

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-08**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
KEYSTONE, COLORADO, AMENDING ORDINANCE NO. 2024-O-05,
TOWN OF KEYSTONE LAND USE CODE, AND DECLARING AN
EMERGENCY**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, on April 23, 2024, through Ordinance No. 2024-O-05, the Town adopted by reference the *Summit County Land Use and Development Code*, subject to such amendments and revisions deemed necessary to properly and appropriately apply the adopted code to property within the Town of Keystone and has labeled it the Town of Keystone Land Use Code; and

WHEREAS, the Town Council has expressed an interest in considering land use applications for Class 2 and 4 reviews of accessory dwelling units on duplex lots, medical marijuana centers and medical marijuana infused products manufacturing facilities, medical marijuana optional premise cultivation facility, and residential cultivation of medical marijuana; and

WHEREAS, the Town Council desires to amend certain sections of the Town of Keystone Land Use Code related to Class 2 and 4 reviews and notice requirements to Homeowners Associations.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Section 2 of Ordinance 2024-O-05 adopted by Reference the *Summit County Land Use and Development Code*, as such code existed on May 1, 2024, (the “County Code”) with amendments. The following are additional amendments and requirements:

CHAPTER 12. DEVELOPMENT REVIEW PROCEDURES

- Section 12000.15(B) and (D) regarding Notice of Action for Class 2 and Class 4 Development Review Applications is deleted in its entirety and replaced with the following:

B. Class 2 Development Review Applications: For all Class 2 development review applications, the Planning Department shall send written

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notice of its decision to the Town Council and the Town Manager, and the applicant within four (4) calendar days after the date action is taken. Notice to the applicant shall include any conditions of approval or findings for denial. The Planning Department will schedule the notice of action as an agenda item on the next Town Council meeting. Failure to send written notice within four (4) calendar days shall not invalidate the action taken, but merely shall extend the period in which the applicant may appeal (as provided for in Section 12000.16) by the number of days that giving of notice is delayed beyond four (4) calendar days. For Class 2 Development Review Applications that require posting per Section 12000.10, the posted notice shall serve as the notice of action to the public by including the date the decisions will be rendered and a date by which appeals must be submitted to the Planning Department.

D. Class 4 Development Review Applications: The Planning Department shall send written notice of the Planning & Zoning Commission's decision to either approve or deny an application to the Town Council and Town Manager and the applicant within four (4) calendar days after the date action is taken. Notice to the applicant shall include any conditions of approval or findings for denial. The Planning Department will schedule the notice of action as an agenda item on the next Town Council meeting. Failure to give notice within four (4) calendar days shall not invalidate the action taken, but shall extend the period in which the applicant may appeal (as provided for in Section 12000.16) by the number of days that giving of notice is delayed beyond four (4) calendar days.

- Section 12000.16(B), (C), and (E) regarding Effective Date and Appeal are deleted in their entirety and replaced with the following:

B. Class 2 Development Review Applications that Require Posted Notice Per Section 12000.10: Action on a Class 2 development review application that is required to have a posted notice in accordance with Section 12000.10 et seq. shall become effective twenty-one (21) calendar days after the date action is taken unless the action is appealed within this twenty-one (21) day period in accordance with the requirements of Section 13202. If the action on a Class 2 application is properly appealed, the Town shall not issue any permits associated with the project until the appeal is heard by the Review Authority per the provisions of Section 13200 et seq. and the Review Authority takes action to uphold or modify the approval. Appeals on Class 2 and 4 development review applications (except for Class 2 development review applications for townhouse plats, condo maps and duplex subdivision exemptions as provided for in Section 12000.16.B) may only be filed by: 1) the affirmative vote of a majority of the Town Council present at the meeting, 2) the applicant, or 3) other persons as provided for in Section 13202. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq.

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C. Class 2 Development Review Applications that Do Not Require Posted Notice Per Section 12000.10: Action on a Class 2 application that does not require a posted notice per Section 12000.10 et seq. shall become effective on the date a decision is rendered unless a decision is appealed within twenty-one (21) calendar days in accordance with the requirements of Section 13202. After an administrative decision is rendered on a Class 2 application by the Planning Department, an appeal may be filed only by 1) the affirmative vote of a majority of the Town Council present at the meeting; or 2) the applicant. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq.

E. Class 4 Development Review Applications: Action on a Class 4 application shall become effective twenty-one (21) calendar days after the date action is taken unless the action is appealed within this twenty-one (21) day period in accordance with the requirements of this section. If the action on a Class 4 application is so appealed, the Town, or the Town's designee, shall not issue any permits associated with the project until the appeal is heard by the Town Council and the Town Council takes action to uphold or modify the approval. If the Town Council action on the appeal results in denial of the application, no permits may be issued by the Town, or the Town's designee, unless a new application is approved in accordance with the applicable requirements and criteria for decision of this Code. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq. Notwithstanding the foregoing, all BOA decisions shall be considered final and no Town Council review is available.

