

ORDINANCE NO. 680

AN ORDINANCE REPEALING SECTIONS 25-123, 25-124, 25-125, 25-126, 25-127, 25-128, 25-129, 25-130, 25-131 and 25-132 OF THE LAS ANIMAS MUNICIPAL CODE ENTITLED “CONDITIONAL USE REVIEW PROCEDURE—ADOPTED” AND RE-ENACTING THE SAME

WHEREAS, the Las Animas City Council has determined that Article XXII Sections 25-123, 25-124, 25-125, 25-126, 25-127, 25-128, 25-129, 25-130, 25-131 and 25-132 of the Las Animas Municipal Code also known as Sections 4.23.010, 4.23.020, 4.23.030, 4.23.040, 4.23.050, 4.23.060, 4.23-070, 4.23-080, 4.23.090 and 4.23.100 are incomplete and outdated in their present form; and

WHEREAS, the city Council has determined that it is in the best interests of the citizens of Las Animas to revise said Article XXII Sections 25-123, 25-124, 25-125, 25-126, 25-127, 25-128, 25-129, 25-130, 25-131 and 25-132 also known as Sections 4.23.010, 4.23.020, 4.23.030, 4.23.040, 4.23.050, 4.23.060, 4.23-070, 4.23-080, 4.23.090 and 4.23.100.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO, as follows:

1. Article XXII Sections 25-123, 25-124, 25-125, 25-126, 25-127, 25-128, 25-129, 25-130, 25-131 and 25-132 of the Municipal Code also known as Sections 4.23.010, 4.23.020, 4.23.030, 4.23.040, 4.23.050, 4.23.060, 4.23-070, 4.23-080, 4.23.090 and 4.23.100 as found in City of Las Animas Ordinance No. 613 are hereby repealed in their entirety.

2. That Section 25-123 of the Municipal Code is reenacted as follows:

Section 25-123 **Purpose.**

Although each zone is primarily intended for a predominant type of use, such as dwellings in residential zones, there are a number of uses which may or may not be appropriate in a particular zone, depending upon, for example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effect. These factors may dictate that the circumstance of development should be individually reviewed. It is the purpose of this Chapter to provide review of such uses so that the community is assured that they are compatible with their locations and surrounding land uses and will further the purpose of this title. **Such use shall be referred to as a special review use.**

3. That Section 25-124 of the Municipal Code is reenacted as follows:

Section 25-124 **Application/Filing Information**

An application for approval of a special review use must be filed on a form provided by the City with the City Clerk of Las Animas by a person having an interest in the property for which the special review use is requested and shall be submitted on a form provided by the City.

The application must include:

1. A non-refundable processing fee established by a Fee Setting Resolution by the Las Animas City Council, which shall be submitted with the application;
 2. A complete site plan showing major details of the proposed development consisting of the following: location of buildings and structures, off-street parking areas, off-street loading areas, service and refuse areas, means of ingress and egress, amount of traffic generated, major landscaping or screening proposals, signs, pedestrian areas, pertinent dimensions and drainage;
 3. A time schedule for development;
 4. Such other information as the Planning Commission requires; and
 5. Any other information the applicant believes will support his application.
4. That Section 25-125 of the Municipal Code is reenacted as follows:

Section 25-125 **Notice**

Written notice that a special review use application has been filed, and that it may be reviewed during regular office hours of the City Hall, will be sent to owners of property within three hundred feet of the property in question.

5. That Section 25-126 of the Municipal Code is reenacted as follows:

Section 25-126 **Planning Commission Review/Recommendation**

The City Clerk shall forward the application to the Planning Commission.

Within thirty days after receipt of the application, the Commission may, at its discretion, hold a public meeting for consideration of the application. **The Commission shall include the Public Works Director in the meeting at which the application and accompanying documentation shall be reviewed. If the choice was made to hold a public meeting to consider the application, owners of property within three hundred feet of the property in question will be sent a written notice of the date, time and place of the meeting at least 15 days prior to the hearing date.**

The Planning Commission shall, **within ten(10)days** of the meeting held to consider the application, unless a longer time is necessary for consideration of the application for reasons stated by the Commission, either recommend approval of the application, in whole or in part, with or without modifications and conditions, or recommend disapproval of the application by the City Council.

A written recommendation of the Planning Commission shall be transmitted to the Council and to the applicant.

6. That Section 25-127 of the Municipal Code is reenacted as follows:

Section 25-127 **Public Hearing**

After receiving the written recommendation from the Planning Commission, the Council may hold a public hearing on the matter. The City Council may grant or deny any proposed special review use without a public hearing at a regularly scheduled public meeting.

A notice of the public hearing shall be published in a newspaper of general circulation within the City at least fifteen days prior to the hearing date.

A written notice of the public hearing will be sent by first class mail at least fifteen days prior to the hearing date to the property owners within three hundred feet of the property in question.

The Council shall either approve the application, in whole or in part, with or without modifications and conditions, or disapprove the application. The decision of the Council shall be transmitted to the Planning Commission and to the applicant.

7. That Section 25-128 of the Municipal Code is reenacted as follows:

Section 25-128 **Site Plans**

All approved site plans for special review uses, including modifications and conditions, shall be certified by the Council and made a permanent part of the zoning map by reference in official minutes of the Council.

8. That Section 25-129 of the Municipal Code is reenacted as follows:

Section 25-129 **Review of Decision/Right of Appeal**

Any person applying to the court for a review of any decision made under the terms of this Chapter shall apply for review within thirty days after the date of the decision and shall be required to pay the cost of preparing a transcript of proceedings.

9. That Section 25-130 of the Municipal Code is reenacted as follows:

Section 25-130 **Application – Approved Criteria**

No special review use application shall be approved unless it is found that the application:

Complies with all requirements imposed by this Chapter and with all applicable written rules; and

Is consistent with the objectives and purposes of this Chapter and the meaning of the terms in this Chapter; and

Is designed to be compatible with surrounding land uses and the area of its location.

10. That Section 25-131 of the Municipal Code is reenacted as follows:

Section 25-131 **Application – Imposed Modification and Conditions**

In considering an application for a special review use, the Planning Commission and council shall consider and may impose modifications or conditions concerning, by way of illustration and not limitation, the following development features, to the extent that such modifications or conditions are necessary to ensure compliance with the criteria of this Chapter:

Size and location of site;

Internal traffic circulation and access to adjoining public streets;

Designed to be compatible with surrounding land uses and the area and its location.

11. That Section 25-132 of the Municipal Code is reenacted as follows:


Section 25-132 **Modifications after Approval**

No approved special review use may be substantially modified, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to initial approval of a special review use.

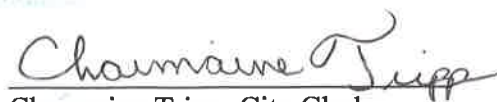
PASSED on first reading this 11th day of March, 2008.

ADOPTED on second reading this 8th day of April, 2008.

CITY OF LAS ANIMAS, COLORADO


By: Lawrence Sena, Mayor

ATTEST:


Charmaine Tripp, City Clerk

