

**ORDINANCE OF THE
CITY OF LONE TREE**

Series of 2022

Ordinance No. 22-05

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CITY OF LONE
TREE MUNICIPAL CODE, TITLED ZONING, TO ADDRESS REIMBURSEMENT OF
FEES AND TO MAKE OTHER TECHNICAL CORRECTIONS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,
COLORADO:**

ARTICLE 1 – AUTHORITY

The City of Lone Tree (the "City") is a home rule municipality operating under the Lone Tree Home Rule Charter (the "Charter") adopted on May 5, 1998, and a Municipal Code (the "Code"), codified and adopted on December 7, 2004. Pursuant to its constitutional home rule authority, the City may adopt and amend ordinances.

ARTICLE 2 – DECLARATIONS OF POLICY AND FINDINGS

- A. The City has adopted zoning regulations codified in Chapter 16 of the Municipal Code, as amended by Ordinance 22-02 adopted on March 15, 2022 ("Zoning Regulations").
- B. The City staff has identified four text amendment proposals to address requests for fee reimbursements and other technical corrections in the Zoning Regulations ("Zoning Text Amendments").
- C. The Zoning Text Amendments have been published on the City's website for public comment in advance of the scheduled public hearings before Planning Commission and City Council.
- D. The Planning Commission and the City Council conducted duly noticed public hearings on the proposed Zoning Text Amendments in accordance with Section 16-1-110 of the Municipal Code.
- E. City Council finds that it is in the best interest of the City to amend the following Sections of Chapter 16 of the Municipal Code, Titled Zoning.

ARTICLE 3 – SAFETY CLAUSE

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

ARTICLE 4 - CHAPTER 16 OF THE LONE TREE MUNICIPAL CODE, TITLED ZONING, SHALL BE AMENDED AS FOLLOWS:

Section 16-1-180 of the Lone Tree Municipal Code titled “Powers of Planning Commission” is hereby amended to add a new subsection (4) as follows:

Section 16-1-180. Powers of Planning Commission.

* * *

(d) Approve certain Site Improvement Plan Amendment Applications as provided in Section 16-27-200.

Section 16-15-170 of the Lone Tree Municipal Code titled “Withdrawal of application” is hereby repealed in its entirety and reenacted as follows:

Sec. 16-15-170. Withdrawal of application.

The applicant may withdraw an application at any time during the process upon submittal of a written request to the Community Development Department. Presubmittal and/or preapplications fees will not be refunded; application fees may be refunded at the discretion of the Director, and only when the withdrawal request is submitted prior to completion of the Completeness Review.

Section 16-25-110 of the Lone Tree Municipal Code titled “Withdrawal of application” is hereby repealed in its entirety and reenacted as follows:

Sec. 16-25-110. Withdrawal of application.

The applicant may withdraw an application at any time during the process upon submittal of a written request to the Community Development Department. Presubmittal and/or preapplications fees will not be refunded; application fees may be refunded at the discretion of the Director, and only when the withdrawal request is submitted prior to completion of the Completeness Review.

Subsection (b) of Section 16-27-200 of the Lone Tree Municipal Code titled “SIP Amendment Process and Decision” is hereby amended to change references to “Manager’s” to “Director’s” to read as follows:

Section 16-27-200 SIP Amendment Process and Decision.

* * *

(b) Upon a determination that the application can be processed as a Minor Amendment, the applicant must submit the formal application within 60 days of the Director's determination. Failure to submit the formal application within 60 days of the Director's written determination will render the decision with regard to the review process voidable.

ARTICLE 5 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance which can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 6 – CAUSES OF ACTION RETAINED

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ARTICLE 7 - EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days following publication after the first reading if no changes are made on second reading, or twenty (20) days after publication following second reading if changes are made upon second reading.

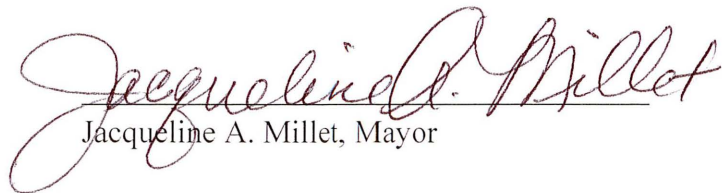
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INTRODUCED, READ AND ORDERED PUBLISHED ON AUGUST 16, 2022.

PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON AUGUST 25, 2022;
LEGAL NOTICE NO. 942564.

APPROVED AND ADOPTED WITH NO CHANGES ON SECOND READING THIS 6TH
DAY OF SEPTEMBER, 2022, TO BECOME EFFECTIVE ON SEPTEMBER 24, 2022.

CITY OF LONE TREE:


Jacqueline A. Millet, Mayor

ATTEST:



Rick Parsons, City Clerk

