DRAFT ORDINANCE – PUBLIC HEARING MUST OCCUR PRIOR TO ENACTMENT

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, CREATING ARTICLE 15 OF THE FREDERICK LAND USE CODE, 2004 THROUGH ADOPTION BY REFERENCE; AMENDING CERTAIN SECTIONS OF THE FREDERICK LAND USE CODE IN CONNECTION WITH THE ADOPTION OF SUCH REVISIONS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, on August 24, 2010, the Board of Trustees for the Town of Frederick, Colorado was presented with an Ordinance proposing the adoption of Article 15, Downtown Regulations of the Frederick Land Use Code, 2004 through an adoption by reference; and

WHEREAS, on August 24, 2010, the Board of Trustees for the Town of Frederick, Colorado approved a resolution authorizing publication of a notice of the Board's intent to consider the adoption of Article 15 "Downtown Regulations" of the Frederick Land Use Code, 2004 through an adoption by reference at public hearing on September 28, 2010; and

WHEREAS, Title 31, Article 16, Section 200 *et seq*. of the Colorado Revised Statutes (C.R.S.) provides that any primary code may be directly adopted by reference upon notice and a public hearing, wherein identification of the nature and purpose of such code, as well as the manner in which it may be obtained, are provided; thereafter, such code may be amended in the same manner or amended by an ordinance that sets forth the entire text of said amendment; and

WHEREAS, it is the intent of the Board of Trustees to amend the Frederick Land Use Code in order to update the general provisions, community design standards, zoning and subdivision regulations, enforcement provisions, and sign regulations of the present land use codes, previously adopted.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. The Board of Trustees of the Town of Frederick has heard and considered all evidence and testimony presented by staff and the public regarding the adoption of the "Article 15, Downtown Regulations".

Section 2. "Article 15, Downtown Regulations", has been provided in its entirety to the Board of Trustees, pursuant to C.R.S. §31-16-107, and as available in the office of the Town Clerk and elsewhere at the principal offices of the Town of Frederick, located at 401 Locust Ave, Frederick, Colorado, is hereby adopted by reference and the Frederick Land Use Code, 2004, deemed hereby amended consistent with such adoption.

Section 3. **Effective date.** This ordinance shall be published and become effective as provided by law.

Section 4. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 5. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 28h DAY of SEPTEMBER, 2010.

ATTEST:

By_____
Nanette S. Fornof, Town Clerk

TOWN OF FREDERICK

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Eric E. Doering, Mayor