

ORDINANCE NO. 25

SERIES 2017

**AN ORDINANCE AMENDING THE DESIGN GUIDELINES
OF THE TOWN OF CRESTED BUTTE FOR FRONT YARD
ACCESSORY DWELLINGS IN CERTAIN
CIRCUMSTANCES IN RESIDENTIAL ZONES**

WHEREAS, the Town of Crested Butte, Colorado ("**Town**") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Design Guidelines for the Town of Crested Butte ("**Guidelines**") were adopted by Ordinance No. 41, Series 1995 discourage the placement of accessory dwellings in front yards;

WHEREAS, on August 29, 2017 the Board of Zoning and Architectural Review reviewed guidelines to allow the placement of accessory dwellings in the front yard with certain circumstances and recommended new a new section be added to the Guidelines;

WHEREAS, the addition of Section 2.29.5 to the Guidelines ensures new accessory dwellings in front yards protects the scale and massing of residential zone districts;

WHEREAS, the Town Council finds that allowing accessory dwellings with certain conditions can be built without adversely impacting neighboring properties; and

WHEREAS, the Town Council finds that amending the Guidelines for accessory dwellings in front yards in certain circumstances is in the best interest of the health, safety and general welfare of the residents and visitors of the Town.

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

Section 1. Adding Section 2.29.5 to the Guidelines. Subsection 2.29.5 of the Design Guidelines for the Town of Crested Butte is hereby amended by adding the following:
2.29.5

In limited situations an accessory dwellings may be placed in the front yard of residential zones if all of the following criteria must are met.

- a. The primary residence existing on site was constructed prior to 2012, is situated in the rear of the lot in such a manner that a detached building is not possible.
- b. The square footage of the existing residence exceeds 1,000 sf.
- c. The existing residence was not approved or classified as an accessory dwelling by the BOZAR.
- d. The proposed building must contain a dwelling unit and be classified as an accessory dwelling.

- e. The dwelling shall be subordinate in height to the primary residence.
- f. The structure should have an entry door facing the street.
- g. A garage door cannot face the street, but side facing garage doors could be considered if access from the rear of the building is not possible.
- h. No more than one garage structure can be contained on the site.
- i. A substantial amount of landscaping is added to minimize the appearance of the building.
- j. The siding materials must meet the requirements for a single family residence.
- k. The setbacks for the site must be met.

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 Guidelines of the Town of Crested Butte, 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 18th DAY OF SEPTEMBER 2017.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 2nd DAY OF OCTOBER, 2017.

TOWN OF CRESTED BUTTE, COLORADO

By: Glenn Michel
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford
Lynelle Stanford, Town Clerk

