

**CITY OF CENTRAL, COLORADO
ORDINANCE 13-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO ESTABLISHING THE INITIAL ZONING OF PROPERTY
KNOWN AS THE IOWA LODGE MINING CLAIM AS MEDIUM-DENSITY
RESIDENTIAL (MDR) AND AMENDING THE OFFICIAL ZONING MAP**

WHEREAS, Gary Detweiler (“Owner”) has filed a petition for annexation to annex property commonly known as the Iowa Lodge Mining Claim annexation (the “Property”), to the City of Central in accordance with the Colorado Municipal Annexation Act, C.R.S. § 31-12-101 *et seq.*; and

WHEREAS, on October 1, 2013, pursuant to a duly noticed public hearing, the City Council of the City of Central adopted Ordinance 13-11 annexing the Property into the City; and

WHEREAS, at the same hearing on October 1, 2013, the City Council considered the establishment of initial zoning of the Property to City of Central Medium-Density Residential (MDR); and

WHEREAS, under C.R.S. § 31-12-115(2) of the Municipal Annexation Act and Section 16-10-80(b) of the Municipal Code, property annexed to the City must be zoned pursuant to the City’s zoning regulations within ninety (90) days after the effective date of the Annexation Ordinance; and

WHEREAS, the Planning Commission considered the proposed rezoning of the Property at a duly noticed public hearing held on September 4, 2013, and subsequently forwarded its favorable recommendation to City Council; and

WHEREAS, public notice has been properly given of such proposed zoning of the Property by publication in *The Weekly Register-Call*, a newspaper of general circulation within the City, by posting of said Property, and by mail notification of adjacent property owners in accordance with the applicable provisions of Section 16-1-90 of the Municipal Code; and

WHEREAS, a public hearing was held before the City Council at which time evidence and testimony were presented to the City Council concerning said zoning proposal; and

WHEREAS, the administrative record for this case includes, but is not limited to, the Central City Municipal Code, City of Central Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with all City land use application processing policies that relate to the subject matter of the public hearing, reports, studies and all other submittals of the property owner, any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports of the City’s Planning Department pertaining to this application; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, City Council has

determined that the proposed zoning of the Property, subject to the conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with the City's Comprehensive Plan, as amended and updated; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the City's Municipal Code; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with state law and the City of Central Municipal Code by setting a public hearing in order to provide staff, the property owners, and the public an opportunity to present testimony and evidence regarding the application; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposed initial zoning of the Property.

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL, COLORADO THAT:

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

Section 2. Initial Zoning of Property Approved. The City Council hereby grants and approves zoning of the Property to City of Central Medium-Density Residential (MDR).

Section 3. Amendment of Zoning Map. The Official Zoning Map of the City of Central shall be amended to conform to and reflect the Property's Medium-Density Residential (MDR) zoning district classification. The Planning Department is directed to change the zoning of the Property to MDR on the City's Official Zoning Map and to make any technical corrections to the Official Zoning Map necessitated by the initial zoning of the Property established by this Ordinance.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. 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. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2013, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2013.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2013.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2013.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk