

**ORDINANCE NO. 2
SERIES 2023**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
AMENDING CHAPTER 16, SECTION 13-1-110, AND SECTION 18-13-30
OF THE CRESTED BUTTE MUNICIPAL CODE REGARDING
ACCESSORY BUILDINGS.**

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 public under and by virtue of the Colorado Constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Article XX, Section 6 of the Colorado Constitution, Section 29-20-101, et seq., C. R. S. and other authorities granted to municipal governments, the Town has enacted and enforces regulations governing the use of property within the Town' s jurisdiction; and

WHEREAS, Town Council finds it is necessary and proper to amend Chapter 16, Section 13-1-110, and Section 18-13-30 of the Crested Butte Municipal Code as provided in this ordinance.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Chapter 16, Section 16-1-120 is amended by modifying the following definition:

Accessory building, nonresidential use, heated ~~and/or plumbed~~ means a detached subordinate structure no larger than 250 square feet containing nonresidential uses incidental and accessory to the primary structure, which is heated ~~and/or plumbed~~. In each of the residential districts located within the Town, the accessory building, nonresidential use, heated ~~and/or plumbed~~, must remain in common ownership at all times with the primary dwelling or principal building on the same building site. In the event the creation of condominiums or townhouses on the building site results in more than one (1) primary dwelling or principal building, the accessory building, nonresidential use, heated ~~and/or plumbed~~, must remain in common ownership with at least one (1) primary dwelling or principal building located on the same building site. Facilities for sleeping, bathing or cooking are prohibited. Acceptable uses include but are not limited to home offices, arts and crafts studios, workshops and home recreation facilities. Unacceptable uses are sleeping, bathing or cooking.

Section 3. Chapter 16, Section 13-1-110, and Section 18-13-30 of the Crested Butte Municipal Code is hereby amended as provided for on the attached **Exhibit A**

Section 4. The codifier is hereby authorized to renumber the Code in conformance with these amendments.

INTRODUCED, READ, AND SET FOR PUBLIC HEARING THIS 6th DAY OF February 2023.

ADOPTED BY THE TOWN COUNCIL UPON SECTION READING IN PUBLIC HEARING THIS 6th DAY OF March 2023.

TOWN OF CRESTED BUTTE, COLORADO

By:


Ian Billick, Mayor

ATTEST:

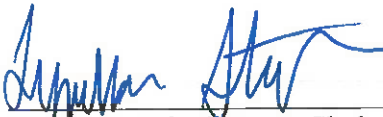

Lynelle Stanford, Town Clerk



Exhibit A

The following section of the Municipal Code is amended as follows with double underlined text added and ~~strike through text~~ deleted.

Sec. 16-4-30. Conditional uses.

The following uses shall be permitted as conditional uses in the "R1" District:

- (1) Accessory dwellings.
- (2) Two-family dwelling units.
- (3) Public playgrounds and public recreation areas.
- (4) Churches and church schools.
- (5) Nonprofit libraries and museums.
- (6) Farm and garden buildings.
- (7) Public and private schools.
- (8) Shop crafts.
- (9) Bed and breakfast establishments, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1" District as set forth in Subsection 16-14-90(c) of this Chapter.
- (10) Parking areas.
- (11) Accessory buildings, nonresidential use, heated and/or plumbed.

* * * *

Sec. 16-4-120. Conditional uses.

The following uses shall be permitted as conditional uses in the "R1D" District:

- (1) Accessory dwellings in conjunction with a one-family dwelling unit.
- (2) Two-family dwelling units.
- (3) Public playgrounds and public recreation areas.
- (4) Churches and church schools.
- (5) Nonprofit libraries and museums.
- (6) Farm and garden buildings.
- (7) Public and private schools.
- (8) Shop crafts.
- (9) Bed and breakfast establishments, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1" District as set forth in Subsection 16-14-90(c) of this Chapter.
- (10) Parking areas.

- (11) Accessory buildings, nonresidential use, heated and/or plumbed.

* * * *

Sec. 16-4-210. Conditional uses.

The following uses shall be permitted as conditional uses in the "R1E" District:

- (1) Accessory dwellings, in conjunction with a one-family dwelling unit.
- (2) Two-family dwelling units, in locations other than those permitted in Section 16-4-200 above.
- (3) Public playgrounds and public recreation areas.
- (4) Churches and church schools.
- (5) Nonprofit libraries and museums.
- (6) Farm and garden buildings.
- (7) Public and private schools.
- (8) Shop crafts.
- (9) Bed and breakfast establishments, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1" District as set forth in Subsection 16-14-90(c) of this Chapter.
- (10) Parking areas.
- (11) Accessory buildings, nonresidential use, heated and/or plumbed.

