

ORDINANCE 08-02

AN ORDINANCE
OF THE CITY OF CASTLE PINES NORTH

ADOPTING DOUGLAS COUNTY LAND USE REGULATIONS ON AN INTERIM BASIS, INCLUDING THE DOUGLAS COUNTY ZONING RESOLUTION, ZONE DISTRICT MAP, DEVELOPMENT PLANS, SUBDIVISION RESOLUTION, BUILDING CODES AND MASTER PLAN, TO THE EXTENT APPLICABLE TO LAND LOCATED WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF CASTLE PINES NORTH AND ZONING ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THE CITY BY ADOPTING THE CURRENT ZONING.

WHEREAS, the District Court of Douglas County entered an order approving the election and approving the petition for incorporation of the City of Castle Pines North on December 14, 2007; and,

WHEREAS, a city council for the City ("City Council") was elected on February 12, 2008 and sworn in on March 10, 2008; and,

WHEREAS, Douglas County (the "County") has land use authority over land located within the municipal boundaries of the City pursuant to C.R.S. § 31-2-108; and,

WHEREAS, City Council has appointed a zoning commission but has not created a planning commission; therefore, pursuant to section 31-23-227, C.R.S., City Council desires to assume and exercise any power granted to or duly placed upon a municipal planning commission pursuant to Title 31, Article 23, Part 2 of the Colorado Revised Statutes until such time as the City Council creates a planning commission; and

WHEREAS, City Council desires to cause land use authority to be transferred from the County to the City; and,

WHEREAS, City Council desires that any and all land use applications for land located within the municipal boundaries of the City currently in process with the County which will not be processed by the County prior to April 23, 2008 (the "Land Use Applications") be transferred to the City; and,

WHEREAS, the City shall instruct that the County transfer to the City all files pertaining to the Land Use Applications; and,

WHEREAS, City Council desires to adopt, on an interim basis, until such time as the City adopts its own code and procedures, the County's land use codes, regulations and approval procedures, specifically the Douglas County Zoning Resolution, Zone District Map, the Development Plans (as that term is defined below), 2003 International Residential Code, 2003 International Building Code, 2003 International Plumbing Code, 2003 International Mechanical Code, 2003 International Fire Code, 2003 International Fuel Gas Code, 2005 National Electrical Code, Residential Energy Code as adopted by Resolution No. R-991-127 and Subdivision Resolution (collectively, the "County Code"), and the Douglas County Comprehensive Master Plan (the "Master Plan"), to the extent the County Code and Master Plan apply to land located within the municipal boundaries of the City; and,

WHEREAS, "Development Plans," as used herein, means collectively, (i) the Castle Pines North Development Guide dated September 1988 (as amended by the 4th Amendment, 9th

Amendment, 10th Amendment, 11th Amendment and the amendment recorded at reception number 99065719), (ii) the Castle Pines North Development Plan - Eleventh Amendment and Castle Pines North Trails Plan - Eighth Amendment, (iii) the Green Valley Development Guide dated March 1985 (as amended by the 2nd Amendment), (iv) the Green Valley Development Plan – First Amendment, and (v) the Romar West Development Plan – First Amendment and Romar West Wildlife Buffer/Landscape Plans; and,

WHEREAS, the City's adoption of the County Code and Master Plan shall exclude any and all concurrency management regulations and similar regulations as further determined by City Council by ordinance to be inapplicable and any provisions not related or relevant to land located within the municipal boundaries of the City; and,

WHEREAS, City Council has determined that the penalties set forth below (the "Penalty Regulations") should apply to any violation of the County Code, as adopted by the City.

(i) Violations. No land in the City shall be used, nor any building or structure erected, constructed, enlarged, altered, maintained, moved or used in violation of the County Code, as adopted and/or amended by the City. The City Council, through the office of the City Attorney, may initiate legal proceedings in accordance with applicable statutes, regulations, civil and criminal procedures to enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use, in addition to any other remedies provided by law, including without limitation proceedings in accordance with C.R.S. §§ 31-23-308 and 31-23-216.5;

(ii) Penalties. It is unlawful to violate any provisions of this ORDINANCE 08-02. Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, who violates any of the provisions of the County Code, as adopted and/or amended by the City, or any landowner who allows the use of his land by another in violation of the County Code, as adopted and/or amended by the City, shall be fined an amount not to exceed \$1,000.00 for each such violation, such fine to inure to the City, or by imprisonment in the county jail for not more than 10 days, or by both such fine and imprisonment. Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense;

(iii) Damages and Abatement. In any civil or criminal action brought to enforce the County Code, as adopted and/or amended by the City, the Office of the City Attorney may request a court order authorizing the City to abate any violation of the County Code, as adopted and/or amended by the City, at the expense of the violator. The violator shall be granted a reasonable period of time in which to correct such violation before the City may abate the violation. The cost of abatement shall be supported by competent evidence and reduced to judgment in the same action in a hearing before the court; and,

WHEREAS, City Council held a public hearing on this ordinance on April 23, 2008; and,

WHEREAS, a copy of this ORDINANCE 08-02 has been published in the Douglas County News-Press and a notice of the title of this ORDINANCE 08-02 shall be published following approval in a newspaper of general circulation as required by C.R.S. § 31-16-105; and,

WHEREAS, the Zoning Commission has submitted to Council a final report recommending approval of this ORDINANCE 08-02 pursuant to C.R.S. § 31-23-306 following a public hearing held on April 23, 2008; and,

WHEREAS, City Council finds that approval of this ordinance is in the best interest of the public and advances the general welfare of the inhabitants of the City and is necessary due to the operation of C.R.S. § 31-2-108; and,

WHEREAS, City Council finds it necessary for the immediate preservation of public health and safety for the City to obtain authority over the land use approval process, and as such, this ORDINANCE 08-02 shall be immediately effective as an emergency ordinance pursuant to C.R.S. § 31-16-105.

