

ORDINANCE NO. 23

SERIES 2021

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AUTHORIZING THE REZONING OF BLOCK 80, LOT 2, PARADISE PARK SUBDIVISION, TOWN OF CRESTED BUTTE, COLORADO FROM RESIDENTIAL/MULTI-FAMILY "R-2A" TO PUBLIC "P"

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, an application has been submitted to the Town Council and the Board of Zoning and Architectural Review (the "**Board**"), pursuant to the requirements of Chapter 16 of the Crested Butte Municipal Code (the "**Code**") to rezone Block 80, Lot 2, of the Paradise Park Subdivision from Residential/Multi-Family "R2A" to Public "P";

WHEREAS, on September 28, 2021, pursuant to Chapter 16, Article 23 of the Code, the Board considered the application, studied the rezoning, recommended the rezoning and referred the rezoning application to the Town Council, making the following recommendation pursuant to Section 16-23-90 of the Code in support thereof:

- (1) Block 80 has experienced substantial changes in the character of the neighborhood involving recreation activities that negatively impact the adjacent property owners and the water quality of the Slate River system. Alternative uses on the site could mitigate the impacts. Rezoning the parcel to P could allow for alternative uses on the site that includes a public restroom, ADA accessible parking, a Nordic cat barn, and workforce housing that promotes the health, safety and welfare of Town.

WHEREAS, pursuant to Section 16-23-30 of the Code, the Town staff has provided the BOZAR Staff memo dated September 28, 2021 to the Town Council along with the following information for its consideration in connection with the rezoning application:

- (1) the legal description of the lands to be rezoned, together with a diagram drawn to scale showing the boundaries of the area requested to be rezoned;
- (2) a statement of the present zoning and the requested new zoning;

- (3) a statement of justification for such action;
- (4) a description of the land and uses thereof within two hundred (200) feet of the boundary lines of the proposed area of change, in all directions; and
- (5) a statement as to the effect that the rezone would have on adjacent areas or uses.

WHEREAS, pursuant to Section 16-23-90 of the Code, the Town Council considered the Board's referral of the application, studied the rezoning and makes the following findings consistent with the Board's recommendation in support thereof:

- (1) the proposed zoning re-classification is consistent with the goals and policies of the Crested Butte Land Use Plan per Sec. 16-23-90(a)(2)a. because:
 - a) Lot 2, Block 80 is adjacent to publicly zoned land to the east and north of the property and is compatible with those uses per Sec. 16-23-90(a)(3)a.;
 - b) the rezoning supports affordable housing for year round residents which serves to preserve the diverse community of Crested Butte;
 - c) Block 80 has experienced substantial and material changes in the character of the neighborhood involving recreational activities that negatively impact the adjacent property owners and the water quality of the Slate River system such that the proposed rezoning would be in the public interest and would be consistent with this change in character per Sec. 16-23-90(a)(2)b.;
 - d) the proposed zoning re-classification provides recreational facilities needed to address and mitigate the increased recreational impacts in the neighborhood, while maintaining the ability to provide workforce housing for critical service employees of the Town per Sec. 16-23-90(a)(2)b.;
 - e) the proposed rezoning is compatible with adjacent land uses for affordable housing, recreation and public works facilities per Sec. 16-23-90(a)(3)a.;
 - f) the proposed development of the property is an improvement to the neighborhood and the Town per Sec. 16-23-90(a)(3)b.;

WHEREAS, based on the foregoing, the Town Council hereby finds that the amendments to the Code set forth below are consistent with its findings and the intents and purposes of the Chapter 16 of the Code and the Crested Butte Land Use Plan, because the proposed rezoning promotes the health, safety and welfare of residents and visitors of Crested Butte per Sec. 16-23-90(a)(1).

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

Section 1. Amending the Official Zone Map. The Code, including, without limitation, Chapter 16 thereof, and the Zoning District Map of the Town are hereby amended by rezoning Block 80, Lot 2, of the Paradise Park Subdivision from Residential/Multi-Family "R2A" to Public "P". The Town Manager is hereby directed to cause said amendment to be reflected on the official Zoning District Map of the Town and said amended map shall be reproduced and made available to the public on demand.

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 18th DAY OF October, 2021.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 15th DAY OF November, 2021.

TOWN OF CRESTED BUTTE

By: 
James A. Schmidt, Mayor

ATTEST:


Lynelle Stanford, Town Clerk

[SEAL]

