

ARTICLE 2. CITY PLANNING, ZONING AND VARIANCE COMMISSION.

Section 14-14. City Planning, Zoning and Variance Commission; establishment.

(1) There is established a City Planning, Zoning and Variance Commission pursuant to Section 8.4 of the Charter.

(2) The terms "City Planning Commission", "Planning Commission", "Commission", "Board of Adjustment", or "The Board of Zoning Adjustment of the City of Trinidad, Colorado", whenever used in this Chapter, shall mean "City Planning, Zoning and Variance Commission".

(3) Membership; appointment; term; removal; vacancy.

(a) The City Planning, Zoning and Variance Commission shall consist of seven (7) members who shall be appointed by the City Council and shall not be a member of the City Council or a Council Officer, as defined in Section 2-16 of the Code of Ordinances, nor serve on the Board of Appeals. Of the initial seven (7) members, five (5) shall be current members of the City Planning Commission, which shall cease to exist upon the effective date of this ordinance. Their terms shall expire at the conclusion of the terms to which they were appointed to the Planning Commission. The remaining two (2) members shall be appointed to four (4) year terms. Upon expiration of the initial terms of office, all subsequent appointments shall be for terms of four (4) years, or until a successor takes office.

(b)¹ The City Planning, Zoning and Variance Commission members shall be subject to removal for just cause by a majority vote of the Council. Just cause shall include but not be limited to inefficiency, neglect of duty, acts detrimental to the City's interests, malfeasance in office, or excessive absences. Absences by members of the board of three consecutive meetings or three absences in a six-month rolling period shall be cause for evaluation by City Council for the purpose of consideration of the member's removal. The City Clerk shall advertise vacancies in a newspaper of general circulation requesting that interested individuals submit a letter so indicating their interest and qualifications for the position advertised. (Ord. 1749, eff., 4-16-04)

(c) Any vacancy which shall occur other than through the expiration of term shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(d) All members of the Commission shall serve without compensation and shall be bona fide residents of the City. If any member ceases to reside in the City, his/her membership on the Commission shall immediately terminate.

(4) Organization and meetings. The Commission shall elect its Chairman from among the appointed members and create and fill such other offices as it may determine. The term of the Chairman shall be one (1) year, with eligibility for re-election. The Commission shall hold at least one (1) regular meeting each month. It shall adopt rules for transaction of business and shall keep a

¹ Chapter 14, Article 2, Section 14-14(3)(b) is repealed and reenacted. (Ord. 1749, eff. 4/16/04)

record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(5) Appearance before Commission or City Council. No member of the Commission shall appear on his/her own behalf, or on behalf of any private person, before either the City Planning, Zoning and Variance Commission or the City Council in connection with any zone change request or request for variance.

Section 14-15. Powers and duties of Commission.

(1) The Commission shall have the duty to prepare and adopt a master plan for the physical development of the City, including any areas outside of its boundaries subject to the approval of the legislative or governing body having jurisdiction thereof, which, in the Commission's judgment, bear relation to the planning of the City. Such plan, with the accompanying maps, plats, charts and descriptive matter, shall show the Commission's recommendation for the development of such territory including, among other things: The general location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds and open spaces, the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utility or terminals; a zoning plan for the control of the height, area, bulk, location and use of buildings and premises.

(2) The Commission, in the preparation of the master plan, shall make careful and comprehensive surveys and studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provisions for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditures of public funds, and the adequate provision of public utilities and other public requirements.

(3) As preparation of the master plan progresses, the Commission may from time to time adopt and publish a part or parts thereof, any such part to cover one (1) or more major sections or divisions of the City or one (1) or more of the foregoing or other functional matters to be included in the plan. The Commission may amend, extend or add to the plan from time to time.

(4) The Commission shall have such additional powers that are necessary and incidental for the carrying into effect or discharging the powers and duties conferred by this Article, and such as shall seem necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order, comfort and convenience of the City and the inhabitants thereof.

Section 14-16. Adoption of master plan - Procedure.

(1) The Commission may adopt the master plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, such parts corresponding with major geographical sections or divisions of the City or with functional subdivisions of the subject matter of the plan, and may adopt any amendments or extensions thereof or additions thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the Commission shall hold at least one (1) public hearing thereon, notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in the City and in the official newspaper of the County. The adoption of the plan, or any part, or amendment, or extension or addition, shall be by resolution of the Commission carried by the affirmative votes of not less than two-thirds (2/3) of the entire membership of the Commission.

(2) The resolution shall refer expressly to the maps and descriptive and other matters intended by the Commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the Chairman or Secretary of the Commission. An attested copy of the plan or part thereof shall be certified to the City Council and after the approval by said body shall be filed with the Clerk and Recorder of the County. (Code 1958, Sec. 18-3.)

Section 14-17. Filing and approval of plats.

Whenever the Commission shall have adopted a major street plan of the territory within its subdivision control or part thereof, as provided in Section 14-16, and shall have filed a certified copy of such plan in the office of the County Clerk and Recorder of the County in which such territory or part is located, no plat of a subdivision of land within such territory or part shall be filed or recorded until it shall have been approved by the Commission and such approval entered on the plat by the Chairman or Secretary of the Commission. (Code 1958, Sec. 18-5.)

Section 14-18. Building and improvement requirements.

Whenever the Commission shall have adopted a master plan, the City shall not accept, lay out, open, improve, grade, pave, curb, or light any street or lay or authorize water mains or sewers or connections to be laid in any street, nor shall any building be erected on any lot within such territory or part, nor shall a building permit be issued therefor unless the street giving access to the lot upon which such buildings are proposed to be placed:

(1) Shall have been accepted, opened as, or shall otherwise have received the legal status of a public street prior to that time; or

(2) Corresponds with a street shown on the official master plan or with a street or subdivision plat approved by the Commission or with a street on a street plat made and adopted by the Commission or with a street accepted by the Council or by a two-thirds (2/3) vote of the Council after disapproval by the Commission.