ARTICLE 12: ACCESSORY USES

17-12-1. DEFINITION. The definition of Accessory uses is located in Article 2 of this Ordinance.

17-12-2. USE REGULATIONS.

1) Accessory uses are uses by right in conjunction with a Permitted Principal Use, and are listed for each specific Zone District in Article 5 of this Ordinance.

2) The following performance standards for Satellite Dish Antennas are to be applied for use of these antennas or dishes in all Zone Districts.

   a. Purpose and Intent. It is the intent of the City Council of the City of Lakewood that this section of the Ordinance shall differentiate between satellite receive-only antennas and other types of antenna facilities. It is further the finding and intent of the City Council of the City of Lakewood that the regulation of satellite dish antennas has a reasonable and clearly defined health, safety or aesthetic objective and that the regulation of satellite dish antennas does not operate to impose unreasonable limitations on, or prevent reception of, a reasonable number of satellite-delivered signals by receive- only antennas or to impose costs on the users of such antennas that are excessive in light of the purchase and installation costs of the equipment.

      1) The reasonable health, safety and aesthetic objectives of the Ordinance relate to the size of satellite dish antennas, their high visibility when placed either on the ground or on rooftops, and the need to assure adequate support and anchoring for installations of satellite dish antennas on rooftops. Satellite dish antennas are intrusive in a way, which television antennas are not. It is the intent of the Ordinance that satellite dish antennas not be placed in primary front yards and that they be screened from view by shrubbery or other material to the extent feasible consistent with their purpose.

      2) The Ordinance does not operate to impose unreasonable limitations or excessive costs on the users of the satellite dish antennas. Evidence indicates that under the terms of the Ordinance most of the residences within the City of Lakewood will be allowed to install a satellite dish with minimal costs for screening. Additionally, the Ordinance recognizes that the City and the user will attempt to reach a reasonable accommodation with the user on those locations where setback requirements or other restrictions would otherwise prevent the installation of a satellite dish.

   b. Exception. Satellite dish antennas with a diameter of 18" or less shall comply with the provisions of Subsection 17-12-2(2)(g) on satellite dish antenna design and color. Such satellite dish antennas shall otherwise be excepted from the provisions of this ordinance.

   c. Placement and Number. Placement of Satellite Dish Antennas shall be as follows:

1) Ground-mounted satellite dishes are allowed in all zone districts.
2) Rooftop-mounted satellite dishes are allowed on buildings having flat roofs in zone districts 5R, 5RA, OF, 1-C through 5-C and IN, except as provided in Administrative Relief.
3) The number and placement of satellite dish antennas shall be limited as shown in Table 12-1 below.

TABLE 12-1: NUMBER & PLACEMENT PERMITTED FOR SATELLITE DISHES

ZONE DISTRICT	NUMBER	PLACEMENT
R1A	If satellite dish is accessory to a single family house, requirements as stated for 1-R through 3-R shall apply.	Same as 1-R through 3-R
	If satellite dish is accessory to a nonresidential use, requirements as stated for OF, 1-C through 5-C shall apply.	Same as OF, 1-C through 5-C
R-R through 3-R	One (1) satellite dish antenna per lot, or if duplex is located on one lot, then each unit in duplex may have one (1) satellite dish.	See Section 17-12-2(2)(d) on setbacks.
4-R through 5-R, improved with legal, nonconforming single family house(s) or duplex	One (1) satellite dish antenna per lot, or if duplex is located on one lot, then each unit in duplex may have one (1) satellite dish.	See Section 17-12-2(2)(d) on setbacks.
4-R	A maximum of one (1) satellite dish per condominium, townhouse, or apartment development. If more than one (1) satellite dish is requested, the location of the satellite dishes, and the maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(d) on setbacks. Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(i) on administrative relief.
5-R	A maximum of one (1) satellite dish per condominium, townhouse, or apartment development. If more than one (1) satellite dish is requested, the location of the satellite dishes, and the maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(d) on setbacks.
		For ground-mounted: Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(i) on administrative relief.
		For rooftop-mounted: Placement shall be coordinated with mechanical equipment or mechanical penthouse, if such equipment is in place.

