

ORDINANCE NO. 09-11

INTRODUCED BY:

Councilperson Havercroft

Councilperson Hoffman

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES NORTH
AMENDING PROVISIONS OF THE ZONING ORDINANCE PREVIOUSLY ADOPTED
UNDER ORDINANCE NO. 08-04 AND DECLARING AN EMERGENCY**

WHEREAS, the City of Castle Pines North (the "City") is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

WHEREAS, in accordance with the authority under Title 31, Article 23, the City Council enacted Ordinance No. 08-04 which adopted the Douglas County Zoning Resolution and associated Zoning Map as the City's Zoning Ordinance ("Zoning Ordinance"); and

WHEREAS, in furtherance of the public health, safety and welfare of the inhabitants of the City, the City Council desires to amend certain provisions of the Zoning Ordinance in order to create procedures and policies that suit the needs and requirements of a City rather than a County local government; and

WHEREAS, the City Council finds that this Ordinance is necessary to the immediate preservation of the public health and safety in that the City has received and expects to receive land use applications that should be required to conform with the proposed text changes to the Zoning Ordinance in order to establish clear standards for review and processing of such land use applications.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines North, Colorado:

Section 1. The Zoning Ordinance is hereby amended in its entirety to substitute the following "current terminology" references for the new terminology identified under the "Change to" column:

Current Terminology:	Change to:
Board of County Commissioners/Board	City Council
Zoning Resolution	Zoning Ordinance
This Resolution	This Ordinance
Douglas County/County	City of Castle Pines North/City
14 days (only in context of public notice requirements)	15 days
Unincorporated area of Douglas County	City

Section 2. Section 1 of the Zoning Ordinance, titled Administrative Provisions and Procedures, is hereby amended as follows:

Subsection 110, titled Effective Date of Zoning Ordinance Amendments, is hereby amended to read in full as follows:

Amendments approved by the City Council shall become effective in accordance with the legal requirements for the adoption, publication and effectiveness of ordinances.

Subsection 122, titled Effective Date, is hereby amended to read in full as follows:

This Ordinance was adopted and is effective as of May 20, 2008.

Section 3. Section 2 of the Zoning Ordinance, titled General Requirements and Exceptions, is hereby amended as follows:

Subsection 202, titled Overlay Districts, is hereby amended to remove the last two references to “Parker IGA Overlay District” and “Castle Rock IGA Overlay District”.

Section 4. Section 15 of the Zoning Ordinance, titled Planned Development Districts, is hereby amended as follows:

Subsection 1502.01 (untitled) is hereby amended to remove the references to “Parker IGA-Overlay District” and “Castle Rock – Overlay District” from the list of sections to which Planned Developments must conform.

Subsection 1503.10 (untitled) is hereby amended to delete the following text in its entirety:

For proposed residential uses, the determination of compliance with the criteria set forth in Subsections 1503.04 and 1503.07 herein shall be consistent with the procedures and criteria established in the Concurrency Management Resolution.

Subsection 1507.12 (untitled) is hereby amended to delete the references to “Denver Regional Council of Government’s Metro Vision 2020 Plan” and “1041 Regulations regarding New Communities”.

Subsection 1511.01, titled Written Notice, is hereby amended to add the underlined text in the last paragraph to read in full as follows:

In the event the applicant fails to mail a notice to an abutting landowner or otherwise fails to comply with the written notice required in this Section,

the landowner who did not receive such complying notice may waive such notice by submitting a written waiver to the City prior to the hearing. or notice shall be deemed waived where an abutting landowner appears at the public hearing.

Section 5. Section 25 of the Zoning Ordinance, titled Rezoning, is hereby amended as follows:

Subsection 2502.07 (untitled) is hereby amended to delete the following text:

For proposed residential uses, the determination of compliance with the criteria set forth in Subsections 2502.04 and 2502.07 herein shall be consistent with the procedures and criteria established in the Concurrency Management Resolution, described in Section 2512 herein.

Subsection 2505.07, titled Concurrency Data Form, is hereby amended to delete the following text:

Concurrency Data Form (per Concurrency Management Resolution) for rezonings that cause a net increase in the number of dwelling units. In order to avoid duplication, any required information for residential uses relating to public facilities and services may be included in the Project Summary, or Concurrency Data Form. Such information shall be in addition to other information that may be required pursuant to the Concurrency Management Resolution.

Subsection 2506.12 (untitled) is hereby amended to delete the references to “Denver Regional Council of Government’s Metro Vision 2020 Plan” and “1041 Regulations regarding New Communities”.

Severability. Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

Repeal of Previous Ordinances. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Emergency Declared. The City Council finds that this Ordinance is necessary to the immediate preservation of the public health and safety in that the City has received and expects to receive land use applications that should be required to conform with the proposed text changes to the

Zoning Ordinance in order to establish clear standards for review and processing of such land use applications.

Effective Date. This Ordinance shall become effective immediately upon adoption following second reading.

INTRODUCED, READ, AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 23rd day of July, 2009.

READ, AND PASSED, AND ADOPTED ON SECOND READING AS AN EMERGENCY ORDINANCE, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 10th day September, 2009.

CITY OF CASTLE PINES NORTH:




David Neely, Mayor Pro-Tem

Approved as to form:



Linda C. Michow, City Attorney

ATTEST:



Janie Berry, City Clerk

CERTIFICATION OF PUBLICATION

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 July 23, 2009; published in full in the *Douglas County News-Press*; and finally passed and adopted by the City Council on September 10, 2009 following a duly notice public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on October 1, 2009.

ATTEST:



Janie Berry, City Clerk