

ORDINANCE NO. 31

SERIES 2019

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING ORDINANCE NO. 1-2019 TO ADD AN EXCEPTION TO THE TEMPORARY MORATORIUM FOR THE DEMOLITION OF ANY NON-HISTORIC MULTI-FAMILY STRUCTURE OF THREE OR MORE UNITS, ALL NON-HISTORIC COMMERCIAL STRUCTURES, AND THE PARTIAL DEMOLITION OF LESS THAN 25% OF ANY NON-HISTORIC STRUCTURE WITHIN THE TOWN OF CRESTED BUTTE.

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the constitution and laws of the State of Colorado; and

WHEREAS, pursuant to the Municipal Charter of the Town of Crested Butte, Article XX of the Colorado Constitution, and the Land Use Control Enabling Act (Article 20 of Title 29, C.R.S), the Town has the power to regulate the use of land within the community, and the authority to exercise its police powers to protect the health, safety, and welfare of the community and its citizens; and

WHEREAS, pursuant to Ordinance No. 1-2019 the Town enacted a temporary moratorium until October 8, 2019 on the demolition and the processing and approval of applications for demolition of any permanent structure sited within the municipal boundaries of the Town of Crested Butte other than as may be necessary to comply with Sec. 7-2-210. - Dangerous and unsafe buildings ("Temporary Moratorium"); and

WHEREAS, the Town has continued to gather public input and analyze appropriate regulatory tools and municipal code amendments to regulate demolition of structures, and through that process, the Town has determined that the Temporary Moratorium should not apply to the demolition of multi-family structures of more than three units, commercial structures or the partial demolition of less than 25% of any structure; and

WHEREAS, proper notice of the public hearing to consider this Ordinance has been accomplished.

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

Section 1: **Exceptions to the Moratorium.** Section 2 of Ordinance No. 1-2019 is hereby amended as follows:

Section 2: Exceptions to the Moratorium. The temporary moratorium shall not apply to the demolition of non-historic multi-family structures of more than three units, non-historic commercial structures, the partial demolition of less than 25% of any non-historic structure, or any structure for which a BOZAR application was deemed complete as of January 7, 2019.

Section 2: Moratorium to Remain in Effect. The temporary moratorium imposed pursuant to Ordinance No. 1-2019 as amended herein on demolition and the processing and approval of applications for demolition of any permanent structure sited within the municipal boundaries of the Town of Crested Butte other than as may be necessary to comply with Sec. 7-2-210. - Dangerous and unsafe buildings shall continue in effect until October 8, 2019.

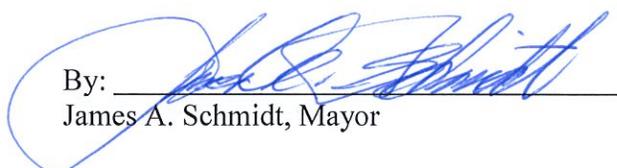
Section 3. Severability. If any section, sentence, clause, phrase, word, or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words, or other provisions of this Ordinance, or the validity of this Ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. Authority. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the Municipal Charter of the Town of Crested Butte, Article XX of Colorado Constitution, and the Local Government Land Use Control Enabling Act (Article 20 of Title 29, C.R.S).

INTRODUCED READ AND SET FOR PUBLIC HEARING TOWN COUNCIL THIS
2ND DAY OF JULY, 2019.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING
THIS 15th DAY OF July, 2019.

TOWN OF CRESTED BUTTE, COLORADO

By: 
James A. Schmidt, Mayor

ATTEST:


Lynelle Stanford, Town Clerk

