

ORDINANCE NO. 17

SERIES 2009

AN ORDINANCE AMENDING THE "B3" BUSINESS DISTRICT REQUIREMENTS TO ALLOW BED AND BREAKFASTS AS CONDITIONAL USES AND AMENDING THE PARKING REQUIREMENTS FOR THE "B3" BUSINESS DISTRICT TO REQUIRE THAT BED AND BREAKFASTS IN THE "B3" BUSINESS DISTRICT PROVIDE ON SITE PARKING

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 public under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the zoning requirements contained in the Crested Butte Municipal Code (the "Code") do not allow bed and breakfasts as either permitted or conditional uses in the "B3" Business District (the "B3 District");

WHEREAS, the intent of the B3 district is to encourage the preservation of the historic and architecturally interesting structures by allowing them to, in pertinent part, convert to business uses as long as essentially the same structures are retained;

WHEREAS, the Town Staff has determined that allowing bed and breakfasts as conditional uses in the B3 District supports the intentions of the district;

WHEREAS, the Staff has also determined that in conjunction with allowing bed and breakfasts as conditional uses in the B3 District, such uses must have parking on site;

WHEREAS, the Town Council has determined that allowing bed and breakfasts as conditional uses in the B3 District supports the intentions of the district, and that such on-site parking requirements are important to allowing bed and breakfasts as conditional uses in the B3 District; and

WHEREAS, Town Council has determined that the amendments and revisions to the Code proposed 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 16-5-330. Section 16-5-330 is hereby amended to add a new subsection (5) which shall read as follows:

"(5) Bed and breakfast, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1" District as set forth in Subsection 16-14-90(c) of this Chapter."

Section 2. Amending Section 16-16-30(e). Section 16-16-30(e) is hereby amended by adding the following language at the end of the subsection which shall read as follows:

"Where, however, any change is made to the use of such residential building or portion thereof, parking for such bed and breakfast use must be on site and not accessible from Elk Avenue."

Section 3. Amending the Definition of "Bed and Breakfast" in Section 16-1-20. The defined term for "bed and breakfast" is hereby deleted in its entirety and replaced with the following new definition of bed and breakfast which shall read as follows:

"Bed and breakfast means a business with no more than five (5) guest rooms, providing a bed, use of bath facilities and one (1) or more meals for tourists for compensation, which business is ancillary to the use of the principal building for residential purposes. A bed and breakfast shall not be contained within an accessory structure."

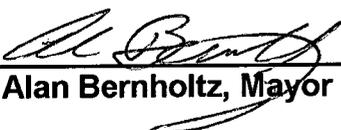
Section 4. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions 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 5. 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 19th DAY OF OCTOBER, 2009.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 2nd DAY OF NOVEMBER, 2009.

TOWN OF CRESTED BUTTE, COLORADO

By: 
Alan Bernholtz, Mayor

ATTEST:


Eileen Hughes, Town Clerk

