

ORDINANCE NO. 26

SERIES 2007

**AN ORDINANCE AMENDING THE PARK AND
PUBLIC LAND DEDICATION REQUIREMENTS OF
THE MAJOR SUBDIVISION DEDICATION
REQUIREMENTS OF THE TOWN'S SUBDIVISION
REGULATIONS**

WHEREAS, the Town of Crested Butte, Colorado (the "**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 laws of the State of Colorado; and

WHEREAS, the Town has established in the Town's Subdivision Regulations (the "**Regulations**") certain park and public land dedication requirements for major subdivisions; and

WHEREAS, the Town Staff has prepared documentation in the Crested Butte Land Use Plan to be used as the basis for an update of the park land and public land dedication requirements in the Town's Regulations; and

WHEREAS, based on the Town's Staff's findings, the Town Council has determined that the park land and the public land dedications should both be amended; and

WHEREAS, Town Council finds said amendments require that the Town Council amend the park land dedication requirements and the public land dedication requirements for major subdivision dedications contained in the Regulations; and

WHEREAS, the Town Council has determined that said amendments to the park land and the public land dedication requirements for major subdivision dedications contained in the Regulations are in the best interest of the health, safety and 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 15-3-6.1.5(a), Park Dedication Requirement. Sections 15-3-6.1.5.(a) and (b) of the "Park, Public Land and School Land Dedication" requirements, are hereby deleted in their entirety and replaced with the following new subsections (a) and (b). Subsections (c), (d), and (e) shall remain unchanged.

“5. Park Public Land and School Land Dedication Requirement.

(a) The following minimum land acreage shall be dedicated to the Town for public park purposes as recommended in the Crested Butte Area Plan, Part 1, Section III, Land Use, Residential Site Design, Public Lands, Policy 24, as amended:

i. for each single family residential unit, including mobile home units, .0327 acres (1,425 square feet) of developable land; and

ii. for each multi-family residential unit, including duplex units, residential units in commercial buildings and bed and breakfast units, .0336 acres (1,463 square feet) of developable land.

(b) The following minimum land acreage shall be dedicated to the Town for public purposes to be used for, for example and not by way of limitation, the location of a public meeting hall, a fire hall, equipment maintenance and storage, water and sewer treatment facilities or for other public purposes, as recommended in the Crested Butte Area Plan, Part 1, Section III, Land Use, Residential Site Design, Public Lands, Policy 23, as amended:

i. for each residential and commercial unit, including mobile home units, .032 acres (1,393 sq feet) of developable land.”

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. The Crested Butte Town Code of 1987, as previously amended and amended hereby, 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 17th DAY OF SEPTEMBER, 2007.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 1st DAY OF OCTOBER, 2007.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Alan Bernholtz, Mayor

ATTEST:

Eileen Hughes, Town Clerk

(SEAL)