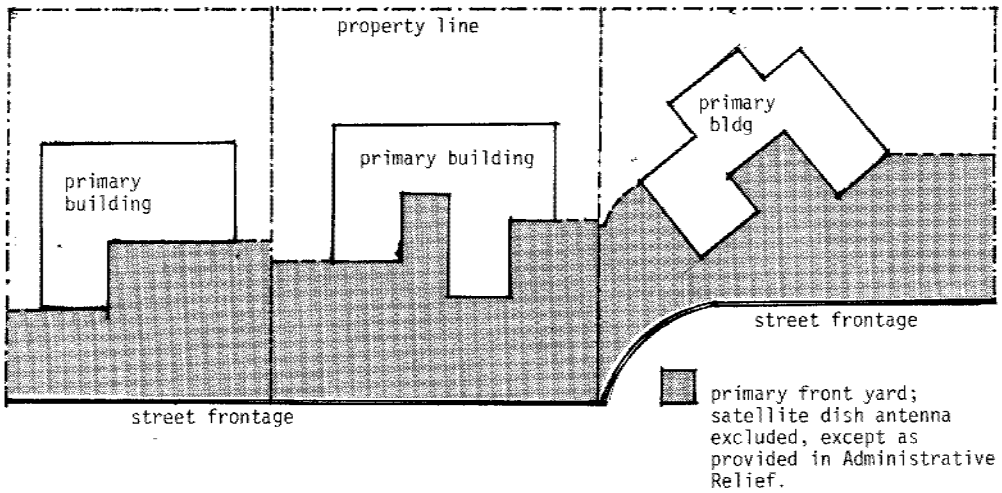
6-R	For mobile home parks which have been sub-divided such that each mobile home is located on a recorded lot, one (1) satellite dish per lot. For mobile home parks where mobile homes are not located on individual recorded lots, a minimum of one (1) satellite dish per mobile home park. If more than one (1) satellite dish is requested, the location of the satellite dishes and maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(d) on setbacks. Satellite dishes may not occupy area for required parking, landscaping, buffering or recreational facilities, except as provided in Section 17-12-2(2)(i) on administrative relief.
OF, 1-C through 5-C	A maximum of one (1) satellite dish per parcel. If more than one (1) satellite dish is requested, the applicant shall submit a site plan illustrating the location of the satellite dishes, and the maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(d) on setbacks.
		For ground-mounted: Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(i) on administrative relief.
		For rooftop-mounted: Placement shall be coordinated with mechanical equipment or mechanical penthouse, if such equipment is in place.
IN	One (1) per parcel.	See Section 17-12-2(2)(d) on setbacks. Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(i) on administrative relief.
PD	Number allowed shall be the same as for the zoning district closest to the land use permitted by the PD district unless otherwise stated in the official development plan adopted with the PD district.	Placement allowed shall be the same as for the zoning district closest to the land use permitted by the PD district unless otherwise stated in the official development plan adopted with the PD district.

d. Setbacks. Satellite dish antennas must meet the setback requirements as stated in Table 12-2, except as provided in Administrative Relief.

TABLE 12-2: SETBACKS FOR SATELLITE DISH ANTENNAS

ZONE DISTRICT	FRONT	SIDE	REAR
R1A, 1-R, 6-R	**Primary Front**: Not permitted in primary front yard. For the purposes of this Subsection 17-12-2(2), the primary front yard shall include the area between the primary front lot line and the following: (a) the front face(s) of the primary building (b) a line from the point on the primary building closest to each side lot line extending to that side lot line, with the line being parallel to the primary front lot line. (see Figure 12-1). **Non-Primary Front**: No closer to the non-primary front lot line than the minimum front setback distance required for the applicable zoning district.	20'	15'
2-R through 5-R; OF, 1-C through 5-C, and IN	Same as R1A, 1-R, 6-R	20'	5', except where a property in one of these districts abuts a property in R1A or 1-R through 6-R districts, the setbacks on the abutting side and/or rear shall be 10'
PD	Placement allowed shall be the same as for the zoning district closest to the land use permitted by the PD district unless otherwise stated in the official development plan adopted with the PD district.		

