

ORDINANCE NO. 6

SERIES 2009

AN ORDINANCE AMENDING THE CONDITIONAL USES IN THE "B1" BUSINESS DISTRICT LISTED IN THE TOWN'S ZONING AND LAND USE ORDINANCE TO ALLOW GREATER RESIDENTIAL USE IN HISTORIC BUILDINGS LOCATED ON PARCELS OF NO MORE THAN 4,850 SQUARE FEET

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 Town's Zoning and Land Use Ordinance (the "**Ordinance**") allows residential units as a conditional use in the "B1" Business District;

WHEREAS, the requirements for residential units as conditional uses in the "B1" Business District currently limit such units to up to one half (.5) of the total floor area of any building and limit such uses to long-term rentals and owner occupied units under certain circumstances;

WHEREAS, the Town staff has found that for Historic Buildings (as defined in the Ordinance) in the "B1" Business District where the historic primary use of said buildings is as a primary, single-family residence, additional residential use as a conditional use should be allowed, provided that the parcel size is no greater than 4,850 square feet and the floor area ratio (F.A.R.) for said primary structure buildings is no greater than .85;

WHEREAS, the Town staff has also found that in order to allow such additional residential use as a conditional use in the "B1" Business District, the Town Council will need to revise the conditional use requirements relative to residential units in Historical Buildings in the "B1" Business District such that the potential build-out will be limited in a manner that maintains the historical integrity of the zone district;

WHEREAS, the Town staff has also found that such revisions to the Ordinance will allow Historic Buildings in the "B1" Business District where the historic primary use of said buildings is as a primary, single-family residence to continue to be used as a residential unit conditional use in perpetuity as desired by the owner;

WHEREAS, the Town Council has determined that the revisions to the Ordinance proposed herein (i) accomplish the goals of the Town to allow Historic Buildings in the "B1" Business District where the historic primary use of said buildings is as a primary, single-family residence to continue to be used as a residential unit conditional use in perpetuity as desired by the owner, (ii) limit the build-out of such

effected properties in order to maintain the historical integrity thereof, and (iii) uphold the intent and purpose of the “B1” Business District; and

WHEREAS, Town Council has determined that the amendments and revisions to the Ordinance proposed herein be adopted for the purposes of protecting the public health, safety and welfare of the residents and visitors of Crested Butte on account of the reasons previously stated.

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

Section 1. Amending Section 16-5-110. Section 16-5-110 of the Ordinance is hereby deleted in its entirety and replaced with the following:

“Sec. 16-5-110. Intent.

The purposes for which this District is created is to allow the use of land for retail, service, commercial, recreational and institutional purposes, with customary accessory uses, in order to enhance the business and service character in the central core of Town. Sales tax generating uses are encouraged. Accommodations and residential uses are limited to accessory status, except that service housing is encouraged as part of a business structure and historical residential uses may be maintained under certain circumstances.”

Section 2. Adding a New Subsection to Section 16-5-130. A new subsection (3) is hereby added to Section 16-5-130 of the Ordinance and shall read as follows. Existing subsections (3) through (11) are hereby renumbered (4), (5), (6) and so on.

“(3) Residential units that (i) are Historical Buildings, (ii) have historically been used as a primary, single-family residences, (iii) are located on parcels of no more than 4,850 square feet, and (iv) have an F.A.R. for the primary structure of no greater than .85; notwithstanding the requirements of subsection (2) of this Section 16-5-130. The conditional use permit granted for such residential unit shall be conditioned upon the recording of a restrictive covenant in the official real property records of Gunnison County, Colorado encumbering the affected property that shall restrict the F.A.R. for said primary structure in perpetuity to .85.”

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 any of the Code which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 1st DAY OF JUNE, 2009.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 15th DAY OF JUNE, 2009.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Alan Bernholtz, Mayor

ATTEST:

Eileen Hughes, Town Clerk