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ORDINANCE 93-~~4~~

OPHIR, COLORADO

**ORDINANCE ADOPTING GUIDELINES AND STANDARDS FOR THE TOWN OF
OPHIR'S PLANNING AND ZONING COMMISSION**

WHEREAS, the General Assembly of the Town of Ophir believes that proper and orderly growth of Ophir will promote the health, safety, and welfare of residents of Ophir; and,

WHEREAS, the General Assembly believes that guidance, regulation, and review is needed to insure that future development is compatible with existing development; and,

WHEREAS, the General Assembly believes that a Planning and Zoning Commission can effectively address the above concerns related to growth; and,

WHEREAS, public notice of the General Assembly's hearing of the amendments has been properly served and published.

NOW THEREFORE BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, COLORADO THAT THE FOLLOWING GUIDELINES AND STANDARDS ARE HEREBY ADOPTED:

Sec. 1 Establishment

There is created a Planning and Zoning Commission for the Town, which shall be known as the Ophir Planning and Zoning Commission, or P & Z.

Sec. 2 Membership

A. Composition P & Z shall consist of five (5) regular members and a first (1st) and second (2nd) alternate appointed by the General Assembly.

1. Alternates shall be called upon to serve when members are not able to attend a regularly scheduled meeting or when a P & Z member has been disqualified to serve on a particular matter due to conflict of interest.

2. Temporary alternate positions may be appointed by the General Assembly when requested by the Chairperson to fill in for members granted a temporary leave of absence. Temporary alternates will serve in third (3rd) and fourth (4th) alternate positions.

B. Terms All appointments, including vacancies, shall be made by the General Assembly. Members shall be appointed for one year terms. Three seats shall be filled in July and

two seats shall be filled in January.

Vacancies occurring otherwise than through the expiration of terms shall be filled by appointments to fill unexpired terms. Upon resignation of a member, the General Assembly shall appoint a new member after advertising notice of the vacancy in accordance with State and Local legal notice publication laws.

- C. Removal Members shall serve during good behavior and efficiency, and may be removed after public hearing before the General Assembly on grounds of insufficiency, neglect of duty, inability to properly perform required duties, or intentional disregard of duties. Three (3) unexcused absences of a member from properly-noticed meetings of P & Z shall constitute good cause for removal on the grounds of neglect of duty.

Sec. 3 MEMBER QUALIFICATIONS

- A. Qualifications Members of P & Z shall be qualified electors of the Town for at least one (1) year prior to the time of appointment. Members shall be selected without respect to party affiliations.
- B. Compensation Members shall serve without compensation, except reasonable out-of-pocket expenses.

Sec. 4 ORGANIZATION OF THE PLANNING AND ZONING COMMISSION

- A. Officers P & Z shall, at its first regular meeting in February, elect from its membership a chairperson and a vice-chairperson, whose term in office shall be for one (1) year, with eligibility for re-election.
- B. Subcommittees P & Z is authorized to appoint one (1) or more subcommittees to review planning or land use application agenda items and to make recommendations to the full Commission.

Sec. 5 MEETINGS

- A. Schedule Meetings shall be held monthly, on the first Thursday night at 7:00 p.m. at Town Hall, or on a more frequent basis as determined by P & Z, provided legal notice has been published.
- B. Quorum A simple majority of the P & Z members (three (3) out of five (5) members) shall constitute a quorum. In the absence of any regular member, the alternates, in order of appointment, may sit in the member's place to constitute a quorum or full commission.

C. Record P & Z shall keep a public record of its proceedings.

Sec. 6 STAFF AND CONTRACT PROFESSIONALS

P & Z may contract with professional planners, consultants and employees provided that expenditures for these positions have been authorized by the General Assembly. The hiring of professional staff, consultants, or employees shall require the approval of four P & Z members or the approval of the General Assembly. P & Z shall advise the General Assembly of all such appointments.

Sec. 7 POWERS AND DUTIES, GENERALLY

P & Z shall have full power and authority to act on matters granted to it by statutes of the State, and as they may be amended from time to time, and , to the extent not inconsistent therewith, this Title and ordinances of the Town. In general, P & Z shall have such powers as may be necessary to enable it perform its functions and promote municipal planning.

Sec. 8 POWERS AND DUTIES, LAND DEVELOPMENT ACTIVITIES

P & Z shall have the following powers and duties with respect to review of land development activities:

- A. Grant approval to uses or activities permitted on review.
- B. To make recommendations to the General Assembly of approval or denial of applications for zoning variances.
- C. Initiate amendments to the text of this Title or to the Official Zone District map.
- D. Make recommendations to the General Assembly of approval or denial of amendments to the text of this Title or to the Official Zone District Map.
- E. To make recommendations to the General Assembly of approval or denial of preliminary and final annexations to Town.

Sec. 9 POWERS AND DUTIES, MASTER PLAN

- A. Purpose It is the function and duty of P & Z to make, adopt and then recommend to the General Assembly a master plan for the physical development of the Town, including

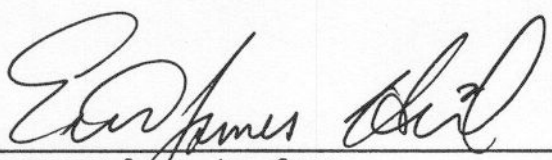
other areas outside of its boundaries which, in P & Z's judgment, bear relation to the planning of the Town. Where the plan involves territory outside of the boundaries of Town, action will be taken with the concurrence of the County of other government body or agency.

- B. Content The master plan shall show P & Z's recommendations and may include, among other things, the general location, character and extent of streets, parks, parkways, playgrounds, and public spaces; the general location and extent of utilities and terminals, whether publicly or privately owned; the acceptance, widening, removal, extension, relocations, narrowing, vacation, abandonment or change of use of any of the foregoing; and the general location, character, layout and extent of community centers.
- C. Zoning Plan P & Z shall also make, adopt and recommend to the General Assembly a zoning plan which shall include zoning maps and all other matter pertaining to zoning, including but not limited to the control of height, area, bulk, location and use of buildings and premises.
- D. Public Hearing Before the adoption of the Plan or any such part, amendment, extension or addition, P & Z shall hold at least one (1) public hearing, notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in the Town and in the official newspaper of San Miguel County.

FIRST READING PASSED, this 16th day of February, 1993.

Paul Machado, Town Manager

(Town Seal)



Approved as to form:
Eric James Heil, Town Attorney

Attest: Jeannine Doucet, Town Clerk