

**ORDINANCE NO. 5
SERIES 2024**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
AMENDING CHAPTER 16, SECTION 16-14-190(12) AND SECTION 16-14-
200 OF THE CRESTED BUTTE MUNICIPAL CODE.**

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, Chapter 16, Article 23 of the Town's Municipal Code outlines the required procedure for amending Chapter 16; and

WHEREAS, Town Council directed staff to craft modifications to Chapter 16, Section 16-14-190(12) and Section 16-14-200 with the Board of Zoning and Architecture Review (BOZAR) on April 8, 2024; and

WHEREAS, The BOZAR unanimously recommended Town Council adopt this ordinance amending Chapter 16, Section 16-14-190(12) and Section 16-14-200 on April 30, 2024; and

WHEREAS, Town Council finds it is necessary and proper to amend Chapter 16, Section 16-14-190(12) and Section 16-14-200, 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 16-14-190(12) is amended is hereby amended as set for on Exhibit A attached hereto.

Section 3. Chapter 16, Section 16-14-200 is amended is hereby amended as set for on Exhibit A attached hereto.

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

INTRODUCED, READ, AND SET FOR PUBLIC HEARING THIS 20TH DAY OF MAY 2024.

ADOPTED BY THE TOWN COUNCIL UPON SECTION READING IN PUBLIC HEARING THIS 3rd DAY OF June 2024.

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. 16-14-190. Demolition or relocation of historic and non-historic buildings or structures.

* * * *

(12) Compliance or general penalty for violation. Any person in violation of this Section shall be subject to the provisions of Chapter 1, Article 4 and the following provisions:

- a. Where a violation of this Section has occurred, the Building Official shall be authorized to impose ~~up to a ten-year moratorium on the issuance of any permit and/or certificate of occupancy in connection with the subject property, except as otherwise described in Subsection b. below. The Building Official shall consider the following factors in deciding whether to impose such a moratorium~~ any or all of the following penalties:

1. Prohibit, revoke, or suspend, the issuance of any permit and/or certificate of occupancy in connection with the subject property, except as otherwise described in Subsection b. below.
2. Revoke, or suspend, the Town of Crested Butte's Business License of the contractor responsible for the violation. This action would result in the revocation, or suspension, of the contractor's ability to work in Crested Butte, except as otherwise described in Subsection b. below.
3. Revocation of development approvals, or entitlements for the subject property, through an administrative resolution, or public hearing with the Board.

The Building Official shall consider the following factors in deciding whether to impose such possible prohibitions, revocations, or suspensions:

1. The impact of the demolition or relocation of the building or structure upon the historical integrity and architectural character of the Town; and
 2. The factual circumstances concerning the cause of the demolition or relocation of the building or structure, as may be identified after reasonable investigation by the Building Official; and
 3. ~~Whether the demolition or relocation of the building or structure may have been approved by the Board had an application for the same been submitted.~~
 4. Whether the owner or contractor has previous violations for violating the Town's demolition ordinance
- b. During the pendency of prosecution described in Subsection a. above, the Building Official may impose a temporary ~~moratorium on the issuance~~ suspension of any permit and/or the issuance of a certificate of occupancy in connection with the subject property. In electing to impose such a temporary ~~moratorium~~ suspension, the Building Official shall consider the same factors as described in the

Subsection above. Such temporary ~~moratorium~~ suspension shall remain in effect for the duration of the prosecution and any appeal therefrom.

- ~~e. Notice of the imposition and duration of any moratorium imposed pursuant to this Section shall be recorded in the official real property records of the office of the County Clerk and Recorder.~~
- ~~cd. Penalties imposed in Section a above~~ A moratorium on the property under this Section does not prevent the Building Official from issuing a building permit for rehabilitation or repair of any building or structure on the property that is the subject of the ~~moratorium~~ violation or any improvement, bracing or other construction activity intended to protect, keep up, save and/or maintain any such building or structure on the subject property.
- ~~e. Demolition of Remaining Structure and Site Clearance. In the event, the unauthorized demolition renders the remaining structure in a state of disrepair, or threatens life safety, as determined by the Chief Building Official, the owner shall, within sixty (30) days of the occurrence, secure a demolition permit. The remaining structure shall be demolished, and the site shall be cleared of all debris within thirty (30) days of the issuance of said permit. Site clearance shall include the removal of all debris from the foundation and backfilling with clean inorganic fill. The owner of the lot shall plug air and watertight sewer laterals, house lines and any other sewer and plumbing connections.~~

Sec. 16-14-200. Replacement housing due to demolition.

- (1) Applicability. These replacement housing standards, in addition to Section 16-14-190, shall apply to ~~the demolition properties with a legal demolition, properties where an illegal demolition occurred and its development approvals, or entitlements were revoked through administrative resolution or public hearing with the Board,~~ or relocation of existing residential buildings and the proposed redevelopment of a redevelopment parcel.

* * *

- ~~e. Properties where an illegal partial or full demolition of a structure occurred and had its entitlements revoked through administrative resolution or public hearing shall be required to provide deed restricted housing with the redevelopment of the property.~~
 - ~~1. New residential buildings or structures shall not exceed the floor area ratio (FAR) of the demolished building with the following conditions:~~
 - ~~(a) The new residential building or structure may have a different orientation, footprint and mass/scale from the demolished structure; and shall comply with the zone district standards.~~
 - ~~(b) The new residential building or structure may incorporate certain distinguishing architectural features, materials and/or details that were characteristic of the style/era of the demolished building or structure and which may or may not fully conform to the Town's Design Guidelines.~~
 - ~~(c) The new single-family development shall be required to construct an on-site detached, accessory dwelling unit, as defined in Section 16-1-20 and pursuant to Section 16-9-70.~~

(d) The new duplex development shall be required to maintain or construct one (1) of the residential units as a replacement housing unit that is deed-restricted as a long-term rental or resident-occupied affordable housing unit.

(e) The new tri-plex development shall be required to maintain or construct one (1) of the residential units as a replacement housing unit that is deed-restricted as a long-term rental or resident-occupied affordable housing unit.