

**TOWN OF FRASER
ORDINANCE NO. 499
Series 2023**

AN ORDINANCE REZONING CERTAIN PROPERTY WITHIN THE TOWN OF
FRASER KNOWN AS CLAYTON COURT

WHEREAS, the Town has initiated the rezoning of certain property in the Town of Fraser, County of Grand, State of Colorado, in accordance with § 19-2-170(a)(2) of the Fraser Land Development Code; and

WHEREAS, the Town has provided notice of the rezoning to all affected property owners in accordance with § 19-1-215 of the Fraser Land Development Code; and

WHEREAS, the Fraser Planning Commission considered the request at a public meeting on May 24, 2023 and recommended the Board of Trustees approve the request, and the Board of Trustees has duly considered the Commission's recommendation; and

WHEREAS, the Board of Trustees held a public hearing on the proposed rezoning on June 7, 2023 and has provided notice of the public hearing pursuant to C.R.S. § 31-23-304 and as required by § 19-1-215 of the Fraser Land Development Code; and

WHEREAS, no protests were received by the Town pursuant to C.R.S. § 31-23-305 or § 19-2-170(d) of the Fraser Land Development Code; and

WHEREAS, a rezoning of this property from Medium Density Single Family (MDSF) to Business (B) is consistent with the Town's Comprehensive Plan and Downtown Fraser Strategic Plan; and

WHEREAS, the property is also subject to the Riverwalk Mixed Use Overlay District, which will remain in effect following rezoning of the underlying district.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FRASER, COLORADO, THAT:

PART 1: REZONING.

Certain property, the legal description of which is as follows,

Lots 1-7, Resubdivision of Tracts B & C of Clayton Subdivision (Rec. No. 291300)

Lot 8a and 8b, Subdivision of Lot 8 of a Resubdivision of Tracts B & C of Clayton Subdivision (Rec. No. 94003832)

is hereby rezoned from Medium Density Single Family (MDSF) to Business (B) pursuant to the Fraser Land Development Code. The Official Zoning Map shall be amended accordingly.

PART 2: REPEAL. Any and all existing ordinances or parts of ordinances of the Town of Fraser covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

PART 3: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town of Fraser hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

PART 4: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after passage, adoption and publication thereof as provided by law.

PART 5: PUBLICATION. This Ordinance shall be published by title only.

READ, PASSED, ADOPTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES AND SIGNED THIS _____ DAY OF _____, 2023.

Votes in favor: _____
Votes opposed: _____
Votes abstained: _____

BOARD OF TRUSTEES OF THE
TOWN OF FRASER, COLORADO

BY: _____
Philip Vandernail, Mayor

(S E A L)

ATTEST: _____
Antoinette McVeigh, Town Clerk

Published in the *Middle Park Times* on _____.