

ORDINANCE NO. 15

SERIES 2007

AN ORDINANCE AMENDING THE TOWN'S ZONING AND LAND USE ORDINANCE TO AMEND THE P.U.D. AND MAJOR SUBDIVISION REQUIREMENTS TO EXEMPT LANDS PLATTED AND ZONED WITHIN TOWN AS OF THE DATE OF ADOPTION OF THIS ORDINANCE THAT ARE THE SUBJECT OF A P.U.D. APPLICATION AND ARE 25,000 SQUARE FEET OR MORE FROM REVIEW FOR APPROVAL AS A SUBDIVISION UNDER THE SUBDIVISION REGULATIONS

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

**WHEREAS**, the Town's Zoning and Land Use Ordinance (the "**Ordinance**") contains a requirement that a planned unit development ("**P.U.D.**") application which contains more than 25,000 square feet of land shall be subject to review for approval as a subdivision under the Subdivision Regulations;

**WHEREAS**, the Town Council finds that for lands platted and zoned within the Town as of the date of adoption of this ordinance, such requirement is not appropriate and the review and approval of such P.U.D. applications for lands platted and zoned within Town as of the date of adoption of this ordinance containing more than 25,000 square feet would be better reviewed and approved through the P.U.D. approval process only;

**WHEREAS**, the Town Council has determined that it is in the best interest of the health, safety and general welfare of the Town to amend the Ordinance to exempt lands platted and zoned within the Town as of the date of adoption of this ordinance that are the subject of a P.U.D. application and are more than 25,000 square feet from being reviewed for approval as a subdivision under the Subdivision Regulations; and

**WHEREAS**, the Town Council has determined that the below amendments to the Ordinance are in the best interest of the health, safety and general welfare of the residents and visitors of the Town.

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

**Section 1. Amending Section 15-2-15.2.E.1. to Exempt therefrom Lands Platted and Zoned within Town as of the Date of Adoption of this Ordinance from Review for**

**Approval as a Subdivision under the Subdivision Regulations.** Section 15-2-15.2.E.1. is hereby amended by deleting the Section in its entirety and replacing it with the following:

"1. Compliance with Subdivision Regulations. Any application for a P.U.D. which contains more than 25,000 square feet of land shall also be accompanied with a subdivision Final Plat which shall be subject to the requirements set forth in the Town's Subdivision Regulations, and reviewed for approval as a subdivision under said regulations; except that lands platted and zoned within the Town as of July 20, 2007 shall be reviewed for approval as a P.U.D. only under the Town's P.U.D. requirements. The submission of multiple P.U.D. applications to circumvent this requirement is prohibited. When there are conflicts between the procedures or requirements of this Section 15-2-15.2 and Subdivision Regulations, the Subdivision Regulations shall prevail. {rev. Ord.33, series 1995, adopted 4/15/96}"

**Section 2. Amending Section 15-3-4.B.2.(f) to Exempt therefrom Lands Platted and Zoned within Town as of the Date of Adoption of this Ordinance from Review for Approval as a Subdivision under the Subdivision Regulations.** Section 15-3-4.B.2.(f) is hereby amended by deleting the Section in its entirety and replacing it with the following:

"(f) a subdivision which is not otherwise a minor subdivision.

Any application for a P.U.D. which contains more than 25,000 square feet of land shall be required to comply with the procedures and requirements of a major subdivision, whether or not a subdivision is actually proposed. This requirement shall not, however, apply to lands platted and zoned within the Town as of July 20, 2007, which shall be reviewed for approval as a P.U.D. only under the Town's P.U.D. requirements."

**Section 3. 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 4. Savings Clause.** Except as amended hereby, the Crested Butte Town Code of 1987, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

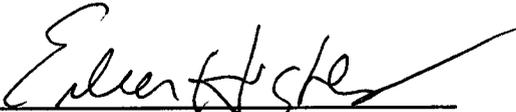
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 4<sup>th</sup> DAY OF June, 2007.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING  
THIS 10 DAY OF JUNE, 2007.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Alan Bernholtz, Mayor

ATTEST:

  
Eileen Hughes, Town Clerk

(SEAL)

