



Staff Report April 6, 2020

To: Mayor Schmidt and Town Council
Thru: Michael Yerman, Community Development Director
From: Bob Nevins, Town Planner
Subject: **Proposed Code Text Amendment to Chapter 16, Article 4 Residential Districts
New Division 12, R1F Residential District**
Date: April 6, 2020

Purpose:

To review the proposed R1F Residential District zoning code text amendment. Town Council, by a majority vote, may set a public hearing to further consider and potentially adopt the proposed text amendment to Chapter 16, Article 4 Residential Districts of the Code.

1.0 Background:

A basis for this Code amendment was identified by the Town of Crested Butte and Cypress, LLC during preparation of the Pre-Annexation Agreements. In the **Second Amendment to the Pre-Annexation Agreement**, recorded as Reception No. 656557 on 10/10/2018, Section 6.4.1.1. reads: *“The Applicant Retained Lands (T1-T6) shall be subdivided into no less than six (6) lots. The Applicant Retained Lands are unique and located next to wetlands. As such, the subdivision of the Applicant Retained Lands into six (6) usable lots cannot be done within one of the Town’s existing zone districts. Applicant and the Town desire to allow for the subdivision of the Applicant Retained Lands in a manner that minimizes the impact on the wetlands and maximizes the area and dimensions of the building envelopes on the six (6) lots, as well as the design flexibility of the lot lay-outs, while maintaining FAR limits consistent with the existing RID zoning district within Town. Accordingly, the Town will use its best efforts to create a new residential zoning district for the Applicant Retained Lands to achieve the goals set forth in this section.”* The proposed, new R1F Residential District standards are contained in the Ordinance.

2.0 BOZAR Recommendation:

At a regular meeting on March 26, 2019, the Board of Zoning and Architectural Review (BOZAR) reviewed and discussed the proposed amendment to Chapter 16, Article 4 of the Code. Board members were generally supportive of the proposal citing that it provides necessary standards for the development of single-family residences. BOZAR voted to recommend approval of this amendment to Town Council. No written or oral public comments were presented at the meeting.

3.0 Application:

In accordance with Code Section 16-23-30 Application (a) Any application for an amendment of this

Chapter shall contain the following information; the Code requirements are shown below in *italics*, followed by Town staff's response:

(1) *“A legal description of any land to be rezoned, together with a diagram drawn to scale showing the boundaries of the area requested to be rezoned.”*

Response: This application is requesting a text amendment to Chapter 16, Article 4 Residential Districts of the Code (*see* attached Ordinance). A legal description of the land to be zoned R1F Residential and the proposed map amendment to the Town Zoning Map will be included as part of the Slate River Annexation and Final Major Subdivision Plat.

(2) *“A statement of the present zoning and the requested new zoning.”*

Response: The Applicant Retained Land, a 1.46 acre parcel, is proposed to be annexed to the Town of Crested Butte as part of the Slate River Subdivision. The land is currently located within unincorporated Gunnison County with no specific zoning designation.

(3) *“A statement of justification for such action, including facts concerning any change of conditions, an error in the original zoning or the unusual or peculiar suitability of a lot to a certain use.”*

Response: Annexation requires Town Council to adopt an ordinance that zones the property. Unlike the typical Blocks and Lots within the historic Town-grid, the Applicant Retained Land within the proposed Slate River Subdivision is an irregularly-shaped parcel that lies between two environmentally sensitive areas, the Slate River riparian area to the east and non-jurisdictional wetland to west. This text amendment to the Code is directed at addressing the certain site-specific considerations and allowing residential development to conform within the neighborhood context.

(4) *“A description of the land and uses thereof within two hundred (200) feet of the boundary lines of the proposed area of change in all directions; and*

Response: The lands to the north and to the east of the Applicant Retained Land are to remain within unincorporated Gunnison County. The adjoining lands to the north are undeveloped and being used as natural open space; and the parcel on the east side of the Slate River has been subdivided into single-family lots for residential use. To the south are “remnant” lands (TP8 and TP9) that will be annexed and zoned P-Public for use as open space adjacent to Pyramid Avenue. The Public Works facility is located further to the south and east of Eighth Street within Town limits; a potential public and/or community facility (TP2) south of Pyramid Avenue west of Eighth Street is to be annexed and zoned P-Public. There are two parcels located west of the Applicant Retained Land to be annexed and zoned P-Public. The adjoining parcel (TP7) to the west will be maintained as a wetland area and open space; and the parcel (TP1) further to the west is proposed as a potential site on which to relocate the fire station and emergency services facility.

