

ORDINANCE NO. 7

SERIES 2014

**AN ORDINANCE AMENDING THE SUBDIVISION
EXEMPTION CRITERIA CONTAINED IN CHAPTER 17,
ARTICLE 3 OF THE CRESTED BUTTE MUNICIPAL
CODE**

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, Chapter 17 of the Crested Butte Municipal Code (the "Code") contains regulations for the subdivision of lands (the "Subdivision Regulations") in Crested Butte;

WHEREAS, the Code also contain exemptions from the applicability of the Subdivision Regulations for the subdivision of lands in Crested Butte where certain conditions are met;

WHEREAS, the Town staff has found that the exemption criteria for subdivisions require amendment to address current-day development in Crested Butte and has therefore recommended to the Town Council that the subdivision exemption criteria be amended accordingly; and

WHEREAS, the Town Council hereby finds that current-day development in Crested Butte requires that the exemption criteria for subdivisions requires amendment, and, accordingly, finds that the amendments to the Code set forth below are consistent with intents and purposes of the Code and are 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 Section 17-3-40 of the Code.** Section 17-3-40 of the Code is hereby deleted in its entirety and replaced with the following new section that shall read as follows:

“Sec. 17-3-40. Exemptions.

The following divisions of unimproved land shall be exempt from these subdivision regulations: the division of up to six (6) lots, tracts or parcels from existing platted and zoned lots, tracts or parcels separated by an existing platted lot, tract or parcel line in any one calendar year if:

- (1) all of the new building sites meet, or will meet the requirements for the zone district in which the subject lands are located;
- (2) all of the new building sites have, or will have access to an existing platted public street; and
- (3) where infrastructure is to be installed and conveyed to the Town in connection with the subdivision, the applicant therefore shall have executed a development improvements agreement satisfactory to the Town Attorney and approved by Town Council. The Town’s costs and expenses in connection with the preparation and delivery of the development improvements agreement shall be paid by the applicant.”

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.

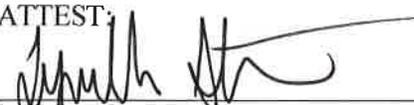
Section 3. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code shall remain valid and in full force and effect. Any provision of the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 21ST DAY OF JULY, 2014.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 5TH DAY OF AUGUST, 2014.

TOWN OF CRESTED BUTTE

By: 
Aaron J. Huckstep, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]