NOW, THEREFORE, BE IT ORDAINED By The City Council of The City of Castle Pines North, Colorado, that:

SECTION 1. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

SECTION 2. City Council finds that the City should adopt, on an interim basis, the County Code and Master Plan, until such time as the City adopts its own land use regulations and approval processes. Said adoption shall exclude any and all concurrency management regulations and similar regulations as further determined by City Council by ordinance to be inapplicable, as well as any provisions not related or relevant to land located within the municipal boundaries of the City.

SECTION 3. City Council hereby adopts and approves the County Code and Master Plan, subject to the modifications herein described, to the extent the County Code and Master Plan apply to land located within the municipal boundaries of the City.


SECTION 4. City Council hereby zones all property located within the boundaries of the City in accordance with the County Zone District Map, the relevant portions of which are attached hereto as Exhibit A and incorporated herein by reference, as Castle Pines North Planned Development, Green Valley Planned Development, Romar West Planned Development, business, estate residential and agriculture districts, as indicated on Exhibit A.

SECTION 5. City Council hereby adopts and approves the Penalty Regulations.

SECTION 6. City Council hereby approves immediate request and acceptance by the City of any and all Land Use Applications and related files from the County.

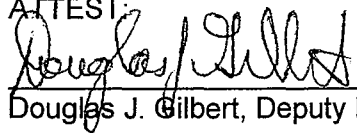
SECTION 7. Pursuant to section 31-23-227, C.R.S., City Council hereby assumes and may exercise any power granted to or duly placed upon a municipal planning commission pursuant to Title 31, Article 23, Part 2 of the Colorado Revised Statutes until such time as the City Council creates a planning commission.

SECTION 8. The City Council hereby finds that this ordinance is necessary for the immediate preservation of the public health and safety because the County's land use authority will automatically expire on May 12, 2008 pursuant to C.R.S. § 31-2-108(1)(a) and the City desires to have land use regulations in effect prior to such expiration. This ordinance shall take effect immediately as an emergency ordinance to preserve public health and safety pursuant to C.R.S. § 31-16-105.


Maureen A. Shul, Mayor

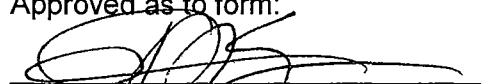
I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Castle Pines North City Council on March 26, 2008; published in full in the Douglas County News Press on April 10, 2008; set for public hearing on April 23, 2008; read, finally passed and adopted by the City Council on April 23, 2008.

ATTEST:



Douglas J. Gilbert, Deputy Interim City Clerk

Approved as to form:



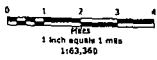
Erin M. Smith, City Attorney

DOUGLAS COUNTY ZONE DISTRICT MAP

- A1 - AGRICULTURAL ONE
- LRR - LARGE RURAL RESIDENTIAL
- RR - RURAL RESIDENTIAL
- ER - ESTATE RESIDENTIAL
- SR - SUBURBAN RESIDENTIAL
- MF - MULTIFAMILY
- LSB - LIMITED SERVICE BUSINESS
- B - BUSINESS
- C - COMMERCIAL
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- POU - PLANNED DEVELOPMENT (URBAN)
- PONU - PLANNED DEVELOPMENT (NONURBAN)
- OS - OPEN SPACE (ZONED)

- INCORPORATED TOWNS
- PARKS OIA OVERLAY DISTRICT
- CASTLE ROCK OIA OVERLAY DISTRICT
- CENTRAL VALLEY FOREST REVIEW AREA - OVERLAY DISTRICT
- PINE NATIONAL FOREST
- WILDS AND RECREATION AREAS
- PARCELS
- DOUGLAS COUNTY BOUNDARY
- TOWNSHIPS
- SECTIONS
- QUARTER SECTIONS
- TOWNSHIPS BOUNDARIES
- TOWN BOUNDARIES
- WATER SUPPLY OVERLAY DISTRICT
- FIRE-PLANT FURNISH A
- MARGON AT CENTRAL BASIN
- MARGON AT CENTRAL BASIN
- MARGON AT MASON R

SOURCE OF INFORMATION:
 REGIONAL MAP SERVICE
 BY DOUGLAS COUNTY
 DEPARTMENT OF PLANNING
 & COMMUNITY DEVELOPMENT
 MAY 2006 (REVISED)
 (01) 1/07/06



DISCLAIMER
 All data on this map were obtained from public records and are believed to be correct. However, the user of this map should verify the accuracy of the data for their own purposes. The user of this map should also be aware that the map is a simplified representation of the actual conditions on the ground and should not be used for legal purposes. The user of this map should also be aware that the map is a simplified representation of the actual conditions on the ground and should not be used for legal purposes. The user of this map should also be aware that the map is a simplified representation of the actual conditions on the ground and should not be used for legal purposes.

