

TOWN OF LARKSPUR, COLORADO
ORDINANCE NO. 3.78

AN ORDINANCE AMENDING SECTION 1, ARTICLE I OF ORDINANCE NO. 3.43 TO ADD A NEW SECTION 1.16 AND AMENDING ARTICLE I OF ORDINANCE NO. 3.02 TO ADD A NEW SECTION 6 TO ESTABLISH A LAPSING PROVISION RELATIVE TO LAND DEVELOPMENT APPLICATIONS

(THIS ORDINANCE DOES NOT REPEAL OR SUPERSEDE ANY PROVISION OF ORDINANCE NO. 3.43 OR 3.02 BUT RATHER ADDS ADDITIONAL PROVISIONS)

WHEREAS, the Town Council is authorized pursuant to § 31-23-301 and Article XX of the Colorado Constitution to adopt zoning and subdivision regulations;

WHEREAS, Ordinance No. 3.43 currently provides for the review and consideration of land development applications;

WHEREAS, the existing regulations in Ordinance No. 3.43 and 3.02 do not address the problems associated with or remedies to address the staleness of an application caused by the failure of an applicant to prosecute same; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town and its inhabitants to establish regulations concerning the timely processing of land development applications.

NOW THEREFORE, be it ordained by the Town Council of the Town of Larkspur, Colorado as follows:

Section 1. Section 1, Article I of Ordinance 3.43 is hereby amended by the addition of a new Section 1.16 as follows:

1.16. Lapse of Application

(A) **Purpose.** A land development application submitted to the Town for its review and consideration must be diligently pursued and processed by the applicant as set forth in this Section.

(B) **Application Review.** An applicant, within sixty (60) days of receipt of written comments and notice to respond from the Town on any submittal (or subsequent revision to a submittal) of an application for approval of a development application, shall file such additional or revised submittal documents as are necessary to address such comments from the Town. If the additional submittal information or revised submittal is not filed within said period of time, the development application shall automatically lapse and become null and void. Upon incorporation of all applicable staff comments within the development

application materials, the Town Planner shall notify the applicant in writing that a public hearing may be scheduled to consider the land development application.

(C) Public Hearing. All public hearings before Planning Commission, Board of Adjustment and Town Council, as applicable, on any land development application shall occur within ninety (90) days of the date of written notification from the Town Planner as set forth in subsection (B) above.

(D) Extension. The Town Planner, for good cause, may grant extensions of the foregoing sixty or ninety day requirements, which extensions, in total, shall not exceed sixty (60) days. In no event shall a land development application be in process, from date of submittal to the final decision rendered by the appropriate reviewing authority, for longer than 270 days; otherwise the application shall automatically lapse and become null and void.

Section 2. Article I of Ordinance 3.02 is hereby amended by the addition of a new Section 6 as follows:

Section 6. Lapse of Application.

(A) Purpose. A subdivision application submitted to the Town for its review and consideration must be diligently pursued and processed by the applicant as set forth in this Section.

(B) Application Review. An applicant, within sixty (60) days of receipt of written comments and notice to respond from the Town on any submittal (or subsequent revision to a submittal) of a subdivision application, shall file such additional or revised submittal documents as are necessary to address such comments from the Town. If the additional submittal information or revised submittal is not filed within said period of time, the application shall automatically lapse and become null and void. Upon incorporation of all applicable staff comments within the subdivision application materials, the Town Planner shall notify the applicant in writing that a public hearing may be scheduled to consider the application.

(C) Public Hearing. All public hearings before Planning Commission and Town Council, as applicable, on any subdivision application shall occur within ninety (90) days of the date of written notification from the Town Planner as set forth in subsection (B) above.