FIGURE 12-1



e. Height Limits. Satellite dish antennas must meet the following height limitations, except as provided in Administrative Relief.

1) Ground-mounted satellite dish antennas shall not exceed 12 feet in height measured from the finished grade of the property.

2) Rooftop-mounted satellite dish antennas shall not exceed 12 feet above the height of the roof measured from the roof surface at the point(s) of attachment.

f. Screening.

1) Ground mounted: The purpose of screening for ground mounted satellite dishes is to lessen the visual impact of the satellite dish antenna on surface streets and adjacent properties as viewed from approximately the same grade level as the ground level of the site where the satellite dish antenna is to be installed. The type of screening required shall be determined by planning staff at the time the building permit for the satellite dish is issued to the applicant in general conformance with the following:

a) Non-receiving side: Screening for ground mounted satellite dish antennas shall consist of either vegetation, solid fencing or intervening buildings, or a combination of such elements on the non-receiving side. If vegetation is used, it shall be capable of achieving a height of eight (8) feet within two (2) growing seasons from the year in which the satellite dish is installed. Vegetation shall either be evergreen plants or deciduous plants having a dense branching structure. If fencing is used, it shall be judged by the City to be a sufficient screen at the maximum height allowed for fencing in the applicable zoning district.

b) Receiving side: Screening for ground mounted satellite dish antennas shall be either vegetation, solid fencing or intervening buildings, or a combination of such elements, except the height required for such elements shall be subject to administrative relief [see Section 17-12- 2(2)(i)] so interference with signal reception does not result.

2) Rooftop mounted: Screening of rooftop mounted satellite dish antennas is required, using parapet walls, screens for mechanical equipment, or other means, to the extent the support structures are hidden from view from street level, except as provided in Section 17-12-2(2)(i) on administrative relief. Where the City determines that screening of rooftop mounted satellite dish antennas would create a greater visual intrusion than the satellite dish antenna itself, no screening shall be required.

g. Satellite Dish Antenna Design and Color.

1) A satellite dish antenna installed in the R1A, OF, 1-C through 5C, and IN zone district and any nonresidential portion of a PD district shall be constructed of non-

reflective, matte finish material. Satellite dish antennas installed in the 1-R through 6-R zone districts, and any residential portion of a PD district shall be constructed of non-reflective, matte finish mesh material.

2) The color of the satellite dish antennas shall be as follows:

1) Ground-mounted satellite dish antennas shall be black, dark bronze, dark gray, dark brown or dark green.

2) Rooftop-mounted satellite dish antennas shall be black, dark bronze, dark gray, dark brown or dark green, except that if the satellite dish is placed such that the mechanical penthouse serves as a backdrop to the dish, the satellite dish antenna shall be painted the same color as the mechanical penthouse.

3) No advertising shall be permitted on or inside the satellite dish antenna.

h. Building Permit. All satellite dish antennas must have a building permit prior to installation. Where the permit is for rooftop installation of a satellite dish antenna, the permit application must include certification by a registered engineer that the proposed installation complies with the standards listed in Chapter 23 of the Uniform Building Code of the City of Lakewood.

i. Administrative Relief. In those instances in which the height, screening, placement, setback, or other requirements would prohibit the installation of a satellite dish antenna, the City Planning Division shall attempt reasonable accommodations to allow installation of the satellite dish antenna. The applicant must submit technical backup to the City to support a case that the satellite dish antenna must be placed in setbacks, landscaping, buffering or open space areas, exceed height limitations or otherwise cannot conform with the requirements of this ordinance in order to receive reception. The purpose of this subsection is to allow the applicant to receive at least two-thirds of the available orbital transmissions at the property under consideration No applicant is guaranteed that any one particular channel shall be received. The administrative relief shall be achieved by:

1) Varying the setback or height requirement in such a way that it allows installation of a satellite dish antenna and is also the minimum practical relief, which permits the installation.

