

ORDINANCE NO. 22-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, AMENDING SECTIONS 2-6-20 AND 2-7-20 OF THE CITY OF CASTLE PINES MUNICIPAL CODE, CONCERNING THE COMPOSITION AND APPOINTMENTS OF THE BOARD OF ADJUSTMENT AND PLANNING COMMISSION

WHEREAS, the City Council (“Council”) of the City of Castle Pines (the “City”) is authorized under its home rule charter to establish a board of adjustment and a planning commission, and to confer upon the same such powers and duties as Council deems advisable; and

WHEREAS, Council has heretofore established a board of adjustment (the “Board”) and a planning commission (the “Commission”) and conferred upon the same such powers and duties as are more particularly described in the City Zoning Ordinance and Chapter 2 of the City Municipal Code (the “Municipal Code”); and

WHEREAS, Council desires to revise Sections 2-6-20 and 2-7-20 of the Municipal Code to: (1) establish a uniform commencement date of terms for Board and Commission members; (2) provide additional criteria for appointment; and (3) impose term limits for Board and Commission members, as more particularly provided herein; and

WHEREAS, Council finds that this Ordinance is in the best interest of the public health, safety, and welfare of the inhabitants of the City; and

WHEREAS, City Council conducted a public hearing, with proper notice provided, to consider adoption of this Ordinance as required by law.

THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, ORDAINS:

Section 1. Section 2-6-20 of the Municipal Code, titled “Composition and appointments,” is hereby repealed and re-enacted to read in full as follows:

Sec. 2-6-20.- Composition; term; appointment; stipend; governance.

(a) **Composition.** The Board shall consist of seven (7) members who shall be residents of the City and appointed at large. In selecting board members, City Council should consider candidates who possess a diverse mix of interest or professional experience in finance, engineering, land development, real estate, architecture, landscape architecture, or other closely related fields. However such experience is not required to serve. Members of the Board shall not be members of the City Council. Members of the Board may serve individually or collectively on the Planning Commission.

(b) **Term; term limit.** The term of appointment for each member shall be three years and shall always commence on March 1 of the relevant year; except that Council may stagger such terms so that

no more than three (3) members' terms end in any given year. Board members may serve a maximum of two (2) consecutive three (3) year terms.

- (c) Appointment. City Council may establish by resolution a policy to guide the appointment and reappointment process.
- (d) Stipend. Board members may be paid a meeting stipend subject to and as set by City Council resolution.
- (e) Governance. 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 resubmittal of applications, if desired, and other internal operations, all in accordance with applicable state statutes and this Section.

(f)

Section 2. Section 2-7-20 of the Municipal Code, titled "Composition and appointments," is hereby repealed and re-enacted to read as follows:

Sec. 2-7-20.- Composition; term; appointment; stipend; governance.

- (a) Composition. The Commission shall consist of seven (7) members who shall be residents of the City and appointed at large. In selecting Commission members, City Council should consider candidates who possess a diverse mix of interest or professional experience in finance, engineering, land development, real estate, architecture, landscape architecture, or other closely related fields. 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.
- (b) Term; term limit. The term of appointment for each member shall be three years and shall always commence on March 1 of the relevant year; except that Council may stagger such terms so that no more than three (3) members' terms end in any given year. Commission members may serve a maximum of two (2) consecutive three (3) year terms.
- (c) Appointment. City Council may establish a policy to guide the appointment and reappointment process by resolution.
- (d) Stipend. Commission members may be paid a meeting stipend subject to and as set by City Council resolution.
- (e) Governance. The Commission 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 resubmittal of applications, if desired, and other internal operations, all in accordance with applicable state statutes and this Section.

Section 3. 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.

Section 4. 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 5. 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.

Section 6. Codification Amendments. The codifier of the City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Castle Pines Municipal Code.

Section 7. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Castle Pines, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 8. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter. This Ordinance 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.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THE 24th DAY OF MAY, 2022.

READ, PASSED, AND ADOPTED ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, THE 14th DAY OF JUNE, 2022.



ATTEST:

DocuSigned by:
Tobi Duffey
AD03A3B02032496...
Tobi Duffey, CMC, City Clerk

DocuSigned by:
Tracy Engerman
10062126694545A...
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 and read on first reading on May 24, 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 with second reading and public hearing to be held on June 14, 2022”; and finally passed and adopted by the City Council on June 14, 2022, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on May 25, 2022.

ATTEST:

DocuSigned by:

AD03A3B02032489
Tobi Duffey, CMC, City Clerk