(5) *“A statement as to the effect that the new zoning or changes would have on adjacent areas or uses.”*

Response: The proposed R1F Residential zoning is consistent with terms of the Pre-Annexation Agreements. The subdivision and zoning allows for the development of six (6) single-family homes that would be compatible with the existing and/or future land uses on the adjacent parcels.

(b) “Any application to create or amend the zoning of a parcel of land containing more than fifty thousand (50,000) square feet of land shall be subject to the requirements set forth in Chapter 17 of this Code and reviewed for approval as a subdivision under said regulations.

Response: This text amendment to the Code is a component of the Annexation and Slate River Major Subdivision application that includes a total of 14.1 acres. The proposed Code amendment specifically pertains to the Applicant Retained Land which contains 1.46 acres (63,597.6 square feet) and proposed to be zoned R1F. The Slate River Subdivision application complies with the Chapter 17 Subdivision and it is being reviewed in accordance those regulations.

4.0 Proposed Text Amendment:

The proposed text amendment to Chapter 16, Article 4, Division 12-R1F Residential District of the Code is included within the Ordinance. The map amendment to the Town Zoning Map will be addressed comprehensively as part of the Annexation hearing in accordance with Code Sec. 15-1-80(c) Procedure for annexation hearing.

Recommended Motion:

A council member may make a motion followed by a second “I move to accept the proposed text amendment to Chapter 16, Article 4, Division 12-R1F Residential District as presented and set the public hearing date on May 18, 2020 for consideration and adoption of Ordinance No. __, Series of 2020.”

Attachment:

Ordinance No. __, Series of 2020

ORDINANCE NO. 8,

SERIES 2020

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
AMENDING CHAPTER 16, ARTICLE 4 TO INCLUDE
DIVISION 12-R1F RESIDENTIAL DISTRICT.**

WHEREAS, the Town of Crested Butte, Colorado (“Town”) is a home rule municipality duly and regularly organized and existing as a body corporate and public under the Colorado Constitution and laws of the State of Colorado; and

WHEREAS, the Town has the authority to enact and enforce land use regulations pursuant to Article XX of the Colorado Constitution, as implemented through the Town of Crested Butte Charter and Code; and Title 31, Article 23, and Title 20, Article 29, C.R.S.; and

WHEREAS, the Town Municipal Code (the “Code”) in Chapter 16, Article 4 currently has zoning provisions for residential districts; and

WHEREAS, the Town seeks to create new zoning regulations for low-density residential development along with customary accessory uses for subdivided lots within this district and that provide a transition between the Town and the larger residential lots outside of Town; and

WHEREAS, the Town Council referred the staff’s request for proposing the R1F Residential District text amendment to the Board of Zoning and Architectural Review (“BOZAR”); and

WHEREAS, BOZAR reviewed the proposed text amendment to Chapter 16, Article 4, Division 12 as part of the Slate River Major Subdivision Sketch Plan review on March 26, 2019 and voted to recommend approval of the text amendment to Town Council; and

WHEREAS, the Town Council considered BOZAR’s recommendation and reviewed the proposed regulations pertaining to low-density single-family residential development along with customary accessory uses for annexed land that has been subdivided; and

WHEREAS, the Town Council hereby finds that it is in the best interests of the Town to adopt the proposed text amendment to the Code.

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

Section 1: Chapter 16, Article 4 Residential Districts. Chapter 16, Article 4 Residential Districts is hereby amended to include Division 12-R1F Residential District.

Section 2: Chapter 16, Article 4, Division 12-R1F Residential District. Division 12-R1F Residential District of the Code is to hereby read as follows:

Chapter 16, Article 4, Division 12 "R1F" Residential District

Sec. 16-4-1000. - Intent of district.