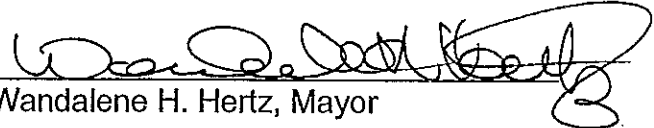
(D) Extension. The Town Planner, for good cause, may grant extensions of the foregoing sixty or ninety day requirements, which extensions, in total, shall not exceed sixty (60) days. In no event shall a subdivision application be in process, from date of submittal to the final decision rendered by the appropriate reviewing authority, for longer than 270 days; otherwise the application shall automatically lapse and become null and void.

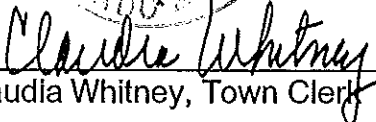
Section 3. Severability Clause. The provisions of this Ordinance shall be severable, and invalidity of one provision shall not affect the validity or enforceability of other provisions of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect five (5) days after it is posted in accordance with Section 3.14 of the Town Charter.

Introduced as an Ordinance at a Regular Meeting of the Town Council of the Town of Larkspur, Colorado, on the 21st day of February, 2002, and passed by a vote of SIX (6) for, 0 (0) against and 0 (0) abstention(s).

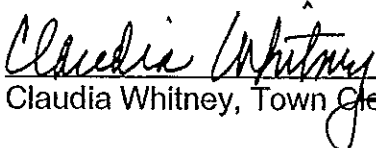



Wandalene H. Hertz, Mayor


Claudia Whitney, Town Clerk

Publication Date: March 6, 2002

I hereby certify that the within Ordinance No. 3.78 was published on the 6th day of March, 2002, in the Douglas County News-Press, the newspaper of general circulation published in the County of Douglas, State of Colorado; and I further certify that the within Ordinance No. 3.78 was posted on the bulletin board at the Town Hall of the Town of Larkspur from February 22, 2002 to March 29, 2002 in accordance with Section 3.20 of the Town Charter.


Claudia Whitney, Town Clerk

RECEIVED

MAR 25 2002

AFFIDAVIT OF PUBLICATION

TOWN OF LARKSPUR

State of Colorado)
)ss
County of Douglas)

This Affidavit of Publication for the DOUGLAS COUNTY NEWS, a weekly newspaper, printed and published for the County of Douglas, State of Colorado, hereby certifies that the attached legal notice was published in said newspaper once in each week, for 1 successive week(s), the last of which publication was made prior to the 7th day of March A.D., 2002, and that copies of each number of said paper in which said Public Notice was published were delivered by carriers or transmitted by mail to each of the subscribers of said paper, according to their accustomed mode of business in this office.

for the Douglas County News-Press

State of Colorado)
)ss
County of Douglas)

The above Affidavit and Certificate of Publication was subscribed and sworn to before me by the above-named STEVE LENCKE, Publisher, or Matthew Vulelich, Managing Editor, of said newspaper, who is personally known to me to be the identical person in the above certificate on this 7th day of March, A.D., 2002.

Notary Public, 319 Perry St., Castle Rock, CO 80104

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JUDITH A. BLOEMEN
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires 07/25/2002

PUBLIC NOTICE

TOWN OF LARKSPUR, COLORADO
ORDINANCE NO. 3.78

AN ORDINANCE AMENDING SECTION 1, ARTICLE 1 OF ORDINANCE NO. 3.43 TO ADD A NEW SECTION 1.16 AND AMENDING ARTICLE 1 OF ORDINANCE NO. 3.02 TO ADD A NEW SECTION 6 TO ESTABLISH A LAPSING PROVISION RELATIVE TO LAND DEVELOPMENT APPLICATIONS

(THIS ORDINANCE DOES NOT REPEAL OR SUPERSEDE ANY PROVISION OF ORDINANCE NO. 3.43 OR 3.02 BUT RATHER ADDS ADDITIONAL PROVISIONS)

WHEREAS, the Town Council is authorized pursuant to Section 31-23-301 and Article XX of the Colorado Constitution to adopt zoning and subdivision regulations;

WHEREAS, Ordinance No. 343 currently provides for the review and consideration of land development applications;

WHEREAS, the existing regulations in Ordinance No. 3.43 and 3.02 do not address the problems associated with or remedies to address the staleness of an application caused by the failure of an applicant to prosecute same; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town and its inhabitants to establish regulations concerning the timely processing of land development application.

