

**TOWN OF LARKSPUR
ORDINANCE NO. 3.88**

**AN ORDINANCE AMENDING SECTION 2 OF ARTICLE III OF
ORDINANCE NO. 3.43 TO DEFINE THE TERM "PLANNER" AND
AMENDING 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, upon the recommendation of the Town Planning Commission, 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 Board 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. 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 Planning Commission may fulfill the duties of Planner. The decision to utilize a planner in connection with a particular land use application shall be made by the Town Council.

2. The table set forth in Section 1.D. of Ordinance 3.77 is hereby repealed and replaced with the following table: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	\$2,500.00 ^{\$1,500.00}	\$1,500.00 ^{\$500.00}
Minor Subdivision	\$ 600.00	\$ 300.00
Major Subdivision	\$2,500.00 ^{\$1,500.00}	\$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 be 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 AFTER PUBLIC HEARING AND SIGNED THIS 20 DAY OF JANUARY, 2005.



Votes Approving: 5
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO

Interim
Kathleen K. White
Town Clerk

Myrna A. Been
Myrna A. Been, Mayor