

ORDINANCE NO. 30

SERIES 2013

**AN ORDINANCE AMENDING THE TOWN OF  
CRESTED BUTTE'S ZONE DISTRICT MAP BY  
REZONING THE WEST 50 FEET OF LOTS 28-32,  
BLOCK 37 FROM THE "B2" BUSINESS DISTRICT TO  
THE "T" TOURIST DISTRICT**

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 public under and by virtue of the Colorado Constitution and laws of the State of Colorado;

WHEREAS, pursuant to Article XX of the Colorado Constitution, as implemented through the Town of Crested Butte Charter, Title 31, Article 23, and Title 20, Article 29, C.R.S., the Local Government Land Use Control Enabling Act of 1974, the Town has the authority to enact and enforce land use regulations;

WHEREAS, an application has been submitted to the Town Council and the Board of Zoning and Architectural Review (the "**Board**"), pursuant to the requirements of Chapter 16 of the Crested Butte Municipal Code (the "**Code**") to rezone the West 50 feet of Lots 28-32, Block 37 from the "B2" Business District to the "T" Tourist District;

WHEREAS, on October 29, 2013, pursuant to Chapter 16, Article 23 of the Code, the Board considered the application, studied the rezoning, recommended the rezoning and referred the rezoning application to the Planning Commission for their study and recommendation to the Town Council, making the following findings pursuant to Section 16-23-90 of the Code in support thereof:

(1) the proposed zoning re-classification of the West 50 feet of Lots 28-32, Block 37 from the "B2" Business District to the "T" Tourist District promotes the health, safety and welfare of the inhabitants of Crested Butte and promotes the purposes of the Code because it supports the development of affordable housing and encourages the development of long-term rental housing;

(2) the proposed zoning re-classification of the West 50 feet of Lots 28-32, Block 37 from the "B2" Business District to the "T" Tourist District is consistent with the goals and policies of the Crested Butte Land Use Plan because it supports affordable housing for year-round residents that serves to preserve the diversity of the Crested Butte community and the policy that relative high density is needed to make housing affordable; and

(3) the proposed use of the West 50 feet of Lots 28-32, Block 37 from the "B2" Business District to the "T" Tourist District is compatible with the surrounding uses because it is adjacent to existing multi-family residential development and buildings of similar floor area ratio (FAR);

WHEREAS, on December 9, 2013, pursuant to Section 2-7-30 of the Code, the Planning Commission considered the Board's referral of the application, studied the rezoning, recommended the rezoning and referred the rezoning application to the Town Council for their study and possible action, making the same findings as the Board set forth above;

WHEREAS, pursuant to Section 16-23-30 of the Code, the Planning Commission has provided to the Town Council the following information for its consideration in connection with the rezoning application:

- (a) the legal description of the lands to be rezoned, together with a diagram drawn to scale showing the boundaries of the area requested to be rezoned;
- (b) a statement of the present zoning and the requested new zoning;
- (c) a statement of justification for such action;
- (d) a description of the land and uses thereof within two hundred (200) feet of the boundary lines of the proposed area of change, in all directions; and
- (e) a statement as to the effect that the rezone would have on adjacent areas or uses;

WHEREAS, pursuant to Section 16-23-90 of the Code, the Town Council considered the Planning Commission's referral of the application, studied the rezoning and makes the following consistent with the Board and the Planning Commission's findings in support thereof:

(i) the proposed zoning re-classification of the West 50 feet of Lots 28-32, Block 37 from the "B2" Business District to the "T" Tourist District promotes the health, safety and welfare of the inhabitants of Crested Butte and promotes the purposes of the Code because it supports the development of affordable housing and encourages the development of long-term rental housing;;

(ii) the proposed zoning re-classification of the West 50 feet of Lots 28-32, Block 37 from the "B2" Business District to the "T" Tourist District is consistent with the goals and policies of the Crested Butte Land Use Plan because it supports affordable housing for year-round residents that serves to preserve the diversity of the Crested Butte community and the policy that relative high density is needed to make housing affordable; and

(iii) the proposed use of the West 50 feet of Lots 28-32, Block 37 from the "B2" Business District to the "T" Tourist District is compatible with the surrounding uses because it is adjacent to existing multi-family residential development and buildings of similar floor area ratio (FAR); and

WHEREAS, based on the foregoing, the Town Council hereby finds that the amendments to the Code set forth below are consistent with its findings and in furtherance to the intents and purposes of the Chapter 16 of the Code and the Crested Butte Land Use Plan, and, therefore, in the best interest of the health, safety and welfare of 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. Amending the Official Zone Map.** The Code, including, without limitation, Chapter 16 thereof, and the Zoning District Map of the Town are hereby amended by rezoning the West 50 Feet of Lots 28-32, Block 37 from the "B2" Business District to the "T" Tourist District. The Town Manager is hereby directed to cause such amendment to be reflected on the official Zoning District Map of the Town. The amended map shall be reproduced and made available to the public on demand.

**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 shall remain valid and in full force and effect. Any provision of the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

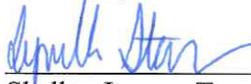
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 9TH DAY OF DECEMBER, 2013.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 16<sup>th</sup> DAY OF December, 2013.

TOWN OF CRESTED BUTTE

By:   
Aaron J. Huckstep, Mayor

ATTEST:

 FOR Shelley Jansen [SEAL]  
Shelley Jansen, Town Clerk

