

ORDINANCE NO. 17

SERIES 2022

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
AMENDING CHAPTER 16, ARTICLE 1 OF THE TOWN CODE TO AMEND THE
DEFINITION OF FABRIC STRUCTURE AND AMENDING CHAPTER 16, ARTICLE 14,
SECTION 180 OF THE TOWN CODE TO AMEND THE TOWN'S FABRIC STRUCTURE
ALLOWANCES**

WHEREAS, the Town of Crested Butte, Colorado 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, on July 5, 2022, the Town Council referred to the Town's Board of Zoning and Architectural Review proposed amendments to Section 16-1-20 and Section 16-14-180 of the Town's Municipal Code; and

WHEREAS, the Town's Board of Zoning and Architectural Review considered the proposed amendments to the Town Code on July 26, 2022, and moved to recommend the amendments to the Town Council; and

WHEREAS, the Town Council finds that the below amendments to the Town Code Sections will protect the public health, safety, and welfare and further efforts to support affordable housing and preserve the character of the community.

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

Section 1. Sec. 16-1-20 of Chapter 16 of the Town Code is amended as follows:

Fabric structure means a structure of which the primary exterior material is comprised of fabric, mylar, or other tensile composite materials of a similar nature. No fabric structure shall remain in place for longer than ~~four (4) months~~ 14 days, except as otherwise provided for ~~structures of unique function in serving the public benefit in Guideline 273.a of the Town's Design Guidelines~~ in Section 16-14-180.

Section 2. Sec. 16-14-180 of the Town Code is amended as follows:

Fabric structures are not permitted to remain continuously in place for a period in excess of fourteen (14) days, with the following exceptions:

1. Fabric structures are permitted for restaurant uses where they are used to cover an approved outdoor seating location;
2. Where fabric structures are approved by the Board under 5-1459a. of the Town's Design Guidelines, which permits the erection of a temporary structure for less than six (6) months in any one (1) calendar year, where the structure is found to be of unique function in serving the

public benefit, in that it provides musical or cultural opportunities or other public amenities to Town residents and visitor; and

3. Where fabric structures are approved by the building official for large scale commercial and/or municipal projects that are greater than 5,000 square feet, where these structures are located only on the lot under construction, adhere to all setbacks for the zone district, and only in place for the duration of the issuance of a building permit through the issuance of a Certificate of Occupancy.

Section 4. 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 5. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, 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 15th DAY OF AUGUST, 2022.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 10th DAY OF September, 2022.

TOWN OF CRESTED BUTTE, COLORADO

By: I. Billick
Ian Billick, Mayor

ATTEST:

Lynelle Stanford
Lynelle Stanford, Town Clerk

[SEAL]

