

ORDINANCE NO. 5

SERIES 2017

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 16, ARTICLE 12 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE REGULATIONS FOR THE CONSOLIDATION OF RESIDENTIAL PROPERTIES SUBDIVIDED INTO CONDOMINIUMS OR TOWNHOUSES

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, Title 31, Article 23, and Title 20, Article 29, C.R.S., the Local Government Land Use Control Enabling Act of 1974, the Town has the authority to enact and enforce land use regulations;

WHEREAS, the Town Council has publicly expressed concern over the consolidation of properties that have been previously subdivided into condominiums and townhouses with the approval of the Town Council pursuant to Chapter 16, Article 12 of the Crested Butte Municipal Code (the "Code");

WHEREAS, the Town Council is concerned that the consolidation of residential properties that have been subdivided into condominiums and townhouses will undermine residential zone densities and the diversity of units anticipated through the original land use approvals;

WHEREAS, at the request of the Town Council, the Town Staff has recommended amendments to the Code as reflected in this ordinance intending to prevent the undermining of residential zone districts through the consolidation of properties that have been subdivided into condominiums and townhouses; and

WHEREAS, the Town Council finds that making the amendments to the Code set forth herein accomplish the Town Council goals of preventing the undermining of residential zone districts through the consolidation of properties that have been subdivided into condominiums and townhouses, and for the foregoing reasons, are in the best interest of the health, safety and welfare of the Crested Butte, its residents and visitors alike.

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

Section 1. Amending Section 16-12-10. Section 16-12-10 of the Code is amended by deleting the Section in its entirety and replacing it with the following new Section that shall read as follows:

“Sec. 16-12-10 - Purpose and intent.

For the purpose of this Article, the word *condominium* shall be deemed to include the word townhouse, as both are defined in Section 16-1-20 of this Chapter. These regulations are intended to set forth requirements for the construction of condominiums and townhouses within the Town, and the requirements for information to be supplied to the Town when the construction or approval of condominiums or townhouses or changes to existing condominiums or townhouses within the Town is requested. These regulations shall also include the requirements for the consolidation of residential condominiums and townhouses.”

Section 2. Amending Section 16-12-20. Section 16-12-20 of the Code is amended by adding a new subsection (7) thereto that shall read as follows, and renumbering all the subsections thereafter starting with existing subsection (7) which shall be renumbered subsection (8) and so forth:

“(7) Lienholder consent. Lienholder consent to the Plat as reflected in a title commitment for the property shall be included thereon.”

Section 3. Adding a New Section 16-12-70.5. A new Section 16-12-70.5 is added to the Code and shall read as follows:

“Sec. 16-12-70.5 – Consolidation of residential units.

Properties with condominiums and townhouses approved by the Town Council under this Article may be consolidated, provided that the following requirements are met:

(a) Consolidation shall not result in any fewer residential units or reduction in square footages for any existing unit. Such consolidation shall be approved by the Town Council in its sole discretion.

(b) Consolidation shall be reflected in a vacation plat approved in the same manner as the plat creating the condominium or townhouse on the subject property.

(c) Consolidation shall not permit the reduction in parking spaces required by any land use approval or this Code.

(d) Taps fees previously paid shall not be reimbursed to the property owner as a result of a reduction in taps.

(e) The process for consolidation approval shall be the same process as creating a condominium or townhouse on the subject property; provided that, those requirements contained in this Chapter that are uniquely applicable to creating multiple property interests as

opposed to one property interest shall be inapplicable as determined by the Town Manager and the Town Attorney.”

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 26th DAY OF March, 2017.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 3rd DAY OF April, 2017.

TOWN OF CRESTED BUTTE

By: Glenn Michel
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford
Lynelle Stanford, Town Clerk

[SEAL]

