

**ORDINANCE NO. 6**

**SERIES 2018**

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 16, ARTICLE 16 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE REQUIREMENTS FOR LONG-TERM RENTAL UNITS AND THE USE OF PUBLIC PROPERTY FOR PRIVATE RESIDENTIAL PARKING IN THE "B3" BUSINESS AND "T" TOURIST ZONE DISTRICTS**

**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**, on January 30, 2018, the Crested Butte Board of Zoning and Architectural Review (the "Board") reviewed proposed amendment to the Crested Butte Municipal Code (the "Code") in regards to expanding the provisions of Section 16-16-30(f) Special off-street parking requirements for long-term rental units in the "B3" Business and "T" Tourist Zone Districts;

**WHEREAS**, the Board found that given the identified need to provide additional rental housing in Crested Butte, it is appropriate to consider new regulations that better utilize the limited space within Crested Butte; that encourage the development of long-term rental units provided certain conditions are met; that allow private property to be combined with public property to satisfy residential parking requirements in certain zone districts; and that preserve neighborhood character and ensure municipal/emergency operations are not adversely impacted; and

**WHEREAS**, Town Council has discussed and considered the Board's recommendations, taken public comment and hereby finds that providing additional requirements for long-term rental units and allowing private and public property to be utilized in satisfying the residential parking requirements is in the best interest of the health, safety and welfare of Crested Butte, its residents and employees alike.

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

**Section 1. Amending Section 16-16-30(f).** Section 16-16-30(f) of the Code is hereby revised and amended by the following formatted text that shall read as follows:

**Sec. 16-16-30 Special off-street parking requirements.**

“(f) In the "B3" Business District and "T" Tourist District, off-street parking requirements may be satisfied in part by allowing a person to give the Town a revocable easement to land which is adjacent to a public right-of-way which is not Elk Avenue and which is used for public parking, if the easement property can be used to change the configuration of the public parking such that there is a net gain of public parking spaces and the following conditions are met:

(1) The person gives the Town a revocable easement to property adjacent to the public right-of-way, with the only cause for revocation being agreement of the parties;

(2) The off-street parking credit given to the person conveying the easement is based upon the square footage of the property upon which the easement exists, with the number of spaces for which credit shall be given being equal to the square footage of the easement property divided by one hundred sixty-two (162);

(3) The snow storage required pursuant to Subsection (c) above shall be provided;

(4) A person may satisfy their residential off-street parking requirements under the following terms and conditions:

a. The building(s) including all residential units shall be located on the same lot under the same ownership and further subdivision and/or condominiumization of the residential units is not permitted.

b. A restrictive covenant shall be recorded to ensure that the residential units are restricted to use as affordable and/or long-term rentals.

c. A parking management plan shall be prepared to address, at a minimum, the following issues: paving, striping of parking spaces, signage for resident parking only, parking/use restrictions, snow plowing/snow storage procedures that alleviate the need for residents to move their vehicles, monitoring/enforcement, maintenance and repair.

(5) The easement agreement, and the terms for satisfying the required off-street parking under this Subsection in each particular case, shall be recorded as set forth in Section 16-9-70 of this Chapter.

(6) The Board and Town Council have reviewed and approved the request for satisfying off-street parking requirements under this Article.”

**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 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.

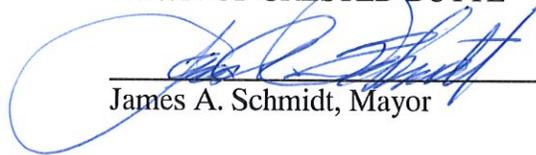
**Section 3. Savings Clause.** Except as amended hereby, the Crested Butte Municipal Code shall remain valid and in full force and effect. Any provision of the Code that is in conflict with this ordinance is hereby repealed as of the effective date hereof.

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**INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 5th DAY OF MARCH, 2018.**

**ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 19<sup>TH</sup> DAY OF MARCH, 2018.**

TOWN OF CRESTED BUTTE

  
James A. Schmidt, Mayor

ATTEST:

  
Lynelle Stanford, Town Clerk

[SEAL]

