

ORDINANCE NO. 2018-13

**AN EMERGENCY ORDINANCE AMENDING SECTION 16-2-150 OF THE
KEENESBURG MUNICIPAL CODE TO ADD CRYOGENIC GAS PROCESSING
PLANTS A USE BY RIGHT TO THE HEAVY INDUSTRIAL ZONE DISTRICT**

WHEREAS, the Board of Trustees of the Town of Keenesburg has reviewed the listed uses by right in the Heavy Industrial District in light of the purposes of such zone district as set forth in Section 16-2-150(a) of the Keenesburg Municipal Code, and has determined that an additional use of cryogenic gas processing plants should be added in order to further and promote development of such use within the Town, which the Board has determined to be beneficial to the Town and its residents; and

WHEREAS, such amendment was reviewed the Keenesburg Planning Commission at a public hearing, and the Planning Commission has forwarded to the Board of Trustees its recommendation that such amendment be adopted; and

WHEREAS, the Board of Trustees has held a duly-noticed public hearing on such amendment, at which hearing evidence and testimony were entered into the record, and finds the amendment should be adopted and the zoning code updated accordingly; and

WHEREAS, the Board finds that an emergency exists because the preservation of public property, health, safety and welfare requires amendment of the Town's Heavy Industrial District to allow for cryogenic gas processing plants to be added as a use by right, in order to facilitate the timely processing and approval of required land use applications by Town administrative staff so that such a facility may be developed within the Town as soon as practicable.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF KEENESBURG, COLORADO:

Section 1. Section 16-2-150(b) of the Keenesburg Municipal Code is hereby amended by the addition of a new subsection (13) to read as follows:

Sec. 16-2-150. Heavy Industrial District (HI).

(b) Uses by right.

(13) Cryogenic gas processing plants, the structures and facilities for which may exceed the height limitations set forth in Section 16-2-170 of this Code and may utilize power generation facilities greater than or equal to fifty (50) megawatts of power, notwithstanding any provision or other requirement of this Chapter to the contrary.

Section 2. The Board of Trustees herewith finds, determines, and declares that this ordinance is necessary to the immediate preservation of public property, health, welfare, peace, or safety. Pursuant to C.R.S. § 31-16-105 this ordinance shall be effective upon adoption.

Section 3. 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. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 9th day of August 2018.

TOWN OF KEENESBURG, COLORADO

Ken Gfeller, Mayor

ATTEST:

Toni Johnson, Town Clerk

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