

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE 2011-6**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL
AMENDING THE MUNICIPAL CODE CONCERNING APPLICATION
DEADLINES AND PLAT CERTIFICATES.

WHEREAS, the Town desires to amend certain provisions of the Municipal Code to better coordinate land use application deadlines and to add certain plat certificates; and

WHEREAS, the Planning Commission considered this Ordinance in a public hearing on January 26, 2011 and recommended that the Town Council adopt its provisions; and

WHEREAS, the Town Council hereby approves the changes to the land use code as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

2. Amendment. The Town Council hereby repeals and reenacts the following sections of Town of New Castle Municipal Code as follows:

16.16.040 Withdrawal of approval.

A. If the subdivider fails to submit to the town clerk an application for approval of a final plat within one year after the planning commission's approval of the preliminary plat, the subdivision or annexation request and all official approvals of the town or planning commission in regard thereto shall be deemed withdrawn and of no further force and effect. On written application, the planning commission shall have the discretion to grant one extension of time of up to one year on this requirement on the basis of unforeseen circumstances or other good cause shown.

B. If the subdivider fails to satisfy the conditions precedent and record the approved final plat, including plats for minor subdivisions, lot splits, and lot line adjustments, within one year after the town council or other final reviewing body approves the application, the application and all final approvals of the town shall be deemed withdrawn and be of no further force and effect. On written application, the town council shall have the discretion to grant such extension(s) of time of this requirement as needed on the basis of unforeseen circumstances or other good cause shown.

17.12.030 Procedure.

B. The board shall set a hearing to be held within sixty (60) days of the date of the appeal, notify all involved parties (which in the case of a variance application shall include owners of property adjacent to the lot for which the variance is requested) of the hearing date by first class mail, and hear the application. Upon hearing, any party may appear in person or by agent or attorney.

C Within thirty (30) days from the date of the hearing, the board shall render its written decision. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken.

17.84.040 Processing of application.

D. Within sixty (60) days from the date of the planning commission's written decision on an application, or within such time as is mutually agreed by the town council and the applicant, the town council shall approve the application, with or without conditions, or deny the application.

E. An approved conditional use shall not be conducted until the planner has issued a conditional use certificate. The certificate shall be issued only after the applicant has entered into an agreement with the town specifying that all conditions imposed by the town council will be completed and that the use and improvements will be in accordance with the approved application site plan and development schedule. The conditional use certificate must be issued within one (1) year of the date of final approval by town council, or the conditional use application is deemed withdrawn by the applicant and is of no further force and effect. Town council may extend this deadline upon good cause shown.

17.92.030 Processing of Application.

D Within sixty (60) days from the date of the planning commission's written decision on an application, or within such time as is mutually agreed by the town council and the applicant, the town council shall approve the application, with or without conditions, or deny the application.

3. Enactment. The following provisions shall be added to Chapter 16.20 of the New Castle Municipal Code.

16.20.060 Lienholder Consent and Subordination.

The lienholder consent and subordination certificate shall read as follows:

The undersigned lienholder hereby consents to and approves the recording of this _____ plat and hereby subordinates its lien recorded as reception number _____ in the real property records for Garfield County thereto.

4. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on June 21, 2011, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on July 5, 2011, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: Frank Breslin
Frank Breslin, Mayor

ATTEST:

Wendy Mead
Wendy Mead, Deputy Town Clerk

