

**ORDINANCE NO. 3**

**SERIES 2005**

**AN ORDINANCE AMENDING THE TOWN OF CRESTED BUTTE'S OFFICIAL ZONING DISTRICT MAP BY REZONING THREE TOWN LOTS FROM THEIR CURRENT ZONING CLASSIFICATION OF "T" TOURIST DISTRICT TO THE CLASSIFICATION OF "R4" RESIDENTIAL DISTRICT.**

**WHEREAS**, the Town of Crested Butte, Colorado is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and the laws of the State of Colorado; and

**WHEREAS**, an application has been submitted to the Town Council and to the Board of Zoning and Architectural Review, pursuant to the requirements of the Town's Zoning and Land Use Ordinance ("Ordinance"), to rezone Lots 8, 9, and 10, Block 56, in the Town of Crested Butte, from their current zoning classification of "T" Tourist District to the classification of "R4" Residential District; and

**WHEREAS**, the Town's Board of Zoning and Architectural Review, pursuant to Section 15-2-27 of the Town's Zoning and Land Use Ordinance, has recommended that said zoning application be approved, provided that all structures to be built thereon shall be restricted to the Maximum Floor Area Ratio 'as a matter of right' calculation, as that ratio is set forth in the Ordinance, and as that ratio may change as the Ordinance is amended (the current ratio is .3 for one and two family dwelling units, .6 for three, four and multiple family units and for all other uses, 1.0 for lots not exceeding 7,500 square feet and .75 for each foot over 7,500 square feet); and

**WHEREAS**, the Town Council finds that the proposed zoning of the above-referenced parcels meets the applicable requirements and criteria set forth in said Section 15-2-27, and in addition, that this particular rezoning application is appropriate to be granted because of the particular circumstances involved in this parcel. In particular, the permitted uses for the "T" Tourist District, i.e., hotels, lodges, motels and resorts, are not uses which are practical for these three lots, as the current development on the nearby lots would make such uses impractical, the use of the lots for uses permitted in the "R4" Residential District is a good transition from the large commercial buildings commonly found in the Tourist District to the adjacent residential neighborhood; and

**WHEREAS**, the Town Council finds that the following amendment is in the best interest of the health, safety and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,**

**Section 1.** Amendment of the Official Zoning District Map. The Zoning and Land Use

Ordinance and official Zoning District Map of the Town of Crested Butte are hereby amended by rezoning Lots 8, 9, and 10, Block 56, from their current classification of "T" Tourist District, to the classification of "R4" Residential District, subject to the condition that structures constructed on those lots are restricted to the 'matter of right' Maximum Floor Area Ratio for the "R4" Residential District as set forth in the Ordinance, as the Ordinance may be amended, and that the appropriate Town staff are hereby authorized and directed to cause said amendment to be reflected on the official Zoning District Map and that said amended Map be reproduced and made available to the public, as necessary.

**Section 2.** Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 3.** Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

**INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005.**

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
James Schmidt, Mayor

ATTEST:

\_\_\_\_\_

Eileen Hughes, Town Clerk

SEAL