

**TOWN OF MT. CRESTED BUTTE
ORDINANCE NO. 2
Series 2022**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE V. PUBLIC HEARINGS, DIVISION 2. PLANNING COMMISSION HEARINGS AND DIVISION 3. TOWN COUNCIL HEARINGS, AND REFERENCES THERETO, OF THE CODE OF THE TOWN OF MT. CRESTED BUTTE, COLORADO

WHEREAS, certain provisions of the Code of the Town of Mt. Crested Butte, Colorado, require the Planning Commission and Town Council to hold public hearings prior to action of the Planning Commission and Council; and

WHEREAS, the Code also requires in certain instances that property owners within 200 feet of the exterior lot lines of the property for which the application is pending be notified of the public hearing; and

WHEREAS, the Code is not clear as to when the notice to adjoining property owners must be mailed; and

WHEREAS, staff recommends that the Code be amended to require mailing my certified mail at least 15 days prior to the date of the public hearing; and

WHEREAS, the Planning Commission has reviewed such amendment, including minor associated amendments to clarify the Code requirements and recommends the Council approve the same.

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

Section 1. Chapter 2. Administration, Article V. Public Hearings, Division 2. Planning Commission Hearings is hereby amended to read as follows:

Sec. 2-277 Notice

Not less than fifteen (15) days prior to the date set for the public hearing, the town clerk shall cause a copy of a notice of the time and place of such hearing to be published once in a newspaper of general circulation in the town. Not less than fifteen (15) days prior to the date set for the public hearing, a copy of such notice shall be mailed by the applicant by certified mail to the owners of all properties within a radius of two hundred (200) feet of the exterior lot line of the lot, tract or property affected by such hearing. Amendments to the subdivision and zoning ordinances of the town, instituted by the town do not require notice mailed to property owners.

Section 2. Chapter 2. Administration, Article V. Public Hearings, Division 3. Town Council Hearings, is hereby amended to read as follows:

Sec. 2-301 Setting date, time; notice; proof of ownership; bases for determinations; presentation of testimony, evidence

In the event that a recommendation of the Planning Commission concerns an amendment to either the subdivision ordinance or to the zoning ordinance, then upon receipt of such recommendations, the town clerk shall set a date and time for a public hearing upon such application before the town council, to be held no sooner than seventeen (17) days and no later than forty-two (42) days.

Notice. For all other hearings, not less than fifteen (15) days prior to the date set for the public hearing, the town clerk shall cause a copy of a notice of the time and place of such hearing to be published once in a newspaper of general circulation in the town. Not less than fifteen (15) days prior to the date set for the public hearing, a copy of such notice shall be mailed by the applicant by certified mail to the owners of all properties within a radius of two hundred (200) feet of the exterior lot line of the lot, tract or property affected by such hearing. Amendments to the subdivision and zoning ordinances of the town, instituted by the town do not require notice mailed to property owners.

Proof of ownership. The applicant shall provide, at its sole cost and expense, a title-commitment issued by a title insurance company authorized to transact business in the state, evidencing ownership, with an effective date within twenty (20) days of the date of the application, which commitment shall also evidence the addresses of such owners, as evidenced by the records of the county clerk and recorder. A title opinion prepared by an attorney-at-law licensed by the state may be provided in lieu of such title commitment.

Bases for Determination. The town council shall base its determinations upon statements contained in the application or petition, upon reports from the town staff or consultants, if any, upon recommendations and findings of the planning commission, and upon evidence presented to the council at the hearing.

Section 3. Severability. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance shall be given full force and effect if it is possible to do so.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, this 18th day of January, 2022.

PASSED, ADOPTED, AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado, held the 15th day of February, 2022.

TOWN OF MT. CRESTED BUTTE, COLORADO

Janet R Farmer
By: Janet R. Farmer, Mayor

ATTEST
Tiffany O Connell
Tiffany O Connell, Town Clerk