

**ORDINANCE 10-02**

**INTRODUCED BY:**

**Councilperson Hamilton-Bruer**

**Councilperson Havercroft**

**AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF CASTLE PINES NORTH  
ESTABLISHING AND IMPOSING A TEMPORARY SUSPENSION AND DELAY IN  
THE ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS FOR ANY  
PERMIT, APPROVAL, OR LICENSE RELATED TO THE OPERATION OF A  
SEXUALLY ORIENTED BUSINESS**

WHEREAS, the City of Castle Pines North is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

WHEREAS, the City has broad authority to exercise its police powers to promote and protect the health, safety, and welfare of the community and its inhabitants as authorized by Section 31-15-401, C.R.S.; and

WHEREAS, pursuant to Section 31-23-301, C.R.S., such police powers include the power to regulate the location and use of land within the community for trade, industry, or other purposes; and

WHEREAS, Section 29-20-104, C.R.S., grants cities the authority to plan for and regulate the planned and orderly use of land on the basis of the impact thereof on the community; and

WHEREAS, planning, land use, and business regulation are matters of local concern; and

WHEREAS, the City of Castle Pines North City Council (the "City Council") has adopted by reference the Douglas County Zoning Resolution to govern land use, zoning and development within the City (the "City Zoning Ordinance") until such time as the City is able to carefully consider and adopt land use regulations and ordinances that are more appropriate for the City and that reflect and implement the City's 2009 Comprehensive Plan; and

WHEREAS, City staff has informed City Council that the regulations regarding the regulation and placement of Sexually Oriented Businesses (as defined in the City Zoning Ordinance) are insufficient in that there is no permitted zoning district in which Sexually Oriented Businesses are allowed to locate thus arguably allowing such uses to locate anywhere in the City; and

WHEREAS, the City Council finds that the City's existing land use, development and business regulations do not adequately address and regulate the potential impacts created by

Sexually Oriented Businesses and that the approval of such uses under the City's existing regulations will result in undesired and unintended impacts which may degrade the health, safety, and welfare of the public; and

WHEREAS, the City Council will instruct the City's staff to promptly and without undue delay prepare new regulations as provided in this Ordinance; and

WHEREAS, the City Council finds that there is a potential for, and likelihood of, the submission of land use and/or business applications for Sexually Oriented Businesses during the next weeks and months prior to the completion of the City staff's preparation of new regulations for such uses; and

WHEREAS, the City Council finds that the acceptance and processing of applications for Sexually Oriented Businesses prior to the completion of new regulations may undermine and defeat the City's ability to promote coordinated, planned, and high quality land uses and may significantly threaten the City's character; and

WHEREAS, the City staff has informed the City Council that a period of approximately six (6) months from the date of approval of this Ordinance will be required to finalize new land use development regulations for Sexually Oriented Businesses; and

WHEREAS, based on the recitals herein stated, the City Council finds that the adoption of this Ordinance is thus necessary and in the best interests of the City.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines North, Colorado:**

**Section 1. Findings and Intent.** The above recitals are incorporated herein by reference and adopted as findings of the City Council of the City of Castle Pines North.

**Section 2. Temporary Suspension and Delay Enacted.** Effective immediately upon first reading of this Ordinance, no applications, permits or licenses shall be accepted, reviewed, considered or approved by the City related to any Sexually Oriented Business, as such uses are defined in the City Zoning Ordinance. The temporary moratorium in the acceptance and processing of applications as specified in this Ordinance shall automatically terminate and this Ordinance shall be automatically repealed as of **11:59 p.m. on August 23, 2010**, unless terminated earlier by the City Council or extended in its duration by the enactment of another ordinance.

**Section 3. Staff to Investigate and Prepare Proposed Regulations.** Before the expiration of the moratorium imposed by this Ordinance, the City staff, working with the City Attorney, shall prepare updated regulations for the location and regulation of Sexually Oriented Businesses for consideration by the City Council.

**Section 4. Severability.** Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the

remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable.

**Section 5. Repeal of Previous Ordinances.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and 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.

**Section 6. Effective Date.** This Ordinance shall become effective thirty days after publication following final passage.

**INTRODUCED, READ, AND PASSED, ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 26<sup>th</sup> day of January, 2010.**

**READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO the 23<sup>rd</sup> day of February, 2010.**

**CITY OF CASTLE PINES NORTH:**

  
Jeffrey T. Huff, Mayor

ATTEST:

Approved as to form:

  
Carl E. Kollmar, Interim City Clerk

  
Linda C. Michow, City Attorney

### CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a regular meeting of the Castle Pines North City Council on January 26, 2010; published in full in the *Douglas County News-Press*; and finally passed and adopted by the City Council on February 23, 2010, following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on March 4, 2010.

ATTEST:



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Carl E. Kollmar, Interim City Clerk