

ORDINANCE NO. 5

SERIES 2000

February 1, 2000: Introduced as Council Bill No. 3, Series 2000 by Ned Giles, seconded by John Love, as considered by title only on first reading. Passed unanimously.

February 15, 2000: Considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 5, Series 2000.

A BILL FOR AN ORDINANCE REPEALING AND REENACTING SECTIONS 6-15-14 (C) & (D) OF THE CHERRY HILLS VILLAGE ZONING CODE CONCERNING WIRELESS COMMUNICATION FACILITIES.

WHEREAS, the Cherry Hills Village Zoning Ordinance Section 6-15-14 regulates design, location and height requirements of wireless communication facilities in all zone districts, and

WHEREAS, authority to approve wireless communication facilities is currently granted to the City Manager in the C-1, C-2, F-1 and RA-1 zone districts and to the Board of Adjustment and Appeals in all residential zone districts, and

WHEREAS, the Zoning Ordinance requires that wireless communication antennae be set back a distance equal to the zone district requirement or the height of the antenna, whichever is greater, and

WHEREAS, the City Code no longer contains an RA-1 zone district, and

WHEREAS, the City Council has determined that approval for wireless communications facilities in all zone districts should be vested with the Board of Adjustment as a special exception to the code, except where the facility would be located on property owned, or leased by the City, in which case, the BOA's approval will be conditioned upon City Council's approval of the lease, and

WHEREAS, the City Council has determined that on land where the setback is measured from a property line that is not adjacent to residentially zoned property, the setback shall be the setback required for an accessory structure in that zone district.

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

SECTION 1 Sections 6-15-14 (C & D) are hereby repealed and reenacted as a new Section 6-15-14(C) to read as follows:

C. APPROVAL OF WIRELESS COMMUNICATION FACILITIES:

1. Wireless facilities may be allowed as accessory structures within all zone districts, if specifically authorized by the Board of Adjustment and Appeals as a special exception to the code, after a public hearing, except where a wireless facility is proposed for a location on property owned by the City In which case, the Board of Adjustment's authorization of the special exception shall be conditioned upon the execution of a lease for the facility from the City on terms and conditions acceptable to the City.
2. All wireless facilities shall comply with the setbacks within the zone district applicable to accessory structures, or a setback equal to the height of the facilities, whichever is greater, unless physical characteristics of the property and the facility allow for placement of the facility pursuant to subsection 6-15-14(B)(5).

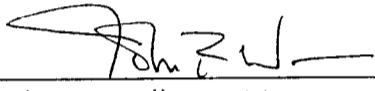
On land where the setback is measured from a property line that is not adjacent to residentially zoned property, the setback shall be the setback required for an accessory structure in that zone district.

3. Antennae shall not exceed fifty feet (50') in height, as measured from the historic grade.
4. Whip type antennae or panel antennae, not to exceed eight (8) square feet, are allowed in the public ROW on existing traffic signal poles or light standards.
5. Television antennae are permitted on single-family residences and may extend five feet (5') above the top of the finished ridgeline. In no event shall the antenna exceed thirty-five feet (35') in height.
6. The Board of Adjustment and Appeals or the City Council may withhold approval of the facility if it does not meet the general criteria set forth in subsection 6-15-14(B).
7. The fee and application requirements for wireless communication facilities and the hearing setting procedures shall be the same as those contained in Section 6-3-3 (A-C) of the Cherry Hills Village Municipal Code.

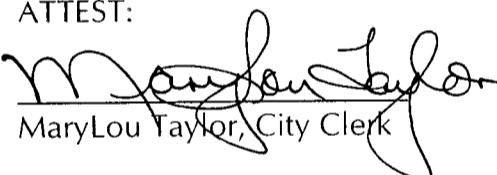
SECTION 2 Sections 6-15-14 (E) is hereby amended as follows:

D. REMOVAL OF COMMUNICATION FACILITIES:

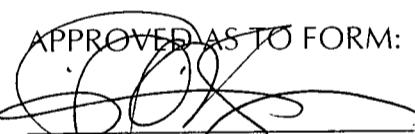
Adopted as Ordinance No. 5, Series 2000, by the City Council of the City of Cherry Hills Village, Colorado, the 15th day of February, 2000.


John F. Welborn, Mayor

ATTEST:


MaryLou Taylor, City Clerk

APPROVED AS TO FORM:


Erin M. Smith, City Attorney