

ORDINANCE NO. 1

SERIES 2011

AN ORDINANCE AMENDING CRESTED BUTTE'S OFFICIAL ZONE DISTRICT MAP TO REZONE LOTS 17-21, BLOCK 30 FROM THEIR CURRENT ZONING CLASSIFICATION OF "R1C" CORE RESIDENTIAL TO THE "R1B" RESIDENTIAL ZONE CLASSIFICATION AND LOTS 9-16 AND 22-25, BLOCK 30 AND LOTS 12-16, BLOCK 31 FROM THEIR CURRENT ZONING CLASSIFICATION OF "R1C" CORE RESIDENTIAL TO THE "A-O" AGRICULTURE – OPEN ZONE CLASSIFICATION

WHEREAS, the Town of Crested Butte, Colorado ("**Town**") 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;

WHEREAS, an application has been submitted to the Town Council pursuant to Section 16-23-30 et seq. of the Crested Butte Municipal Code ("**Code**"), to rezone Lots 17-21, Block 30 from their current zoning classification of "R1C" Core Residential to the "R1B" Residential zone classification and Lots 9-16 and 22-25, Block 30 and Lots 12-16, Block 31 from their current zoning classification of "R1C" Core Residential to the "A-O" Agricultural-Open zone classification;

WHEREAS, the Town Council finds that the development of Lots 17-21, Block 30, as approved by the Board of Zoning and Architectural Review ("**Board**") as part of a proposed Planned Unit Development (PUD), will be better aligned with the intent of the "R1B" Residential District than "R1C" Core Residential zone;

WHEREAS, the Town Council finds that preserving Lots 9-16 and 22-25, Block 30 and Lots 12-16, Block 31 as open space will reduce the visual impacts of development on said lots as approved by the Board pursuant to the PUD;

WHEREAS, the Town Council finds that the proposed rezoning of the subject lots, as stated above, will achieve the standards for zoning and rezoning set forth in Section 16-23-90 of the Code; and

WHEREAS, in accordance with the foregoing, the Town Council finds that the below amendments to the Code and to the Town's Official Zoning District Map are in the best interest of the general health, safety and welfare of the residents and visitors of Crested Butte.

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

Section 1. Amendment to Official Zoning District Map, Section 16-3-30, and Amendment to Corresponding Sections of the Code.

(1) Lots 17-21, Block 30 are hereby rezoned from their current zoning classification of "R1C" Core Residential to the "R1B" Residential zone classification. The Official Zoning Map, and all corresponding sections of the Code, principally Sections 16-4-370 et seq. and 16-4-460 et seq., are likewise hereby amended accordingly.

(2) Lots 9-16 and 22-25, Block 30 and Lots 12-16, Block 31 are hereby rezoned from their current zoning classification of "R1C" Core Residential to the "A-O" Agricultural-Open zone classification. The Official Zoning Map, and all corresponding sections of the Code, principally Sections 16-4-460 et seq. and 16-6-210 et seq., are likewise hereby amended accordingly.

Pursuant to Sections 16-3-30(c) and 16-23-80 of the Code, the Building Official is hereby authorized and directed to cause said amendments to be reflected on the Official Zoning District Map. Said amended map shall 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 amended hereby, the Crested Butte Municipal Code, 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 effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 3rd DAY OF JANUARY, 2011.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 4th DAY OF APRIL, 2011.

TOWN OF CRESTED BUTTE, COLORADO

By: *Leah B Williams*
Leah B. Williams, Mayor

ATTEST: *Eileen Hughes*
Eileen Hughes, Town Clerk

