

ORDINANCE NO. 1

SERIES 2008

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE TOWN'S ZONING AND LAND USE ORDINANCE RELATIVE TO PLANNED UNIT DEVELOPMENTS AND PARKING

**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;

**WHEREAS**, the Town's Zoning and Land Use Ordinance (the "Ordinance") contains requirements relative to Planned Unit Developments (P.U.D.) and parking;

**WHEREAS**, the Town staff has reviewed the P.U.D. and parking requirements in the Ordinance and found that certain revisions thereto are necessary and advisable to regulate certain P.U.D. projects and parking matters; and

**WHEREAS**, the Town Council has determined that the below amendments to the Ordinance will allow the Town to better regulate P.U.D. projects and parking matters and are in the best interest of the health, safety and general welfare of the residents and visitors of the Town and, therefore, the Town Council makes the following amendments.

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

**Section 1. Amending Section 15-2-15.2.B.2. by Replacing Said Section in its Entirety.** Section 15-2-15.2.B.2. is hereby deleted in its entirety and replaced with the foregoing new Section:

"2. Any sixteen (16) or more contiguous lots, whether or not divided by any alley and/or street under the ownership of any one person or entity, located anywhere within the Town."

**Section 2. Amending Section 15-2-15.2.E.4.(h) by Replacing Said Section in its Entirety.** Section 15-2-15.2.E.4.(h) is hereby deleted in its entirety and replaced with the foregoing new Section:

"(h) provide, in addition to the required off-street parking, an area equal in size to at least thirty three percent (33%) of the off-street parking area (including the driving area within any parking lot and driveways), pedestrian access, trash removal or open space amenities shall be dedicated to snow storage. In lieu of providing said snow storage area, a snow melt system complying with the Town's Energy Code may be utilized in the areas where snow is removed

therefrom, or the snow may be removed therefrom and stored on private property so long as an easement, license or ownership in perpetuity is demonstrated, unless there is public land available which is dedicated for such snow storage.”

**Section 3. Amending Section 15-2-20.C.2. by Adding a New Subsection (d) to Said Section.** Section 15-2-20.C.2. is hereby amended by adding a new subsection (d) to said Section, said subsection (d) to read as follows:

“(d) Underground parking is allowed provided such parking is not accessed directly from Sixth Street. The floor area ratio for the site may be increased by 270 square feet per underground parking space provided the maximum floor area ratio for the site does not exceed 1.0 excluding any affordable housing floor area ratio credit. Parking must be designed with adequate access aisles and in conformance with other requirements of this code and other applicable codes.”

**Section 4. Amending Section 15-2-11.K. by Replacing Said Section in its Entirety.** Section 15-2-11.K. is hereby deleted in its entirety and replaced with the foregoing new Section:

“K. Maximum Floor Area Ratio: .5 as a matter of right, provided, however, that the Board, in its discretion, may allow a maximum floor area ratio of up to .64 depending upon the provision of site amenities, an appropriate trash storage/dumpster location and access thereto, and adequate snow storage. Notwithstanding the foregoing, an additional .36 may be added to the floor area ratio as an underground parking credit provided the provisions of Section 15-2-20 are met.”

**Section 5. Amending Section 15-2-20.C.3. by Replacing Said Section in its Entirety.** Section 15-2-20.C.3. is hereby deleted in its entirety and replaced with the foregoing new Section:

“3. In all districts where development causes the snow removal of uncovered areas in excess of 1296 square feet in order to accommodate year-round usage of parking, pedestrian access, trash removal or open space amenities, an area equal to at least thirty three percent (33%) of said snow removal area shall be dedicated to snow storage. In lieu of providing said snow storage area, a snow melt system complying with the Town’s Energy Code may be utilized in the areas where snow is removed therefrom, or the snow may be removed therefrom and stored on private property so long as an easement, license or ownership in perpetuity is demonstrated.”

**Section 6. Amending Section 15-2-11.C.2. by Adding a New Subsection.** Section 15-2-11.C.2. is hereby amended by adding a new subsection to said Section, said subsection to read as follows:

“Notwithstanding the foregoing, owner occupied units may be allowed if they are deed restricted to resident occupied affordable housing units as defined in this Land Use Ordinance.”

**Section 7. 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 8. Savings Clause.** Except as amended hereby, the Crested Butte Town Code of 1987, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 7<sup>th</sup> DAY OF JAN., 2008.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 22<sup>nd</sup> DAY OF JAN, 2008.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Alan Bernholtz, Mayor

ATTEST:

  
Eileen Hughes, Town Clerk

(SEAL)