* * * *

Sec. 16-4-300. Conditional uses.

The following uses shall be permitted as conditional uses in the "R1A" District:

- (1) Accessory dwellings.
- (2) Two-family dwelling units.
- (3) Public playgrounds and public recreation areas.
- (4) Farm and garden buildings.
- (5) Shop crafts.
- (6) Bed and breakfast establishments, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1A" District as set forth in Subsection 16-14-90(c) of this Chapter.
- (7) Public and private schools.
- (8) Parking areas.
- (9) Accessory buildings, nonresidential use, heated and/or plumbed.

* * * *

Sec. 16-4-480. Conditional uses.

The following uses shall be permitted as conditional uses in the "R1C" District:

- (1) Accessory dwellings.
- (2) Two-family dwelling units.
- (3) Historic primary dwelling redesignated as accessory dwelling, of a size not to exceed one thousand (1,000) square feet of floor area, under the conditions as are set forth in Section 16-8-70 of this Chapter.
- (4) Public playgrounds and public recreation areas.
- (5) Churches and church schools.
- (6) Nonprofit libraries and museums.
- (7) Farm and garden buildings.
- (8) Public and private schools.
- (9) Shop crafts.
- (10) Bed and breakfast establishments, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1" District as set forth in Subsection 16-14-90(c) of this Chapter.
- (11) Parking areas.
- (12) Accessory building, nonresidential use, heated ~~and/or plumbed~~.

* * * *

Sec. 16-4-570. Conditional uses.

The following uses shall be permitted as conditional uses in the "R2C" District:

- (1) Three-family and multi-family dwelling units.
- (2) Accessory dwellings, not to exceed one thousand (1,000) square feet of floor area or two-thirds ($\frac{2}{3}$) of the floor area of the principal building, whichever is smaller.
- (3) Historic primary dwellings redesignated as accessory dwellings, of a size not to exceed one thousand (1,000) square feet of floor area, under the conditions as are set forth in Sections 16-8-70 and 16-11-10 of this Chapter.
- (4) Public playgrounds and public recreation areas.
- (5) Second accessory dwellings, on lots of sizes greater than six thousand two hundred fifty (6,250) square feet, not to exceed one thousand (1,000) square feet of floor area or two-thirds ($\frac{2}{3}$) of the floor area of the historic primary structure, whichever is smaller, under the conditions as are set forth in Section 16-8-60 of this Chapter.
- (6) Churches and church schools.
- (7) Nonprofit libraries and museums.
- (8) Farm and garden buildings.
- (9) Public and private schools.
- (10) Shop crafts.

- (11) Bed and breakfast establishments, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1" District as set forth in Subsection 16-14-90(c) of this Chapter.
- (12) Parking areas.
- (13) Accessory building, nonresidential use, heated and/or plumbed.

* * * *

Sec. 16-4-660. Conditional uses.

- (a) The following uses shall be permitted as conditional uses in the "R3C" District:
 - (1) Accessory dwellings.
 - (2) Two-family dwelling units.
 - (3) Historic primary dwellings redesignated as accessory dwellings, of a size not to exceed one thousand (1,000) square feet of floor area, under the conditions as are set forth in Section 16-8-70 of this Chapter.
 - (4) Public playgrounds and public recreation areas.
 - (5) Churches and church schools.
 - (6) Nonprofit libraries and museums.
 - (7) Public and private schools.
 - (8) Shop crafts.
 - (9) Bed and breakfast establishments, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1" District as set forth in Subsection 16-14-90(c) of this Chapter.
 - (10) Retail commercial establishments, limited to the following and similar uses: antiques, appliances, art supplies, galleries, retail bakeries, bookstores, cameras, candies, tobaccos, florists, food markets, furniture, gifts, hardware, hobby shops, photo shops, sporting goods, stationery and variety shops.
 - (11) Office uses.
 - (12) Financial institutions.
 - (13) Personal services establishments.
 - (14) Restaurants, cocktail lounges or places serving food or alcoholic beverages, excluding drive-in eating places that serve customers in their automobiles or vehicles.
 - (15) Medical and dental clinics.
 - (16) Open-use recreation sites, recreation clubs, theatres, assembly halls, hospitals, public buildings and governmental offices.
 - (17) Rental, repair and wholesaling facilities in conjunction with any of the above uses, provided that all such activity is clearly incidental and accessory to the permitted use and *is* conducted within a building.
 - (18) Newspaper publishing offices.
 - (19) Printing offices.
 - (20) Hotels, lodges, motels and resorts.
 - (21) Clubs.

