

ORDINANCE NO. 5

SERIES 2008

**AN ORDINANCE AMENDING THE FINAL
SUBDIVISION PLAN PROCEDURE OF THE
SUBDIVISION REGULATIONS**

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipal corporation 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;

WHEREAS, the Town has established in the Town's Subdivision Regulations (the "Regulations") certain procedural guidelines for the approval of a final subdivision plan;

WHEREAS, said procedural guidelines allow the requirements of the Regulations to be varied from or waived upon a finding of the Town's Planning Commission that the subdivider will be providing amenities to the Town over and above those already required by the Regulations that are of such benefit to the Town that said requirements may be varied or waived in return for such amenities;

WHEREAS, the Town staff has found that the Planning Commission should not be permitted to vary or waive certain of these requirements, regardless of whether the subdivider will be providing amenities to the Town over and above those required by the Regulations because certain of these requirements affect the health, safety and welfare of the community and the premise of the Regulations and the Town Area Plan is, among other principles, that land should be developed in a manner that preserves the natural features of the land;

WHEREAS, the Town Council has determined that the Town staff's findings are in the best interest of the health, safety and welfare of the residents and visitors of the Town, and that, accordingly, certain changes to the Regulations are necessary to prevent the Planning Commission from being able vary or waive certain of the requirements under the Regulations as described above;

WHEREAS, the Town Council has included similar terms relative to annexations in Ordinance No. 3, Series 2008, amending the annexation provisions of the Town Code (the "Annexation Ordinance"), and the changes to the Regulations herein set forth will make the Regulations consistent with the Annexation Ordinance; and

WHEREAS, the Town Council finds that the revisions herein set forth will accomplish the aforesaid goals of the Town staff and the Town Council, the same being in the best interest of the general 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.F.6.(a)iv., Approval and Execution of the Final Plan and Final Plat. Section 15-3-6.F.6.(a)iv. is hereby deleted in its entirety and replaced with the following new sections which shall read as follows:

"iv. With the exception of Section 15-3-7 A. 3, 4, and 7; B.; G.; H.; I.; K.; L.; M.; S. and U. of these subdivision regulations, any of the requirements of these subdivision regulations may be varied from or waived upon a finding by the Planning Commission that the subdivider will be providing amenities to the Town, over and above those already required by these regulations, that are of such a benefit to the Town that requirements of these regulations may be varied from or waived in return for the receipt of such amenities."

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 3rd DAY OF March, 2008.

By: 
Alan Bernholtz, Mayor

ATTEST:

Eileen Hughes, Town Clerk

(SEAL)