2) Allowing placement of the satellite dish in required landscaping, buffering or open space areas as long as appropriate screening for the satellite dish antenna is provided. In no event shall the placement of the satellite dish antenna interfere with any provision for required parking.

3) Varying the screening or installation method of the satellite dish antenna to allow the installation of the antenna in a manner, which is not excessive in cost in relation to the purchase and installation costs of the satellite dish.

4) Modifying requirements of this ordinance as shall be determined by the Director.

j. Appeals to the Board of Adjustment. Any appeal from a staff decision regarding administrative relief shall be to the Board of Adjustment. The Board of Adjustment shall use the following criteria in determining an appeal:

1) Whether relocating the satellite dish antenna will observe the spirit of this ordinance, secure the public safety and welfare, and achieve substantial justice.

2) Whether relocating the satellite dish antenna will afford the minimum degree of relief to the applicant to allow reception of at least two-thirds of the available orbital transmissions at the property under consideration.

3) Whether the setback or height requirement can be varied in such a way that it allows installation of a satellite dish antenna and is also the minimum practical variance, which permits the installation.

4) Whether the screening or installation method of the satellite dish antenna can be varied to allow the installation of the antenna in a manner which is not excessive in cost in relation to the purchase and installation costs of the satellite dish.

k. Nonconforming Satellite Dish Antennas. All in-place satellite dish antennas which do not conform to this ordinance when it becomes effective are considered legal, nonconforming uses, provided proof is submitted, upon request by the City, that the satellite dish was in place prior to the effective date of this ordinance.

17-12-3 CMRS Telecommunications.

(a) Design and Performance Criteria For All CMRS Telecommunication Sites. All CMRS telecommunications sites are subject to a design review process. The review process varies according to the type of facility proposed and the zone district in which the facility is located. Applicants should refer to this section (17-12-2) to determine the review process applicable to their proposed installation of a CMRS telecommunication site. The purpose of design review for CMRS telecommunications sites is to ensure that the necessary antennae, equipment, and equipment shelters are sited and screened in a way that minimizes visual and physical impacts on the surrounding area. The following design criteria and requirements shall apply to all CMRS telecommunication antennae, equipment, and equipment shelters:

1) All CMRS telecommunication antennae, equipment, and equipment shelters shall be designed to be compatible with surrounding buildings and existing or planned uses in the area. This may be accomplished through the use of compatible architectural elements such as color, texture, scale, and character.

2) Siting and installation of CMRS telecommunication antennae, equipment, and equipment shelters shall preserve or enhance the existing character of the topography and vegetation

of a site. Existing vegetation, if any, and if suitable with natural features, should be preserved and/or improved to provide screening for the facility. If existing topography of the site does not adequately screen equipment from view, fencing may be required. Fencing should not be used exclusively but instead be supplemented with vegetation. Any security fencing should be of a design, which blends into the character of the existing environment, and meet the height limitation for the zone district in which the fencing is located.

3) All CMRS antennae and equipment should be no taller than necessary for the efficient operation of the CMRS antennae and equipment.

4) Applicants shall demonstrate that the CMRS telecommunications site is a necessary component of the applicant's overall communication network and communication plan for the community. Such demonstration shall require that the applicant establish at least one of the following criteria: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; (3) the site is necessary to handle increased capacity due to caller volume. In addition, the applicant shall demonstrate:(1) existing topography and/or structures in the surrounding area preclude other locations in the same area; and (2) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access.

