

**CITY OF CREEDE, COLORADO
ORDINANCE NO. 395**

**AMENDING THE CREEDE MUNICIPAL CODE BY
ENACTING TITLE 9: THE CREEDE DEVELOPMENT CODE;
REPEALING ORDINANCES NOS. 341, 342, 362, 369, AND 377**

WHEREAS, the authority for the City of Creede (“City”) to adopt regulations concerning the use, subdivision and development of real property is provided by Article 65.5 Notification of Surface Development, Article 67 Planned Unit Development Act of 1972, and Article 68, Vested Property Rights of Title 24, Colorado Revised Statutes; Article 20 Local Government Regulation of Land Use of Title 29, Colorado Revised Statutes; and Article 12 Annexation – Consolidation – Disconnection, Article 15 Exercise of Municipal Powers, Article 16 Ordinances – Penalties, Article 20 Taxation and Finance, Article 23 Planning and Zoning, and Article 25 Public Improvements of Title 31, Colorado Revised Statutes; 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 the Creede Planning and Zoning Commission held public hearings and after considering all public comments received and testimony and materials provided by City Staff provided a recommendation to the Board of Trustees to adopt the Creede Development Code; 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 March 1, 2016, and considered all public comments received and all testimony and materials provided by City Staff prior to making a decision; and

WHEREAS, the Board of Trustees for the City of Creede, a Colorado Town finds that the adoption of the Creede Development Code will help implement the Creede Comprehensive Plan, including all related plans and amendments thereto, and 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, 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. Repealed. The following ordinances are hereby repealed in their entirety;

Ordinance No. 341 Adopting Land Use Code by Reference

Ordinance No. 342 Creating a Planning & Zoning Commission

Ordinance No. 362 Amending the Creede Land Use Code to Adopt Planned Unit Development Regulations

Ordinance No. 369 Amending the Creede Code to Establish a Board of Adjustment and Regulations and Amending the Creede Land Use Code to Establish Procedures for the Board of Adjustments

Ordinance No. 377 Amending the Planning and Zoning Commission

Section 3. Enacted. Title 9; Creede Development Code, attached (digitally) to this ordinance as Exhibit A is hereby enacted.

Section 4. Codification Amendments. The codifier of the Creede Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Creede Municipal Code. The City Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 5. 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 6. Effective Date. This Ordinance shall take effect thirty days after adoption.

Section 7. 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 object sought to be obtained.

Section 8. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect and audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgement, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or

declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearing, and appeals pending before any court or administrative tribunal.

Section 9. Publication by Posting. The City Clerk is ordered to publish this Ordinance by posting notice of adoption of this Ordinance on first reading by title only 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.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, ON MARCH 1, 2016.

By: 
Eric Grossman, Mayor

Attest: 
Randi Snead, City Clerk