

ORDINANCE NO. 16

SERIES 2017

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING SECTION 16-6-320 LOCATION OF P.U.D. OVERLAY FOR RECTORIES AND CHARITY PANTRIES IN THE “RIC” ZONE AND ADDING DEFINITIONS IN SECTION 16-1-20 DEFINITIONS FOR SUCH USES

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 Colorado Constitution and laws of the State of Colorado;

WHEREAS, pursuant to Article XX of the Colorado Constitution, as implemented through the Town of Crested Butte Charter, Title 31, Article 23, and Title 20, Article 29, C.R.S., the Local Government Land Use Control Enabling Act of 1974, the Town has the authority to enact and enforce land use regulations;

WHEREAS, on May 30, 2017, the Crested Butte Board of Zoning and Architectural Review (the “**Board**”) reviewed proposed amendments to the Crested Butte Municipal Code (the “**Code**”) regarding allowing rectories and charity pantries in the RIC overlay zone district;

WHEREAS, the Board found that rectories and charity pantries are consistent with the Town’s Land Use Plan for church uses in the RIC P.U.D. overlay district and that such uses shall be reviewed under the standards found in Section 16-6-320 of the Code;

WHEREAS, the Town Council has discussed and considered the Board’s recommendations and hereby finds that amending the Code as set forth below is in the best interest of the health, safety and welfare of the Crested Butte, its residents and visitors alike.

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

Section 1. Adding a New Defined Terms to Section 16-1-20. Section 16-1-20 of the Code is hereby amended to include the following new defined terms:

“Dwelling unit, rectory - means a building used exclusively for occupancy by clergy with no provisions for long term or short term rental accommodations. The dwelling unit must be ancillary to church or church related facilities on the property.

Charity pantry – means the provision of clothing and housewares available to the public that is free of charge.”

Section 2. Amending Section 16-6-320. Location of P.U.D. Overlay Section 16-6-320 of the Code is hereby deleted in its entirety and replaced with the following new section that shall read as follows:

“Sec. 16-6-320. Location of P.U.D. Overlay.

Between four (4) and eight (8) contiguous Town lots, whether or not divided by an alley, in the "RIC" District which will be used primarily as public playgrounds and public recreation areas; churches and church-related facilities including only reception halls, rectories, charity pantries, class rooms, child care areas and required parking; nonprofit libraries and museums; and public and private schools.”

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 amended hereby, the Crested Butte Municipal Code shall remain valid and in full force and effect. Any provision of the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 19th DAY OF June, 2017.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 10th DAY OF JULY, 2017.

TOWN OF CRESTED BUTTE

By: Glenn Michel
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford
Lynelle Stanford, Town Clerk

