

ORDINANCE NO. 5
Series 2017

AN ORDINANCE OF THE TOWN OF PITKIN, COLORADO, ADOPTING THE TOWN OF
PITKIN COLORADO ZONING CODE BY REFERENCE

WHEREAS, Colorado Revised Statutes (2009), Section 31-15-101, et seq., authorizes a municipality to enact regulations that promote the health, safety and welfare, and improve order, comfort, and convenience of the municipality and inhabitants thereof; and

WHEREAS, Colorado Revised Statutes (2009), Section 31-23-301, et seq., authorizes a municipality to enact regulations that regulate the location and use of buildings, structures and land for trade, industry, residence, or other purposes; and

WHEREAS, C.R.S. 31-23-303 declares that such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town; and

WHEREAS, the Town of Pitkin, Colorado has reasonably considered the character of the Town, the peculiar suitability of particular uses for specific areas in the Town with a view to conserve the value of building and encourage the most appropriate use of land throughout the Town; and

WHEREAS, the Town of Pitkin, Colorado has elected to exercise the legislatively granted power and authority to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence, or other purpose; and

WHEREAS, the Board of Trustees of the Town of Pitkin, Colorado has found that such regulations promote the health, safety, morals, and the general welfare of the community as stated herein; and

WHEREAS, the Zoning Commission of the Town of Pitkin, CO considered appropriate boundaries and regulations with input from the citizenry at public hearings and then submitted a final report to the Board of Trustees of the Town of Pitkin, Colorado in compliance with C.R.S. 31-23-306; and

WHEREAS, the Board of Trustees of the Town of Pitkin, Colorado received the final report from the Zoning Commission of the Town of Pitkin, Colorado and held public hearings during its regularly scheduled Town meeting on August 14, 2012, which was posted in the regular posting places around the Town of Pitkin before the meeting; and

WHEREAS, the Board of Trustees adopted Ordinance 4, Series, 2013 amending the Zoning Code of 2012; and

WHEREAS, the Board of Trustees adopted Ordinance 1, Series 2015 on July 14, 2015, amending the Zoning Code of 2012; and

WHEREAS, the Ordinance adopting the Zoning Code of 2012, Ordinance 1, Series 2012, failed to comport with the statutory notice requirements set forth at C.R.S. 31-16-203; and

WHEREAS, it appears that the Zoning Code of 2012 was never signed by the Mayor of the Town of Pitkin or the Town Clerk of the Town of Pitkin, Colorado; and

WHEREAS, Ordinance 1, Series 2015 failed to comport with the 15-day notice requirement set forth in the Zoning Code of 2012 and the 2001 Zoning code; and

WHEREAS, the Board of Trustees wishes to adopt the Zoning Code of 2012 after providing notice as mandated at C.R.S. 31-16-203; and

WHEREAS, the Board of Trustees held a public meeting on July 11, 2017, to address adopting the Zoning Code of 2012, as amended by Ordinance 4, Series 2013, and the Zoning Map; and

WHEREAS, the Board of Trustees adopted the Zoning Code of 2012, the amendment made to the Zoning Code of 2012 as set forth in Ordinance 4, Series 2013, and the Zoning Map at the public hearing held on August 8, 2017.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PITKIN, COLORADO THAT THE TOWN OF PITKIN, COLORADO ZONING CODE OF 2012 SHALL BE APPROVED AND ADOPTED BY THE FOLLOWING REFERENCE:

1. The Town of Pitkin, Colorado Zoning Code dated December 11, 2012 is hereby adopted by this reference.
2. The Town of Pitkin Zoning Code of 2012 is designed to promote the health, safety, morals and general welfare of the present and future inhabitants of the municipality by lessening congestion in the streets, securing safety from fire, snow, panic and other dangers, promoting health and general welfare of the community; providing adequate light and air; preventing the overcrowding of land, avoidance of undue concentration of population; and facilitating the adequate provision of transportation, water, parks, and other public requirements.
3. The subject of the Town of Pitkin, Colorado Zoning Code of 2012 is the regulation and restriction of the height, number of stories, and size of buildings and other the structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residences or other purposes.
4. The adoption of the Town of Pitkin, Colorado Zoning Code of 2012 hereby repeals Ordinance No. 5, Series 2002, Ordinance No. 1, Series 2012, and Ordinance No 1, Series

2015, and any other Zoning Ordinances heretofore adopted by the Town of Pitkin, Colorado.

5. The Town of Pitkin, Colorado Zoning Code of 2012, as amended by Ordinance 4, Series 2013, and the Town of Pitkin Zoning Map shall be recorded at the Gunnison County Clerk and Recorder's Office, and then shall be filed with the Clerk of the Town of Pitkin, Colorado, and shall be available for inspection by the public. The Clerk of the Town of Pitkin is authorized to certify that the Town of Pitkin, Colorado Zoning Code of 2012 is a true and correct copy of the document adopted herein.
6. Violation of the Town of Pitkin, Colorado Zoning Code of 2012 shall be a misdemeanor. Every person who willfully violates any provision of the Town of Pitkin, Colorado Zoning Code of 2012, or fails or neglects to comply with the Town of Pitkin, Colorado Zoning Code of 2012 is guilty of a misdemeanor. Such person shall be deemed to commit a separate offense for each day during any part of which any such violation for non-compliance occurs, and shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) for each offense. This penalty is set forth in Section 22 of the Town of Pitkin, Colorado Zoning Code of 2012.
7. Notice has been made in conformance with the requirements set forth at C.R.S. 31-16-203 by publication in the Gunnison Country Times on the following dates: August 17, 2017 and August 24, 2017.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 8th day of August, 2017, on first reading, and introduced and adopted this 12th day of September, 2017.

Rachel New, Mayor

(SEAL)

ATTEST: _____

Sara Gibb, Town Clerk