

ORDINANCE NO. 9

SERIES 2006

AN ORDINANCE AMENDING THE ZONING AND LAND USE ORDINANCE OF THE TOWN OF CRESTED BUTTE REGARDING THE MINIMUM NUMBER OF LOTS IN THE "C" COMMERCIAL DISTRICT WHICH MAY BE SUBJECT TO TOWN PLANNED UNIT DEVELOPMENT 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 the laws of the State of Colorado; and

WHEREAS, the Town's Zoning and Land Use Ordinance (hereafter "Ordinance") currently provides that in the "C" Commercial District, any six or more contiguous Town lots, under the ownership of one person, shall be subject to Town planned unit development regulations, at the option of the owner thereof; and

WHEREAS, the Town Council (the "Council") has determined that, in order to facilitate development and to aid in the increase of sales tax revenue generating businesses in the "C" Commercial District, it is appropriate that a smaller number of lots, under common ownership, should qualify for planned unit development regulation in that district, at the owner's option; and

WHEREAS, the Town Council has determined that the amendment of the Ordinance to allow four or more contiguous lots under the ownership of one person in the "C" Commercial District will have no negative effects on development within the Town; and

WHEREAS, the Town Council finds that the below amendment is in the best interests of the health, safety and general welfare of the inhabitants of the Town.

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

Section 1. Amending The Ordinance To Allow Four or More Contiguous Town Lots Under the Ownership of One Person in the "C" Commercial District to be Subject to the Town Planned Unit Development Regulations, At the Owner's Option. Section 15-2-15.2.B.1 is amended by replacing the first two sentences of that section with the following:

"1. Any four or more contiguous Town lots, under the ownership of one person, in the "C" Commercial District; any five or more contiguous Town lots, under the ownership of one person, in both the "T" Tourist District and in the "B2" Business

District; and any six or more contiguous Town lots, under the ownership of one person, in both the "B3" Business District and in the "R4" Residential District."

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 hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS _____ DAY OF _____, 2006.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS _____ DAY OF _____, 2006.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Alan Bernholtz, Mayor

ATTEST:

Eileen Hughes, Town Clerk

SEAL