



**TOWN OF LARKSPUR
ORDINANCE NO. 3.94**

**AN ORDINANCE REPLACING ORDINANCE 3.88 THAT AMENDED SECTION 2
OF ARTICLE III OF ORDINANCE NO. 3.43 TO DEFINE THE TERM "PLANNER"
AND ORDINANCE 3.77 REGARDING THE DEPOSITS ASSOCIATED
WITH CERTAIN LAND USE APPLICATIONS**

WHEREAS the Larkspur Town Council has adopted Ordinance 3.43, (also known as the Larkspur Zoning Ordinance), as well as other ordinances amending the Larkspur Zoning Ordinance, including but not limited to Ordinances 3.76 and 3.77; and

WHEREAS, certain terms used throughout the Larkspur Zoning Ordinance are defined in Section 2 of Article III of Ordinance 3.43; and

WHEREAS, although the term "Planner" is used throughout the Larkspur Zoning Ordinance, such term is not currently defined; and

WHEREAS, it is unclear from the Town's records whether Ordinance 3.88, which, among other things, purported to define the term "Planner" was properly adopted; and

WHEREAS, it is the Town Council's desire to properly use the Planning Commission as it is designed to be used, as a result, the Town Council has determined that it is appropriate to define the term "Planner" as set forth below; and

WHEREAS, the deposits associated with various land use and/or zoning applications are set forth in Ordinance 3.77; and

WHEREAS, upon the recommendation of the Town Planning Commission, the Town Council has determined that some of the deposits need to be revised to more accurately reflect the costs typically incurred by the Town and in order to encourage development within the Town, and

WHEREAS, the Town Council has concluded that it is more appropriate to adjust fees and deposits periodically by resolution, rather than by ordinance.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO AS FOLLOWS:**

1. Ordinance 3.88 is repealed and replaced in its entirety with this Ordinance 3.94.
2. Section 2 of Article III of Ordinance No. 3.43 is hereby amended by adding thereto Section 2.92(a) providing as follows:

2.92(a) Planner: An individual having specific qualifications and/or experience in land use development and/or community planning and related matters, who is either hired as an employee of the Town or enters into a contract to provide such services to the Town. If no such individual has been hired or retained by the Town, then the decision to utilize and retain a planner or to rely on Town Staff for recommendations in connection with a particular land use application shall be made by the Town Council.

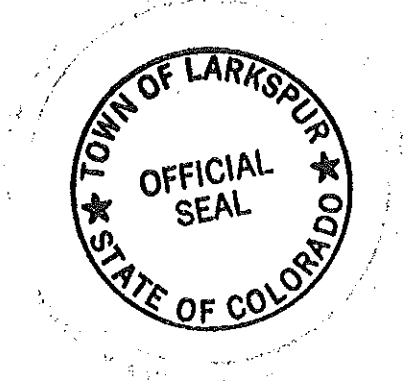
3. The table set forth in Section 1.D. of Ordinance 3.77 is hereby repealed and replaced with the following table:

	INITIAL DEPOSIT	MINIMUM DEPOSIT
Rezoning	\$ 600.00	\$ 300.00
Use by Special Review	\$ 600.00	\$ 300.00
Site Plan, Parking Plan	\$1,500.00	\$ 500.00
Minor Subdivision	\$ 600.00	\$ 300.00
Major Subdivision	\$1,500.00	\$ 500.00
Variance/Waiver	\$ 600.00	\$ 300.00
Review of Uses Not Itemized	\$1,500.00	\$ 500.00

3. The foregoing table of deposits, as well as the fees associated with land use applications, may be amended from time to time by resolution adopted by the Town Council.
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 Town Council 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 are declared unconstitutional or invalid.
5. Repeal. Existing ordinances or parts of ordinances covering the same matters as 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 taking effect of this ordinance.


**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR AND
SIGNED THIS 21ST DAY OF JUNE, 2007.**

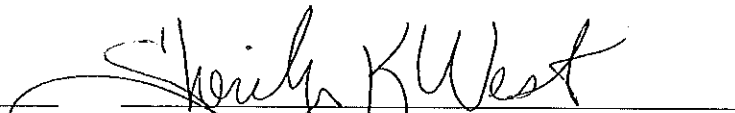


Votes Approving:	<u>7</u>
Votes Opposed:	<u>0</u>
Absent:	<u>0</u>
Abstained:	<u>0</u>

ATTEST:

**TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO**


Manfred Krimmer: Town Clerk


Sherilyn K. West Mayor