

**CITY OF LEADVILLE, COLORADO  
ORDINANCE NO. 8  
SERIES OF 2022**

**AN ORDINANCE APPROVING A THIRD AMENDMENT TO THE RAILYARD AT  
LEADVILLE PHASE 1 PLANNED UNIT DEVELOPMENT**

**WHEREAS**, the Railyard at Leadville Planned Unit Development Phase 1 (“Phase 1 PUD”) was approved by Ordinance No. 13, Series 2017 of the City Council establishing the zoning for certain property consisting of approximately 15.8 acres, more or less, and located generally north and east of the intersection of E. 12<sup>th</sup> Street and Highway 24 in the City of Leadville, County of Lake, State of Colorado, and west of the railroad tracks (the “Property”); and

**WHEREAS**, the First Amendment to the Phase 1 PUD was approved by Ordinance No. 4, Series 2019 of the City Council, after consideration by the City Planning and Zoning Commission at a duly noticed public hearing as required by the Leadville Municipal Code (“LMC”); and

**WHEREAS**, on August 21, 2020, the City of Leadville administratively approved a second amendment to the Phase 1 PUD to modify the permitted tree lawn dimensions and adjust the definition for the measurement of building height; and

**WHEREAS**, the Leadville Urban Renewal Authority (“Applicant”) owns a lot within the Property, known as 1416 Silver Vault Street, Leadville, Colorado 80461 and legally described as Lot 1, Block 6, Leadville Railyard, Filing. No. 1, Lake County, Colorado (“LURA Parcel”); and

**WHEREAS**, the LURA Parcel is currently zoned as a Civic/Community Building Lot Type that does not permit residential uses, including affordable, attainable, community, or workforce housing, for such lot type; and

**WHEREAS**, the Applicant intends to develop or cause to be developed workforce housing units on the LURA Parcel and has submitted an application seeking approval of a third amendment to the Phase 1 PUD (“Third Amendment”) to revise the Civic/Community Building Lot Type standards and uses to include residential uses that permit and are limited to the development of affordable, attainable, community, and workforce housing units on the LURA Parcel; and

**WHEREAS**, the City of Leadville Planning and Zoning Commission considered the Third Amendment at a duly noticed public hearing and recommended approval of the Third Amendment; and

**WHEREAS**, the City Council considered the Third Amendment at a public hearing on August 2, 2022, and provided the Applicant and the public an opportunity to present testimony and evidence regarding the Third Amendment; and

**WHEREAS**, notification of the public hearings were completed in accordance with Section 17.40.120 of the LMC; and

**WHEREAS**, the administrative record for this case includes, but is not limited to, the LMC, the City of Leadville, Colorado, Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with all City of Leadville land use application processing policies that relate to the subject matter of the public hearing, reports, studies and all other submittals of the Applicant, or the Applicant’s designated representative(s), as applicable, any evidence or correspondence submitted by members of the public at the public hearing, and the City staff files and reports, if applicable, pertaining to the proposed Third Amendment; and

**WHEREAS**, the Leadville City Council has carefully reviewed the Third Amendment and has determined that it is consistent with the efficient development and preservation of the Phase 1 PUD, that it does not adversely affect either the Phase 1 PUD as it currently exists or neighboring residents and that it is consistent with the purpose, intent and various provisions of Leadville’s Zoning Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO:**

**Section 1. Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

**Section 2. Amendments Approved.** The City Council hereby grants and approves the following amendments to the Phase 1 PUD:

1. Amend the “Project and Amendment History” section on Sheet 1 to add the following statement:

2022 (August 2, 2022) – City of Leadville City Council approved the Railyard Leadville Phase I PUD Third Amendment (Ordinance No.8, Series of 2022). The purpose of the amendment was to amend the Civic/Community Building Lot Type standards and uses to permit residential uses, including affordable, attainable, community, and workforce housing.

2. Amend the “Civic/Community Building Lot Type” minimum setbacks, on Sheet 9 of the Phase 1 PUD, to read as follows:

<b>LOT DIMENSIONS:</b>	
Minimum lot size: N/A Minimum lot width: N/A	
<b>SETBACKS:</b>	
Front setback:	0’ minimum
Rear setback:	0’ minimum
Side setback:	5’ minimum

<b>BUILDING:</b>
Maximum building height: 80% of building footprint: 38' 20% of building footprint: 45' Minimum total floor area: N/A Maximum lot coverage: 85%
<b>ALLOWED USES:</b>
Residential (limited to affordable, attainable, community, and workforce housing), recreation centers, community centers.  Ground floor only: general retail stores, professional and business offices, personal service outlets (such as beauty salons and barber shops), laundromats, travel agencies, restaurants, cafes, bars, lounges, child care facilities, educational institutes, public or private school facilities.

**Section 3. Recordation.** City staff is hereby directed to amend the Railyard at Leadville Planned Unit Development Phase 1 Second Amendment consistently with the amendments approved by this Ordinance and title the revised PUD as: "Railyard Leadville Phase 1 PUD Third Amendment." Staff is further directed to record a copy of the Railyard Leadville Phase 1 PUD Third Amendment in the records of the Lake County Clerk and Recorder.

**Section 4. Adoption on First Reading.** Adoption of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with Section 2.08.070 of the LMC by setting this Ordinance for consideration on second reading. Adoption of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposed amendment.

**Section 5. Severability.** Should any one or more sections or provisions of this ordinance or enacted hereby 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 6. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

**INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 19th day July, 2022.**



CITY OF LEADVILLE, COLORADO:

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Deputy City Clerk

PUBLISHED in full in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, on the 21st day of July, 2022.

**PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this 2nd day of August, 2022.**

CITY OF LEADVILLE, COLORADO:

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Deputy City Clerk



PUBLISHED BY TITLE ONLY, with any amendments, in The Herald Democrat, a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this 2 day of August, 2022.