendations of the Planning Commission.

I move to approve Ordinance 2186, an ordinance amending the regulations for small-cell telecommunications facilities in the Land Development Code.