

TOWN OF MT. CRESTED BUTTE  
ORDINANCE NO. 3  
SERIES 2024

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AMENDING THE MUNICIPAL CODE SECTIONS 21-24 AND 21-31, CONCERNING APPEALS FROM AN ADMINISTRATIVE ACTION AND REZONING FEES**

WHEREAS, the Town of Mt. Crested Butte is a Colorado home rule municipality operating under a Home Rule Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected Town Council; and

WHEREAS, the Town Council has authority pursuant to the Charter and C.R.S. §31-16-101, *et seq.* to adopt and enforce all ordinances; and

WHEREAS, in the exercise of this authority, the Town Council has previously enacted section 21-24 of the Code, concerning appeals from an administrative action, and section 21-31, concerning rezoning fees; and

WHEREAS, the Town Council wishes to amend section 21-24 to clarify the matters which can be the basis for an appeal from administrative actions to the Town Council, and amend section 21-31 to expand the obligation for land development applicants to pay for all relevant Town expenses in connection with development review.

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

Section 1. Section 21-24 is amended to read as follows:

**Sec. 21-24 Appeals from administrative action.**

Appeal from administrative actions or determinations by the town manager, the building official, the zoning administrator, or any town employee under their direction pursuant to provisions of this chapter may be filed with the town council. An appeal may be filed only by a resident or property owner of the property subject to the action or determination within twenty (20) days following such action or determination. The appeal shall be submitted in writing, stating the basis of the appeal and the relief requested. In the event of an appeal, the town council, after receiving a report from the zoning administrator and at a public hearing after notice under Section 2-301, may confirm, reverse or modify the action of the zoning administrator. For all other matters, the administrative action or determination shall be the final action of the town.

Section 2. Section 21–31 of the Code concerning rezoning fees, is amended to read in its entirety as follows:

**Sec 21-31 Processing Fees.**

The fees for all applications and appeals under this chapter shall be as set forth by the town council by Resolution, and in addition, shall cover the costs of outside consultants and town attorney review. Should an applicant request a special meeting of the planning commission or town council, which meeting is requested due to time constraints or desires of the applicant, and not due to statutory, code, or other limitations imposed by law that may require the town to conduct a special meeting, the applicant shall pay the costs incurred by the town to hold such special meeting, including payment of commission or council members, staff and attorney time, and any other costs incurred or necessary to conduct the special meeting. The council shall set the cost categories as well any set fees by resolution. Applicants are responsible for providing public notice to all property owners within two hundred (200) feet of the subject property by certified mail, proof of which shall be provided to the town clerk prior to all hearings.

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.

Section 4. Effective date. This ordinance shall take effect upon final passage.

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 20<sup>th</sup> day of February, 2024.

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 19<sup>th</sup> day of March, 2024.

TOWN OF MT. CRESTED BUTTE, COLORADO

  
By: Nicholas Kempin, Mayor

ATTEST:

  
Tiffany O'Connell, Town Clerk