5) All CMRS telecommunication antennae, equipment, and equipment shelters shall be sited, designed, and screened to minimize the visibility of such equipment from surrounding properties, public streets and neighborhoods.

6) The colors of all CMRS telecommunication antennae, equipment, and equipment shelters shall minimize the visibility of the facility.

7) To minimize the visual and physical impact on the surrounding area caused by freestanding and building mounted CMRS telecommunications facilities, the City encourages innovative and multiple use of building and structures for the location of CMRS telecommunications facilities, antenna, and equipment.

(b) <u>Design and Performance Standards for Structure or Building Mounted CMRS Telecommunications Facilities</u>. All structure or building mounted CMRS antennae and equipment shall be designed and constructed to blend with and enhance the architectural characteristics of the accompanying building or structure.

1) Panel Antennae Standards

a. Panel antennae shall not protrude horizontally more than two (2) feet from the building wall and shall be painted or treated to match the building or structure to which the panel is attached.

b. Panel antennae attached to the side of a building shall not exceed the height of the parapet or the roofline, whichever is greater.

c. Panel antennae mounted on an existing penthouse or existing roof- top mounted service equipment for the building shall not exceed the height of the penthouse or service equipment to which the antennae is attached.

d. Panel antennae shall not be mounted in a freestanding, sled, or rack-mounted fashion on the top of a building unless: (1) there exists unscreened service equipment on the roof which will be screened from view along with the panel antennae; and (2) the screening of the antennae and equipment will be architecturally compatible with the building; and (3) a waiver is obtained from the Planning Commission. The construction of artificial penthouses or artificial service equipment on a roof for the purpose of attaching CMRS telecommunication facilities is prohibited.

e. No panel antenna shall exceed the maximum height limitation for the zone district in which the panel is located.

2) Whip Antennae Standards

a. Single whip antennas shall not extend more than fifteen (15) feet above the building height.

b. Where more than one whip antenna is attached to one building, such antennae shall maintain a minimum separation of fifteen (15) feet between antenna owned by different CMRS telecommunication providers.

c. No whip antenna shall exceed the maximum height limitation for the zone district in which the antenna is located.

(c) Design and Performance Standards for Freestanding CMRS Telecommunication facilities: All freestanding CMRS telecommunications facilities shall be subject to an Article 15 Site Plan review. The following design and performance standards shall apply to all freestanding CMRS telecommunication facilities:

1) The height of any freestanding CMRS communication facility shall conform to the height limit of the zone district in which the facility is located unless a height exception is granted by Planning Commission.

2) All freestanding CMRS telecommunications facilities shall meet the landscaping requirements set forth in Article 15 of the Lakewood Zoning Ordinance including screening of facilities with vegetation. As a condition of approval of any freestanding CMRS telecommunication facility, the City may require the applicant to provide a performance bond or other surety to the City which is adequate to ensure the completion of all planned and required landscaping and screening associated with the approved CMRS telecommunication facility. Where the CMRS telecommunications facility is

located on a parcel of land that is leased by the applicant and which is part of a larger parcel under single ownership, reasonable landscaping improvements in accordance with Article 15 of the Lakewood Zoning Ordinance may be required within the larger unleased parcel where such improvements will bring the facility into conformance with the requirements of this Ordinance, mitigate the impacts of the telecommunication facility, or enhance the visual qualities and aesthetics of the larger parcel.

3) A freestanding CMRS telecommunications facility, as defined by section 17-2-2 of the Zoning Ordinance, shall not be located closer than one thousand (1,000) feet from any other freestanding CMRS telecommunications facility established or proposed by the same or another provider unless a waiver from this requirement is obtained from the Planning Commission. Co-location of CMRS telecommunication facilities on the same freestanding facility is therefore strongly encouraged. No facility owner or lessee or employee thereof shall act to exclude or attempt to exclude any other provider from the same location. A service provider or lessee or employee thereof shall cooperate in good faith to achieve co-location or antennae with other providers. City staff can be used as a resource to facilitate this co- location. Should co-location not be acceptable to existing providers, the service provider wanting to locate on the existing facility shall be required to prove to the satisfaction of the Director that co-location is not feasible.