NOW THEREFORE, be it ordained by the Town Council of the Town of Larkspur, Colorado as follows:

1.16. Lapse of Application

(A) Purpose. A land development application submitted to the Town for its review and consideration must be diligently pursued and processed by the applicant as set forth in this Section.

(B) Application Review. An applicant, within sixty (60) days of receipt of written comments and notice to respond from the Town on any submittal (or subsequent revision to a submittal) of an application for approval of a development application, shall file such additional or revised submittal documents as are necessary to address such comments from the Town. If the additional submittal information or revised submittal is not filed within said period of time, the development application shall automatically lapse and become null and void. Upon incorporation of all applicable staff comments within the development application materials, the Town Planner shall notify the applicant in writing that a public hearing may be scheduled to consider the land development application.

(C) Public Hearing. All public hearings before Planning Commission, Board of Adjustment and Town Council, as applicable, on any land development application shall occur within ninety (90) days of the date of written notification from the Town Planner as set forth in subsection (B) above.

(D) Extension. The Town Planner, for good cause, may grant extensions of the foregoing sixty or ninety day requirements, which extensions, in total, shall not exceed sixty (60) days. In no event shall a land development application be in process, from date of submittal to the final decision rendered by the appropriate reviewing authority, for longer than 270 days; otherwise the application shall automatically lapse and become null and void.

Section 2, Article 1 of Ordinance 3.02 is hereby amended by the addition of a new Section 6 as Follows:

Section 6. Lapse of Application

(A) Purpose. A subdivision application submitted to the Town for its review and consideration must be diligently pursued and processed by the applicant as set forth in this Section.

(B) Application Review. An applicant, within sixty (60) days of receipt of written comments and notice to respond from the Town on any submittal (or subsequent revision to a submittal) of a subdivision application, shall file such additional or revised submittal documents as are necessary to address such comments from the Town. If the additional submittal information or revised submittal is not filed within said period of time, the application shall automatically lapse and become null and void. Upon incorporation of all applicable staff comments within the subdivision application materials, the Town Planner shall notify the applicant in writing that a public hearing may be scheduled to consider the application.

(C) Public Hearing. All public hearings before Planning Commission and Town Council, as applicable, on any subdivision application shall occur within ninety (90) days of the date of written notification from the Town Planner as set forth in subsection (B) above.

(D) Extension. The Town Planner, for good cause, may grant extensions of the foregoing sixty or ninety day requirements, which extensions, in total, shall not exceed sixty (60) days. In no event shall a subdivision application be in process, from date of submittal to the final decision rendered by the appropriate reviewing authority, for longer than 270 days; otherwise the application shall automatically lapse and become null and void.

Section 3. Severability Clause. The provisions of this Ordinance shall be severable, and invalidity of one provision shall not affect the validity or enforceability of other provisions of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect five (5) days after it is posted in accordance with Section 3.14 of the Town Charter.

Introduced as an Ordinance at a Regular Meeting of the Town Council of the Town of Larkspur, Colorado, on the 21st day of February, 2002, and passed by a vote of six (6) for, 0 against and 0 abstentions(s).

/s/Wandalene H. Hertz, Mayor

(ATTEST)

/s/Claudia Whitney, Town Clerk

(seal)

I hereby certify that the within Ordinance No. 3.78 was published on the 6th day of March, 2002, in the Douglas County News Press, the newspaper of general circulation published in the County of Douglas, State of Colorado; and I further certify that the within Ordinance No. 3.78 was posted on the bulletin board at the Town Hall of the Town of Larkspur from February 22, 2002 to March 29, 2002 in accordance with Section 3.20 of the Town Charter.

/s/Claudia Whitney, Town Clerk

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