

**ORDINANCE NO. 18
SERIES 2020**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING THE
CRESTED BUTTE MUNICIPAL CODE CHAPTER 16, ARTICLE 6, DIVISION 4,
PLANNED UNIT DEVELOPMENTS.**

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; and

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

WHEREAS, the Chapter 16, Article 6, Division 4, of the Crested Butte Municipal Code (the "Code"), regulates Planned Unit Developments (PUDs); and

WHEREAS, several issues have come to light recently regarding the Town's currently adopted PUD provisions which are inconsistent with other sections of the Town Code and cause confusion when viewed in the light of the Colorado Revised Statutes; and

WHEREAS, revisions to the Town's PUD provisions contemplated by this ordinance will eliminate inconsistencies and confusion; and

WHEREAS, the staff submitted a draft ordinance to the Board of Zoning and Architectural Review (the "Board") and the Town Council, pursuant to the requirements of Chapter 16, Article 23, of the Code;

WHEREAS, on June 23, 2020, the Board considered the draft ordinance and staff analysis, and recommended that the Town Council adopt the proposed changes to the PUD provisions; and

WHEREAS, the Town Council finds that the below amendments to Chapter 16, Article 6, Division 4 of the Code are in the best interests of the health, safety and general welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT CHAPTER 16, ARTICLE 6, DIVISION 4 OF THE CODE IS AMENDED AS FOLLOWS:

Section 1. Amending Chapter 16 Article 6 Title 310 – Intent

Sec. 16-6-310. Intent.

The Planned Unit Development is an overlay district that allows the development of a unified project which may involve a related group of uses and variances from the strict adherence to the area, setback, bulk and other requirements of the underlying zone district

regulations not related to use. Specific purposes for a Planned Unit Development (hereafter "P.U.D.") include:

- (1) Promoting flexibility in the type, design and siting of structures to preserve and take advantage of the site's unique or natural features.
- (2) Encouraging more efficient use of land, streets, alleys, utilities and governmental services.
- (3) Preserving open space for the benefit of residents and users of developments, as well as the Town in general.
- (4) Achieving a compatible land use relationship with surrounding areas.
- (5) Promoting greater variety, within the context of existing architecture and neighborhood context and size, in the type, design and siting of buildings and thereby improving the character and quality of new development.
- (6) Allowing the development of larger parcels incorporating many Town lots in a fashion which promotes more variety and diversity than would be possible in the individual development of each Town lot.
- (7) Ensuring that the flexibility in the type, design and siting of structures and variations from Town zoning district requirements result in public benefits to the community that go beyond those required by the Town zoning district requirements and other development standards in the Town Code.

Section 2. Amending Chapter 16 Article 6 Title 320 – Location of P.U.D.

Sec. 16-6-320. Applicability.

A request for a P.U.D. overlay may be submitted for any of the following types of development:

(1) Any four (4) or more contiguous town lots, under the ownership of one (1) person, located in the "C" Commercial District; any five (5) or more contiguous town lots, under the ownership of one (1) person, in both the "T" Tourist District and the "B2" Business District; any six (6) or more contiguous town lots, under the ownership of one (1) person, in the "B3" Business District, the "B4" Business District and the "R4" Residential District; and any five (5) or more contiguous town lots, under the ownership of one (1) person or entity, located in the "B2" District. Any P.U.D. overlay in the "B2" District shall provide for a mix of building shapes relative to others existing in the entire "B2" District.

(2) Any sixteen (16) or more contiguous lots, whether or not divided by any alley and/or street under the ownership of any one (1) person or entity, located anywhere within the Town.

(3) Any parcel at least eighteen thousand seven hundred fifty (18,750) square feet in size, which is located in the "M" District and utilized exclusively for affordable or low-income housing.

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

Section 3. Amending Chapter 16 Article 6 Title 340 – Calculation of floor area ratio

Sec. 16-6-340. Calculation of floor area ratio.

