

CITY OF LEADVILLE, COLORADO
Ordinance No. 9, Series of 2011

**AN ORDINANCE UPDATING AND ADOPTING THE CITY OF LEADVILLE
OFFICIAL ZONING MAP AND REZONING CERTAIN PROPERTY**

WHEREAS, the City Council of the City of Leadville has the power to adopt zoning regulations pursuant to Section 31-23-301, *et seq.*, C.R.S., and the general ordinance powers conferred by Section 31-15-103, C.R.S.;

WHEREAS, pursuant to C.R.S. Section 31-23-301, the City of Leadville possesses the authority to zone, rezone, change, supplement, and revise the zoning classification of designated property within the City of Leadville;

WHEREAS, the City Council previously established, via Ordinance No. 15, Series of 2003, a Transitional Commercial (TC) zone district to allow compatible mixed commercial and residential land use where appropriate;

WHEREAS, through the Zoning Map update process, the City discovered that the legal description of the properties zoned to the TC zone district via Ordinance No. 15, included certain errors and omissions in the legal description of the properties subject to the TC zoning;

WHEREAS, the City Council desires to correct the errors through this rezoning application (“Rezoning”) and to update and adopt the zoning map as the City’s Official Zoning Map;

WHEREAS, a public hearing has been conducted on the Rezoning, notice of which has been given as required by law; and

WHEREAS, the City Council wishes to approve the amendments to the City zoning map and regulations proposed by the Rezoning under the terms set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO:

Section 1. The zoning designation of the following properties is Transitional Commercial (TC):

Lots 113, 115, 117, and 119, Capital Subdivision, City of Leadville, County of Lake, State of Colorado.

Section 2. The zoning designation of the following properties is hereby amended from Transitional Retail/Residential (TR) zone district to Transitional Commercial (TC):

Lots 119, 121, 123, 125, 127, 129, 131, 133, 811, 813, 815, 817, and 819, Block 19, Cooper’s Subdivision, City of Leadville, County of Lake, State of Colorado.

Section 3. The zoning designation of the following properties is hereby amended from Traditional Residential R-2 to Transitional Commercial (TC):

Lots 14, 15, and 16, Block 22, Searls Subdivision of the Alice Placer, City of Leadville, County of Lake, State of Colorado.

Section 4. Lots 17, 18, and 19, Block 19, Searls Subdivision of the Alice Placer, City of Leadville, County of Lake, State of Colorado is hereby rezoned from Traditional Residential R-2 to Transitional Commercial (TC).

Section 5. Lots 1-5, Block 3, St. Louis Addition, City of Leadville, County of Lake, State of Colorado is hereby rezoned from Commercial (C) to Transitional Commercial (TC).

Section 6. Property legally described as a portion of the Starr Placer, 25-09-80, City of Leadville, County of Lake, State of Colorado - known locally as 255 Starr Placer, is hereby rezoned from Transitional Retail/Residential (TR) to Transitional Commercial (TC).

Section 7. Lots 1 through 20, Block 9, St. Louis Addition, City of Leadville, County of Lake, State of Colorado is hereby rezoned from Transitional Retail/Residential (TR) to Transitional Commercial (TC).

Section 8. The Official City zoning map, copies of which are on file and available for public inspection, in the office of the City Administrative Services Director, is hereby updated and adopted to reflect the changes herein enacted.

Section 9. The City Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the order, comfort and convenience of the City of Leadville and the inhabitants thereof.

Section 10. The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance under the provisions of Section 31-23-201, *et seq.*, C.R.S., as amended, and the general powers granted to municipalities in Colorado.

Section 11. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 12. Effective Date. This Ordinance shall take effect and be in full force thirty (30) days following final adoption and publication pursuant to Section 31-16-105, C.R.S.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 2nd day of August, 2011.

CITY OF LEADVILLE, COLORADO

ATTEST:

Bud Elliott, Mayor

Joseph Swyers, City Clerk

Published in full in *The Herald Democrat*, a newspaper of general circulation in Leadville, Colorado, on the 18th day of August, 2011.

Passed and adopted on final reading and ordered published by title only with amendments on the 6th day of September, 2011.

CITY OF LEADVILLE, COLORADO

ATTEST:

Bud Elliott, Mayor

Joseph Swyers, City Clerk

PUBLISHED by title only with any amendments in *The Herald Democrat*, a newspaper of general circulation in the City of Leadville, Colorado, on the 15th day of September, 2011.