   To obtain a waiver from the requirements of this subsection, the applicant shall demonstrate: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; (3) the site is necessary to handle increased capacity due to caller volume; (4) existing topography and/or structures in the surrounding area preclude other locations in the same area; and (5) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access; and (6) screening and design of the freestanding facility will make the site compatible with surrounding land uses.

4) All freestanding CMRS telecommunication facilities shall be designed and constructed to permit the facility to accommodate the attachment of at least two CMRS telecommunication providers on the same freestanding facility.

(d) <u>Design and Performance Standards for CMRS Telecommunication Equipment Shelters</u>. All CMRS telecommunications equipment shelters shall be screened to minimize the visibility of such equipment from surrounding properties, public streets and neighborhoods.

1) Equipment Shelters Associated with Structure or Building Mounted CMRS Antennae. Shelters associated with roof or building mounted antennae are encouraged to be located in one of the following areas, which are listed in order of preference from most (A) to least (G) preferred:

   a. Inside the building or structure to which the panel or whip antennae are attached.

b. Inside an existing equipment penthouse on the roof of a building whenever possible.

c. Immediately adjacent to the exterior of an existing equipment or elevator penthouse if the shelter can be visually incorporated into the penthouse structure by the use of screening of similar style and color to the penthouse.

d. If no penthouse exists, consideration may be given to the creation of a penthouse, or a screen which is deemed architecturally compatible with the associated building by the Director, that screens both the equipment shelter and the existing service equipment associated with the building such as heating and air- conditioning equipment.

e. Outside of a penthouse on the roof of a building if a parapet exists that is taller than the CMRS equipment shelter. If the parapet is not taller than the CMRS equipment shelter, consideration will be given to increase the height of the parapet provided that the building materials used are the same as those existing and if the design of the parapet is found acceptable to City standards and the parapet extension is architecturally compatible with the building.

f. Painted or treated the same color and located in such a manner that an additional protrusion is not created on the roof.

g. On the ground and screened according to the design criteria for CMRS telecommunications facilities.

2) Equipment Shelters Associated with Freestanding CMRS Antennae. CMRS telecommunications equipment shelters associated with freestanding CMRS telecommunications facilities shall:

a. Either be located in an enclosed building that is architecturally compatible with the surrounding environment; or

b. Be screened completely with an architecturally compatible wall or fence so the shelter is not visible from adjacent properties, streets or public areas;

And in addition, all CMRS telecommunication equipment shelters associated with freestanding CMRS telecommunications facilities shall:

(1) Have enclosed buildings, walls, or fencing, the appearance of which is enhanced by vegetation;

(2) Be grouped as closely as technically possible to each other and the freestanding facility;

(3) Cover a surface area not to exceed 450 square feet per provider;

(4) Use designs, materials, and colors compatible with structures and vegetation on the same parcel and adjacent parcels; and

(5) Not reduce the parking or landscaped areas below the minimum district requirements for other principal uses on the parcel.

