

ORDINANCE NO. 16

SERIES 2009

AN ORDINANCE AMENDING THE BUILDING REQUIREMENTS FOR THE "R2" RESIDENTIAL DISTRICT TO CLARIFY THE MAXIMUM FLOOR AREA RATIO FOR ALL BUILDINGS ON A LOT

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

WHEREAS, the Crested Butte Municipal Code (the "Code") contains certain maximum total allowable floor area ratio (FAR) requirements for all buildings on a lot in each zone district;

WHEREAS, the "R2" Residential District (the "R2 District") contains maximum allowable FAR requirements for each of accessory buildings and principal buildings on a lot, but not total allowable FAR requirements for all buildings on a lot;

WHEREAS, the Town Staff has determined that this omission from the Code was unintended and that the Code should be amended to include in the "R2" District a maximum total allowable FAR requirement for all buildings on a lot;

WHEREAS, the Town Council has determined that said omission in the Code was unintended, that the Code needs to be revised to include in the "R2" District a maximum total allowable FAR requirement for all buildings on a lot and that the revisions to the Code herein proposed accomplish this end; and

WHEREAS, Town Council has determined that the amendments and revisions to the Code proposed herein should be adopted for the purposes of protecting the public health, safety and 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 16-4-760(3). Section 16-4-760(3) is hereby deleted in its entirety and replaced with the following new section:

"(3) Maximum floor area ratio:

a. Principal Building: 0.3 as a matter of right up to 0.4, depending upon neighborhood context and lot size for one-family dwelling units; provided that no one-family structure shall be larger than two thousand eight hundred (2800) square feet. 0.3 as a matter of right up to 0.5, depending on neighborhood context and lot size for

dwelling units other than one-family; provided that no primary structure shall be larger than three thousand five hundred (3,500) square feet.

b. All buildings: .05, provided that all buildings shall not be larger than three thousand eight hundred (3,800) square feet in the aggregate."

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 19th DAY OF OCTOBER, 2009.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 2nd DAY OF NOVEMBER, 2009.

TOWN OF CRESTED BUTTE, COLORADO

By: 
Alan Bernholtz, Mayor

ATTEST:


Eileen Hughes, Town Clerk

