

ORDINANCE NO. 2016-011

**AN ORDINANCE REPEALING AND REENACTING
SECTION 17.42.090 OF THE CASTLE ROCK MUNICIPAL CODE
CONCERNING THE DESIGN REVIEW BOARD; AND PROVIDING FOR ITS
EMERGENCY ADOPTION ON SECOND AND FINAL READING**

WHEREAS, as of December 31, 2015, the Design Review Board had 5 vacancies due to 1 unfilled seat and 4 expired terms; and

WHEREAS, at that time, the Town did not have a constituted Design Review Board and was unable to conduct business; and

WHEREAS, by Resolution No. 2016-10, the Town Council established a process to seat an interim Design Review Board to serve through May 31, 2016; and

WHEREAS, all Town Boards and Commissions, with the exception of the Design Review Board, have terms that commence on the 1st day of June and expire on 31st day of May at the end of each given term; and

WHEREAS, Town Council is desirous to bring the beginning and end dates for member terms, on Design Review Board, into alignment with all other Town boards and commissions; and

WHEREAS, to better facilitate the existence of understandable, and more easily calculated membership terms, Town Council is desirous of ensuring that certain terms on the Design Review Board run concurrently with representatives' service on their underlying boards, such that the five members on the Design Review Board (one from the Planning Commission, two from the Historic Preservation Board, and two from the Downtown Development Authority) shall serve one-year terms; while the two members on the Design Review Board consisting of property owners within the Downtown Development Authority boundary, shall serve two-year terms; and

WHEREAS, in order to make the necessary appointments to the Design Review Board prior to the June 1st term commencement date, it is necessary to adopt this ordinance on an emergency basis on second and final reading.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Repeal and Reenactment. Section 17.42.090 of the Castle Rock Municipal Code is repealed and reenacted to read as follows:

A. The Design Review Board shall consist of seven members appointed by the Town Council in accordance with Chapter 2.14 of this CRMC. The Design Review Board shall be comprised of: (i) one member from the Planning Commission, (ii) two members from the Downtown Development Authority Board, (iii) two members from

the Historic Preservation Board, and (iv) two property owners within the Downtown Development Authority boundary. Such property owners may not be members of the aforementioned boards.

B. Terms for each member of the Design Review Board shall be as follows:

1. Planning Commission representative – one-year term.
2. Downtown Development Authority representatives – one-year term.
3. Historic Preservation Board representatives – one-year term.
4. Property owners within the Downtown Development Authority boundary – two-year term.

If at any time a Design Review Board member loses his or her qualification for appointment, such member shall concurrently lose his or her seat on the Design Review Board.

C. Unless expressly modified in this Section 17.42.090, the Design Review Board shall serve in accordance with the provisions of Chapter 2.14 of this CRMC.

Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. Emergency Clause. For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the immediate preservation of the public peace, health or safety for this Ordinance to take effect upon its adoption.

Section 4. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 3rd day of May, 2016 by a vote of 7 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE this 17th of May, 2016, by a vote of the Town Council of the Town of Castle Rock, Colorado of ____ for and ____ against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Bill Detweiler, Director of Development Svcs.