(e) Approval Procedures for All CMRS Telecommunications Facilities in Specific Zone Districts. CMRS telecommunication facilities shall be permitted as provided in the following schedule:

Zone District	Structure or Building Mounted Facility	Freestanding Facility
R1A (Non-Residential Uses	Administrative Review	Special Use Permit
R1A through 3-R Single Family Detached	Not Permitted	Not Permitted
3-R through 5-R Single Family Attached	Not Permitted	Not Permitted
4-R through 5-R Multi-Family Attached	Special Use Permit	Not Permitted
OF Office District	Administrative Review	Administrative Review2
1-C through 3-C Commercial District	Administrative Review	Administrative Review2
4-C through 5-C Commercial District	Administrative Review	Site Plan3
IN Industrial District	Administrative Review	Site Plan3
R1A, 1-C through 5-C, IN City Owned Property	Special Use Permit	Special Use Permit
PD Planned Development	Determined by Director4	Determined by Director4
Unzoned Land within City Boundaries	Special Use Permit	Special Use Permit

1 Structure or building mounted telecommunication facilities are permitted on non-residential structures within residential districts and also permitted on multi-family residential buildings provided that the antenna and equipment are located no closer to a dwelling unit than the distance deemed safe or appropriate by the Federal Communication Commission or other appropriate federal regulatory agency for radio frequency radiation or emissions.

2 Any freestanding CMRS telecommunications facility in the OF, 1-C, 2-C, and 3-C zone districts shall be entirely enclosed within an attached architectural element of a building or structure that is compatible in design, color, and materials with the adjacent uses to the CMRS telecommunications site.

3 All Site Plans shall meet the requirements set forth in Article 15 of the Lakewood Zoning Ordinance.

4 For CMRS telecommunication sites proposed within a PD Planned District, the PD District shall be reviewed by the Director to determine the appropriate review process based on the underlying zoning classification and proposed or established land use(s) of the PD zoned property.

(f) Exceptions and Requirements for Particular Uses.

1) CMRS telecommunication facilities mounted on church or school buildings or other non-residential structures located within any residential zone district may be permitted and shall be subject to administrative review and approval.

2) Public utility transmission facilities, structures, and transmission poles may be utilized as a CMRS telecommunication site if: (1) the utility company has granted approval of the use of the facility, structure, or pole; and (2) where located in a residential zone district, the CMRS telecommunication facility is granted a Special Use Permit; or where located in a zone district other than residential, the telecommunication facility has received administrative review and approval; and (3) where the CMRS telecommunication facility does not exceed the height of the existing transmission structure or pole by fifteen (15) feet.

3) In all zone districts where telecommunication facilities are permitted, freestanding or tower facilities, panels, antennae, and equipment shelters which are completely enclosed and contained entirely within a sign or other structure which meets all requirements of the Zoning Ordinance may be administratively approved by the Director provided that the tower, panel, antennae, and shelter are not visible.

4) In all zone districts in which CMRS telecommunication facilities are permitted, any proposal to co-locate or otherwise mount new CMRS facilities on an existing freestanding CMRS telecommunication facility meeting all requirements of this section 17-12-2 shall be subject to administrative review.

(g) Application for Approval of CMRS Telecommunication Facilities. All applications for approval of a CMRS telecommunication facility shall be accompanied by a non-refundable application fee as established by resolution of the City Council. The application must be completed and submitted by the owner of the property upon which the CMRS telecommunication facility is proposed for location or the owner's authorized representative. In addition, where the site for the CMRS telecommunication facility will be leased to a CMRS telecommunication provider, the application must include the provider's consent and approval.

All CMRS telecommunications facility applications shall include such plans; drawings, photographs and specifications as are necessary for the City of Lakewood to determine that the proposed installation is consistent with the standards set forth in the design review and performance standard sections of this Ordinance. Such application shall include, describe, or illustrate the dimensions, location and appearance of:

1) All proposed CMRS telecommunications facilities and associated equipment shelters for the proposed site.

2) All buildings and/or structures to which the proposed CMRS telecommunications equipment shelter and antenna will be attached.

3) The proposed methods for minimizing the visibility of the proposed CMRS telecommunication facility, including but not limited to all screening, landscaping, cladding materials, and paint color or other treatment samples.

4) Proof of ownership (deed or title documentation) or a letter of authorization from the property owner of the real property on which the CMRS telecommunications facility is proposed to be located.

