

**CITY OF CASTLE PINES, COLORADO  
ORDINANCE 17-01**

**AN ORDINANCE OF THE CITY OF CASTLE PINES, COLORADO  
AMENDING SECTION 26, CONCERNING THE BOARD OF  
ADJUSTMENT AND VARIANCE PROCEDURES, AND SECTION 33,  
CONCERNING THE PLANNING COMMISSION, OF THE ZONING  
ORDINANCE OF THE CITY OF CASTLE PINES TO INCREASE  
MEMBERSHIP**

**WHEREAS**, the City of Castle Pines (“City”) has adopted, by Ordinance No. 08-02, as amended by Ordinance No. 08-04, zoning and subdivision regulations based on the regulations adopted by Douglas County, Colorado referred to herein as the City of Castle Pine Zoning Ordinance (“Zoning Ordinance”); and

**WHEREAS**, pursuant to the authority in Article 23 of Title 3 of the Colorado Revised Statutes, the City Council has established a five member combined planning and zoning commission and a board of adjustment (together, the “Board”) as codified in the City’s Zoning Ordinance; and

**WHEREAS**, due to an increased level of community interest in serving on the Board, the City Council desires to increase the membership of the Board from five to seven members and to include the alternate member as a regular member of the seven member Board; and

**WHEREAS**, in accordance with Section 109 of the Zoning Ordinance, the proposed amendment to the Zoning Ordinance has been referred to the Board, which has submitted its recommendation to the City Council; and

**WHEREAS**, in accordance with Sections 109 and 111 of the Zoning Ordinance, notice of each public hearing before the Board and the City Council to consider the proposed amendment to the Zoning Ordinance as described in this Ordinance was duly published at least fifteen (15) days prior to each such hearing.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:**

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

**Section 2.** Subsection 2602.02, titled *Composition and Appointments*, of Section 2602, titled *Board of Adjustment*, of the City of Castle Pines Zoning Ordinance, is hereby amended to read in full as follows:

2602.02        Composition and Appointments.

The Board shall consist of seven members, four of whom shall serve a three year term and three of whom shall serve a two year term. Any member serving as an alternate pursuant

to Ordinance No. 10-07 shall be deemed a regular member of the Board as of February 14, 2017, without further action by City Council. Members of the Board shall be residents of the City and shall be appointed at large. Members of the Board shall not be members of the City Council. Members of the Board may serve individually or collectively on the Planning and Zoning Commission. Board members may be paid a meeting stipend subject to and as set by City Council resolution. The Board shall adopt bylaws and rules of procedure, based on those in effect for the City Council, to govern its responsibilities of officers, procedures and rules for meetings and public hearings, requirements for applications for consideration, requirements for re-submittal of applications, if desired, and other internal operations, all in accordance with applicable state statute and this Section.

**Section 3.** Subsection 2602.03, titled *Quorum and Required Vote*, of Section 2602, titled Board of Adjustment, of the City of Castle Pines Zoning Ordinance, is hereby amended to read in full as follows

2602.03 Quorum and Required Vote.

A quorum of the Board shall consist of four members. A concurring vote of a majority of the quorum of Board members shall be necessary to reverse any order, requirement, decision or determination of any City official charged with the enforcement of any Zoning Ordinance or PD establishing document adopted by the City or to grant a variance or otherwise decide in favor of an applicant on any matter considered by the Board under the provisions of Colorado law or this Zoning Ordinance.

**Section 4.** Subsection 3301.02, titled *Composition and Appointments*, of Section 3301, titled *Intent*, of the City of Castle Pines Zoning Ordinance, is hereby amended to read in full as follows:

3301.02 Composition and Appointments.

The Commission shall consist of seven members, four of whom shall serve a three year term and three of whom shall serve a two year term. Any member serving as an alternate pursuant to Ordinance No. 10-07 shall be deemed a regular member of the Commission as of February 14, 2017, without further action by City Council. Members of the Commission shall be residents of the City and shall be appointed at large. Members of the Commission shall not be members of the City Council. Members of the Commission may serve individually or collectively on the Board of Adjustment. Commission members may be paid a meeting stipend subject to and as set by City Council resolution. The Commission may adopt bylaws and rules of procedure, based on those in effect for the City Council, to govern its responsibilities of officers, procedures and rules for meetings and public hearings, requirements for applications for consideration, requirements for re-submittal of applications, if desired, and other internal operations, all in accordance with applicable state statute and this Section.

**Section 5.** Subsection 3301.03, titled *Quorum and Required Vote*, of Section 3301, titled *Intent*, of the City of Castle Pines Zoning Ordinance, is hereby amended to read in full as follows:

3301.03 Quorum and Required Vote.

A quorum of the Commission shall consist of four members. A concurring vote of a majority of the quorum of Commission members shall be necessary to make recommendations on any land use applications and for other planning and zoning matters before the Commission. A concurring vote of five (5) members of the Commission shall be necessary to adopt by resolution the City's Comprehensive Plan, or any amendments thereto, subject to ratification of such Plan by the City Council.

**Section 6. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.


**Section 7. Effective Date.** This Ordinance shall become effective thirty days after publication following final passage.

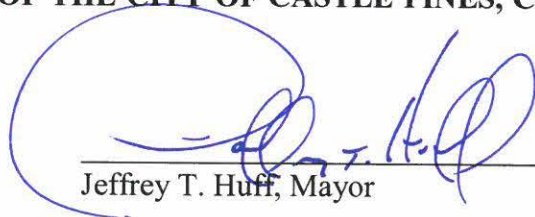
**INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 10<sup>TH</sup> DAY OF JANUARY, 2017.**

**READ, PASSED AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THE 14<sup>TH</sup> DAY OF FEBRUARY, 2017.**




ATTEST:

  
Sharon Washington, CMC, City Clerk

  
Jeffrey T. Huff, Mayor

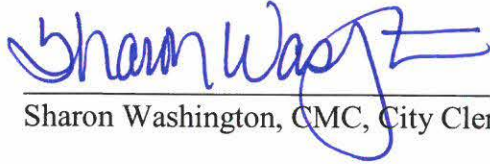
Approved as to form:

  
Linda C. Michow, City Attorney

### CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a duly noticed public meeting of the Castle Pines City Council on January 10, 2017; and finally passed and adopted by the City Council on February 14, 2017 following a duly noticed public hearing and ordered published by title only, with amendments if any, one time in the *Denver Post* on January 12, 2017.

ATTEST:



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Sharon Washington, CMC, City Clerk