

**TOWN OF EMPIRE,
COLORADO**

ORDINANCE 267

AN ORDINANCE OF THE TOWN OF EMPIRE, COLORADO, APPROVING AN APPLICATION FOR THE REZONING OF EMPIRE COUPON PLACER #1298 PARCEL ONE, WITHIN THE TOWN OF EMPIRE, FROM THE RESIDENTIAL DISTRICT (“R-1”) TO THE RESIDENTIAL COMMERCIAL DISTRICT (“R-C”)

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Empire possesses the authority to zone, rezone, change, supplement and revise the zoning classifications or designation of property and to regulate land uses within the Town; and

WHEREAS, Board of Trustees (the “Board”) shall hold a public hearing and act upon an application for proposed zoning amendments; and

WHEREAS, the Applicant has submitted an application for the rezoning of EMPIRE COUPON PLACER #1298 PARCEL ONE (the “Subject Property”) from the Residential District (“R-1”) to the Residential Commercial (“R-C”) (the “Application”); and

WHEREAS; the Empire Planning Commission held a public hearing on October 26th, 2022 and issued a recommendation to approve the Application; and

WHEREAS, the Board conducted a public hearing following the provision of lawfully required notice to the public; and

WHEREAS, the Board hereby finds that the Application for the proposed rezoning meets the criteria established by Empire Municipal Code Art. VII, Section 3 for approval; and

WHEREAS, the Board finds that the proposed rezoning would “encourage the most appropriate use of land throughout” the Town consistent with C.R.S. § 31-23-301(1); and

WHEREAS, the Board hereby approves the Application with the conditions provided herein.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE, THAT:

Section 1. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. The Town of Empire Board of Trustees hereby approves the Application for rezoning from Residential (R-1) to Residential Commercial (R-C).

Section 5. The Town Clerk and other appropriate Town Staff are authorized and instructed to revise the official zoning map for the Town of Empire so that the zoning designation

described in this Ordinance is illustrated in graphic form. Failure to amend the official zoning map in accordance with this Ordinance shall not, however, have the effect of limiting, preventing or precluding the effect or effective date of this Ordinance.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. 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 or code hereby repealed prior to this ordinance taking effect.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED AND PASSED ON FIRST READING THIS 21ST DAY OF FEBRUARY 2023.

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON SECOND READING THIS ___ST DAY OF _____ 2023.

TOWN OF EMPIRE, COLORADO

Wendy Koch, Mayor

ATTEST:

Jeannette Piel, Town Clerk