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State of Colorado
Audrey E. Conley, Saguache County Recorder
08-28-2006 10:13 AM Recording Fee $286.00

ORDINANCE # 2006-013

AN ORDINANCE REPEALING EXISTING ZONING ORDINANCES OF THE TOWN OF CRESTONE AND ENACTING NEW ZONING REGULATIONS FOR THE TOWN

WHEREAS, the Planning Commission of the Town of Crestone has studied and reviewed various additional provisions to the Town Zoning Regulations, as well as suggested code changes tendered by the Town Attorney and model regulations received from the Colorado Department of Local Government and has spent numerous hours revising the present Zoning Regulations of the Town, and

WHEREAS, the Planning Commission has determined that the Town zoning regulations are in need of comprehensive revision in order to meet the needs of town growth, and

WHEREAS, the provisions of C.R.S. § 31-23-101 enable the Board of Trustees of the Town to enact comprehensive Town zoning regulations and the provisions of C.R.S. § 31-23-304 and C.R.S. § 31-23-305 provide the manner in which such regulations may be amended or modified, and

WHEREAS, the Town Planning and Zoning Commission has made a preliminary report, conducted a public hearing, and thereafter submitted a final report to the Town Board of Trustees in accordance with the provisions of C.R.S. §31-23-306, and

WHEREAS, the Town Board of Trustees has reviewed and accepts the report and recommendation of the Planning Commission concerning such suggested comprehensive revisions;

NOW THEREFORE, be it hereby ordained by the Board of Trustees of the Town of Crestone:

1. Zoning Ordinance for the Town of Crestone, recorded in Book 392 at Page 147 et. seq., of the records of the County Clerk and Recorder of Saguache County, Colorado, Ordinance No. 10 (An Ordinance Zoning the First Addition of the Town of Crestone), recorded in Book 397 at Page 435 of the records of the County Clerk and Recorder, Ordinance No. 11 (An Ordinance Zoning the Town of Crestone and the Revised Zoning Ordinance for the Town of Crestone) recorded in Book 400 at Page 842 et. seq., of the records of the County Clerk and Recorder of Saguache County, Colorado, Ordinance 1-1993 (An Ordinance Amending the Zoning Ordinance for the Town of Crestone, Colorado) recorded in Book 483 at Page 197 et. seq. of the records of the County Clerk and Recorder of Saguache County, Colorado, Ordinance 2003-4 (An Ordinance Amending Ordinance Number 11 Adopting Zoning Regulations for the Town of Crestone, Colorado) as recorded under Reception No. 342025 of the Records of the County Clerk and Recorder of Saguache County, Colorado, Ordinance 2003-007 (An Ordinance Amending the Zoning Ordinance for the Town of Crestone to reduce Minimum Living Area in Zone Three for Single Family Residences, and

Amending the Definition of "Single-Family" Residence) as recorded under Reception No. 343055 of the Records of the County Clerk and Recorder of Saguache County, Ordinance 2004-001 (An Ordinance Allowing the Parking of Travel Trailers and Motor Homes Within the Town of Crestone, Colorado), Colorado, § 2 of Ordinance 2004-002 (An Ordinance Repealing Certain Ordinances of the Town of Crestone relating to Operating and Licensing of Liquor Establishments, which have been preempted by the Colorado Liquor Code) Ordinance No. 2004-009, (An Ordinance Amending the Revised Zoning Ordinance for the Town of Crestone) as described in Book 400 at Page 842 of the Records of the County Clerk and Recorder of Saguache County, Colorado Concerning Height Restrictions in Zone 2 Commercial as recorded under Reception No. 348926 of the Records of the County Clerk and Recorder of Saguache County, Colorado, Ordinance No. 2005-001 An Ordinance Amending the Revised Zoning Ordinance for the Town of Crestone (As Described in Book 400 at Page 842 of the Records of the County Clerk and Recorder of Saguache, Colorado) Concerning Height Restrictions in Zone 1 Residential as recorded under Reception No. 349343 of the Records of the County Clerk and Recorder of Saguache County, Colorado, Ordinance No. 2005-002 An Ordinance Amending an Ordinance Zoning the Town of Crestone and the Revised Zoning Ordinance for the Town of Crestone (As Described in Book 400 at Page 842 of the Records of the Clerk and Recorder of Saguache County, Colorado) by Adding a "Rural" Zone, Ordinance No. 2006-006 (An Ordinance Amending Ordinance 2005-002 Specifying Minimum Lot Area in the Town of Crestone, Colorado) As Recorded Under Reception Number 354639 of the Records of the Clerk and Recorder of Saguache County, Ordinance 2006-014 - An Ordinance Amending the Revised Zoning Ordinance of The Town of Crestone, Colorado (by revising regulations for Zone 1, Multi-Unit Residence), are repealed in their entirety.

