

ORDINANCE NO. 21

SERIES 2010

**AN ORDINANCE AMENDING THE DEFINITION OF FLOOR AREA, THE EQUIVALENT RESIDENTIAL USE SCHEDULE AND THE OFF-STREET PARKING REQUIREMENTS IN THE CRESTED BUTTE MUNICIPAL CODE**

**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 ("Code") contains certain defined terms including, without limitation, Floor area;

**WHEREAS**, Town staff has found that the definition of Floor area contained in the Code should be amended to include below grade spaces in the calculation thereof;

**WHEREAS**, the Code also contains an Equivalent Residential Use Schedule ("EQR Schedule") for purposes of determining EQRs for a specified use;

**WHEREAS**, the Staff has found that the EQR Schedule contained in the Code should be amended to include the new definition of Floor area;

**WHEREAS**, the Code also contains requirements for off street parking that are based on Floor area;

**WHEREAS**, the Staff has found that the off street parking requirements contained in the Code should be amended to include the new definition of Floor area and to exempt common access space for multiple tenants such as stairwells, elevators and common corridors therefrom; and

**WHEREAS**, Town Council has determined that, on account of the reasons previously stated hereinabove, the amendments and revisions to the Code proposed herein 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 the Definition of Floor Area Contained in Section 13-1-40.** The definition of "Floor area" contained in Section 13-1-40 of the Code is hereby deleted in its entirety and replaced with the following new definition for the same defined term:

"Square footage for fee calculation means the square footage for calculating fees, which shall be determined by measuring all interior square footage with five (5) feet or greater of headroom above the floor system including adjacent walls. Below grade spaces which fit the above definition are included. Garages shall be charged at full square footage if they are conditioned space and at 50% if they are not conditioned."

Anywhere else in the Code that Floor area, FAR or any like variation thereof occurs shall be replaced with the defined term "square footage for fee calculation."

**Section 2. Amending Section 13-1-170, Equivalent Residential Use Schedule.** Item 1, entitled "Permanent residential units" contained in the Customer Classifications of the Equivalent Residential Use Schedule set forth in Section 13-1-170 of the Code is hereby deleted in its entirety and replaced with the following new item 1 that shall read as follows:

- "1. Permanent residential units:
  - a. Residential units with a square footage of 1,875 or less 1.0
  - b. Residential units with a square footage greater than 1,875 shall have an EQR calculated by the following formula:

$$\frac{\text{square footage of unit}}{1,875} = \text{EQR}$$

**Section 3. Amending Section 16-16-20, Off-street Parking Requirements.** Subsection (15) of Section 16-16-20 of the Code is hereby deleted in its entirety and replaced with the following new subsection (15) which shall read as follows:

"(15) Other uses: one (1) space for every five hundred (500) square feet of floor area or portion thereof. For these purposes, the square footage for fee calculation defined in Section 13-1-40 of the Code shall be used except that any space that is a common access space for multiple tenants such as stairwells, elevators and common corridors shall not be counted for purposes hereof."

**Section 4. Defined Terms.** Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Code.

**Section 5. 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 6. 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 19<sup>th</sup> DAY OF JULY, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 3<sup>rd</sup> DAY OF AUGUST, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By: *Leah B. Williams*  
Leah B. Williams, Mayor

ATTEST:

*Eileen Hughes*  
Eileen Hughes, Town Clerk

(SEAL)

