

ORDINANCE NO. 427

**AN ORDINANCE OF THE CITY OF CREEDE, COLORADO REPEALING
'CHAPTER 16 - ZONING' OF THE CITY OF CREEDE CODE OF
ORDINANCES**

WHEREAS, the authority for the City of Creede ("City") to adopt regulations concerning the use and development of real property is provided by Article 65.5 Notification of Surface Development; Article 20 Local Government Regulation of Land Use of Title 29; Article Exercise of Municipal Powers; Article 16 Ordinances; Article 23 Planning and Zoning; and other applicable state and federal laws and regulations; and

WHEREAS, in accordance with the requirements of C.R.S. § 31-23-304, 305, and 306 and after providing proper notice, the Creede Board of Trustees held a public hearing on May 4th, 2021, and considered all public comments received and all testimony and materials provided by City Staff prior to making a decision; and

WHEREAS, the City adopted Chapter 9, Development Code as Ordinance No. 395 on March 1st, 2016; and

WHEREAS, Chapter 9, Development Code was intended to replace Chapter 16, Zoning and contains conflicting provisions; and

WHEREAS, Chapter 16, Zoning was never repealed and is currently part of the City of Creede Code of Ordinances; and

NOW THEREFORE, BE IT ORDAINED, by the Board of Trustees of the City of Creede, a Colorado Town the following:

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. Enacted. Chapter 16, Zoning is hereby repealed in its entirety.

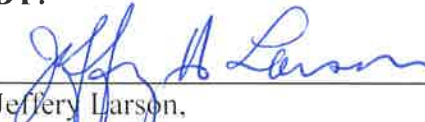
Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision 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 any one 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.

Section 4. Effective Date. This Ordinance shall take effect thirty days after adoption.

Section 5. Safety Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City of Creede, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative objective sought to be obtained.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, ON MAY 4TH, 2021.

BY:



Jeffery Larson, Date
Mayor

ATTEST:



Sarah Elthim-Williamson, Date
City Clerk 5/4/2021