

## ORDINANCE NO. 15

Series 2013

September 17, 2013: Introduced as Council Bill 14, Series 2013 by Councilor Scott Roswell, seconded by Councilor Russell Stewart and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

November 5, 2013: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

### A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING SECTION 16-16-130 OF CHAPTER 16 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE CONCERNING WIRELESS COMMUNICATION FACILITIES

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

WHEREAS, pursuant to its home rule authority and Article 23, Title 31 of the Colorado Revised Statutes, the City has authority to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City has adopted zoning and land use regulations codified in Chapter 16 of the Municipal Code; and

WHEREAS, at a duly noticed public meeting, the Cherry Hills Village Planning and Zoning Commission recommended an amendment to Section 16-16-130 of Chapter 16 to allow for temporary mobile wireless communication facilities in limited circumstances; and

WHEREAS, the City Council desires to adopt the recommendation of the Planning and Zoning Commission to amend Section 16-16-130 of the Code.

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

Section 1. Subsection (b), entitled *Definition*, of Section 16-16-130 of the Cherry Hills Village Municipal Code is hereby amended to add a new definition for *temporary mobile wireless communication facility* as another type of communication facility to be located within the definition of *Wireless communication facilities* to read as follows with additions shown in double underline:

*Temporary mobile wireless communication facility* means a wireless communication facility that is capable of being moved and consists of a cellular antenna tower and electronic radio transceiver equipment on a truck or trailer designed to provide expanded cellular network coverage or capacity.

Section 2. Subsection (d), entitled *Approval process*, of Section 16-16-130 of the Cherry Hills Village Municipal Code is hereby amended to add a new subsection (d)(4) to read as follows with additions shown in double underline:

(d) Approval process.

(4) Notwithstanding any provisions of this Section, the following procedures shall apply to the use of temporary mobile wireless communication facilities.

(i) Use of temporary mobile wireless communication facilities for television broadcasts or to increase capacity of a wireless network for major events may be approved through the major event permit process under Article XXI of this Chapter taking into consideration the general requirements/location and design criteria set forth in (c)(1), (11), (15), and (16), above.

(ii) Use of temporary mobile wireless communication facilities or television broadcast equipment in conjunction with federal, state or local emergencies, natural disasters, or similar major public interest events may be approved administratively by the City Manager or his or her designee subject to reasonable time limitations approved by the City Manager based on the nature, scope and duration of the emergency, disaster or similar public interest event.

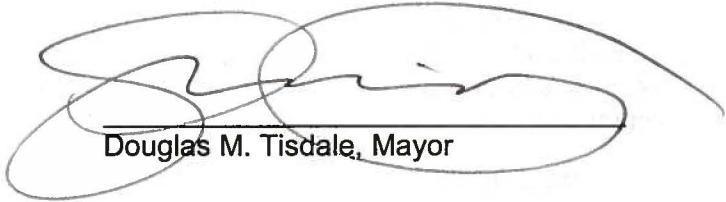
**Section 2. Severability.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining 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 be declared invalid.

**Section 3. Safety.** This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**Section 4. 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. 15, Series 2013, by the City Council of the City of Cherry Hills Village, Colorado this 5<sup>th</sup> day of November, 2013.

(SEAL)



Douglas M. Tisdale, Mayor

ATTEST:



Laura Smith, City Clerk

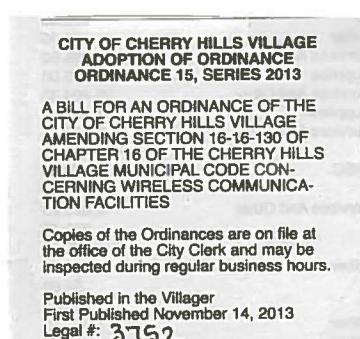
APPROVED AS TO FORM:



Linda Michow

Linda Michow, City Attorney

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