

**A BILL FOR
ORDINANCE NO. 9, SERIES OF 2010**

**AN ORDINANCE AMENDING SECTION 17.24.050 OF THE MUNICIPAL
CODE, TO ADD THERETO A NEW SUBSECTION IDENTIFYING A
CERTAIN LAND USE PERMITTED ONLY BY SPECIAL REVIEW.**

[323 Main Street]

WHEREAS, on or about February 9, 2010 the authorized applicant and the owner of certain land located within a CB, Central Business zone district of the City filed an application for a Special Review use of such land, pursuant to the requirements of the Cañon City Municipal Code; and

WHEREAS, said application requested that the said property be approved for use as a "training facility" (Karate studio); and

WHEREAS, "training facility" is a use permitted only through special review in the CB, Central Business zone district, pursuant to Subsection 17.12.140(B) of the Cañon City Municipal Code; and

WHEREAS, pursuant to adequate notice, a public hearing was conducted before the Planning Commission of the City of Cañon City at its regular meeting on March 16, 2010, following which, according to the minutes of said meeting, the Planning Commission, by unanimous vote, recommended to the Council of Cañon City that the request for Special Review be approved with conditions; and

WHEREAS, public notice of the request was mailed to all property owners within 300 feet of the subject property, as required under Subsection 17.24.020(B) of the Cañon City Municipal Code, and also was published and posted in accordance with applicable law; and

WHEREAS, pursuant to adequate notice, a public hearing on the request for Special Review was conducted before the Council of Cañon City at its regular meeting on April 5, 2010, during which testimony was heard and evidence was received, including, but not limited to the aforementioned minutes and recommendation of the Planning Commission, reports from the applicant, City staff and other interested parties; and

WHEREAS, the Council of Cañon City, in accordance with the requirements of subsection 17.24.030(A) of the Cañon City Municipal Code, hereby finds and determines: (1) that the special review use application complies with all requirements imposed by Chapter 17.24 of the Cañon City Municipal Code and that there are no written rules adopted by the Planning Commission which impose additional requirements; (2) that the special review use requested in the application is consistent with the purposes of Title 17, as declared in Section 17.04.020 of the Cañon City Municipal Code; and (3) that the special review use applied for is designed to be compatible with surrounding land uses and the area in which it will be located; and

WHEREAS, the Council of Cañon City further represents and acknowledges, in accordance with the requirements of subsection 17.24.030(B) of the Cañon City Municipal Code, that it has considered all criteria enumerated in paragraphs 1 through 6 of such subsection and, in light of such considerations, hereby finds that certain limitations, restrictions, requirements or conditions are necessary to reasonably preserve and promote public peace, health, safety and general welfare in the neighborhood in which the requested recreational facility use will be permitted pursuant to this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY THAT Section 17.24.050 of the Cañon City Municipal Code is hereby amended by the addition thereto of a new Subsection 83 to read as follows:

83. A. Legal Description of Property

The ground floor of the west half of the building situated on Lot 3, Block 16, Cañon City, known and numbered as 323 Main Street.

B. Zoning District Designation

CB, Central Business

C. Use Permitted by Special Review

Training Facility (Karate studio)

D. Conditions

The special review use permitted in this subsection is specifically subject to the following limitations, restrictions, requirements and conditions:

- 1) The approval herein granted shall extend only to the tenancy of Rocky Mountain Shito-Ryu Karate-Do or any successor tenant operating substantially the same type of training facility business at the location described hereinabove. If and when Rocky Mountain Shito-Ryu Karate-Do (or a substantially similar successor business) vacates the property for a period of time in excess of one year, the approval granted in this subsection will terminate.