

ORDINANCE NO. 2

SERIES 2006

AN ORDINANCE AMENDING THE TOWN'S ZONING AND LAND USE ORDINANCE REGARDING THE DEFINITION OF DETACHED BUILDINGS.

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; and

WHEREAS, Section 15-2-3. of the Town's Zoning and Land Use Ordinance (the "Ordinance") currently defines buildings as detached only if their closest walls are at least ten feet apart and not connected by any constructed linkage, except for a walking surface no more than eighteen inches above finished grade ("Detached building"); and

WHEREAS, this definition was created to minimize the apparent mass and scale of two or more buildings on a single site by requiring such buildings to be separated by a certain amount of distance and not connected to one another; and

WHEREAS, principal buildings which were either closer than ten feet to an accessory building or which were connected to an accessory building by a linkage more than eighteen inches above finished grade, or both, were restricted as to size, as the principal building and the accessory building were both considered to be a single structure for purposes of ascertaining the maximum floor area ratio allowed for the principal building; and

WHEREAS, prior to the creation of such definition in 1998, a small number of principal buildings and accessory buildings were built which were closer than ten feet apart and which were connected by constructed linkage more than eighteen inches above finished grade, and which also had principal buildings which were built with a smaller floor area ratio than that which would have been allowed had they not been either closer than ten feet apart or connected by a linkage more than eighteen inches above finished grade or both; and

WHEREAS, had such owners been aware that the "detached building" definition would be subsequently promulgated, such owners may not have built their buildings in such a way that they would be later restricted from enlarging the size of the principal building to the maximum floor area ratio set forth in the Ordinance; and

WHEREAS, because there are only a few such affected buildings, it is in the best interests of the Town to amend the Ordinance to provide that for buildings built before the effective date of Ordinance 17, 1998, two buildings shall be deemed to be detached if they are not connected by an enclosed constructed linkage. An enclosed constructed linkage has walls as well as a ceiling or roof.

WHEREAS, the Town Council finds that the below amendment is in the best interests of the health, safety and general welfare of the residents of the Town.

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

Section 1. Amending the Ordinance Regarding the Definition of Detached Buildings. Section 15-2-3 of the Ordinance is hereby amended by deleting the first sentence of that definition and replacing it with the following:

“Detached Building. Two buildings shall be deemed to be detached only if their walls are at least ten feet apart and not connected by any constructed linkage, except for a walking surface no more than eighteen inches above finished grade, except buildings which applied for and received a building permit prior to September 26, 1998, in which case such buildings shall be deemed to be detached if they are not connected by an enclosed constructed linkage. An enclosed constructed linkage has walls as well as a ceiling or roof.”

Section 2. Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

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. If any section, provision or part of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance and the application thereof to other persons or circumstances shall not be affected thereby.

**INTRODUCED, AND FIRST READ BEFORE THE TOWN COUNCIL THIS 17 DAY OF
January, 2006.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC
HEARING THIS _____ DAY OF _____, 2006.**

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Alan Bernholtz, Mayor

ATTEST:

Eileen Hughes, Town Clerk
(SEAL)