The floor area ratio for a P.U.D. overlay will be governed by the ratio allowed, considering use and/or lot size, in the zone district comprising the largest part of the P.U.D. The total site size, not the maximum lot size in the applicable zone district, will constitute the denominator in the floor area ratio calculation.

Section 4. Amending Chapter 16 Article 6 Title 350 – Overview of P.U.D. Application procedure.

Sec. 16-6-350. Overview of P.U.D. overlay procedure.

(1) General plan application, public hearing, and Board decision pursuant to Sec. 16-6-360 through 16-6-380.

(2) Upon the Board's approval of the general plan, the applicant applies for a zoning amendment to be decided in a public hearing by Town Council decision pursuant to Sec. 16-23-30, 16-23-60 and 16-23-90.

(3) Upon the Town Council's approval of the P.U.D. overlay zoning amendment, the applicant may proceed with Architectural Review by the Board pursuant to Section 16-6-390.

(4) Following approval by the Board under Sec. 16-6-390, applicant will obtain all applicable permits and approvals prior to commencing development.

Section 5. Amending Chapter 16 Article 6 Title 370 – Concept Plan.

Sec. 16-6-370. Concept plan.

Any applicant for a P.U.D overlay may submit a concept plan of the proposed P.U.D., in whatever detail the applicant deems appropriate, to the Building Inspector. The Building Inspector shall review the plan and make such informal recommendations to the potential applicant as he or she deems relevant. Thereafter, the concept plan shall be referred to the Board for its review and comment at a regularly scheduled public meeting. The submission and

review of a concept plan shall be for informational purposes only, and no binding decision or representations shall be made or allowed. It is the intent of this concept plan stage to allow general conceptual review of a proposed P.U.D. by the Board in order to give the applicant information regarding feasibility and potential problems that should be addressed in any general plan application.

Section 6. Amending Chapter 16 Article 6 Title 380 – General Plan.

Sec. 16-6-380. General plan

(a) Application. Following the Board's review and discussion of the concept plan, an applicant for a P.U.D. overlay may submit a general plan application to the Building Inspector. This general plan application shall include:

- (1) A legal description of the lots or parcel subject to the P.U.D.
- (2) A deed for the property establishing title
- (3) The signature of the owner of the property or some other person with the written legal authority of the owner, if that person has the written legal authority to make such application
- (4) The existing topographic character of the land at a contour interval of two feet if the slope is less than ten percent (spot elevations may be required if land is too flat for contours), and five feet where the slope is greater than ten percent
- (5) A site plan of the P.U.D. parcel, drawn to a scale of not less than one inch equals 20 feet, indicating:
 - The dimensions of the parcel
 - The location and size of all proposed buildings, structures, utilities, easements, and other improvements;
 - All walls and fences with their location and heights;
 - The off-street parking areas, snow storage areas, service areas including trash areas, loading areas and provision for bicycle trails and bicycle storage;
 - Notation as to any mature landscaping proposed to be removed or relocated
 - The areas to be dedicated to the Town or reserved as common areas
 - The 100-year floodplain and floodway, if applicable;
- (6) Project narrative describing the proposed land uses along with a tabular summary of the proposed project
 - Development Program of Project by use, unit, square feet of development, and density
 - Development Program of building(s) by use, unit, square feet of development, and building heights
 - Areas dedicated to the Town
- (7) At least two (2) three-dimensional perspective, drawn to scale, showing the relationship

of the proposed building or project to nearby buildings, if requested by the Chair of the Board or the Building Inspector

