

**ORDINANCE NO. 41, Series 2017**

**INTRODUCED BY: COUNCILOR STEPHANIE WALTON**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO ZONING CERTAIN LAND EAST OF HIGHWAY 287 AND NORTH OF OLD LARAMIE TRAIL, KNOWN AS TRACT A, ST. JAMES SUBDIVISION FILING NO. 1, REPLAT A FROM DEVELOPING RESOURCE (DR) TO REGIONAL BUSINESS/PLANNED UNIT DEVELOPMENT (C1/PUD) ZONE DISTRICT**

**WHEREAS**, the City Council of the City of Lafayette, Colorado finds that a proper application for zoning certain land in Lafayette, Colorado fully described as Tract A, St. James Subdivision Filing No. 1, Replat A, but which will be described as Lot 1, St. James Subdivision Filing No. 2, pursuant to a pending subdivision application, (“Subject Property”) has been submitted by the applicant to the City; and

**WHEREAS**, the Subject Property is currently zoned DR; and

**WHEREAS**, the Planning Commission, after a Public Hearing on September 26, 2017 and careful consideration of all relevant facts, has recommended approval of the zoning to the City Council, subject to City Council approval of the site plan/architectural review for the subject property; and

**WHEREAS**, the City Council held a public hearing on October 17, 2017 concerning the zoning request in conformance with the Lafayette Code of Ordinance; and

**WHEREAS**, the City Council of the City of Lafayette finds that due to changed or changing conditions in the area of the land for which zoning is requested, in particular the approval of a development plan for the subject property, it is in the public interest and reasonably necessary to zone the subject property to City of Lafayette C1 (Regional Business) zoning district; and

**WHEREAS**, the City Council of the City of Lafayette finds that the rezoning is necessary to conform to the Comprehensive Plan Land Use designation of the subject property as ‘Commercial’; and

**WHEREAS**, the City Council of the City of Lafayette finds and declares that all officers, boards, and the City Council have complied with all applicable provisions of the City Charter, City Ordinances and State Statues.

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

SECTION 1. Upon approval by City Council of, and the recordation of, the St. James Subdivision Filing No. 2 final subdivision plat, the land described and depicted on Exhibit A, shall be zoned City of Lafayette C1/PUD (Regional Business/Planned Unit Development) Zoning District.

SECTION 2. Upon timely compliance with all conditions in Section 1 above, the City Council certifies a change in the Zoning Map zoning the property described herein to City of Lafayette C1/PUD.

SECTION 3. City Council directs that a certified copy of this Ordinance be filed with the City Clerk and further, that the City Clerk index, file and make the Ordinance available to the public.

SECTION 4. If the conditions set forth in Section 1 above are not timely fulfilled by March 30, 2018, this ordinance shall be void and of no effect.

SECTION 5. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

SECTION 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

SECTION 7. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

SECTION 8. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

SECTION 9. This ordinance shall become effective upon the latter of the 10<sup>th</sup> day following enactment, or the day following final publication of the ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS  
3RD DAY OF OCTOBER, 2017.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS  
17TH DAY OF OCTOBER, 2017.

**ATTEST:**

**CITY OF LAFAYETTE, COLORADO**

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Susan Koster, CMC, City Clerk

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Christine Berg, Mayor

**APPROVED AS TO FORM:**

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David S. Williamson, City Attorney

**EXHIBIT A**

Tract A, St. James Subdivision Filing No. 1 Replat A, as per the plat recorded April 14, 2015 under Reception No. 03439559, County of Boulder, State of Colorado.

