

**TOWN OF PARACHUTE
ORDINANCE NO. 712-2017**

**AN ORDINANCE ESTABLISHING THE BOUNDARIES OF THE OLD TOWN
OVERLAY DISTRICT AND THE MIXED USE OVERLAY DISTRICT**

WHEREAS, the Town of Parachute is a home rule town, governed by its elected Mayor and Board of Trustees; and

WHEREAS, the Town is authorized by CRS 31-23-101 et seq. to adopt and enforce regulations for the preservation of the public health, safety and welfare, including regulations governing the zoning and development of land; and

WHEREAS, the Board is also authorized to adopt this ordinance pursuant to state law, including but not limited to, C.R.S. § 24-67-101 et seq. and 31-16-101 et seq.; and

WHEREAS, in the exercise of this authority the Board of Trustees has adopted Ordinance No. 711-2017, Series 2017 Repealing and Reenacting, with Amendments, Title 15 of the Parachute Municipal Code Concerning Land Use; and

WHEREAS, Chapter 2, Article 3 of Title 15 of the Parachute Municipal Code, as repealed and readopted by Ordinance , creates two new overlay zoning districts within the Town; and

WHEREAS, the Board of Trustees finds and determines that the requirements of Code Section 15.02.320 have been met so as to support application of the Old Town Overlay District and the Mixed Use Overlay District to real property within the Town; and

WHEREAS, the Board of Trustees finds that application of the Old Town Overlay District and the Mixed Use Overlay District as contemplated hereby is the exercise of a legislative function, not a quasi-judicial function of the Board of Trustees because of the size of the proposed districts and the number of individual parcels of real property contained therein; and

WHEREAS, the Parachute Planning and Zoning Commission has reviewed this Ordinance and has recommended its approval; and

WHEREAS, the Board of Trustees has conducted a public hearing on this Ordinance and the proposed application of the two Overlay Districts to real property within the Town, notice of which hearing was duly posted and published pursuant to law; and

WHEREAS, the Board of Trustees finds that the public health, safety and welfare will be promoted by adoption of the Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO, AS FOLLOWS:

Section 1. Old Town Overlay District. The boundaries of the Old Town Overlay District, as that District is described in Section 15.02.330 of the Parachute Municipal Code, as repealed and readopted by Ordinance 711-2017, are hereby established as shown on **Exhibit A** attached and incorporated herein; and the real property lying within said boundaries is hereby made subject to the requirements of the Old Town Overlay District.

Section 2. Mixed Use Overlay District. The boundaries of the Mixed Use Overlay District, as that District is described in Section 15.02.340 of the Parachute Municipal Code, as repealed and readopted by Ordinance 714-2017, are hereby established as shown on **Exhibit A** attached and incorporated herein; and the real property lying within said boundaries is hereby made subject to the requirements of the Mixed Use Overlay District.

Section 3. Severability. If any 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 Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. Repeal of inconsistent ordinances. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 5. No repeal of penalty. The repeal or modification of any provision of the Municipal Code of the Town of Parachute by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Effective date. This Ordinance and the amendments to the Parachute Municipal Code set forth herein shall take effect February 1, 2017.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY, by a vote of 5 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado on the 19th day of January, 2017 and approved by the Mayor on the 19th day of January, 2017.

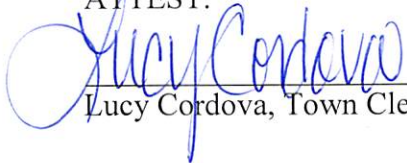


BOARD OF TRUSTEES OF THE
TOWN OF PARACHUTE, COLORADO



Roy B. McClung, Mayor

ATTEST:



Lucy Cordova, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

AN ORDINANCE ESTABLISHING THE BOUNDARIES OF THE OLD TOWN OVERLAY DISTRICT AND THE MIXED USE OVERLAY DISTRICT

was introduced before the Board of Trustees on January 19th, 2017; that a copy of said ordinance is posted at Town Hall; and that the ordinance was approved at a regular meeting of the Board of Trustees held on January 19th, 2017, and approved by the Mayor on January 19th, 2017.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>

Dated this 19th day of January, 2017

TOWN OF PARACHUTE



Lucy Cordova, Town Clerk

EXHIBIT A

**Overlay District
Map and Boundaries
[attached]**