

ORDINANCE NO. 27

SERIES 2022

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
AUTHORIZING THE REZONING OF A PORTION OF LOTS 31 AND 32,
BLOCK 16, TOWN OF CRESTED BUTTE, COLORADO FROM PUBLIC
“P” TO RESIDENTIAL “R-1C”; AND THE REZONING OF A PORTION
OF PART OF LOTS 28-30, BLOCK 16 TOWN OF CRESTED BUTTE,
COLORADO FROM RESIDENTIAL “R-1C” 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; and

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; and

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 a portion of LOTS 31 and 32, BLOCK 16, Town of Crested Butte, Colorado from Public “P” to Residential “R-1C”; and the rezoning of a Portion of Part of LOTS 28-30, BLOCK 16, Town of Crested Butte, Colorado from Residential “R-1C” to Public “P”;

WHEREAS, on August 30, 2022, 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) A portion of LOTS 31- 32, BLOCK 16, on the north bank of Coal Creek cannot function as public land and the Town is conveying the property to private ownership. There is no way to access the portions without trespassing as it is surrounded by private land or river. The portion of Part of LOT 28-30, BLOCK 16 is privately owned and is being conveyed to the Town of Crested Butte and does not function well as private land as it is surrounded a public park or river. The rezoning of both portions would allow for the zoning to match the adjacent land use and property ownership.

WHEREAS, pursuant to Section 16-23-30 of the Code, the Town staff has provided the BOZAR Staff memo dated August 30, 2022, to the Town Council along with the following information for its consideration in connection with the rezoning application:

- (1) Exhibit A – Lot Line Adjustment Plat showing the tracts of land 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) Part of lots 28-30, Block 16 is adjacent to publicly zoned land to the east and south of the property and part of lots 31 and 32, Block 16 is adjacent to Residential zoned land to the West and North of the property is compatible with those uses per Sec. 16-23-90(a)(3)a.;
 - b) Using the river as a dividing line, the rezoning allows for the zoning to match the current land use;

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 a portion of LOTS 31-32, BLOCK 16 Town of Crested Butte, Colorado from Public "P" to Residential "R-1C"; and the rezoning of a Portion of Part of LOTS 28-30, BLOCK 16, Town of Crested Butte, Colorado from Residential "R-1C" 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 19th DAY OF December, 2022.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 3rd DAY OF January, 202~~2~~³

TOWN OF CRESTED BUTTE


Ian Billick, Mayor

ATTEST:


Lynelle Stanford, Town Clerk

[SEAL]



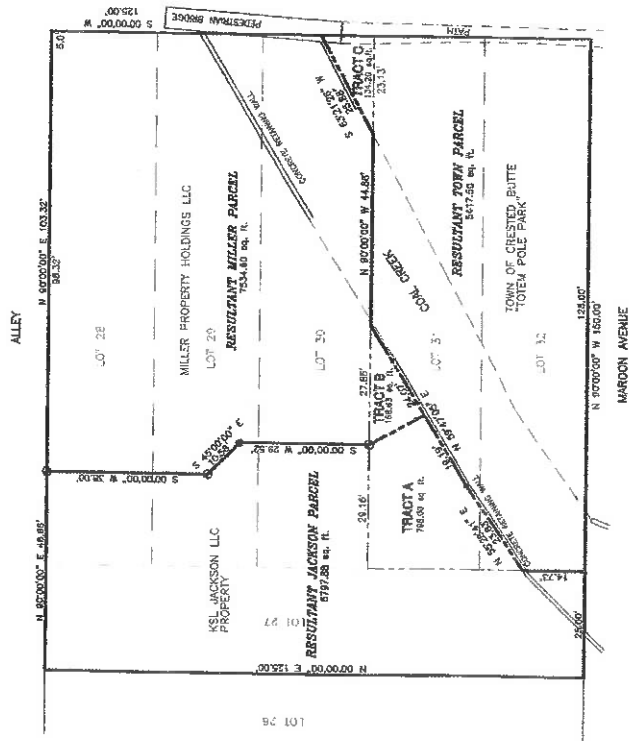
**LOT LINE ADJUSTMENT
LOTS 27-32, BLOCK 16
TOWN OF CRESTED BUTTE
GUNNISON COUNTY, COLORADO**

Exhibit
A

DEDICATION

ATTORNEY'S OPINION

TOWN APPROVAL



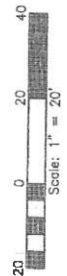
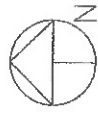
LEGEND
 ○ Found rebar with aluminum cap, "LS 27739"
 ● Found rebar with plastic cap, "LS 34679"
 --- Existing property line
 - - - - - Vested property line
 = = = = = Resultant property line

SURVEYOR'S CERTIFICATE

I, Timothy E. Pearson, a registered land surveyor in the State of Colorado, certify that this plot and the survey referred to herein were made under my direction and control and that both are true and correct to the best of my knowledge.

Dated this _____ day of _____, 2022.

Timothy E. Pearson
Colorado L.S. No. 34979



NOTES:

1. Property was located by field measurements from city monument at the intersection of Third Street with Elk Avenue. Basis of bearing is EAST between said monument and a similar monument of the intersection of Seventh Street with Elk Avenue.

RECORDERS CERTIFICATE

This plot was filed for record in the office of the County Clerk and Recorder of Gunnison County at _____ on the _____ day of _____, 2022. Reception No. _____

County Clerk and Recorder

BY: _____ Deputy

PEARSON SURVEYING
P.O. BOX 652
GUNNISON, CO 81230
970-641-2810
PROJECT # 22-2-25

DATE : 9/27/22
LATEST REVISION DATE : 10/7/22

SHEET 1 OF 1