

TOWN OF TIMNATH, COLORADO

ORDINANCE NO. 11 - 2007

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 3, SECTION 16.3.11 (A) OF THE TIMNATH MUNICIPAL CODE ALLOWING FOR THE PLACEMENT OF WIRELESS TELECOMMUNICATION FACILITIES AND EQUIPMENT IN C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT) AND C-2 (COMMUNITY COMMERCIAL DISTRICT) ZONES WHEN SUCH PLACEMENT IS APPROVED BY THE TOWN COUNCIL

WHEREAS, Chapter 16, Article 3, Section 16.3.11 of the Timnath Municipal Code ("Code") addresses the zoning and use of wireless telecommunication services, facilities and equipment; and

WHEREAS, Section 16.3.11 (A) allows for the placement of wireless telecommunication services facilities in industrial zoning districts, I-1 or I-2; and

WHEREAS, in the continued commercial and economic growth of the Town of Timnath ("Town"), it may become necessary, useful or convenient to locate wireless telecommunication services facilities in zones other than I-1 or I-2; and

WHEREAS, the commercial districts C-1 and C-2 are logical zoning choices for the placement of wireless telecommunication services, facilities and equipment; and

WHEREAS, the Town Council of the Town of Timnath ("Council") recognizes such need for such flexibility; however, desires to remain involved in the placement of such services, facilities and equipment.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO ORDAINS:

The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

Section 1. Chapter 16, Article 3, Section 16.3.11 (A) is hereby amended to read in its entirety:

Permitted Zoning District. Wireless telecommunication facilities and equipment shall be permitted only in the industrial zoning districts (I-1 or I-2). The Council may permit wireless telecommunication services, facilities and equipment in commercial zoning districts (C-1 or C-2) upon request of the applicant where it is shown the commercial zoning district is the most desirable location for such facilities and equipment.

RECEPTION#: 20080037145, 06/10/2008 at
12:10:44 PM,
1 OF 2. R \$11.00 TD Pgs: 0
Scott Doyle, Larimer County, CO

✓ Town of Timnath
Town Clerk
4800 Goodman Street
Timnath, CO 80547

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Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.


Section 3. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 4. Effective Date. This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, SET FOR PUBLIC HEARING AND SECOND READING AT 7:00 P.M. ON JULY 18, 2007, AT THE TIMNATH TOWN HALL, 4100 MAIN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 11TH DAY OF JUNE, 2007.

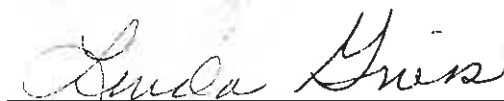
MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON THE 18th DAY OF JULY, 2007.

TOWN OF TIMNATH, COLORADO



Donna Benson, Mayor

ATTEST:



Linda Griess, Acting Town Clerk

