

**CITY OF CENTRAL, COLORADO
ORDINANCE 14-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO AMENDING CERTAIN PROVISIONS OF ARTICLE I OF
CHAPTER 16 OF THE CENTRAL CITY MUNICIPAL CODE**

WHEREAS, the City of Central is a home rule municipality that is authorized, pursuant to its Home Rule Charter, the Colorado Constitution and state law, to adopt ordinances in furtherance of the health, safety and welfare of the City's inhabitants; and

WHEREAS, zoning and zoning regulations is a matter of local and municipal concern; and

WHEREAS, City staff has proposed amendments to the City's zoning regulations, specifically to Sec. 16-1-50 of the Municipal Code; and

WHEREAS, pursuant to the home rule powers of the City, the City Council has authority over zoning and land development matters within the City; and

WHEREAS, the City Council has adopted comprehensive zoning and subdivision regulations codified in Chapters 16 and 17 of the Central City Municipal Code, referred to as the Zoning Ordinance and the Subdivision Regulations, respectively; and

WHEREAS, § 31-23-209, C.R.S. titled "legal status of official plan" which governs statutory cities and towns, is a state law which establishes the location and extent review process; and

WHEREAS, the location and extent review process is currently not available to governmental entities proposing development within the City; and

WHEREAS, the City Council desire to clarify that the location and extent process is not applicable and is not intended to be applicable to any development of public facilities within the City; and

WHEREAS, as a home rule municipality, the City desires to clarify the non-applicability of the location and extent process for public facilities within the City, and desires to further clarify that any public entity applicant proposing a public facility (including the City of Central) will be required to submit and adhere to the same requirements as applicants for private development; and

WHEREAS, the City Council finds that clarifying the non-applicability and non-availability of the location and extent process and further requiring that all public and private development applications comply with the City's standards and regulations (to the extent allowed by law) will provide uniformity in development patterns, enhances public confidence in

the land development process, ensures compliance with the City's Historic Preservation Design Guidelines, and ensures compliance with other health and safety provisions of the Zoning Ordinance and Subdivision Regulations; and

WHEREAS, the Planning and Zoning Commission, having considered this Ordinance at a duly noticed public meeting, has made a favorable recommendation to City Council; and

WHEREAS, through passage of this Ordinance, the City will be able to preserve the health, peace, and safety of the residents through carefully considered and developed land use regulations; and

WHEREAS, through passage of this Ordinance, the City will best be able to ensure compliance with the City's Zoning Ordinance, which include the City's Historic Preservation Design Guidelines, regardless of whether a land use applicant is a private or public entity; and

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

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

Section 1. Section 16-1-50 of Article I of Chapter 16, titled "Applicability" is hereby amended to read as follows in its entirety:

Sec. 16-1-50. Applicability.

(a) No land or structure shall be used or developed except in accordance with these regulations. The provisions of this Zoning Ordinance shall be applicable to:

- (1) all private persons, entities, agencies and corporations; and
- (2) the City or its agencies or departments, Gilpin County or its agencies or departments, the City of Black Hawk or its agencies or departments, public utilities, school districts, intergovernmental authorities, special or metropolitan districts, and all similar governmental or quasi-governmental entities.

(b) The location and extent review process set forth in § 31-23-209, C.R.S. does not apply within the boundaries of the City.

Section 2. Codification Amendments. The codifier of Central 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 Central City Municipal Code.

Section 3. 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 4. 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 5. 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 1st day of July, 2014, 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 15th day of July, 2014.

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 _____, 2014.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2014.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

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