

ORDINANCE NO. 8

SERIES 2011

AN ORDINANCE AMENDING SECTIONS 16-5-530 AND 16-16-30 OF THE CRESTED BUTTE MUNICIPAL CODE TO, RESPECTIVELY, INCREASE THE NUMBER OF RESIDENTIAL UNITS PERMITTED AS A CONDITIONAL USE IN THE "C" COMMERCIAL DISTRICT FROM TWO TO THREE RESIDENTIAL UNITS WHERE CERTAIN CONDITIONS ARE MET AND, IN CONNECTION THEREWITH, PLACE CERTAIN PARKING RESTRICTIONS ON SUCH RESIDENTIAL UNITS

WHEREAS, the Town of Crested Butte, Colorado ("Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, under Chapter 16 of the Crested Butte Municipal Code, the Town Council has adopted a comprehensive zoning scheme;

WHEREAS, the intent of the "C" Commercial District ("C District") is to allow as a conditional use, in pertinent part, the use of real property for limited residential purposes incidental to a primary commercial use of said property;

WHEREAS, the Board of Zoning and Architectural Review and Town Staff have found that the limitation on said properties of allowing as a conditional use only two (2) residential units should be increased to three (3) residential units, provided that certain conditions are met, including, without limitation, certain parking requirements, as such increase would support the intentions of the C District;

WHEREAS, the Town Council has determined that increasing the number of residential units allowed as a conditional use in the C District from two to three units supports the intentions of the C District, provided that certain conditions are met, including, without limitation, certain parking requirements; and

WHEREAS, Town Council has determined that the amendments and revisions to the Code prescribed herein should be adopted for the reasons set forth above and for the purpose of protecting the public health, safety and welfare of the residents and visitors of Crested Butte.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amending Section 16-5-530 (1). Section 16-5-530 (1) is hereby deleted in its entirety and replaced with the following new subsection which shall read as follows:

"(1) No more than three (3) residential units not to exceed six hundred (600) square feet each. Such residential unit may only be used as a long-term rental unit or, under the circumstances set forth herein, as an owner-occupied unit. No residential unit shall exist on the first floor of the building. The total square footage of all residential units in the structure shall not exceed fifty percent (50%) of the total building square footage. In the event that a conditional use for a residential unit is granted, that use may not in the future revert to any other use. The unit thereafter shall be restricted to such use. In the event that the owner of a unit, for which a conditional use for a residential unit is granted, owns and uses for his or her own use another nonresidential unit as a permitted use or an approved conditional use within the same building, the owner may occupy the residential unit. Only an owner conducting business himself or herself in his or her nonresidential unit may occupy his or her residential unit. Leasing the nonresidential unit to another person for his or her use is not considered *using for his or her own use or conducting business himself or herself* under this Section. Payment in lieu of providing parking is not allowed for parking required for residential uses.

Section 2. Amending Section 16-16-30 to Add a New Subsection (g) Thereto. A new subsection (g) is added to Section 16-16-30 which shall read as follows:

"(g) In the "C" Commercial District: (1) the primary street frontage of a property may not be utilized for residential parking; (2) signage designating all residential parking spaces shall be posted."

Section 3. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 21ST DAY OF MARCH, 2011.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 4TH DAY OF APRIL, 2011.

TOWN OF CRESTED BUTTE, COLORADO

By: *Leah B. Williams*
Leah B. Williams, Mayor

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk

