

ORDINANCE NO. 3.37

AN ORDINANCE AMENDING
THE ZONING DISTRICT MAP OF THE
TOWN OF LARKSPUR, COLORADO

WHEREAS, the Town Planning Commission and the Town Council of Larkspur, Colorado have previously held public hearings, at which time they approved the provisional rezoning to Planned Unit Development (P.U.D.), of certain real property located in the Town of Larkspur, which property is legally described on Exhibit "A" attached hereto and incorporated herein by this reference ("Property"); and

WHEREAS, the Town Planning Commission and Town Council have previously held public hearings at which time they approved final P.U.D. ordinances and amended P.U.D. ordinances with respect to certain use areas as more particularly set forth in those ordinances; and

WHEREAS, the Town Planning Commission and Town Council have previously held public hearings at which time they approved various amendments to certain uses and use areas as more particularly set forth in those ordinances; and

WHEREAS, an application was subsequently made to amend the uses permitted within a portion of the Open Area as more particularly described on the Second Amended Final Site Plan and the legal description attached hereto as Exhibit "B". This area area to be rezoned shall be known as the "Communications Area".

NOW, THEREFORE, be it ordained by the Town Council of the Town of Larkspur, Colorado, as follows:

SECTION 1. The area described on Exhibit "B" is hereby rezoned in accordance with this ordinance and shall be known as the "Communications Area".

SECTION 2. INTENT. The following uses may be permitted

upon approval by the Town Council, following a public notice and hearing as described in this Section and subject to such conditions and safeguards as may be imposed by the Town Council which includes but shall not be limited to the requirements that the proposed use: (1) will be in harmony and compatible with the character of the surrounding areas and neighborhood; (2) will be consistent with the Larkspur Master Plan; (3) will not result in an over-intensive use of land; (4) will not have a material adverse effect on community capital improvement programs; (5) will not require a level of community facilities and services greater than that which is available; (6) will not result in undue traffic congestion or traffic hazards; (7) will not cause significant air, visual or noise pollution; (8) will be adequately landscaped, buffered and screened; and (9) will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the Town. Uses by Special Review shall be permitted for a duration of time specified by the Town Council or until the land use changes or is terminated, whichever occurs first. Uses by Special Review shall be reviewed on an annual basis or as often as the Town Council deems appropriate.

SECTION 3. The permitted uses of the Communication Area shall include utility towers and related communication facilities as Uses by Special Review.

SECTION 4. The following procedure shall be required for the processing of a Use by Special Review in the Communications Area:

1. The applicant should meet with the Planning Department informally to discuss the request to be submitted and determine the requirements for such application, dependent upon the size and nature of

the proposal.

2. Once the applicant determines to proceed, the applicant shall submit to the Town the following information:

- a. A completed application.
- b. A narrative and site plan prepared in accordance with the requirements of this ordinance.
- c. Proof of ownership; deed and certificate of ownership by a title company within ten (10) days of the application, and a disclosure letter from the owner recognizing the representative.
- d. Review fee of \$250.00

1) Narrative Exhibit

- a) General project concepts
- b) On site and surrounding zoning of property
- c) Define overall impacts of the proposed development on the adjoining properties
- d) Statement of compliance with appropriate agencies as determined by the Planning Department
- e) Method of providing water, if required
- f) Method of wastewater treatment, if required
- g) Type or method of fire protection
- h) Impacts on existing flora and fauna
- i) Impacts on Town services
- j) Access to site
- k) Name and address of the owner, the developer, and person(s) preparing the site plan

2) Site Plan Exhibit

- a) Plans are to be prepared to scale which allows for maximum clarity of the proposal

- b) The name of the proposed development centered at the top of the sheet
 - c) Property description
 - d) A north arrow and graphic scale
 - e) Sheet size of 24" x 36" with the long dimension horizontal. The title block located in the lower right-hand corner of the sheet with the date of preparation
 - f) Vicinity map showing the relationship of the site to the surrounding area
 - g) Dimension of all existing and proposed structures within the tower site and/or within twice the height of the tower. The size and square footage of the tower site, and maximum tower height. Note total building ground coverage. Include setback dimensions from property lines. Structures to be removed should be indicated as such.
 - h) Location and dimension of any proposed off-street parking and loading areas. Note the total number of parking spaces provided
 - i) Delineate public and private roadways, rights-of-way, street names and points of access on or adjacent to the proposed site
 - j) Indicate proposed fencing and signage
3. The applicant should demonstrate that there is no suitable space on existing towers within the Communications Area. Technical and economic considerations should be considered in determining if suitable space exists.
- a. If suitable space does not exist as described above, one of the following options should be

used:

- 1) Replacing an existing tower with a tower capable of serving multiple users; or
 - 2) Locating a new tower in close proximity to other towers; or
 - 3) Locating a new tower in areas where the tower and accessory building can be effectively (at least 80%) screened by existing vegetation, land forms, or structures.
- b. New structures should accommodate other users such as two-way radio, consistent with the site's development potential. Sites must be reviewed on a case-by-case basis to determine the extent of shared use that could be accommodated without creating impacts.
 - c. Other recommendations concerning visual and noise impacts, interference, and health should be followed.
 - d. It should be demonstrated that adequate fire protection is available, either through on-site measures or from the local fire department.
 - e. To ensure that the proposed towers are indeed multiple use; applicants must demonstrate that there is no technically suitable or leased space on towers which have already been built or are approved for multiple use. It must be proven that the proposed tower is strong enough to handle the required users and there is adequate space for accessory uses. The applicant must commit to lease space at reasonable rates.
4. The Planning Staff shall review the proposal and determine the completeness of the application, the appropriate referral agencies to be contacted, and

the scheduling of the request before the Town Planning Commission and Town Council.

