



**CITY OF CREEDE, COLORADO  
ORDINANCE NO. 364**

**AN ORDINANCE ZONING THE CREEDE RESOURCES PROPERTY AS PLANNED  
UNIT DEVELOPMENT (PUD); APPROVING A PLANNED UNIT DEVELOPMENT  
PLAN AND DEVELOPMENT STANDARDS; AND APPROVING AN ANNEXATION  
AND DEVELOPMENT AGREEMENT**

**WHEREAS**, Creede Resources, Inc., a Colorado corporation ("Owner"), submitted an application dated October 28, 2010 to the City of Creede ("City") for Planned Unit Development (PUD) zoning including a Planned Unit Development Plan and Development Standards (collectively, the "PUD Zoning Application") for the property described in Exhibit A: Creede Resources Property ("Property") which PUD Zoning Application was submitted in connection with Owner's petition for annexation to the City of the Property; and

**WHEREAS**, on November 2, 2010, the City of Creede Planning and Zoning Commission ("Commission") unanimously recommended approval of the proposed zoning and planned unit development plan for the Property; and

**WHEREAS**, Owner and the City have negotiated an annexation and development agreement ("Development Agreement") with respect to the Property; and

**WHEREAS**, the City of Creede annexed the Property on January 10, 2011, by adopting Ordinance No. 363 AN ORDINANCE ANNEXING THE CREEDE RESOURCES PROPERTY; and

**WHEREAS**, Colorado Revised Statute §31-12-115 provides that an annexing municipality may institute zoning and subdivision procedures after a petition for annexation has been found to be valid in accordance with the provisions of Colorado Revised Statute §31-12-107 and that any area annexed into a municipality shall be brought under the zoning regulations of such municipality within ninety days of the effective date of the annexation ordinance; and

**WHEREAS**, pursuant to noticing procedures required by law, the Commission held public hearings on May 5, 2010; June 2, 2010; July 7, 2010; and November 2, 2010 on the PUD Zoning Application, considered all comments, testimony, evidence and staff reports provided by the City staff and consultants, considered such information prior to formulating a recommendation, then took action to adopt findings and make a recommendation of approval to the Town Board with conditions as set forth herein; and

**WHEREAS**, pursuant to noticing procedures required by law, the Town Board held public hearings on January 10, 2011 and considered all comments, testimony, evidence and staff reports provided by the City staff and consultants prior to taking any action on the PUD Zoning Application, the Planned Unit Development Plan and Development Standards, the Development Agreement, and the granting of vested property rights; and



**WHEREAS**, the Town Board finds that the Planned Unit Development Zoning and Planned Unit Development Plan and Development Standards are in conformance with the City of Creede's Comprehensive Plan as amended, are compatible with surrounding uses, and that adequate facilities are available to serve the development as permitted in the proposed zoning subject to the terms and conditions of the Development Agreement; and

**WHEREAS**, the Town Board finds that the approval of this Ordinance will promote the health, safety and general welfare of the Creede community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE CITY OF CREEDE, COUNTY OF MINERAL, STATE OF COLORADO**, the following:

**Section 1. Planned Unit Development Zoning.** The Property is hereby zoned Planned Unit Development. The Planned Unit Development Plan and Development Standards are hereby approved for the Property. The specific uses, design standards, terms and conditions of the Planned Unit Development Zoning are defined in the Planned Unit Development Plan and Development Standards and in the Development Agreement approved in Section 2 of this Ordinance. The Town Board further approves an amendment to the Official Zoning Map of the City of Creede to include the Property in the Planned Unit Development Zone District.

**Section 2. Development Agreement.** The Development Agreement between Creede Resources, Inc. and the City of Creede attached hereto as "Exhibit A" is hereby approved.

**Section 3. Vested Rights.** Vested property rights are hereby created in accordance with Colorado Revised Statute §§24-68-101 *et. seq.* The vested property rights created by this Ordinance shall be the vested property rights as defined in the Development Agreement approved by Section 2 of this Ordinance.

**Section 4. 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 5. Execution of Documents.** The Mayor and City Clerk are authorized to execute the Development Agreement approved by Section 2 of this Ordinance and other official documents associated with the approvals and actions in this Ordinance.

**Section 6. 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 Town Board hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional

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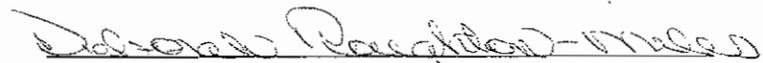
Eryn K Wintz  
Mineral County Clerk

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 Town.

**Section 7. 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 and 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 8. Effective Date.** This Ordinance shall take effect thirty (30) days after following final passage.

**INTRODUCED, APPROVED, PASSED ON FIRST READING AND FINAL READING, on May 2, 2011.**

  
Deborah Roughton-Miles, Mayor

ATTEST:

  
Pamela J. Wilson, City Clerk

