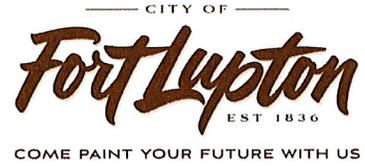


**CITY OF FORT LUPTON
CITY COUNCIL**



Shannon Rhoda, Ward 1
Chris Ceretto, Ward 2
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespino, Ward 1
Tommy Holton, Ward 2
Bruce Fitzgerald, Ward 3

AM 2020-055

ADOPT AN ORDINANCE AMENDING SPECIFIC PROVISIONS OF THE FORT LUPTON MUNICIPAL CODE FOR PLANNING COMMISSION MEMBERSHIP, APPOINTMENTS, AND TERMS.

- I. **Agenda Date:** Council Meeting – March 3, 2020
- II. **Attachments:** a. Proposed Ordinance
- III. **Summary Statement:**

The Planning Department is proposing an ordinance to allow the Planning Commission to serve concurrently as the Board of Adjustment. The proposed amendments to Chapter 2, Article VIII, Section 2-182 reflect this proposal, as well as clarify the parameters of Planning Commissioners' terms.

IV. **Submitted by:**

Alyssa Knutson, Planner

V. **Finance Reviewed**

Finance Director

VI. **Approved for Presentation:**

City Administrator

VII. **Attorney Reviewed**

Approved

Pending Approval

VIII. **Certification of Council Approval:**

City Clerk

Date

IX. Detail of Issue/Request:

The Planning Department is proposing an ordinance to allow the Planning Commission to serve concurrently as the Board of Adjustment. The proposed amendments to Chapter 2, Article VIII, Section 2-182 reflect this proposal, as well as clarify the parameters of Planning Commissioners' terms.

The Fort Lupton Municipal Code "FLMC" needs to be amended to reflect the proposed changes.

The following sections of the code will be amended as follows:

Sec. 2-182. - Membership; appointment; terms.

The Planning Commission shall consist of a minimum of five (5) and a maximum of seven (7) regular members, who shall be appointed by the Mayor. There shall be no ex officio members. The terms of each regular member shall be ~~three (3) years staggered so that no more than three (3) persons' terms will expire at the same time, with a minimum three year term and a maximum six year term~~. One (1) alternate member may be appointed, within the same term parameters as a regular member, who shall act as a regular member of the Commission when any other member is absent from a meeting. If a member resigns during his or her term and creates a vacancy, the new member shall only serve the remainder of the vacancy. The terms of each member shall be staggered so that no more than three (3) members' terms will expire at the same time. The members appointed to serve as the Planning Commission shall also serve as and perform the duties of the Board of Adjustment. Terms of office for the Planning Commission and Board of Adjustment shall run concurrently.

X. Legal/Political Considerations:

The Planning Department has had difficulty keeping a quorum of the Board of Adjustment due to low membership and conflicting schedules of current members. In addition, the limited number of matters that go before the Board of Adjustment make it difficult for members to plan their schedules around the meetings. The Planning Commission meets regularly to review land use cases, and has a full membership at this time. By having the Planning Commission serve as the Board of Adjustment, it will ensure that there are fewer issues with having a quorum.

In addition, because the Planning Commission serves as the zoning commission pursuant to State Statutes, they are well equipped to serve as the Board of Adjustment by making determinations on variances and appeals of the Zoning Regulations.

These proposed changes have been reviewed and approved by the City Attorney.

XI. Alternatives/Options:

1. Adopt the Ordinance.
2. Don't adopt the Ordinance.

XII. Financial Considerations:

Not applicable.

XIII. Staff Recommendation:

Staff recommends adoption of the proposed ordinance.

ORDINANCE NO. 2020-xxxx

INTRODUCED BY: xxxx

AN ORDINANCE OF THE CITY OF FORT LUPTON, COLORADO, AMENDING CHAPTER 2, ARTICLE VIII, SECTION 2-182, MEMBERSHIP; APPOINTMENT; TERMS, OF THE FORT LUPTON MUNICIPAL CODE

WHEREAS, City Council deems it necessary to revise specific provisions of the Fort Lupton Municipal Code; and

WHEREAS, City Council finds that it is the best interest of the health, safety and welfare of the citizens that the provisions set forth herein be enacted;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO, AS FOLLOWS:

Section 1: Chapter 2, Article VIII, Section 2-182 of the Fort Lupton Municipal Code is hereby repealed in its entirety and re-enacted as follows:

Sec. 2-182. – Membership; appointment; terms.

The Planning Commission shall consist of a minimum of five (5) and a maximum of seven (7) regular members, who shall be appointed by the Mayor. There shall be no ex officio members. The terms of each regular member shall be three (3) years. One (1) alternate member may be appointed, within the same term parameters as a regular member, who shall act as a regular member of the Commission when any other member is absent from a meeting. If a member resigns during his or her term and creates a vacancy, the new member shall only serve the remainder of the vacancy. The terms of each member shall be staggered so that no more than three (3) members' terms will expire at the same time. The members appointed to serve as the Planning Commission shall also serve as and perform the duties of the Board of Adjustment. Terms of office for the Planning Commission and Board of Adjustment shall run concurrently.

INTRODUCED, READ, AND PASSED ON FIRST READING, AND ORDERED PUBLISHED this 3rd day of March 2020.

FINALLY READ BY TITLE ONLY, PASSED AND ORDERED FINALLY PUBLISHED by title only this ___ day of _____ 20__.

PUBLISHED BY TITLE ONLY the ___ day of _____ 20__.

EFFECTIVE (after publication) the ___ day of _____ 20__.

CITY OF FORT LUPTON, COLORADO

Zo Stieber, Mayor

ATTEST:

Maricela Peña, City Clerk

Approved as to form:

Andy Ausmus, City Attorney