

ORDINANCE 08-10

INTRODUCED BY:
Councilperson Hoffman
Councilperson Havercroft

**ORDINANCE OF THE CITY COUNCIL
OF
THE CITY OF CASTLE PINES NORTH
AUTHORIZING AMENDMENT OF THE MASTER PLAN BY RESOLUTION
AND CLARIFYING ITS INTENT REGARDING CERTAIN PROVISIONS OF THE
DOUGLAS COUNTY ZONING RESOLUTION WHICH ARE INAPPLICABLE TO
LAND WITHIN THE CITY**

WHEREAS, by Ordinance 08-04 the City Council adopted, on an interim basis, the Douglas County 2030 Comprehensive Master Plan (the "Master Plan"), until such time as the City adopts its own land use regulations and approval processes, to the extent the Master Plan applies to land located within the municipal boundaries of the City; and

WHEREAS, the City Council by this ordinance adopts its own approval process for adopting a new master plan or modifying the interim Master Plan, which approval process shall control over the process set forth in Section 11 of the Master Plan; and

WHEREAS, section 31-23-208, C.R.S., authorizes a planning commission of a municipality to adopt a master plan or an amendment of, extension of or addition to a master plan by resolution; and

WHEREAS, pursuant to Ordinance 08-04, the City Council has assumed 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; and

WHEREAS, the City Council wishes to authorize the modification of the Master Plan by resolution, rather than Ordinance, pursuant to section 31-23-208, C.R.S.; and

WHEREAS, by Ordinance 08-04 the City Council adopted the Douglas County Zoning Resolution (the "Zoning Resolution") on an interim basis, until such time as the City adopts its own land use regulations and approval processes. The adoption excluded "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;" and

WHEREAS, certain definitions and sections 19A and 19B of the Zoning Resolution are inapplicable to land located within the municipal boundaries of the City because they impose restrictions which arise from intergovernmental agreements between Douglas County and other municipalities, and the City of Castle Pines North is not a party to those agreements and the City Council's intent in adopting the Zoning Resolution was to exclude sections 19A and 19B; and

WHEREAS, City Council finds it necessary for the immediate preservation of public health and safety for the City to adopt this Ordinance 08-10 in order to clarify requirements applicable to landowners within the City, and as such, this Ordinance 08-10 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 City Council hereby authorizes the Master Plan to be modified or replaced from time to time by resolution duly adopted by the City Council or by a duly created planning commission of the City of Castle Pines North. The requirements for amendment of the Master Plan shall be those set forth in Sections 31-23-206 and 31-23-208, C.R.S., rather than those contained in Section 11 of the Master Plan.

Section 2. The City Council of the City of Castle Pines North hereby clarifies its intent that Sections 19A and 19B of the Zoning Resolution are inapplicable and not relevant to land located within the municipal boundaries of the City.


Section 3. The City Council of the City of Castle Pines North hereby clarifies its intent that the definition of Public School contained in the Zoning Resolution shall mean and is hereby amended to read as follows:

Public School: Elementary schools, middle schools, or high schools and charter schools, capital equipment provided therein and the land needed therefor.

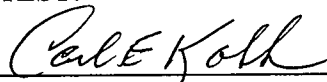
Section 4. The City Council hereby finds, determines and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health or safety in order to clarify requirements applicable to landowners within the City, and the Ordinance shall be in full force and effect after publication and final passage as by law provided.

INTRODUCED, READ AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINE NORTH, COLORADO the 30th day of July, 2008.

READ, PASSED AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO, the 19th day of August, 2008.

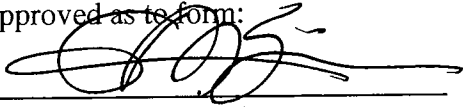

Maureen A. Shul, Mayor

ATTEST:



Carl E. Kollmar, City Clerk

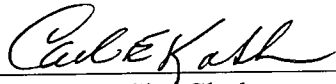
Approved as to form:

A handwritten signature in black ink, appearing to be 'ES', written over a horizontal line.

Erin M. Smith, 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 regular meeting of the Castle Pines North City Council on July 30, 2008; published in full in the Douglas County News-Press; and finally passed and adopted by the City Council on August 19, 2008.



Carl E. Kollmar, City Clerk