

ORDINANCE NO. 30

SERIES 2010

**AN ORDINANCE AMENDING SECTION 16-6-40(11) OF
THE CRESTED BUTTE MUNICIPAL CODE RELATIVE
TO MOBILE HOME SIDE YARD SETBACKS**

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, Section 16-6-40(11) contains restrictions on the use of lands in the "M" Mobile Home District ("**M Zone**") whereby, in pertinent part, no flexibility is allowed to encroachments and side-yard set-backs, even in the case of lots therein that are greater than twenty-five (25) feet in width;

WHEREAS, the Town staff has found that some lots within the M Zone are greater than twenty-five (25) feet in width, and, accordingly, flexibility should be allowed to deck encroachments and side-yard set-backs therein because fire access will not be impaired;

WHEREAS, for the foregoing reasons, the Town staff has found that flexibility should be allowed to deck encroachments and side-yard set-backs in the M Zone because fire access will not be impaired and no related detrimental effects are anticipated in conjunction with such allowed flexibility, and, accordingly, the Crested Butte Municipal Code ("**Code**") and the provisions relating to the M Zone therein should be amended consistent therewith;

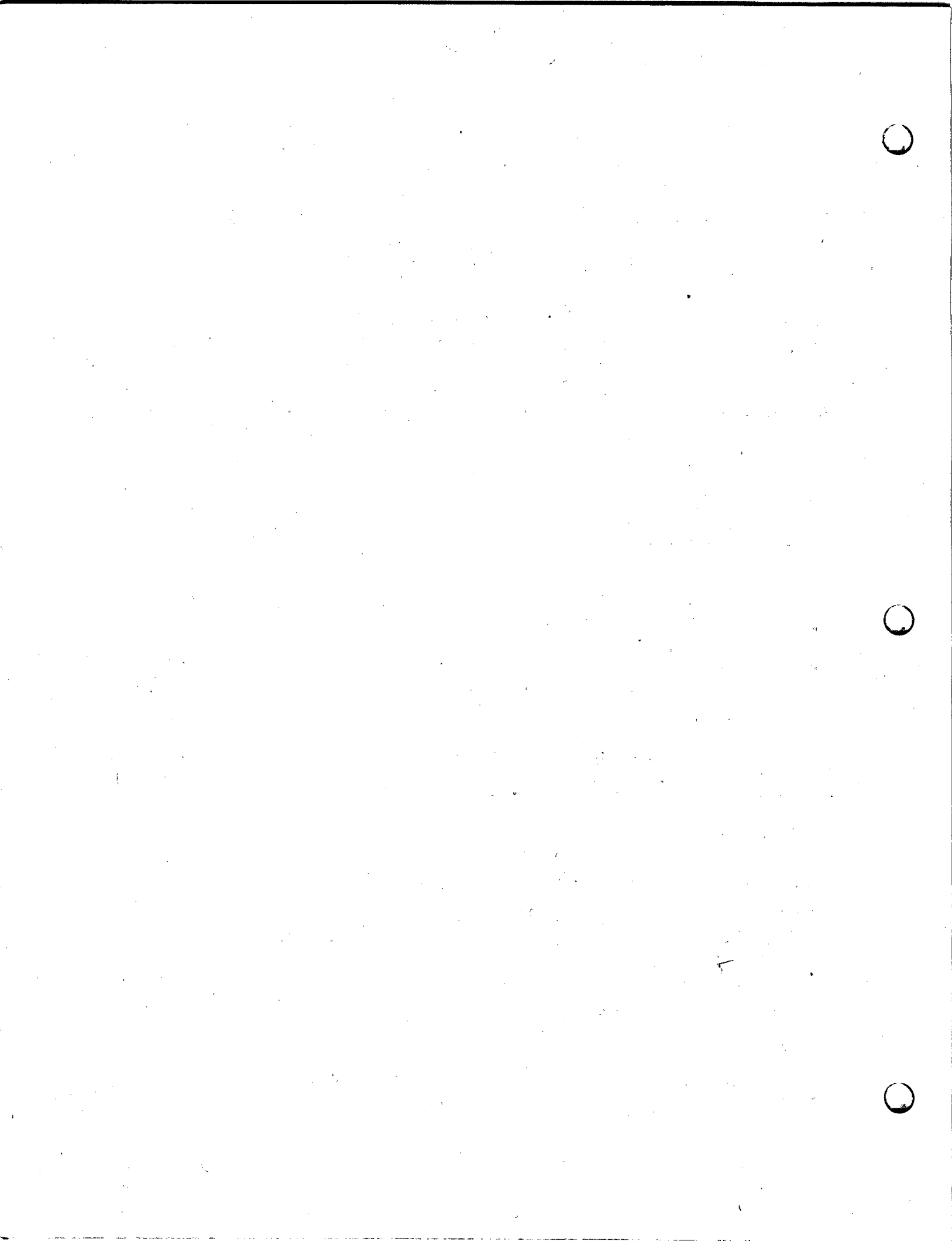
WHEREAS, the Town Council has determined that flexibility should be allowed to deck encroachments and side yard set-backs in the M Zone for the reasons found by the Town staff and stated hereinabove; and

WHEREAS, the Town Council has determined that the revisions to the Code proposed hereinbelow accomplish the goals set forth above and are, for the foregoing reasons, in the interest of the 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 16-6-40(11). Section 16-6-40(11) is hereby deleted in its entirety and replaced with the foregoing new Section:

"(11) The five-and-one-half-foot side lot setback requirement and the eleven-foot distance between mobile homes are intended to provide a minimum unencumbered



corridor for fire protection purposes. The corridor shall run parallel to the mobile home's longest dimension and shall run the full length of the property on which the mobile home is located. For purposes of this Paragraph, an encumbrance shall include any object which may obstruct fire protection personnel or equipment. No variance for any encroachment into said corridor shall be allowed. An uncovered and unenclosed porch or landing for a mobile home door which opens into such area may be allowed so long as such porch or landing is approved by the Building Inspector and does not include a porch or landing in excess of twenty (20) square feet. Further, such porch or landing may not extend more than four (4) feet, including railings, from the mobile home to which it is attached. The dimensional limitation of the four (4) feet in width and twenty (20) square foot maximum may be varied by approval of the Board if the lot is wider than twenty-five (25) feet in the vicinity of the deck and an eleven (11) foot unobstructed corridor between mobile homes is maintained for fire protection purposes."

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 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 20th DAY OF SEPTEMBER, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 4th DAY OF OCTOBER, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By: *Daniel Escalante*
Daniel Escalante, Mayor Pro-tem

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk

