

**ORDINANCE NO. 5
SERIES 2003**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON AMENDING SECTION 15-14-1 (B) OF THE CITY CODE OF THE CITY OF GUNNISON REGARDING VARIANCES WHICH MAY BE GRANTED.

WHEREAS, the Community Development Department of 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. There is a need for consistency in the Land Development Code of the City of Gunnison;

B. The proposed amendment will standardize the types of variance permitted and keep consistency in our language and review process;

C. The proposed amendment will conserve property values and provide an avenue for relief for property owners to more fully use their land should an unforeseen conflict or hazard exist;

D. The proposed amendment will not conflict with other provisions of the Land Development code, and will enhance the consistency of the Land Development Code; and maximum and most efficient use of commercially-designated lands; and

E. The proposed amendment will create an inclusive review process.

Section 2. Amendment. Section 15-14-1 (B) entitled "Variances Authorized" of the City Code of the City of Gunnison, Colorado is hereby amended to read as follows:

15-14-1. General.

B. Variances authorized. Variance from the standards of the underlying zone district shall be authorized only for maximum height, minimum floor area, minimum building width, maximum lot coverage, minimum setbacks, maximum setbacks, parking requirements, and minimum landscape area.

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.

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