AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, REPEALING AND REENACTING CERTAIN SECTIONS OF THE CITY OF GUNNISON LAND DEVELOPMENT CODE RELATED TO TELECOMMUNICATIONS FACILITIES

WHEREAS, the City of Gunnison Land Development Code (LDC) contains certain provisions related to telecommunications facilities; and

WHEREAS, communication technologies continue to change and telecommunications providers intend to make application for installation of telecommunications facilities within the City; and

WHEREAS, upon review of the existing regulations, it was determined that the telecommunications facilities sections of the LDC needed to be revised to modernize the regulations; and

WHEREAS, the Community Development Director of the City of Gunnison has filed an application with the City of Gunnison, Colorado, seeking approval of a text to the LDC that would repeal existing telecommunications facilities’ provisions and enact new provisions consistent with state and federal law, and rename these facilities “Wireless Communications Facilities”; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the LDC, on March 27, 2019, which was continued to April 10, 2019; and

WHEREAS, Section 10.5 of the City of Gunnison Land Development Code states that approval of a text amendment to the LDC may only occur if the application meets all the Review Standards for Text Amendment; and

WHEREAS, the Planning and Zoning Commission considered the amendment to the LDC at a regular meeting on May 8, 2019, and recommends approval of the same. Therefore, staff requests Council to approve the repealing of Sections 3.10 and 3.11 that are related to Telecommunications Facilities, the reenactment of Section 3.16 and amendments to Section 16 Definitions within the LDC in the form incorporated herein as Attachment A; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the text amendment application to the LDC on May 28, 2019; and

WHEREAS, the City Council finds that the amendment, in its entirety, is in the best interests of the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO:

Section 1. City of Gunnison Land Development Code, Sections: 2.4 Principal Use Table, repealing of Sections 3.10 and 3.11 that are related to Telecommunications Facilities and the reenactment of Section 3.16 amendments and amendments to Section 16 Definitions, is hereby adopted in the form attached hereto as Attachment A and incorporated herein.

Section 2. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the City Council of the City of Gunnison, Colorado, that the remaining provisions of this ordinance shall be given full force and effect if it is possible to do so.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 28th day of May, 2019, on first reading, and introduced, read, and adopted on second and final reading this 11th day of June, 2019.
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