- (22) Noncommercial nurseries and greenhouses.
 - (23) Fraternities and sororities.
 - (24) Funeral parlors and mortuaries.
 - (25) Parking areas.
 - (26) Accessory buildings, nonresidential use, heated ~~and/or plumbed~~.
- (b) Any of the above conditional uses may be acceptable so long as the use does not create an unusual traffic hazard or any significant noise, dust, vapor, fumes, odor, smoke, vibration, glare or waste disposal problems.

* * * *

Sec. 16-4-740. Conditional uses.

The following uses shall be permitted as conditional uses in the "R2" District:

- (1) Three-family and multi-family dwelling units.
- (2) Accessory dwellings.
- (3) Public playgrounds and public recreation areas.
- (4) Churches and church schools.
- (5) Nonprofit libraries and museums.
- (6) Farm and garden buildings.
- (7) Public and private schools.
- (8) Shop crafts.
- (9) Bed and breakfast establishments, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1" District as set forth in Subsection 16-14-90(c) of this Chapter.
- (10) Parking areas.
- (11) Accessory buildings, nonresidential use, heated ~~and/or plumbed~~.

* * * *

Sec. 16-4-820. Conditional uses.

The following uses shall be permitted as conditional uses in the "R2A" District:

- (1) Three-family and multi-family dwelling units.
- (2) Accessory dwellings.
- (3) Churches and church schools.
- (4) Public playground and recreation areas.
- (5) Nonprofit libraries and museums.
- (6) Public and private schools.
- (7) Shop crafts.
- (8) Bed and breakfasts establishments.

- (9) Accessory buildings, nonresidential use, heated and/or plumbed.

* * * *

Sec. 16-4-900. Conditional uses.

The following uses shall be permitted as conditional uses in the "R4" District:

- (1) Multi-family dwelling units.
- (2) Parking areas.
- (3) Churches and church schools.
- (4) Nonprofit libraries and museums.
- (5) Public and private schools.
- (6) Accessory buildings, nonresidential use, heated and/or plumbed.

* * * *

Sec. 16-4-1020. Conditional uses.

The following uses shall be permitted as conditional uses in the "RIF" District:

- (1) Accessory dwellings in conjunction with a one-family dwelling unit.
- (2) Two-family dwelling units.
- (3) Parking areas.
- (4) Accessory buildings, incidental nonresidential uses, heated and/or plumbed.

* * * *

Sec. 16-5-130. Conditional uses.

The following uses shall be permitted as conditional uses in the "B1" District:

- (1) Newspaper publishing businesses, except for in buildings that front onto Elk Avenue, in which case newspaper publishing businesses are prohibited in such buildings on the ground floor. The prohibition against such uses on the ground floor fronting Elk Avenue (if the ground floor level has display windows fronting Elk Avenue) shall not apply to spaces set back more than forty (40) feet from the Elk Avenue property line upon which such use is located.
- (2) Residential units comprising up to one-half (½) of the total floor area of any building. Residential units located in historic buildings existing prior to May 15, 1994, shall not be limited by the above size restrictions. Such residential unit may only be used as a long-term rental or, under the circumstances set forth herein, as an owner-occupied unit. In the event that a conditional use for a residential unit is granted, that use may not in the future revert to any other use. The unit thereafter shall be restricted to such use. Residential units are prohibited in buildings that front onto Elk Avenue on the ground floor. The prohibition against such uses on the ground floor fronting Elk Avenue (if the ground floor level has display windows fronting Elk Avenue) shall not apply to spaces set back more than forty (40) feet from the Elk Avenue property line of the property upon which such use is located. However, residential uses in place in buildings that front onto Elk Avenue as of July 9, 2007, may revert to such use regardless of subsequent changes in use or building level. In the event that the owner of a unit, for which a conditional use for a residential unit is granted, owns and uses for his or her own use another

nonresidential unit as a permitted use or an approved conditional use within the same building, the owner may occupy the residential unit. Only owners conducting business themselves in their nonresidential unit may occupy their residential unit. Leasing the nonresidential unit to another person or entity for his or her use is not considered using for his or her own use or conducting business himself or herself under this Section.

