

ORDINANCE NO. 22

SERIES 2010

**AN ORDINANCE AMENDING THE EXEMPTIONS TO
NONCONFORMING USES FOR HISTORICAL
BUILDINGS CONTAINED IN SECTION 16-19-10 OF THE
CRESTED BUTTE MUNICIPAL CODE**

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 Crested Butte Municipal Code ("**Code**") contains certain exemptions to the termination requirements of nonconforming uses;

WHEREAS, one exemption to the termination requirements of nonconforming uses is that nonconforming uses in Historic buildings may not be abandoned;

WHEREAS, Elk Avenue contains a multitude of Historic buildings;

WHEREAS, the Town staff has found that, regardless of the historical value of Historic buildings, and their number within Town, especially on Elk Avenue, nonconforming uses in Historical buildings should be subject to abandonment, with no right of reestablishment, where nonconforming nonresidential uses have been discontinued or abandoned for a period of six (6) consecutive months or more;

WHEREAS, the Town Council has determined that, based on the reasoning behind ultimately terminating nonconforming uses, i.e., that they are discontinued over time so that permitted uses, consistent with hard zoning, can use the subject property instead, nonconforming uses in Historical buildings must be subject to abandonment, with no right of reestablishment, where such nonconforming nonresidential uses have been discontinued or abandoned for a period of six (6) consecutive months or more just like other nonconforming uses; and

WHEREAS, Town Council has determined that, on account of the reasons previously stated hereinabove, the amendments and revisions to the Code proposed herein be adopted for the purposes 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 16-19-10. Section 16-19-10 of the Code is hereby deleted in its entirety and replaced with the following new Section which shall read as follows:

"Sec. 16-19-10. Present use or aspect.

Except as otherwise provided in this Article, the lawful use or aspect of any building, structure or land existing at the time of the enactment of the initial ordinance codified herein or any pertinent amendment hereto, may be continued even though it does not conform to the requirements of this Article. If the nonconforming use or aspect is in a building or structure which has been determined and designated a "historical building or monument" by appropriate action of the Town, County, State or federal government, such building or structure shall be exempt from the provisions of Sections 16-19-20 and 16-19-30 below, so long as said building is maintained in a safe and proper condition."

Section 2. Defined Terms. Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Code.

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 shall remain valid and in full force and effect. Any provision of any of the Code which 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 JULY, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 3rd DAY OF AUGUST, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By: _____

Leah B. Williams
Leah B. Williams, Mayor

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk

(SEAL)