CHAPTER 13. PUBLIC HEARINGS AND APPEALS

- Section 13103(B) regarding Noticing of Public Hearings is deleted in its entirety and replaced with the following:

B. Public Noticing Requirements: Applications shall be noticed in substantial compliance with the following provisions:

1. Class 1 Applications: No legal notice of this administrative application process is required.

2. Class 2 Applications: Certain Class 2 development review applications per the provisions of Section 12000.10.B require a posting notice in accordance with Section 13103.01.E. For Class 2 Development Review Applications that require posting per Section 12000.10, the posted notice shall serve as the notice of action to the public by including the date the decisions will be rendered and a date by which appeals must be

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submitted to the Planning Department. If the property is located in a Homeowners Association, notice will be provided to the Homeowners Association. Not all Class 2 development review applications require noticing.

3. Class 3 Applications: Notice of the work session shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and, 3) published as a legal advertisement in accordance with Section 13103.01.D.

4. Class 4 and 5 Applications: Notice of the public hearing shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and 3) published as a legal advertisement in accordance with Section 13103.01.D. Notwithstanding the foregoing, a quasi-legislative amendment to the Official Zoning Maps only has to comply with the noticing provisions contained in Section 13103.01.C.6.

5. Class 6 Applications: No legal notice of these applications is required except for: 1) final plats and final rezonings to PUD not concurrently heard and noticed with the required Class 5 application; 2) minor PUD modifications; and, 3) Class 6 development review process for the alterations or elimination of plat notes. For final plats and final zonings not being concurrently heard with the Class 5 preliminary review applications, notice of the Town Council's public hearing shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and, 3) published as a legal advertisement in accordance with Section 13103.01.D. The Class 6 development review process for the alterations or elimination of plat notes shall be 1) noticed to all property owners within the affected subdivision, as well as any other direct beneficiaries or other parties directly affected by such notes, both in accordance with Section 13103.01.F, and 2) posted in accordance with Section 13103.01.E.

6. Extension of Noticing Area: The Community Development Director may extend the radius used for noticing as required by this section up to 2,000 feet based on the nature of the proposal, its potential impacts and the general character of the area.

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7. Code Administrator Decisions on Code Interpretations and Use Determinations: Notice of the Code Administrator decisions on Code interpretations and use determinations may, at the discretion of the Code Administrator, be posted on the property impacted by such a decision in accordance with Section 13103.01.E.

8. Mineral Estate Notification: An applicant shall provide notice to mineral estate owners as required by C.R.S. § 24-65.5-100 et seq. as currently affected or hereinafter amended. Where an applicant provides any notice as may be required by C.R.S. § 24-65.5-100 et seq. and a mineral estate owner is notified, the Town shall provide notice of subsequent hearings.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, numerical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 5. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 6. Emergency Declared; Effective Date. The Town Council hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Absent passage of this Ordinance as an Emergency Ordinance, the Town risks the submission of applications for land use matters and other regulations without a land development code in place and there is no mechanism to process any land use applications without a land development code in place. Upon passage by a supermajority of Town Council members in office, as required by Section 6.6 of the Keystone Home Rule Charter ($\frac{3}{4}$ of all members in office), this Ordinance shall take effect immediately upon adoption.

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INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON JULY 9, 2024, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

11th DAY OF June, 2024.

DocuSigned by:
Kenneth D. Riley
FFCC105F1873AF9
Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:
Madeleine Sielw
04E4B83730X1424...
Town Clerk

APPROVED AS TO FORM:

DocuSigned by:
Jennifer Madsen
88751004A1B74EC...
Town Attorney

I hereby certify that the above Ordinance was introduced to the Town Council of the Town of Keystone at its meeting of June 11, 2024, and ordered published two times by title only in The Summit Daily newspaper on June 21, 2024, and on June 28, 2024, and in full on the Town web site.

ATTEST:

SEAL



DocuSigned by:
Madeleine Sielw
04E4B83730X1424...
By: Town Clerk or Deputy Town Clerk

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READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE WITH A ROLL CALL VOTE OF 6 IN FAVOR AND 0 OPPOSED, ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

9th DAY OF JULY, 2024.

DocuSigned by:

Kenneth D. Riley

Kenneth D. Riley, Mayor

ATTEST:

DocuSigned by:

Madeline Sieb

Town Clerk

APPROVED AS TO FORM:

DocuSigned by:

Jennifer Madsen

Town Attorney