

## ORDINANCE 24-12

### AN ORDINANCE ZONING PROPERTY NEWLY ANNEXED TO THE TOWN OF ELIZABETH TO COMMERCIAL MIXED USE (CMU) AS MORE PARTICULARLY DESCRIBED IN THE ANNEXATION AGREEMENT BETWEEN THE TOWN AND THE OWNER OF THE PROPERTY

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO, THAT:

Section 1.     Findings of Fact.

- A.     The Town desires to zone certain property that is being newly annexed to the Town of Elizabeth, Colorado, which property is more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the "Property"), to the Commercial Mixed Use (CMU) District, with certain limitations as more particularly described in the Annexation Agreement between the Town and the Property Owner.
- B.     Public notice has been given of such rezoning pursuant to Section 16-4-10 of the Town of Elizabeth Municipal Code more than fifteen (15) days in advance of the public hearing.
- C.     A need exists for zoning the Property to the Commercial Mixed Use (CMU) District, with certain limitations as more particularly described in the Annexation Agreement between the Town and the Property Owner, attached hereto as **Exhibit B**, and incorporated herein by this reference.

Section 2.     The Property identified in **Exhibit A** is hereby rezoned to the Commercial Mixed Use (CMU) District, with certain limitations as more particularly described in the Annexation Agreement between the Town and the Property Owner, attached hereto as **Exhibit B**, and incorporated herein by this reference.

Section 3.     The Zoning Ordinance and Zoning Map are hereby amended to conform with the zoning change for the Property.

Section 4.     Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 5.     The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, 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. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative

object sought to be attained.

Section 6. This Ordinance shall become effective thirty (30) days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2024.

Passed by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against and ordered published.

\_\_\_\_\_  
Tammy Payne, Mayor

ATTEST

\_\_\_\_\_  
Michelle M. Oeser, Town Clerk