

TOWN OF CRESTED BUTTE

ORDINANCE NO. 16

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL IMPOSING A MORATORIUM ON ACCEPTING APPLICATIONS FOR REVIEWING, APPROVING, OR ISSUING PERMITS FOR CERTAIN ACCESSORY BUILDINGS FOR TWELVE MONTHS

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, Section 6 of the Colorado Constitution, as implemented through the Town of Crested Butte Charter, the Town has the authority to enact and enforce regulations governing the use of property within the Town's jurisdiction;

WHEREAS, Section 16-1-20 of the Town Code defines "Accessory building, nonresidential use, heated and/or plumbed" to mean "a detached subordinate structure containing nonresidential uses incidental and accessory to the primary structure, which is heated and/or plumbed," in which "facilities for sleeping, bathing or cooking are prohibited," and "acceptable uses include but are not limited to home offices, arts and crafts studios, workshops and home recreation facilities"; and

WHEREAS, Section 16-1-20 of the Town Code allows "building sites within all zone districts, except "R1A" and "R1B" Districts, [to] have more than one (1) accessory building; and

WHEREAS, Section 16-1-20 of the Town Code also specifies that an "Accessory building" may include an "Accessory Dwelling" as defined in the Code; and

WHEREAS, the Town is experiencing a severe shortage of housing for the local workforce at all income levels which is threatening the livelihood and character of the Town, its citizens, and its businesses and due to this severe shortage the Town Council declared a disaster emergency regarding affordable housing on June 7, 2021; and

WHEREAS, on May 28, 2021, the Governor of Colorado signed HB 21-1117, which amended Section 29-20-104 of the Land Use Control Enabling Act to allow local governments to regulate development or redevelopment in order to promote the construction of new affordable housing units; and

WHEREAS, the Town desires to engage in a comprehensive study of accessory buildings and accessory dwellings in Town and the analysis of the Town's zoning regulations to re-evaluate whether there are ways to encourage more accessory buildings to include accessory dwellings and the impact of such requirements on the Town's other zoning requirements, the Town's housing stock, its economic livelihood, and neighborhood livability; and

WHEREAS, the Town needs time to conduct its comprehensive study regarding this issue, particularly as it relates to increasing affordable housing; and

WHEREAS, the Town believes its comprehensive study could result in policy recommendations to the Town Council regarding the amendment of the Town's zoning regulations, and other recommended policy improvements that arise from the study; and

WHEREAS, the Town Council hereby finds and determines that imposing a twelve month moratorium on receiving applications for review, issuing or approving permits for "Accessory building, nonresidential use, heated and/or plumbed" is necessary while the Town Council conducts its comprehensive study and that pausing issuance of new permits will promote the public health, safety, and welfare of the community by allowing for a deliberate and well-reasoned decision-making process; and

WHEREAS, the Town Council finds that it is necessary to the immediate preservation of the public health, safety, and welfare of the Crested Butte community to adopt this ordinance imposing a moratorium on accepting applications for, reviewing, approving, or issuing permits for "Accessory building, nonresidential use, heated and/or plumbed."

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

Section 1. Effective immediately, the Town Council adopts a 12-month temporary moratorium on receiving applications for review, issuing or approving permits for "Accessory building, nonresidential use, heated and/or plumbed". During this moratorium, the Town will not process or approve any applications for such permits.

Section 2. During the moratorium, Town Staff shall study and evaluate the possibility of whether encouraging or requiring accessory buildings to include accessory dwellings could have an impact upon the Town's other zoning requirements, the Town's housing stock, its economic livelihood, neighborhood livability and the availability of affordable housing in the Town and determine whether the Town Code should be amended and present such amendments to the to the Town Council.

Section 3. This moratorium shall expire three hundred and sixty five (365) days after its effective date, upon which the Town Council shall consider an amendment to the Town's zoning regulations based on the results from the Town's comprehensive study.

Section 4. 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.

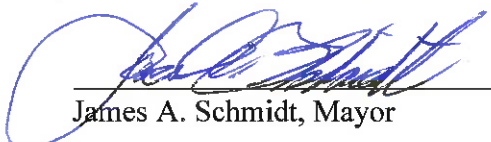
Section 5. The Town Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the Crested Butte community.

INTRODUCED, READ, AND SET FOR PUBLIC HEARING THIS 16TH DAY OF AUGUST, 2021.


ADOPTED BY THE TOWN COUNCIL UPON SECTION READING IN PUBLIC HEARING THIS 7th DAY OF September, 2021

TOWN OF CRESTED BUTTE, COLORADO

By:


James A. Schmidt, Mayor

ATTEST:


Lynelle Stanford, Town Clerk