- (8) Plans showing the heights and four elevations of the building(s) or structure(s), and the exterior walls and roof thereof, with a general schematic drawing of the exterior design of the building drawn to one-quarter-inch or one-eighth-inch to the foot scale
- (9) A front elevation, drawn to scale, showing the width and height of the street elevation (alley elevation in the case of an alley structure) of the proposed building, any other buildings on the proposed building site and the buildings on the parcels abutting the proposed building site, all on one (1) drawing
- (10) A cross-section of each building section which varies in floor-to-ceiling height from any other section in the building
- (11) If the natural grade of a building site varies more than two (2) vertical feet between any two (2) points on the site or one (1) vertical foot within the building footprint, the natural contour of the site shall be graphically depicted on the site plan with no greater than one-foot contour lines and depicted on the submitted elevations of the proposed structure. If the finish grade of the site is proposed to be different from the natural grade of the site by more than one (1) vertical foot, both finish and natural grade shall be clearly depicted and labeled as such on the site plan and on the submitted elevations of the structure.
- (12) A general landscape plan at the time of submission to be followed by a detailed landscaping plan once the plan has been approved showing the spacing, sizes and specific types of landscaping material, including parking areas
 - Include notation as to any mature landscaping proposed to be removed or relocated on the site
- (13) A development schedule setting forth timing for construction of the development
- (14) Copies of any special agreements, conveyances, restrictions, or covenants which will govern the use, maintenance and continued protection of the planned unit and any of its common park areas must accompany the final development plan
- (15) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development, and the Board may request additional information which it deems necessary for adequate review and evaluation
- (16) A statement setting forth the required variances from normal zoning requirements and any required conditional uses, together with the justification for such variances and conditional uses
- (17) A plot plan of the P.U.D. parcel, drawn to a scale of one-eighth (1/8) inch to one (1) foot or to a scale appropriate to the project as determined by the Building Inspector, showing the dimensions of the parcel and the size and location of the buildings or structures to be erected thereon, together with all other buildings or

structures on the parcel, as well as parking and landscaping features.

- (18) The signature of the owner or a person with the written legal authority of the owner. A statement setting forth the required variances from normal zoning requirements and any required conditional uses, together with the justification for such variances and conditional uses.
- (19) At least two (2) three-dimensional perspectives, drawn to scale, showing the relationship of the project to nearby buildings and uses.
- (20) A statement setting forth the impact of the project on the neighborhood, together with the applicant's plans to incorporate features designed to mitigate adverse impacts related to parking, visual impacts, access, noise and provision of services.
- (21) Any other plans or representations required by the Building Inspector or Board.

(b) Notice and Board hearing. Upon receipt of the general plan and following proper notice of at least 10 days, the Board will review the general plan in a public hearing for compliance with the criteria set forth in section 16-6-400. The Board may approve the general plan application if the evidence on the record demonstrates that the proposed general plan satisfies the criteria in Sec. 16-6-400. If the Board finds that the proposal does not satisfy the criteria in Sec 16-6-400, the Board shall approve the proposal with conditions that ensure compliance with all such criteria, or deny the proposal.

(c) Zoning Amendment application. Following the Board's approval of the general plan, the applicant shall seek approval by Town Council of a zoning amendment for the P.U.D. overlay pursuant to the zoning amendment procedures in Article 23. Approval by the Board of the general plan shall constitute the formal recommendation to Town Council for the P.U.D. overlay zoning amendment under Sec. 16-23-40, and no application for such P.U.D. overlay zoning amendment shall be scheduled with Town Council unless or until the Board approves the general plan.

(1) In addition to the application materials required in Sec. 16-23-30, the P.U.D. zoning amendment application shall include the general plan approved by the Board, and include a narrative description of how the P.U.D. overlay satisfies the standards in Sec. 16-6-380 (2).

(2) The P.U.D. overlay shall:

- a. enhance the efficient use of land, streets, alleys, utilities and governmental services.
- b. preserve open space in excess of the requirements of the underlying zone district(s).
- c. be compatible with surrounding uses and the natural environment.

(3) Following the Town Council's public hearing on the zoning amendment pursuant to Sec. 16-23-60, the Council shall approve the zoning amendment application for the P.U.D. overlay if the application satisfies the standards of Sec. 16-6-380 (c)(2). If Council determines that the application does not satisfy such standards, Council shall deny the application and remand the application to the Board with written findings as to why the application was denied.

Section 6. Amending Chapter 16 Article 6 Title 390 – Building Permit Review.