The purpose for which this District is created is to provide areas for low-density residential development along with customary accessory uses. The lots in this District provide a transition between the Town and the still larger residential lots outside of Town. Accessory uses naturally and normally incidental to, and exclusively devoted to such primary residential uses are included as conditional uses. It is intended that no more than two (2) units, designed or used for dwelling by a family, shall be allowed on a site. (Ord. __ §1, 2020)

Sec. 16-4-1010. - Permitted uses.

The following uses shall be permitted in the "R1F" District:

- (1) One-family dwelling units.
- (2) Accessory buildings, incidental nonresidential uses, not heated or plumbed.
- (3) Home occupations.
- (4) Attached garages.
- (5) Detached garages as accessory buildings to the principal permitted uses.

(Ord. __ §1, 2020)

Sec. 16-4-1020. - Conditional uses.

The following uses shall be permitted as conditional uses in the "R1F" District:

- (1) Accessory dwellings in conjunction with a one-family dwelling unit.
- (2) Two-family dwelling units.
- (3) Parking areas.
- (4) Accessory buildings, incidental nonresidential uses, heated and/or plumbed.

(Ord. __ §1, 2020)

Sec. 16-4-1030. - Lot measurements.

The following shall be lot measurements for property located in the "R1F" District:

- (1) Minimum lot area: five thousand (5,000) square feet.
- (2) Maximum lot area: eleven thousand four hundred (11,400) square feet.
- (3) Minimum frontage: fifty (50) feet.
- (4) Minimum front yard:
 - a. Public street: twenty (20) feet.
 - b. Private access road: ten (10) feet.
- (5) Minimum side yard: At least seven and one-half (7½) feet, and up to eleven and one-half (11½) feet, dependent upon snow storage and snow shed guidelines.
- (6) Minimum rear yard:
 - a. Principal building: ten (10) feet.
 - b. Accessory building: five (5) feet.
 - c. Wetland setback: seven and one-half (7'-6") feet.

(Ord. __ §1, 2020)

Sec. 16-4-1040. - Floor areas.

The following shall regulate measurements for floor areas located in the "R1F" District:

- (1) Minimum floor area: four hundred (400) square feet for each residential unit.
- (2) Maximum floor area:
 - a. Accessory building, including an accessory dwelling, if any: one thousand (1,000) square feet or two-thirds (2/3) of the floor area of the principal building, whichever is smaller.
 - b. Accessory dwelling: one thousand (1,000) square feet of floor area or two-thirds (2/3) of the floor area of the principal building, whichever is smaller.
- (3) Maximum floor area ratio:
 - a. The principal building shall not exceed two thousand eight hundred (2,800) square feet.
 - b. All buildings shall not be larger than three thousand eight hundred (3,800) square feet in the aggregate.
(Ord. __ §1, 2020)

Sec. 16-4-1050. - Building measurements.

The following shall regulate measurements for buildings located in the "R1F" District:

- (1) Maximum building height:
 - a. Principal building: thirty (30) feet.
 - b. Accessory building: twenty (20) feet or the height of the principal building, whichever is less.
 - c. Accessory dwelling: twenty-four (24) feet or the height of the principal building, whichever is less.
- (2) Maximum building width: thirty-five (35) feet.
(Ord. __ §1, 2020)

Sec. 16-4-1060. - Additional provisions.

- (a) Primary and accessory residential buildings shall be oriented on a north-south or east-west axis.
- (b) Open space required: fifty percent (50%) of the lot area shall be open, unencumbered and free of any building or structure.
- (c) Minimum exterior wall height shall be seven (7) feet.
- (d) Minimum vertical distance from eave line of roof to the finished grade level shall be six (6) feet.
- (e) Slope of roof shall be a minimum of 4:12.
(Ord. __ §1, 2020)

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 the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS ____ DAY OF APRIL, 2020.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS ____ DAY OF _____, 2020.

TOWN OF CRESTED BUTTE

James A. Schmidt, Mayor

ATTEST:

Lynelle Stanford, Town Clerk

[SEAL]