2. ***Adoption by Reference.*** Pursuant to parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, the Land Use and Zoning Code attached hereto is hereby adopted and incorporated into this Ordinance, by reference as the Land Use and Zoning Code of the Town of Crestone, Colorado. Said Land Use and Zoning Code has been compiled and published by the Planning Commission of the Town of Crestone, P.O. Box 64, Crestone, CO 81131, and incorporated into this ordinance as if set out in full herein, three copies of which are on file in the office of the Town Clerk, Crestone Town Hall, Crestone, Colorado. The subject matter of the adopted regulations includes the Division of the Town into zoned districts, the height and size of buildings and other structures, the percentage of lots that may be occupied, setbacks, the size of yards, courts and other open spaces, and the location of building structures and land for trade, industry, residence or other purposes, regulations on signage, and related land use matters.

3. ***Zoning Map.*** The Town of Crestone "Zone District Map" referenced in said amended Land Use and Zoning Code, marked as Exhibit A" is likewise adopted and incorporated by reference into this Ordinance. The official copy of said map shall be prominently displayed in the Crestone Town Hall and maintained "up-to-date" by the Crestone Town Staff. Any reference to the "Zoning Map" of the Town of Crestone

shall be to such map. Such map shall be prima facie evidence of all zoning lines and borders of all zoning districts in the Town of Crestone and said map, or any excerpt, copy, or portion, duly attested by the Town Clerk, may be submitted in evidence in any official preceding of the Town or in any Court of competent jurisdiction.

4. ***Section II. Code Copies.*** At least three copies of the "Land Use and Zoning Code of the Town of Crestone, Colorado", all certified to be true copies, are now filed in the office of the Town Clerk, and may be inspected by any interested persons during regular business hours, Monday through Friday, holidays excluded. The "Land Use and Zoning Code", as finally adopted, shall be available for sale to the public through the office of Town Clerk at a moderate price.

5. ***Section III. Penalties.*** The following penalty clause is set forth in full and adopted:

    a. It shall be unlawful for any person, firm, business association, or corporation to violate any of the provisions of the "Land Use and Zoning Code of the Town of Crestone, Colorado";

    b. Any person, firm, business association, or corporation violating any of the provisions of this code of the Town of Crestone, Colorado shall be deemed guilty of an ordinance violation, and, upon conviction, shall be subject to a fine of not more than $300.00, or by imprisonment in jail not exceeding ninety days or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each and every day and portion thereof during which any violation of or any of the provisions of this code is committed, continued, or permitted

6. ***Section IV. Severability Clause.*** If any part, section, subsection, sentence, clause, or phrase of this ordinance or of the "Land Use and Zoning Code of the Town of Crestone, Colorado" adopted hereby is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining sections of this ordinance or said "Land Use and Zoning Code of the Town of Crestone, Colorado". The Board of Trustees hereby declares that it would have passed this ordinance and adopted said "Amended Land Use and Zoning Code" in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses, or phrases become invalid.

DUE TO THE NECESSITY OF IMMEDIATE UPDATE OF THE EXISTING ZONING CODE IN THE TOWN OF CRESTONE, COLORADO, AND PENDING LAND USE PROPOSALS, IT IS HEREBY DECLARED THAT THIS ORDINANCE IS NECESSARY TO THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, AND SAFETY AND SHALL TAKE EFFECT AND BE ENFORCED FROM AND AFTER THE ADOPTION OF THIS ORDINANCE.

INTRODUCED, read in full, adopted, approved, and signed this 14th day of August, 2006.

APPROVED:

Kizzen Laki, Mayor

ATTEST:

Janet Dossigny, Town Clerk

APPROVED AS TO FORM:

Eugene L. Farish, #2557
Town Attorney

CERTIFICATION

I hereby certify that the within Ordinance was first introduced and read in full at a special meeting of the Board of Trustees on June 20, 2006; that Notice of Hearing for consideration of adoption was published in the Saguache Crescent, a legal newspaper of Saguache County, including the Town of Crestone, on June 22, 2006, and was again published in said Saguache Crescent on June 29, 2006; that a public hearing was held before the Board of Trustees on the 10th day of July, 2006; that Revisions were made to said Ordinance in accordance with comments and suggestions at such hearing and said Revised Ordinance was adopted by the Board of Trustees on August 14, 2006 at the regular meeting of the Town Board of Trustees after said public hearing and that the adopted Ordinance was also published in the Crestone Eagle, a legal newspaper of the Town of Crestone, on September 1, 2006.

Janet Dossigny, Town Clerk

TOWN OF CRESTONE
PUBLIC NOTICE

AN ORDINANCE AMENDING THE NUISANCE ORDINANCE FOR THE TOWN OF CRESTONE, COLORADO. Ordinance #2006-012 was adopted, approved and signed on June 12, 2006.
Approved: Kizzen Laki, Mayor