5. At least fifteen (15) days prior to a public hearing before the Town Planning Commission and Town Council a notice of hearing shall be published in a least one issue of a newspaper of general circulation in Douglas County, Colorado. Publication of said notice shall be the responsibility of the applicant and shall read as follows:

N O T I C E

_____ has made application for a Use by Special Review on the following described property:

(DESCRIPTION OF LAND)

Notice is given that a hearing will be held on said application at the Town Hall in Larkspur, Colorado at _____, __.M. on [Weekday], [Month], [Day], 19__ before the Town Planning Commission. A further hearing will be held before the Town Council at the Town Hall in Larkspur, Colorado at _____, __.M. on [Weekday], [Month], [Day], 19__.

All interested parties may attend.

Date _____, 19__.

Town Clerk

Town of Larkspur

6. The applicant shall mail written notice of said hearings by certified mail, return receipt requested, at least fifteen (15) days prior to the hearing date before the Planning Commission to the owners of property adjoining and within 300 feet of the property for which the request for Use be Special Review has been requested. The names and addresses

for those properties affected shall be obtained from the current records of the County Assessor's Office. An alphabetical list of the property owners, the white postal receipts and the green returne receipts shall be provided to the Town at least five (5) days in advance of the advertised hearing date.

SECTION 5. The document entitled "Second Amended Final Site Plan, Colorado Renaissance Festival, Amending a portion of the Open Area to Communications Area", dated January 30, 1986, as subsequently Amended and all markings and notations thereon are made a part hereof as if fully set forth herein.

SECTION 6. Nothing in this ordinance shall be construed to affect any right, duty or liability under any ordinances in effect prior to the effective date of this ordinance, and the same shall be continued and concluded under such prior ordinances.

SECTION 7. It is hereby declared to be the intention of the Town Council that each and every part of this ordinance is severable, and if any term, phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance since the same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional or invalid term, phrase, clause, sentence, paragraph or section.

Introduced as an Ordinance at a regular meeting of the Town Council of the Town of Larkspur, Colorado, on the 3rd day of September, 1986 and passed by a vote of 4 for and one against, and ordered published.

Richard Graetz

Richard Graetz, Mayor Pro-Tem

ATTEST:

Carrie Trueblood

Carrie Trueblood, Town Clerk

W & ASSOCIATES, INC.
REGISTERED LAND SURVEYOR
105 WILCOX ST.
CASTLE ROCK, COLO. 80104
PHONE 688-4642

80-047

EXHIBIT "A"

PROPERTY DESCRIPTION

A tract of land situated in Section 33, Township 9 South, Range 67 West of the 6th Principal Meridian, Town of Larkspur, Douglas County, Colorado, more particularly described as follows:
Commencing at the Northwest corner of said Section 33 and considering the West line of said Section 33 to bear S 01 degrees 02'22"W with all bearings contained herein relative thereto;
Thence S 01 degrees 02'22"W along said West line a distance of 265.82 feet to a point on the South Right of Way line of County Road No. 60 and to the true point of beginning;
Thence S 43 degrees 41'21"E along said South Right of Way line a distance of 283.18 feet;
Thence S 52 degrees 54'24"E along said South Right of Way line a distance of 58.07 feet;
Thence S 89 degrees 32'46"E along said South Right of Way line a distance of 2920.63 feet;
Thence S 01 degrees 02'22"E a distance of 3533.84 feet;
Thence N 89 degrees 18'33"W a distance of 503.19 feet to the Southeast corner of the North 1/2 of the Southwest 1/4 of said Section 33;
Thence N 89 degrees 18'33"W a distance of 2663.58 feet to the Southwest corner of said North 1/2 of the Southwest 1/4;
Thence N 01 degrees 02'22"E along the West line of Section 33 a distance of 3758.62 feet to the true point of beginning;
Containing 257.068 acres, more or less.

EXHIBIT "B"
PROPERTY DESCRIPTION - Communicatⁿ Area

A tract of land situated in Section 33, Township 9 South, Range 67 West of the 6th Principal Meridian, Town of Larkspur, Douglas County, Colorado, more particularly described as follows:

Commencing at the Northwest corner of said Section 33;

Thence S 01°02'22"W along the West line of said Section 33 a distance of 3249.68 feet;

Thence S 88°57'38"E a distance of 803.54 feet to the point of beginning;

Thence N 52°59'01"E a distance of 330.00 feet;

Thence S 37°00'59"E a distance of 330.00 feet;

Thence S 52°59'01"W a distance of 330.00 feet;

Thence N 37°00'59"W a distance of 330.00 feet to the point of beginning;

Containing 2.50 acres, more or less.