

**ORDINANCE NO. 13**

**SERIES 2006**

**AN ORDINANCE AMENDING THE ZONING AND LAND USE ORDINANCE TO REQUIRE ARCHITECTURAL APPROVAL AS A CONDITION OF OBTAINING A CONDITIONAL USE APPROVAL.**

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

**WHEREAS**, the Town's Zoning and Land Use Ordinance (hereafter "Ordinance") sets forth the process and procedure for obtaining the approval for a use which has been designated as conditional; and

**WHEREAS**, because of the historic nature of the Town, and the importance to the Town of maintaining the Town's historic character, it is appropriate that any application for a conditional use which also contemplates a change to the exterior of a building or structure, be conditioned upon receipt of architectural approval; and

**WHEREAS**, it is important that applications address both conditional use issues and architectural appropriateness together, so that a complete review can be made, which review can synthesize all considerations respecting a property and that no conditional use is granted which does not also have architectural approval; and

**WHEREAS**, it is appropriate that the Ordinance be amended to provide that a condition of approval for a conditional use is the receipt of architectural approval, where approval for a change to the exterior of a structure is being requested in connection with the conditional use; and

**WHEREAS**, the Town Council finds that the below amendments are in the best interests of the health, safety and general welfare of the inhabitants of the Town.

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

Section 1. Amending the Ordinance to Require Architectural Approval As a Condition of a Conditional Use Permit. Section 15-2-16.A of the Ordinance is hereby amended by deleting it in its entirety and replacing it with the following:

"A. Application for Conditional Use Permit. All applications for approval of a conditional use permit shall be processed by making a direct application to the Board. In the event approval for any change to the exterior of any structure is being requested

in connection with the conditional use application, architectural approval by the Board of such change or alteration shall be a criterion for approval of the conditional use application. The Board shall then follow its standard procedures, as outlined in this Article, for setting a public hearing. In making its decision, it shall follow the intent of this Article, and the criteria listed below.”

Section 2. Amending the Ordinance to Require Architectural Approval As a Condition of a Conditional Use Permit. Section 15-2-16.B. of the Ordinance is hereby amended by deleting the first two sentences of the section and replacing them with the following:

“No conditional use shall be approved unless architectural approval for any exterior change associated with such use has also been approved, and the Board finds that the use complies with all of the following criteria. If the use does not comply with all of the following criteria, or if architectural approval for the exterior changes associated with such use has not be obtained, the use shall either be approved with conditions that ensure compliance with all such criteria and the requirements of the Board for architectural approval, continued to a date certain, or it shall be denied by a motion of the Board.”

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

**INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006.**

TOWN OF CRESTED BUTTE, COLORADO

By: \_\_\_\_\_  
Alan Bernholtz, Mayor

ATTEST:

\_\_\_\_\_  
Eileen Hughes, Town Clerk

SEAL