

ORDINANCE NO. 12

SERIES 2007

AN ORDINANCE AMENDING THE TOWN'S ZONING AND LAND USE ORDINANCE TO REPLACE REFERENCE TO SPECIFIC ZONE DISTRICTS AS THOSE AREAS IN WHICH TIMESHARING MAY BE PERMITTED WITH REFERENCE TO HOTEL OR LODGE, MOTEL AND RESORT USES IN WHICH TIMESHARING MAY BE PERMITTED

WHEREAS, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and 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's Zoning and Land Use Ordinance (the "**Ordinance**") contains provisions that permit Timesharing (as defined in the Ordinance) in certain specific zone districts;

WHEREAS, the Town Council and Town Staff are currently in the process of studying Timesharing and its impact on the Town;

WHEREAS, while the Town Council has yet to make a determination as to whether Timesharing is in the best interest of the Town, its residents and visitors, Staff has recommended that, in the meantime and until the Town Council makes said determination, the Ordinance be amended to replace reference in the Ordinance to specific zone districts in which Timesharing may be permitted with reference to Hotel or Lodge, Motel and Resort uses (as defined in the Ordinance) in which Timesharing may be permitted;

WHEREAS, the Town Council finds that by making the afore-described amendments to the Ordinance, Timesharing may be permitted only under Hotel or Lodge, Motel and Resort uses;

WHEREAS, the Town Council finds that permitting Timesharing under Hotel or Lodge, Motel and Resort uses, subject to the Ordinance, will be consistent with said uses; and

WHEREAS, the Town Council has determined that the below amendments to the Ordinance are in the best interest of the health, safety and general welfare of the residents and visitors of the Town and, accordingly, the Town Council makes the following amendments.

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

Section 1. Amending Section 15-2-5.5.C.1. by Deleting the Reference to Specific Zone Districts and Replacing Said Reference with Hotel or Lodge, Motel and Resort Uses in which Timesharing May be Permitted. Section 15-2-5.5.C.1. is hereby amended by deleting the Section in its entirety and replacing it with the following:

“C. Timesharing May Be Permitted under Hotel or Lodge, Motel and Resort Uses.

1. Timesharing may be permitted pursuant to this Section 15-2-5.5. under Hotel or Lodge, Motel and Resort uses only. Timesharing shall require the issuance of a conditional use permit in accordance with the procedures and requirements set forth in Section 15-2-16., in addition to the review approval required under the provisions of Section 15-2-5.5.E.”

Section 2. Amending Section 15-2-5.5.E. by Deleting the Reference to Specific Zone Districts. The introductory paragraph of Section 15-2-5.5.E. is deleted in its entirety and replaced with the following:

“E. Review Criteria. Timesharing as a conditional use is subject to the objectives set forth in Section 2, Paragraph A. above. The following review criteria shall also be considered in evaluating the appropriateness of a timeshare project.”

Section 3. 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 4. Savings Clause. Except as amended hereby, the Crested Butte Town Code of 1987, as amended, 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 7 DAY OF May, 2007.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 21 DAY OF May, 2007.

TOWN OF CRESTED BUTTE, COLORADO

By: _____

Alan Bernholtz, Mayor

ATTEST:

Eileen Hughes, Town Clerk

(SEAL)