

ORDINANCE NO. 19
Series 2010

May 18, 2010: Introduced as Council Bill 18, Series 2010 by Councilor Harriet Crittenden LaMair, seconded by Councilor Klasina VanderWerf, and considered in full text on first reading. Passed by a vote of 4 yes and 2 no.

June 15, 2010: Considered in full text on second reading. Passed by a vote of 5 yes and 1 no.

A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING CHAPTER 16 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING ZONING, BY (1) AMENDING SECTIONS 16-5-10, 16-12-10 and 16-13-10
CONCERNING PERMITTED USES IN THE VARIOUS ZONE DISTRICTS; 16-5-20, 16-6-20,
16-7-20, 16-8-20, 16-9-20, 16-10-20, AND 16-12-20 CONCERNING CONDITIONAL USES IN
THE VARIOUS ZONE DISTRICTS; AND 16-8-20 CONCERNING REQUIREMENTS AND
CONDITIONS FOR SPECIFIC CONDITIONAL USES; AND (2) THE ADDITION OF SECTION
16-16-150 CONCERNING SATELLITE DISH ANTENNAS; ALL FOR THE PURPOSE OF
ADOPTING COMPREHENSIVE REGULATIONS CONCERNING SATELLITE DISH
ANTENNAS

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the City of Cherry Hills Village is authorized to regulate property within the boundaries of the City to further the health, safety and welfare of the citizens of the City of Cherry Hills Village; and

WHEREAS, in order to protect the aesthetic concerns of the residents and property owners of the City, the City Council has determined that standards regulating the placement of Satellite Dish Antennas are necessary; and

WHEREAS, in order to protect the health and safety of residents of the City, the City Council has determined to set forth standards for the installation of Satellite Dish Antennas; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. That Section 16-5-10 of the City of Cherry Hills Village Municipal Code, concerning permitted uses in the R-1 zone district, is hereby amended by the addition of a new subsection (9) to read as follows:

Sec. 16-5-10. Permitted uses.

(9) Satellite Dish Antennas: Antennas that are one (1) meter or less in diameter or equivalent as determined by the Community Development Director, subject to all requirements of Section 16-16-150 (a) through (c). Antennas between one (1) and four (4) meters in diameter, subject to all requirements of Section 16-16-150 (a) through (e) and the following:

(a) A maximum of three (3) wall or roof mounted Antennas shall be allowed per lot.

(b) Stand-alone Antennas shall be considered accessory structures, subject to the permitted number of accessory structures for the applicable zone district.

Section 2. That Section 16-5-20 of the City of Cherry Hills Village Municipal Code, concerning conditional uses in the R-1 zone district, is hereby amended to read as follows:

Sec. 16-5-20. Conditional uses.

The following uses shall be permitted as conditional uses in the R-1 District: guardhouse; wireless communication facilities; Satellite Dish Antennas that exceed the number and size limitations set forth in Section 16-5-10(9) of the Code.

Section 3. That Section 16-6-20 of the City of Cherry Hills Village Municipal Code, concerning conditional uses in the R-2 zone district, is hereby amended to read as follows:

Sec. 16-6-20. Conditional uses.

The following uses shall be permitted as conditional uses in the R-2 District: guardhouse; wireless communication facilities; Satellite Dish Antennas that exceed the number and size limitations set forth in Section 16-5-10(9) of the Code.

Section 4. That Section 16-7-20 of the City of Cherry Hills Village Municipal Code, concerning conditional uses in the R-3 zone district, is hereby amended to read as follows:

Sec. 16-7-20. Conditional uses.

The following uses shall be permitted as conditional uses in the R-3 District: guardhouse; wireless communication facilities; Satellite Dish Antennas that exceed the number and size limitations set forth in Section 16-5-10(9) of the Code.

Section 5. That Section 16-8-20 of the City of Cherry Hills Village Municipal Code, concerning conditional uses in the R-3A zone district, is hereby amended to read as follows:

Sec. 16-8-20. Conditional uses.

The following uses shall be permitted as conditional uses in the R-3A District: guardhouse; wireless communication facilities; Satellite Dish Antennas that exceed the number and size limitations set forth in Section 16-5-10(9) of the Code.

Section 6. That Section 16-9-20 of the City of Cherry Hills Village Municipal Code, concerning conditional uses in the R-4 zone district, is hereby amended to read as follows:

Sec. 16-9-20. Conditional uses.

The following uses shall be permitted as conditional uses in the R-4 District: guardhouse; wireless communication facilities; Satellite Dish Antennas that exceed the number and size limitations set forth in Section 16-5-10(9) of the Code.

Section 7. That Section 16-10-20 of the City of Cherry Hills Village Municipal Code, concerning conditional uses in the R-5 zone district, is hereby amended to read as follows:

Sec. 16-10-20. Conditional uses.

The following uses shall be permitted as conditional uses in the R-5 District: guardhouse; wireless communication facilities; Satellite Dish Antennas that exceed the number and size limitations set forth in Section 16-5-10(9) of the Code.

Section 8. That Section 16-12-10 of the City of Cherry Hills Village Municipal Code, concerning permitted uses in the C-1 zone district, is hereby amended by the addition of a new subsection (5) to read as follows:

Sec. 16-12-10. Permitted uses.

(5) Satellite Dish Antennas: Antennas that are one (1) meter or less in diameter or equivalent as determined by the Community Development Director, or up to three antennas between one (1) and four (4) meters in diameter. All Satellite Dish Antennas shall meet all requirements of Section 16-16-150 (a) through (c) of this Chapter. Satellite Dish Antennas more than one meter in diameter shall additionally meet all requirements of Section 16-16-150 (d) and (e) of this Chapter.

