

**ORDINANCE NO. 4**

**SERIES 2012**

**AN ORDINANCE AMENDING THE TOWN'S RESIDENT-  
OCCUPIED AFFORDABLE HOUSING REGULATIONS  
FOUND IN CHAPTER 16, ARTICLE 21 OF THE CRESTED  
BUTTE MUNICIPAL CODE TO EXEMPT THE FIRST 500  
SQUARE FEET OF COMMERCIAL DEVELOPMENT  
FROM THE APPLICATION OF SUCH REGULATIONS**

**WHEREAS**, the Town of Crested Butte, Colorado (the "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**, pursuant to Article XX of the Colorado Constitution, as implemented through the Town of Crested Butte Charter, Title 31, Article 23, and Title 20, Article 29, C.R.S., the Local Government Land Use Control Enabling Act of 1974, the Town has the authority to enact and enforce land use regulations, including, without limitation, requirements for affordable housing;

**WHEREAS**, the Town's resident-occupied affordable housing regulations require that commercial development mitigate its impacts on demand for affordable housing by providing, among other things, deed restricted resident-occupied affordable housing;

**WHEREAS**, the Town staff has determined that for the first 500 square feet of commercial development, the burdens of administering a program for developers of commercial developments to provide deed restricted resident-occupied affordable housing to mitigate the impacts for affordable housing caused by such commercial developments outweigh the expected benefits, and, accordingly, the developers of such commercial developments should not be required to provide deed restricted resident-occupied affordable housing in connection with the first 500 square feet of commercial development; and

**WHEREAS**, the Town Council has found that evidence supports the Town staff's determination as aforesaid, and, accordingly, finds that the below changes to the Town's resident-occupied affordable housing regulations are consistent with the Crested Butte Land Use Plan and are in the best interest of health, safety and general 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 16-21-40, Waiver Requirements.** Section 16-21-40 of the Crested Butte Municipal Code is hereby deleted in its entirety and replaced with the following new Section which shall read as follows:

**“Section 16-21-40. Exemption; Waiver.**

(a) The first 500 square feet of commercial development shall be exempt from the requirements to provide resident-occupied affordable housing set forth in Section 16-21-20.

(b) The requirements of Section 16-21-20 for the provision of resident-occupied affordable housing shall be waived when a residential unit is deed-restricted as described below:

(1) the unit to be constructed is deed-restricted for use only as a long-term rental;

(2) the unit to be constructed is deed-restricted to occupants who comply with a maximum income limit of up to 160% AMI, and earn eighty percent (80%) of their income in Gunnison County; or

(3) the unit to be constructed is deed-restricted to have an appreciation cap on the unit of no more than three percent (3%) per year, or the change in the Denver-Boulder-Greeley Consumer Price Index for Urban Wage Earners, published by the U.S. Department of Labor, Bureau of Labor Statistics, or its successor agency, whichever is less.”

**Section 2. 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 3. 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 12<sup>th</sup> DAY OF MARCH, 2012.**

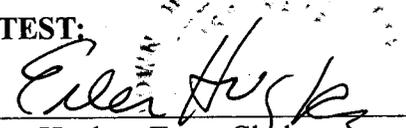
**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 19<sup>th</sup> DAY OF MARCH, 2012.**

**TOWN OF CRESTED BUTTE, COLORADO**

By: \_\_\_\_\_

Aaron J. Huckstep, Mayor

ATTEST:

  
Eileen Hughes, Town Clerk

[SEAL]

