

**CITY OF CENTRAL, COLORADO
ORDINANCE 14-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO AMENDING ARTICLE V OF CHAPTER 2 OF THE MUNICIPAL
CODE REGARDING THE PLANNING AND ZONING COMMISSION**

WHEREAS, the City of Central (“City”) is authorized under its home rule charter and Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of the public health, safety and welfare; and

WHEREAS, in furtherance of the public health, safety and welfare of the City of Central, the City Council wishes to update the Municipal Code to create administrative efficiencies and to reflect current City practices and policies; and

WHEREAS, revisions to Chapter 2 include repealing and replacing Article V concerning the membership and other regulations pertaining to the Planning and Zoning Commission; and

WHEREAS, City Council conducted a public hearing, with proper notice provided, to consider adoption of this Ordinance as required by law.

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL,
COLORADO THAT:**

Section 1. Article V of Chapter 2 of the Municipal Code, currently titled “Planning Commission” is hereby repealed and replaced to read in its entirety as follows:

CHAPTER 2

ARTICLE V

Planning and Zoning Commission

Sec. 2-5-10	Membership
Sec. 2-5-20	Appointments
Sec. 2-5-30	Term
Sec. 2-5-40	Vacancy
Sec. 2-5-50	Meeting and rules
Sec. 2-5-60	Reimbursement
Sec. 2-5-70	Legal counsel
Sec. 2-5-80	Consultants
Sec. 2-5-90	Duties of Planning Commission
Sec. 2-5-100	Monthly stipend

Sec. 2-5-10. Membership.

Commencing on March 1, 2014, the City Planning and Zoning Commission shall consist of five (5) regular members and one (1) alternate member, each of whom shall maintain his or her primary place of residence within the City. A person serving in a position as an alternate shall have the right to participate in all meetings of the Commission to the same extent as a

regular member, except that a person serving in the position of alternate shall not be entitled to vote on any matter, unless such alternate member is temporarily assigned by the Chairperson of the Commission in the event of an absence or conflict of interest of a regular member during all or any portion of a meeting of the Commission. No person shall be a member of the Planning Commission who is also an active member of the City Council, the Mayor, an employee of the City or holds any other municipal office, except that up to and including two (2) members of the Planning Commission may also be appointed to be members of the Historic Preservation Commission.

Sec. 2-5-20. Appointments.

The five (5) regular members and one (1) alternate member of the Planning Commission shall be appointed by the Mayor, the appointment of whom shall be confirmed by a majority City Council.

Sec. 2-5-30. Term.

Each Commission member shall be appointed to a four-year term. The terms of office of three (3) Commission members (specifically including any members who are joint members of the Planning Commission and Historic Preservation Commission) shall coincide with the four-year term of the Mayor. The four-year terms of office of the remaining two (2) Commission members and the alternate member shall start and terminate on the odd-numbered years between the odd-numbered years in which the Mayor's term of office terminates.

Sec. 2-5-40. Vacancy.

If a vacancy occurs during the term of a Commission member, the Mayor, with the consent of the City Council, shall appoint an alternate member to fill the unexpired term.

Sec. 2-5-50. Meeting and rules.

(a) Rules. The Commission shall adopt procedural rules for the conduct of its business in accordance with the provisions of this Article and Section 9.1 of the Home Rule Charter. The Planning Commission shall, at its first regular meeting of each calendar year, choose one (1) of its members to act as Chairperson and one (1) member to serve as Vice-Chairperson. The Chairperson shall preside at all meetings of the Planning Commission, except that in his or her absence, the Vice-Chairperson shall preside. A representative of the Community Development Department shall serve as secretary to the Planning Commission.

(b) Meetings.

(1) Meetings shall be held at the call of the Chairperson and at such other times that the majority of the members of the Commission shall determine.

(2) All meetings shall be open to the public, except that the Commission may go into executive session in accordance with the Open Meetings Law.

(3) Open meetings shall be recorded by electronic means.

(4) A quorum of the Commission shall consist of a majority of the voting members thereof, and a majority vote of the members present shall constitute action by the Commission.

(5) The Chairperson shall decide all points of order or procedure unless otherwise directed by a motion approved by a simple majority of the Commission members present at the time.

(6) The Commission shall keep minutes of its proceedings, showing the vote of each member on every matter, or if absent or failing to vote, indicating such fact, and it shall also keep records of such proceedings, and such records shall be filed with the City Clerk.

Sec. 2-5-60. Reimbursement.

Members may be reimbursed for expenses incurred upon approval of City Council.

Sec. 2-5-70. Legal counsel.

When requested by the Chairperson or a majority of the Commission members, the City Attorney shall attend Commission meetings or provide legal counsel to the Commission.

Sec. 2-5-80. Consultants.

The Commission, with approval of the City Council, may retain consultants to advise the Commission.

Sec. 2-5-90. Duties of Planning Commission.

Under the specific direction of the City Council, through the office of the City Manager, the Planning Commission shall serve in an advisory capacity to the City Council in reviewing planned unit developments, rezonings, special review uses, subdivision plats and other development applications as specified in this Code. As assigned by the City Council, the Planning Commission shall also adopt, amend and update the City's Comprehensive Plan, recommend changes or updates to the City's Zoning Ordinance and perform other duties assigned by the City Council through the City Manager's office. When such duties are so assigned, the Planning Commission shall have the authority to conduct open, public hearings; conduct investigations, studies and surveys; prepare maps, charts, exhibits and reports as shall be necessary; and do and perform all other acts and duties consistent with its powers as set forth in this Code.

Sec. 2-5-100. Monthly stipend.

Planning Commission members may be paid a stipend in an amount approved by the City Council for each month in which they attend a regular meeting of the Commission, provided that Planning Commission members may miss one (1) regularly scheduled meeting per year without a reduction in monthly stipend. If no regular meeting of the Commission occurs in any given month, there shall be no monthly stipend paid to Commission members.

Section 2. **Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 3. **Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. **Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2014, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2014.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2014.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2014.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk