

## **CHAPTER 27**

### **Zoning**

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**Sec. 27-1. Adoption of zoning code.**

A certain document, three (3) copies of which are on file in the office of the City Clerk, which copies are marked and designated as *Zoning and Land Use Code of the City of Fort Morgan, Colorado, 1988 Edition*, promulgated and published by the City, providing for zoning classifications and the zoning of lands within the City and the use requirements for lands within each zone, are hereby referred to and adopted by this reference as the Zoning and Land Use Code for the City as if the same were fully set forth herein. (Ord. 708, §1(part))

**Sec. 27-2. Violations and penalties.**

(a) Any person, whether as principal, agent, employee or otherwise, who violates any of the provisions of said code shall be fined not exceeding three hundred dollars (\$300.00) for each offense, such fine to inure to the City. Each day of the existence of any violation shall be deemed a separate offense.

(b) The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to any provisions of said code is declared to be a violation of said code and unlawful. The City Attorney shall immediately, upon any such violation having been called to his or her attention, and upon being so instructed by the City Council, institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of said code.

(c) The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(d) Except as otherwise provided, the Building Official shall administer and enforce said code, including the receiving of applications, the inspection of premises and the issuing of the necessary permits; and the Building Official, his or her deputy or assistant, or any duly authorized person, shall have the right to enter upon any premises at any reasonable time prior to and upon completion of a building for the purpose of making inspections of buildings or premises necessary to carry out his or her duties in the enforcement of said code.

(e) Whenever any building work is being done contrary to the provisions of said code, the Building Official, his or her deputy or assistant, or any authorized person, may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Official, or his or her deputy or assistant, to proceed with the work. (Ord. 708, §1(part))

**Sec. 27-3. Planning Commission.**

(a) The Planning Commission shall consist of not less than seven (7) members. The membership and terms of the members of the Planning Commission shall be as follows:

(1) The Mayor, or such person as the Mayor may designate from among the other members of the City Council to serve in his or her place, as an ex officio member whose term on the Planning Commission shall correspond to the Mayor's official tenure.

(2) A member of the City Council selected by the Mayor as an ex officio member whose term on the Planning Commission shall correspond to his or her official tenure as a member of the Council.

(3) At least five (5) persons appointed by the Mayor and confirmed by the City Council, each for a term of six (6) years or until his or her successor takes office, except that for those persons appointed initially, one (1) shall be appointed to a six-year term, two (2) shall be appointed to four-year terms and two (2) shall be appointed to two-year terms.

(b) All members of the Planning Commission shall be bona fide residents of the City and, if any member ceases to reside in the City, his or her membership on the Planning Commission shall automatically terminate. All members of the Planning Commission shall serve without compensation. The appointed members shall hold no other municipal office, except that one (1) such appointed member may be a member of the Board of Adjustment. Members other than the Mayor and the member from the City Council may be removed, after public hearings, by the Mayor for inefficiency, neglect of duty or malfeasance in office. The Mayor or any member of the Council shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the remainder of the unexpired term by the Mayor with confirmation by the Council for any appointed member of the Planning Commission.

(c) The Planning Commission shall elect its Chairman from among the non ex officio members and may create and fill such other of its offices as it may determine. The term of the Chairman shall be one (1) year, with eligibility for reelection. The Planning Commission shall hold at least one (1) regular meeting in each month. The Planning Commission shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. (Ord. 854)