

ORDINANCE NO. 22-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, ESTABLISHING A TEMPORARY MORATORIUM ON APPROVAL OF LAND USE APPLICATIONS AND BUSINESS LICENSE APPLICATIONS FOR BODY ART SERVICES, JUNK YARDS, AND VAPE SHOPS IN ALL ZONING DISTRICTS OF THE CITY AND DECLARING AN EMERGENCY

WHEREAS, the City of Castle Pines (the “City”) is a home rule municipality authorized to exercise its police powers to promote and protect the public health, safety and welfare; and

WHEREAS, the City, through its staff and consultants, is actively drafting new land use regulations to be codified in a Unified Land Development Code for the City to update and replace the City’s current Zoning Ordinance (“ULDC”); and

WHEREAS, the ULDC proposes to prohibit certain uses in all zoning districts of the City, including body art services, junk yards, retail marijuana establishments, medical marijuana businesses, short-term rentals, and vape shops; and

WHEREAS, the City’s current Zoning Ordinance already prohibits retail marijuana establishments, medical marijuana businesses, and short-term rentals within the City but does not address body art services, junk yards, and vape shops (together, the “Prohibited Uses”), as those terms are defined in this Ordinance; and

WHEREAS, the City anticipates that applications for the Prohibited Uses will be submitted to the City prior to the formal adoption of the ULDC; and

WHEREAS, the City Council finds that a temporary moratorium until and including February 14, 2023 on the City’s acceptance of land use and business license applications for the Prohibited Uses in all City zoning districts is necessary to provide the City a period of time to complete and adopt the new Unified Land Development Code setting forth regulations concerning the Prohibited Uses and that such moratorium will best preserve the health, peace, and safety of the City.

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

Section 1. Recitals. The foregoing recitals are hereby adopted as findings of the City Council and are incorporated herein by this reference.

Section 2. Moratorium. No applications or requests for City approval of land use applications under the City’s Zoning Ordinance or business license applications under Chapter 6 of the Castle Pines Municipal Code for the establishment of new body art services, junkyards, or vape shops within any zoning district of the City shall be accepted, reviewed, considered, or approved until such time as this Ordinance is terminated or repealed, unless otherwise expressly provided in this Ordinance. The provisions of this Ordinance are temporary in nature and are intended to be replaced or repealed by a subsequent legislative enactment. The temporary

moratorium established by this Ordinance shall automatically terminate and this Ordinance shall automatically be repealed as of **11:59 p.m. on February 14, 2023** unless terminated earlier by City Council or extended in its duration by the enactment of another ordinance. Nothing contained in this Ordinance shall be construed to limit or preclude the City Council from terminating, repealing, modifying, or amending this Ordinance prior to the date and time of expiration and repeal set forth in this section.

Section 3. **Definitions.** The following definitions shall apply for purposes of the temporary moratorium established by this Ordinance:

- A. “Body art service” means an establishment whose principal business activity is performing body piercing, scarification, tattooing, and other similar permanent or semi-permanent services on humans.
- B. “Junk yard” means a building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials.
- C. “Vape Shop” means a business whose sales of vape juice, vape-related products, or both constitute at least twenty-five percent (25%) of the business’s aggregate retail sales. This use includes the sale of e-cigarettes.

Section 4. **Preservation of Status Quo and Violation.** Any person or entity that has received a land use approval, building permit, or business license from the City prior to the effective date of this Ordinance may continue to rely on such approvals, permits, or licenses throughout the term of this Ordinance. Any person who violates this Ordinance may be subject to the general penalty provisions set forth in Chapter 1, Article 4 of the Castle Pines Municipal Code and to enforcement action in Municipal Court.

Section 5. **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, in accordance with Section 6.8 of the Charter. If this Ordinance does not pass as an emergency ordinance with the required three-fourths affirmative vote of all members of City Council but is nonetheless approved by majority vote, it shall be deemed effective as a regular ordinance with the emergency clause deemed severed from the other provisions of the Ordinance.

Section 6. **No Existing Violation Affected.** Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 7. **Emergency.** This Ordinance is necessary for the immediate preservation of the public peace, health, and safety because of the potential for the City to receive land use and

business license applications for the establishment of Prohibited Uses within the City prior to the City’s adoption of a new Unified Land Development Code.

Section 8. Publication and Effective Date. This Ordinance shall be effective immediately upon adoption, if approved as an emergency measure. If this Ordinance is approved as a non-emergency ordinance, it shall be effective thirty (30) days after final publication on the City’s official website and posting at the City Clerk’s office pursuant to Section 1-3-40 of the Municipal Code, and the City Clerk is directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter.

INTRODUCED, READ, PASSED, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES THE 25TH DAY OF JANUARY, 2022 BY AN AFFIRMATIVE VOTE OF THREE-FOURTHS (3/4) OF THE MEMBERS OF CITY COUNCIL PRESENT. A PUBLIC COMMENT PERIOD DURING A REGULAR OR SPECIAL CITY COUNCIL MEETING SHALL BE HELD WITHIN THIRTY (30) DAYS FOLLOWING THE ADOPTION OF THIS ORDINANCE FOR THE SOLE PURPOSE OF PROVIDING AN OPPORTUNITY FOR PUBLIC COMMENT.



ATTEST:
DocuSigned by:
Tobi Duffey
AD03A3B02032499...
Tobi Duffey, CMC, City Clerk

DocuSigned by:
Tracy Engerman
10952120594545A...
Tracy Engerman, Mayor

Approved as to form:
DocuSigned by:
Linda C. Michow
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Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced, read, and adopted as an emergency ordinance on January 25, 2022; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of the ordinance is available through the City Clerk’s office and on the City’s official website.”

ATTEST:
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Tobi Duffey
AD03A3B02032499...
Tobi Duffey, CMC, City Clerk