

**ORDINANCE NO. 24  
SERIES 2020**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL APPROVING AN AMENDMENT TO THE  
PLANNED UNIT DEVELOPMENT (PUD) FOR BLOCKS 30 AND 31 AND THE CRESTED BUTTE'S OFFICIAL  
ZONE DISTRICT MAP**

**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, 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;

**WHEREAS**, the Town's Zoning Ordinance, Chapter 16, Article 6, Division 4, of the Crested Butte Municipal Code (the "Code"), regulates Planned Unit Developments (PUDs);

**WHEREAS**, the Town's Zoning Ordinance, Chapter 16, Article 10, of the Crested Butte Municipal Code (the "Code"), regulates Special Development Permits on Excessive Slopes;

**WHEREAS**, the Town's Zoning Ordinance, Chapter 16, Article 23, of the Crested Butte Municipal Code (the "Code"), regulates amendments to the Town's Zoning;

**WHEREAS**, there has been submitted to the Crested Butte Town Council an application to amend the previously approved Planned Unit Development (PUD) to allow construction of a primary residence of 3,656.15 sf with an accessory building (garage) of 946.68 sf and a accessory dwelling of 690.25 sf along with associated site improvements on Lots 9-25 Block 30, which located within a Town designated excessive slope review area, a copy of which is attached hereto as Exhibit A;

**WHEREAS**, Town staff has reviewed have reviewed the information submitted and found that the application, with conditions, complies with the Crested Butte zoning regulations, excessive slope review criteria, and design guidelines and satisfies the standards in Section 16-6-380(c)(2), and the criteria in Sections 16-6-400(1)(2) and (3) and 16-10-20 and other applicable sections of the Crested Butte Municipal Code; and

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

**Section 1. Approval of Amendment to PUD.** The Town Council does hereby find that the Application to amend the previously approved PUD, with conditions, complies with the Crested Butte zoning regulations, excessive slope review criteria, and design guidelines and satisfies the standards in Section 16-6-380(c)(2), the criteria in Sections 16-6-400(1)(2) and (3) and 16-10-20 and other applicable sections of the Crested Butte Municipal Code and hereby approves the application attached hereto as Exhibit A and approves the amendments to Crested Butte's Official Zone District Map for Lots 17-21 Block 30, pursuant to said application with the following conditions:

1. The applicant shall enter into a restrictive covenant agreement with the Town memorializing the conditional use permit required for the detached accessory dwelling to provide a long-term rental,

and a separate unit for a non-residential use in the building as defined in Code Section 16-1-20 prior to the Town's issuance of a building permit.

2. The applicant shall enter into a restrictive covenant agreement with the Town memorializing the conditional use permit for the detached non-residential accessory building as defined in Code Section 16-1-20 prior to the Town's issuance of a building permit.
3. The applicant shall record an access easement, snow storage easement, and utility easement through Lot 4 with Gunnison County consistent with the easements depicted on sheet A03 of the BOZAR submission or, if changes are necessary, to the satisfaction of the Town's Public Works Department and the Crested Butte Fire Protection District prior to the issuance of the Certificate of Occupancy;
4. The applicant shall provide a letter from a Colorado licensed geotechnical engineer confirming the stability of the slope prior to the Town's issuance of the building permit;
5. The applicant shall submit an irrigation plan to the satisfaction of the Town's Public Works Department prior the Town's issuance of the building permit;
6. The applicant shall receive BOZAR approval for the design and style of porch features. The BOZAR approval shall not allow the FAR of the primary structure exceed of 3,750 sf;
7. The applicant shall receive approval from BOZAR for architectural appropriateness that includes the Guideline categories relating to Design and Style, Windows, Doors, Lighting, Chimneys, Building Eaves and Overhangs, and Materials for the residence, accessory building (garage) and accessory dwelling; and,
8. The applicant shall receive approval from BOZAR for the landscape plan that includes the location of the trees, number of trees, tree species, ground cover and surfacing from grade to eighteen (18) inches above grade. The site plan A.02, Level 0/parking plan A.10 and landscape plan on L1-L4 shall provide consistent drawings to scale of the details, datum and labeling of the site plan.

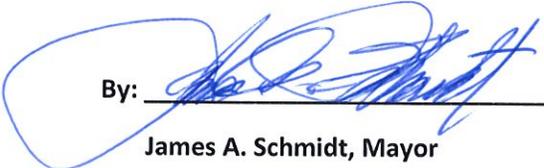
**Section 2. Severability.** If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 3. 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 any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ, AND SET FOR PUBLIC HEARING THIS 4<sup>th</sup> DAY OF August, 2020.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 17<sup>th</sup> DAY OF August, 2020.

TOWN OF CRESTED BUTTE, COLORADO

By: 

James A. Schmidt, Mayor

ATTEST:



Lynelle Stanford, Town Clerk

[SEAL]