Sec. 16-6-390. Architectural review.

(a) Review procedure. Upon Council's approval of the P.U.D. overlay zoning amendment, the applicant may submit detailed plans as are required Chapter 18 of this Code for the consideration of a building permit and architectural appropriateness. These detailed plans shall also include:

- (1) A statement regarding the completion and maintenance of common elements and/or common open space.
- (2) A landscape plan.
- (3) The development and/or construction schedule.
- (4) A plan for traffic and parking.

(b) Review by Board. The Board shall review the building permit plans and representations for architectural appropriateness as set forth in Article 2 of this Chapter and shall review the plans for common elements, landscaping and development schedule under the criteria set forth in Section 16-6-400, below.

Section 7. Amending Chapter 16 Article 6 Title 400 – Criteria for Board decision.

Sec. 16-6-400. Criteria for Board decisions.

The Board shall not approve the general plan unless the Board finds that the general plan complies with all of the criteria set forth in this Section 16-6-400. If the general plan does not comply with all of the criteria, the proposal shall be approved with conditions that ensure compliance with all such criteria, continued to a date certain, or it shall be denied by motion of the Board. If a continued request is not rescheduled by the proponent for discussion to occur on or before the date to which the request is continued, the request is deemed to be denied without further action by the Board. Approval of the general plan by the Board shall constitute a recommendation to the Town Council to approve the P.U.D. overlay rezoning application. The general plan criteria are:

- (a) The general plan is consistent with the objectives and purposes of this Chapter and the underlying zoning district.

(b) The general plan is compatible with neighborhood context and size, and will provide positive benefits to the Town beyond the minimum required by the Town Code. In making this determination the Board shall consider:

- (1) Scale of proposed structures
- (2) Density of proposed structures
- (3) Amount of open space that may be provided in excess of requirements of the underlying zoning district
- (4) Protection of view corridors
- (5) Landscaping improvements in excess of standards of the underlying zoning district.
- (6) Adequacy and location of parking
- (7) Relationship to adjacent land uses.
- (8) Impact to the availability of housing units for long term occupancy
- (9) Public benefits beyond the requirements of the Town Code

(c) The general plan shall not cause nuisances including without limitation:

- (1) Congestion, automotive or pedestrian safety problems, or traffic hazards
- (2) Significant noise, dust, vapor, fumes, odor, smoke, vibration, glare, trash or waste disposal issues, or other impacts that interfere with the use and enjoyment of neighboring property.

(d) The general plan shall avoid adverse impacts on adjacent property or public facilities, rights-of-way or utilities by providing adequate:

- (1) Snow storage
- (2) Protection from snow shedding
- (3) Snow removal
- (4) Solar access
- (5) Fire access

(e) The general plan shall include:

(1) An on-site, open and unoccupied area at least twelve (12) feet by twelve (12) feet in size, which is accessible at all times for an appropriate trash storage/Dumpster location for each use or group of related uses within the P.U.D., as determined by the Board.

(2) In addition to the required off-street parking, an area equal in size to at least thirty- three percent (33%) of the off-street parking area (including the driving area within any parking lot and driveways), pedestrian access, trash removal or open space amenities shall be dedicated to snow storage. In lieu of providing said snow storage area, a snow melt system complying with the Town's Energy Code may be utilized in the areas where snow is removed therefrom, or the snow may be removed therefrom and stored on private property so long as an easement, license or ownership in perpetuity is demonstrated, unless there is public land available which is dedicated for such snow storage.

(3) Required number of properly sized handicapped accessible parking spaces for nonresidential buildings as determined by the Town.

(4) Adequate off-street parking. If a P.U.D. general plan is located in a "T" District, payment in lieu of the required off-street parking is not allowed.

Section 8. 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 9. 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 6th DAY OF July, 2020

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS 20th DAY OF July, 2020

TOWN OF CRESTED BUTTE, COLORADO

By: [Signature]
James A. Schmidt, Mayor

ATTEST:

[Signature]
Lynelle Stanford, Town Clerk

