

**TOWN OF BOW MAR, COLORADO
ORDINANCE NO. 330**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR
AMENDING CHAPTER 2 OF THE BOW MAR MUNICIPAL CODE BY ADDING A NEW
ARTICLE 7 AND CREATING A PLANNING AND ZONING COMMISSION**

WHEREAS, the Board of Trustees of the Town of Bow Mar (“Board of Trustees”) has the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations that may be necessary or expedient for the promotion of the health, safety, and welfare of the citizens of the Town of Bow Mar (“Town”); and

WHEREAS, the Town desires to create a planning and zoning commission in accordance with C.R.S. §§ 31-23-201, *et seq.* and C.R.S. § 31-23-306 to exercise the zoning and land use powers and duties granted by Chapter 31, Article 23 of the Colorado Revised Statutes; and

WHEREAS, the Town desires to amend the Bow Mar Municipal Code (“Code”) and create such a commission, as more particularly provided in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR, COLORADO:

Section 1. Amendment to Chapter 2 of the Code. A new Article VII of Chapter 2 of the Municipal Code, entitled Planning and Zoning Commission, is hereby added to read in full as follows:

ARTICLE VII – Planning and Zoning Commission

Sec. 2-120. – Creation.

The Planning and Zoning Commission for the Town is hereby created in accordance with the provisions of Chapter 31, Article 23 of the Colorado Revised Statutes (“C.R.S.”), as may be amended from time to time. For purposes of this Chapter 2, Article VII, the Planning and Zoning Commission may be referred to as the “Commission.”

Sec. 2-121. – Powers and authority.

The Commission shall have the powers and authority concerning the application and enforcement of this Code as those powers are delegated to it by provisions of state law and by the specific provisions of this Code, including but not limited to the following:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan and a plan pursuant to C.R.S. § 31-12-105(1)(e)(I), as further described by state statutes.
- (2) To implement the provisions of Chapter 17 of this Code, and to perform all functions and powers referred to in said chapter where reference is made.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the Town.
- (4) To review and make recommendations on proposed text amendments to Chapter 16 of this Code and review and make recommendations on such other text amendments to provisions of Chapter 16 as may be specifically requested by the Board of Trustees.
- (5) To conduct public hearings as required by state law.

- (6) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (7) To exchange information with the various governmental agencies charged with zoning responsibilities and with the Board of Adjustment of the Town.
- (8) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning and Zoning Commission to make amendments to changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees.

Sec. 2-122. – Membership.

The Board of Trustees shall serve *ex officio* as the Planning and Zoning Commission, unless the Board of Trustees appoints members as provided in this section. The terms for *ex officio* members shall correspond to their respective official terms. The Board of Trustees may appoint members of the Planning and Zoning Commission by resolution, provided that the membership of the Commission shall not exceed seven (7) members. All members of the Commission are required to be *bona fide* residents and qualified electors who have resided in the Town for at least twelve (12) consecutive months immediately preceding the date of appointment. If any member ceases to reside in the Town, his or her membership shall immediately terminate. The term of appointed members shall be four years or until his or her successor takes office. Appointments of the members of the Planning Commission shall be made such that the terms are staggered. Appointed members may be removed for inefficiency, neglect of duty, or malfeasance. Vacancies occurring otherwise than through the expiration of a term shall be filled for the remainder of the unexpired term by the Board of Trustees.

Sec. 2-123. – Organization.

The Commission shall elect from its members a chairman and chairman *pro tem* during its first meeting of each calendar year and may create and fill such other offices as it may determine are necessary and expedient. The Commission shall adopt rules and procedures and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. The Commission shall hold at least one regular meeting each month, but may provide in its rules for the cancellation of meetings if no business is before the Commission.

Section 2. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town and its residents.

Section 3. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause, or phrase is declared invalid.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Codification Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Bow Mar Municipal Code.


INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED this 17th day of August, 2020.

ATTEST:

By: 

Angie Kelly, Town Clerk

TOWN OF BOW MAR:

By: 

Thomas Feldkamp, Mayor

Compliance with Section 1-46 of the Bow Mar Municipal Code:

INTRODUCED BY TRUSTEE CARLSON

SECONDED BY TRUSTEE FABRICANT