

PALMER LAKE, COLORADO

ORDINANCE NO. 7-2023

**AN ORDINANCE REZONING LAKEVIEW HEIGHTS FROM
R3 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT TO
R-10,000 (INTERMEDIATE DENSITY RESIDENTIAL)
ZONING DISTRICT**

WHEREAS, in February of 1992 the Planning Commission first considered and moved to initiate the rezoning process for rezoning the properties known as Lakeview Heights, more particularly described on Exhibit A, attached (“the Property”); and

WHEREAS, letters were sent to landowners, and the required postings and publications were made, serving as due notice of a hearing to be held on April 23, 1992, concerning the proposed rezoning; and

WHEREAS, a public hearing on the proposed zoning was held on April 23, 1992, after proper notice, before the Palmer Lake Planning Commission; and based on the materials presented to the Commission and the public comments received by the Commission at the public hearing, the Planning Commission recommended approval of the rezoning and recommended that any non-self-imposed hardship be granted a variance to allow for beneficial use of the Property; and

WHEREAS, on May 14, 1992, the Board of Trustees moved to refer the zoning matter back to the Planning Commission, which it did on June 25, 1992, making the same recommendation as before – rezone the Property from R3 to R-10,000 with granting of variances to address non-self-imposed hardships in order to allow for beneficial use of the Property; and,

WHEREAS, on July 9, 1992, after much discussion, the Board of Trustees moved to approve the rezoning of the Property with the notation that non-self-imposed hardships should be granted a variance to allow for beneficial use of the Property; and

WHEREAS, in August of 2022 it was discovered that no ordinance adopting the rezoning of the Property was passed, and the Board of Trustees directed Town Staff to provide notice of the proposed adoption of such an ordinance; and

WHEREAS, landowners were mailed letters, publications and postings were made, providing due notice of a public hearing to be held regarding this proposed ordinance on March 9, 2023; and

WHEREAS, now being fully apprised of this matter, and after holding a duly noticed public hearing, and having considered the matter following proper notice, at its regular meeting, the Board of Trustees has examined the materials presented to the Board and the comments of the public and hereby agrees with and confirms the previous findings of the Planning Commission and the previous action of the Board of Trustees.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES AS FOLLOWS:

1. The Property known as Lakeview Heights, and more particularly described on Exhibit A is hereby rezoned R3 – Medium Density Residential to R-10,000 – Intermediate Density Residential Zone.
2. The zoning map of the Town of Palmer Lake shall be amended to reflect the above approved rezone designation.
3. The Board of Zoning Adjustments is hereby directed to liberally grant variances to allow for beneficial use of non-self-imposed hardships with fees for such variance applications waived.
4. Severability. 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 Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
5. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of

any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 9th DAY OF MARCH 2023.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator, Clerk

BY: _____
Glant Havenar
Mayor