

**ORDINANCE NO. 3
SERIES 2003**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING SECTION 15-17-4 (A) OF THE CITY CODE OF THE CITY OF GUNNISON REGARDING DEVELOPMENT OF NONCONFORMING LOTS.

WHEREAS, a property owner within the City of Gunnison has initiated a request to consider the text amendment to the Land Development Code of the City Code of the City of Gunnison; and

WHEREAS, after a properly-noticed public hearing, the City of Gunnison Planning and Zoning Commission has recommended adoption of the proposed text amendment to the City Council; and

WHEREAS, the City Council of the City of Gunnison, after proper notice, has also conducted a public hearing on the proposed text amendment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Findings. Based upon the application, report of the Community Development Department, and testimony received at the public hearing, the City Council of the City of Gunnison hereby finds as follows:

- A. The proposed amendment is consistent with the purposed of the Land Development Code;
- B. The proposed amendment encourages the development of appropriate uses in respective zoning districts, and therefore, provides for orderly development and conserves property values;
- C. The proposed amendment will not conflict with other provisions of, and will correct an apparent conflict in, the Land Development Code;
- D. The proposed amendment is consistent with the Master Plan in that it encourages the maximum and most efficient use of commercially-designated lands; and
- E. The proposed amendment encourages infill development and avoids the loss of developable land in the commercial and industrial zoning districts.

Section 2. Amendment. Section 15-17-4 (A) entitled "Nonconforming Lots" of the City Code of the City of Gunnison, Colorado is hereby amended to read as follows:

15-17-4. Nonconforming Lots.

A. Development permitted. A building containing uses permitted in the zone district may be developed on a lot which is nonconforming as to minimum lot size or minimum lot frontage, provided it can be located on the lot so that all other dimensional standards are met, or a variance from such dimensional standards is obtained pursuant to Article 14, Variance, and provided the development complies with all other standards of this Land Development Code.

Section 3. 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 City Council of the City of Gunnison, Colorado, that the remaining provisions of this ordinance shall be given full force and effect if it is possible to do so.

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INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 12th day of May, 2003, on first reading, and introduced, read, and adopted on second and final reading this 27th day of May, 2003.

Mayor

ATTEST:

City Clerk