

**CITY OF CREEDE, COLORADO  
ORDINANCE NO. 396**

**AN ORDINANCE RE-ZONING THE SOUTH HALF OF BLOCK 7, BLOCK 14,  
THE PORTION OF FOURTH STREET VACATED BY ORDINANCE No. 188,  
AND THE NORTH HALF OF BLOCK 15 IN SOUTH CREEDE**

**WHEREAS**, Colorado Revised Statutes 31-23-301 authorizes municipalities the powers and authority to regulate zoning requirements and approve re-zoning as deemed appropriate; and

**WHEREAS**, the Board of Trustees approved and adopted the Creede Development Code with Ordinance No. 395 effective April 1, 2016; and

**WHEREAS**, the Board of Trustees have determined the existing zoning of "Lots 8 thru 14, Block 7, Lots 1 thru 17, Block 14, the portion of Fourth Street vacated by Ordinance No. 188, and Lots 1 thru 9, Block 15 in South Creede" are not consistent with future planned uses; and

**WHEREAS**, the Town Board has determined that the criteria for making the zoning change have been met and that the change is in the best interest of the Town.

**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 Town Council.

**Section 2. Rezoning.** Lots 8 thru 14, Block 7, Lots 1 thru 17, Block 14, the portion of Fourth Street vacated by Ordinance No. 188, and Lots 1 thru 9, Block 15 in South Creede will be re-zoned from Residential District, Single-Family (R-1) to Highway Mixed Use District (B-2).

**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 on the thirty-first (31) day after publication of notice of 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 object sought to be obtained.

**Section 6. 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 any 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 judgment, 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, hearings, and appeals pending before any court or administrative tribunal.

**Section 7. Correction of Errors.** Town Staff is authorized to insert proper dates, references to recording information and make similar changes, and 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 8. Publication.** The City Clerk is ordered to publish this Ordinance in a newspaper of general circulation in the City of Creede.

**INTRODUCED AND ADOPTED** by the Board of Trustees of the City of Creede, Colorado, on May 3, 2016.

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Eryn K Wintz  
Mineral County Clerk

**CITY OF CREEDE, COLORADO**

  
Jeffrey Larson, Mayor

ATTEST:

  
Randi Snead, City Clerk

