

ORDINANCE NO. 2015-54

**AN ORDINANCE AMENDING SECTION 17.06.020.B.2
OF THE CASTLE ROCK MUNICIPAL CODE REVISING THE CRITERIA FOR
APPROVAL OF A VARIANCE BY THE BOARD OF ADJUSTMENT**

WHEREAS, the Town of Castle Rock is a home rule municipal corporation and the Town Council is empowered to adopt such ordinances as are necessary to protect the health, safety and welfare of the community,

WHEREAS, the Castle Rock Municipal Code imposes a comprehensive regulatory framework that governs criteria and standards for the Board of Adjustment,

WHEREAS, Section 17.06.020 of the Castle Rock Municipal code provides the Board of Adjustment with certain powers and duties all of which shall be exercised in harmony with the policies of the Town Council, in accordance with the public interest, and the most appropriate development of the neighborhood,

WHEREAS, the Castle Rock Municipal Code provides the Board of Adjustment with the power to hear and decide requests for variances from strict enforcement of certain zoning and sign regulations,

WHEREAS, it is necessary and advisable to revise Section 17.06.020.B.2 of the Castle Rock Municipal Code concerning the powers and duties of the Board of Adjustment to provide more definitive variance criteria and to assist in better articulating the basis for the Board of Adjustment's findings and decisions on requests for variances from strict enforcement of certain zoning and sign regulations, and

WHEREAS, public hearings have been held on this Ordinance, before the Planning Commission and the Town Council, as required by the Town regulations.

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

Section 1. Amendment. Section 17.06.020.B.2 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

B. Variances

2. In making its decision on a variance application, the Board shall consider the following and find:

a. The strict enforcement of the provisions of this Code will result in practical difficulties or unnecessary hardship to the applicant, inconsistent with the intent and purpose of this Code;

b. The practical difficulties or unnecessary hardship were not created by the applicant;

c. Unique physical conditions or exceptional topography exist on the subject property and similar unique conditions do not exist on neighboring properties;

d. The property is unable to be reasonably developed in conformity with the provisions of this Code due to unique physical conditions or exceptional topography;

e. The variance, if granted, will not substantially alter the character of the neighborhood in which the property is located, or impair the use or development on adjacent property; and

f. The variance, if granted, will not create an adverse effect on public health, safety and welfare or cause harm to adjacent properties.

Section 2. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. 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 1st day of December, 2015 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 ON SECOND AND FINAL READING this ____ of _____, 2015 by the Town Council of the Town of Castle Rock, Colorado, by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally 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.