

ORDINANCE NO. 1132

AN ORDINANCE AMENDING THE EXISTING ARTICLE 5 AND 10, CHAPTER 20, "LAND USE CODE" FORT MORGAN MUNICIPAL CODE (2010)

WHEREAS, this Ordinance is intended to amend Article 5 and Article 10, Chapter 20 of the Fort Morgan Municipal Code, (2010); and

WHEREAS, the content of the Ordinance has been approved and recommended by the Planning Commission as a change to the Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,

Section 1. Article 5, Chapter 20, is hereby amended to read as follows:

Sec. 20-5-20. Telecommunication facilities.

Telecommunication facilities are regulated by special use review in all districts, WITH THE FOLLOWING EXCEPTION:

(a) A TELECOMMUNICATIONS FACILITY THAT UTILIZES AN EXISTING STRUCTURE OR BUILDING AND MEETS THE HEIGHT REQUIREMENTS OF THE DISTRICT IN WHICH THE FACILITY IS LOCATED IS A BY-RIGHT USE AND EXEMPT FROM THE SPECIAL USE REVIEW PROCESS. PROVIDED, HOWEVER, THAT THE FOLLOWING CONDITIONS ARE MET:

- (1) UNLESS ALL ATTENDANT ACCESSORY EQUIPMENT IS PLACED IN AN UNDERGROUND VAULT, EQUIPMENT MUST MEET THE ZONING SETBACK REQUIREMENTS OF THE ZONING DISTRICT IN WHICH IT IS LOCATED AND MUST BE GENERALLY SCREENED FROM VIEW OF ADJOINING PROPERTIES OR LOCATED WITHIN AN EXISTING BUILDING OR STRUCTURE.
- (2) ANY APPLICANT SEEKING TO CONSTRUCT OR MODIFY A TELECOMMUNICATIONS FACILITY MUST GO THROUGH THE SITE PLAN REVIEW PROCESS AS PART OF THE PERMITTING PROCESS.

Section 2. Article 10, Chapter 20, is hereby amended to include the following definition:

"TELECOMMUNICATIONS FACILITY" MEANS A FACILITY, SITE, OR LOCATION THAT CONTAINS 1 OR MORE ANTENNAS, TELECOMMUNICATIONS TOWERS, ALTERNATIVE SUPPORT STRUCTURES, SATELLITE DISH ANTENNAS, OTHER SIMILAR

COMMUNICATION DEVICES, AND ACCESSORY EQUIPMENT WHICH IS USED FOR TRANSMITTING, RECEIVING, OR RELAYING TELECOMMUNICATIONS SIGNALS, WHETHER ELECTROMAGNETIC OR ELECTRO-OPTIC. THIS USE IS NOT REQUIRED TO BE LOCATED ON A BUILDING LOT, OR TO COMPLY WITH THE MINIMUM LOT SIZE REQUIREMENT FOR THE DISTRICT IN WHICH IT IS LOCATED. MULTIPLE FACILITIES MAY BE LOCATED ON ONE SITE (ALSO KNOWN AS COLOCATION) PROVIDED THAT THE FACILITIES ARE EACH APPROVED THROUGH SPECIAL USE REVIEW, OR THAT THEY CAN MEET THE EXEMPTION LISTED IN SECTION 20-5-20.

Section 3. Validity. If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

Section 4. Repeal. All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the effective date of this Ordinance.

Section 5. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof.

Section 6. Certification. The City Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

Section 7. Severability. In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

Section 8. Effective date. The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. This Chapter 20, "Land Use Code" shall be effective as to all violations of the Code committed five (5) days after final publication.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED
the 4th day of December, 2012.



THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO


By: Terry McAlister
Mayor

Attest:


John Brennan
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED this 18th day of December, 2012.



THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO


By: Terry McAlister
Mayor

Attest:


John Brennan
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1132** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 4th day of December, 2012. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 7th day of December, 2012, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally passed, approved and adopted, at a regular meeting of the City Council held on the 18th day of December, 2012. Within five (5) days after its final passage, said **Ordinance** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.


John Brennan
City Clerk