- (3) Residential units that: (i) are historical buildings; (ii) have historically been used as primary, single-family residences; (iii) are located on parcels of no more than four thousand eight hundred fifty (4,850) square feet; and (iv) have a F.A.R. for the primary structure of no greater than .85, notwithstanding the requirements of Paragraph (2) above. 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 the County encumbering the affected property that shall restrict the F.A.R. for said primary structure in perpetuity to .85.
- (4) Hotels, lodges, motels and resorts.
- (5) Clubs.
- (6) Noncommercial nurseries and greenhouses.
- (7) Fraternities and sororities.
- (8) Funeral parlors and mortuaries.
- (9) Parking areas.
- (10) Restaurants, cocktail lounges or other places serving food and/or alcoholic beverages, excluding drive-in eating places that serve customers in their automobiles or vehicles.
- (11) Accessory buildings, nonresidential use, heated and/or plumbed.
- (12) Accessory buildings, nonresidential use, not heated or plumbed.
- (13) Micro-distillery.
- (14) Employee dwellings.

* * * *

Sec. 16-5-330. - Conditional uses.

The following uses shall be permitted as conditional uses in the "B3" District:

- (1) Accessory dwellings.
- (2) Parking areas.
- (3) Restaurants, cocktail lounges or other places serving food and/or alcoholic beverages, excluding drive-in eating places that serve customers in their automobiles or vehicles.
- (4) Accessory buildings, nonresidential use, heated.
- (5) Bed and breakfast, provided that the granting of such conditional use shall be subject to the requirements for short-term rentals in the "R1" District as set forth in Subsection 16-14-90(c) of this Chapter.
- (6) Employee dwellings

Sec. 16-5-430. Conditional uses.

The following uses shall be permitted as conditional uses in the "B4" District:

- (1) Accessory dwellings.
- (2) Parking areas.
- (3) Restaurants, cocktail lounges or other places serving food and/or alcoholic beverages, excluding drive-in eating places that serve customers in their automobiles or vehicles.
- (4) Accessory buildings, nonresidential use, heated and/or plumbed.
- (5) Employee dwellings.

Sec. 13-1-110. System development fee.

- (a) A system development fee must be paid prior to the issuance of the permit required above; prior to the commencement of the construction; prior to installation or expansion of use of a service line; and prior to connecting any service line to a Town system.
- (b) The system development fee for a single-family residence shall be ten thousand two hundred dollars (\$10,200.00) multiplied by the EQR of that use for the Town System-Water, except as otherwise set forth in Subsection (e) below; and an amount equal to twelve thousand six hundred dollars (\$12,600.00) multiplied by the EQR of that use for Town System-Sewer, except as otherwise set forth in Subsection (e) below.
- (c) The system development fee for every other type of use shall be an amount equal to ten thousand two hundred dollars (\$10,200.00) multiplied by the EQR of that use for Town System-Water, except as otherwise set forth in subsection (e) below; and an amount equal to twelve thousand six hundred dollars (\$12,600.00) multiplied by the EQR of that use for Town System-Sewer, except as otherwise set forth in subsection (e) below.
- (d)
 - (1) Incremental Water System Development Fee = [(EQR) new minus (EQR) old] times (\$8,100), for Town System-Water.
 - (2) Incremental Sewer System Development Fee = [(EQR) new minus (EQR) old] times (\$9,900.00), for Town System-Sewer.
- (e) The system development fee for rental units, Accessory Dwellings, long-term and other Town-recognized affordable housing units and lots shall be ~~a total of one third (1/3) the rate otherwise appropriate to be charged a comparably classified residential unit under this Chapter for the Town System Water and the Town System Sewer. The fee for affordable housing units or lots may be partially or totally waived by the Town for good cause shown~~ waived upon execution of a restrictive covenant for Qualified Residents.
- (f) All system development fees shall be maintained in a separate account and shall be spent only for capital improvement to the Town systems.

Sec. 18-13-30. Application fees.

- (a) The Building Official shall charge a fee for any building permit or sign permit application sufficient to cover related Town expenses as described in the building code adopted by the Town in this Chapter. Should any building or sign permit application or permit be withdrawn and returned to the Building Official within ninety (90) days after the date of application or issuance, the Building Official may refund up to eighty-five percent (85%) of any application or permit funds not used to pay publication costs. The Building Official shall be authorized to charge such additional fees as are necessary to offset expenses to the Town occasioned by requests or approvals not combined with building permit applications, special or extra publications or special Board meetings.
- (b) Building permit fees and application fees shall be waived for all resident-occupied affordable housing and all Accessory Dwellings upon execution of a restrictive covenant for Qualified Residents. Building permit fees are based on the entire building. Where a resident-occupied affordable housing unit is contained within the building, permit fees shall be reduced in proportion to the cost of construction of the resident occupied affordable housing unit.