



## ORDINANCE NO. 377

### AMENDING THE PLANNING AND A ZONING COMMISSION

**WHEREAS**, Article 23, Title 31 of the Colorado Revised Statutes authorizes municipalities to create a Planning and Zoning Commission and to determine the membership of any such commission; and

**WHEREAS**, the Planning and Zoning Commission currently consists of five (5) members, two (2) of which are ex-officio members; and

**WHEREAS**, the Board of Trustees of the City of Creede has not received enough applicants for positions as members on the Planning and Zoning Commission and is therefore unable to appoint enough members to obtain a quorum for decision-making; and

**WHEREAS**, the Board of Trustees finds this ordinance will thereby promote the health, safety and general welfare of the Creede community.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, THAT:**

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees.

**Section 2. Amendment to Section 2-9-20 of the Creede Municipal Code.** Section 2-9-20 of the Creede Municipal Code is hereby amended by adding the following language, so that the section shall read in its entirety, and is hereby adopted in its entirety, as follows:

**“Sec. 2-9-20. Members.**

The policies and procedures of the Planning and Zoning Commission shall be developed by the Planning and Zoning Commission and approved by the Board of Trustees. The Planning and Zoning Commission shall consist of not less than five (5) or more than seven (7) members. When the Commission is limited to five (5) members, the membership shall consist of the Mayor and a member of the governing body as ex-officio members and three (3) persons appointed by the Board of Trustees. When the Commission has five (5) or fewer members all members shall be entitled to vote and act with the full authority and powers set forth in this Article 9. When the Commission consists of seven (7) members, the Mayor and Trustee will act as ex-officio members. All members of such Commission shall be bona fide residents of the Municipality. The term of each appointed member shall be four (4) years, and the term of the members of the governing body will end with their respective term expiration.”

**Section 3. Correction of Errors.** City Staff is authorized to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such corrections do not change the substantive terms and provisions of such documents.

**Section 4. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or



application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though anyone of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City of Creede.

**Section 5. Publication.** The City Clerk is ordered to publish this Ordinance by posting notice of adoption of this Ordinance on final reading by title in at least three public places within the City including posting at the office of the City Clerk, which notice shall contain a statement that a copy of the ordinance in full is available for public inspection in the office of the City Clerk during normal business hours.

**Section 6. Effective Date.** This Ordinance shall take effect thirty (30) days after following final passage.

**INTRODUCED, APPROVED AND PASSED ON THIS FIRST AND FINAL READING, on this 7<sup>th</sup> day of May, 2013.**

CITY OF CREEDE:

ATTEST:

  
Eric Grossman, Mayor  
5/8/13  
Date

  
Randi DePriest, City Clerk  
5/8/13  
Date