Section 9. That Section 16-12-20 of the City of Cherry Hills Village Municipal Code, concerning conditional uses in the C-1 zone district, is hereby amended to read as follows:

Sec. 16-12-20. Conditional uses.

The following uses shall be permitted as conditional uses in the C-1 District: wireless communication facilities; Satellite Dish Antennas that exceed the number and size limitations set forth in Section 16-12-10(5) of the Code.

Section 10. That Section 16-13-10 of the City of Cherry Hills Village Municipal Code, concerning permitted uses in the C-2 zone district, is hereby amended by the addition of a new subsection (3) to read as follows:

Sec. 16-13-10. Permitted uses.

(3) Satellite Dish Antennas: Antennas that are one (1) meter or less in diameter or equivalent as determined by the Community Development Director, or up to three antennas between one (1) and four (4) meters in diameter. All Satellite Dish Antennas shall meet all requirements of Section 16-16-150 (a) through (c) of this Chapter. Satellite Dish Antennas more than one meter in diameter shall additionally meet all requirements of Section 16-16-150 (d) and (e) of this Chapter.

Section 11. That Section 16-13-20 of the City of Cherry Hills Village Municipal Code, concerning conditional uses in the C-2 zone district, is hereby amended to read as follows:

Sec. 16-13-20. Conditional uses.

The following uses shall be permitted as conditional uses in the C-2 District: retail uses (the provisions and procedures relating to conditional uses found in Article XVIII of this Chapter shall apply); wireless communication facilities; Satellite Dish Antennas that exceed the number and size limitations set forth in Section 16-13-10(3) of the Code.

Section 12. That Section 16-16-150 shall be added to the Cherry Hills Village Municipal Code concerning regulation of Satellite Dish Antennas to read as follows:

Sec. 16-16-150. Satellite Dish Antennas.

(a) Purpose, intent and applicability: The City Council finds that these regulations, to the extent allowable under Federal law and specifically 47 C.F.R. Sec. 1.4000, are necessary in order to:

(1) To provide for the use of Satellite Dish Antennas in the City subject to certain standards;

(2) To protect the public health, safety and general welfare of the community; and

(3) To minimize adverse visual effects of Satellite Dish Antennas on all residents and property owners within the City in a nondiscriminatory manner through careful design and siting standards.

This Section shall not govern television antennae governed by Sec. 16-16-140 or tower or wireless communication facilities governed by Sec. 16-16-130 of this Code.

(b) Definitions:

Satellite Dish Antennas is defined as an antenna that is designed to receive one of the following: direct broadcast satellite service, including direct-to-home satellite service; video programming services via multi-point distribution services, including multi-channel multi-point distribution services, instructional television fixed services and local multi-point distribution services; television broadcast signals or to receive or transmit fixed wireless signals via satellite.

Nonconforming Satellite Dish Antennas is defined as a Satellite Dish Antenna that was installed prior to the effective date of this section which could not be installed in its current location under the terms of this section of this Code.

(c) All Satellite Dish Antennas shall comply with the standards promulgated by the Federal Communications Commission (FCC) regarding radio frequency emissions.

(d) General requirements/location and design criteria. All Satellite Dish Antennas shall:

(1) Comply with applicable accessory structure setbacks;

(2) Comply with applicable accessory structure height limits, except that wall or roof mounted antennae may extend five feet above the highest point of the roof or structure to which it is mounted;

(3) Be screened from view from adjacent properties and rights-of-way to the maximum extent possible; and

(4) Be located in the rear or side yard of a lot.

(e) Wall-mounted facilities shall be mounted as flush to the building wall as possible.

Section 13. That Section 16-18-20 of the City of Cherry Hills Village Municipal Code, concerning requirements and conditions for specific uses as conditional uses is hereby amended by the addition of a new subsection (d) to read as follows:

Sec. 16-18-20. Requirements and conditions for specific uses.

(d) Satellite Dish Antennas. In addition to meeting all other requirements of this Article, Satellite Dish Antennas must meet the requirements of Section 16-16-150 of this Chapter.

Section 14. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid.

Section 15. Effective Date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 19, Series 2010, by the City Council of the City of Cherry Hills Village, Colorado this 15th day of June, 2010.


Michael J. Wozniak, Mayor

ATTEST:


Laura Smith, City Clerk

APPROVED AS TO FORM:


Kenneth S. Fellman, City Attorney

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**CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 19, SERIES 2010**

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING CHAPTER 16 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE, CONCERNING ZONING, BY (1) AMENDING SECTIONS 16-5-10, 16-12-10 AND 16-13-10 CONCERNING PERMITTED USES IN THE VARIOUS ZONE DISTRICTS; 16-5-20, 16-6-20, 16-7-20, 16-8-20, 16-9-20, AND 16-12-20 CONCERNING CONDITIONAL USES IN THE VARIOUS ZONE DISTRICTS; AND 16-8-20 CONCERNING REQUIREMENTS AND CONDITIONS FOR SPECIFIC CONDITIONAL USES; AND (2) THE ADDITION OF SECTION 16-16-150 CONCERNING SATELLITE DISH ANTENNAS; ALL FOR THE PURPOSE OF ADOPTING COMPREHENSIVE REGULATIONS CONCERNING SATELLITE DISH ANTENNAS

Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

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