5) Evidence acceptable to the City that the property owner and the CMRS telecommunication provider shall remove, at the property owner's and CMRS telecommunication provider's cost and expense, the CMRS telecommunication facility and all equipment and restore the property to a condition substantially similar to that existing before the installation following abandonment of the facility or non-use for a period of six (6) months. Such removal shall not, however, include removal of any installed landscaping unless approved by the City. Such evidence may be in the form of an executed agreement between the telecommunication provider and the property owner, which is approved by the Director. Such an agreement shall provide that the agreement may not be terminated without the City's written consent and the agreement shall be enforceable by the City against the property owner and the CMRS telecommunication provider.

6) Evidence that the CMRS provider has obtained or secured a performance bond, letter of credit, or other surety ("performance guarantee") acceptable to the City Attorney in an amount of one-hundred twenty percent (120%) of the estimated cost and expense of removing the CMRS telecommunication facility following abandonment of the facility or non-use of the facility for a period of six (6) months. All performance guarantees shall authorize the City to obtain the funds secured by the guarantee upon the City's determination that the CMRS telecommunication facility is abandoned or no use of the facility has been made for a period of six (6) months. The amount of such performance guarantee shall be based upon as estimate obtained by the CMRS telecommunication provider, which shall be subject to review and approval of the City. In the event that the City rejects an estimate as inaccurate, incomplete, or incorrect, the City may obtain, at its cost and expense, an estimate, which shall be used for purposes of determining the amount of the performance guarantee. The CMRS telecommunication provider shall take all action necessary to keep such performance guarantee valid and in effect at all times. Expiration of a performance guarantee may, at the option of the City and following notice to the CMRS provider, result in the expiration of the City's approval of the CMRS telecommunication facility.

7) Proof of insurance to insure adjacent property owners and the public against personal and property damage resulting from negligent installation and/or damages caused by or arising from the operation and maintenance of the CMRS telecommunication site.

(h) Review Procedures and Requirements for Approval.

1) Special Use Permit: If a proposed installation requires a Special Use Permit, regulations listed in Sections 17-6-1 through 17-6-3 of the Lakewood Zoning Ordinance shall be followed. In addition to these requirements, the proposed installation will have to meet the performance standards for CMRS telecommunications facilities in Articles 6 and 12 of the Lakewood Zoning Ordinance.

2) Site Plan: Applications requiring a site plan shall be submitted in conformance with the requirements of Article 15 of the Lakewood Zoning Ordinance as well as the requirements set forth in Article 12.

3) Administrative Review: An application for administrative approval shall be submitted in conformance with the requirements of the Lakewood Building Department, and the requirements set forth in this Article 12. In addition to the appropriate application fee, all CMRS telecommunications facilities are subject to building permit review and other fees established by the City.

All required applications, permits, and plans shall be submitted and approved prior to commencing construction for any CMRS telecommunication facility or equipment.

(i) Appeals. Any applicant aggrieved by a final administrative decision made pursuant to this Ordinance may appeal such decision to the Planning Commission. A request for appeal shall be made by the applicant in writing accompanied by payment of the appeal fee set by resolution of the City Council. A request for appeal shall be received by the Secretary of the Planning Commission within thirty (30) days of the date of the administrative decision. The request for appeal shall be heard by the Planning Commission at the next regularly scheduled meeting or as soon thereafter as practicable. Following review, the Planning Commission may affirm, reverse, or remand the decision to the administrative official with directions. During the time an appeal is pending, no building permit shall be issued.

(j) The Planning Commission shall have the authority to grant waivers and exceptions, which are expressly permitted by provisions of this Section 17-12-2(3). An applicant requesting a waiver or exception shall submit a written application to the Director and the application shall specify the provision for which the waiver or exception is requested. The Director is authorized to promulgate forms and require additional information from the applicant, which may be necessary to provide sufficient information to the Planning Commission to evaluate the applicant's request for a waiver or exception.