

ORDINANCE NO. 25

SERIES 2013

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 5 OF THE CRESTED BUTTE MUNICIPAL CODE TO PERMIT RESIDENTIAL UNITS ALLOWED AS A CONDITIONAL USE IN THE "T" TOURIST DISTRICT TO COMPRISE 100% OF THE FLOOR AREA IN ANY BUILDING WHERE CERTAIN CONDITIONS ARE MET

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, Chapter 16, Article 5 of the Crested Butte Municipal Code (the "**Code**") allows Residential units (as defined in the Code) as a conditional use in the "T" Tourist District ("**T Zone**") where such use does not exceed 50% of the floor area of any building where certain conditions are met;

WHEREAS, on October 29, 2013, the Board of Zoning and Architectural Review (the "**Board**") considered allowing residential unit floor area up to 100% in any building where such residential use is deed restricted to long term rental housing serving households that earn 80% or less of Area Median Income (AMI) (as defined in the Code);

WHEREAS, the Board supported allowing residential unit floor area up to 100% in any building where such residential use is deed restricted to long term rental housing serving households that earn 80% or less of AMI based on its determination that such deed restricted long term rental housing indirectly supports the tourism industry by providing rental housing for area workers and rental housing is compatible with the T Zone uses and other similar nearby uses;

WHEREAS, based on the Board's findings, the Board recommended that residential unit floor area up to 100% in any building where such residential use is deed restricted to long term rental housing serving households that earn 80% or less of AMI be allowed as a conditional use in the T Zone;

WHEREAS, the Town Council has reviewed and discussed the Board's recommendations and hereby finds that allowing residential unit floor area up to 100% in any building where such residential use is deed restricted to long term rental housing serving households that earn 80% or less of AMI is in the best interest of the health, safety and welfare

of the inhabitants of Crested Butte and promotes the purposes of Chapter 16 of the Code based on the following:

(1) A goal of the Crested Butte Land Use Plan is to maintain a diverse and enduring community by providing dispersed housing for people of all economic levels and employees and it is in the best interest of the Crested Butte community to pursue affordable housing to sustain community, particularly workforce housing.

(2) The strong demand for low-income rental housing warrants the construction of multifamily long term rental units within Crested Butte as demonstrated by the preliminary Market Study performed by Rees Consulting Inc. dated August 7, 2013.

(3) The availability of property in Crested Butte zoned for multifamily development is limited.

(4) To allow more area for affordable housing multifamily development, particularly in the T Zone, is consistent with the Crested Butte Land Use Plan which states that: (a) affordable housing should be dispersed throughout Crested Butte; (b) greater diversity in unit types and sizes is needed in order to achieve affordable price levels; (c) relatively high density is needed to make housing affordable; and (d) year-round housing is desirable.

(5) One of the purposes of Chapter 16 of the Code is to encourage the development of affordable housing and the development of long term rental housing, as well as to encourage innovations in residential development so that the growing demand for housing may be met by a greater variety of type and design of dwellings.

(6) The allowance of increased long term rental housing serving households that earn 80% or less of AMI as a conditional use in the T Zone is consistent with the goals, purposes and intent of the Crested Butte Land Use Plan and Chapter 16 of the Code; and

WHEREAS, the Town Council hereby finds that the amendments to the Code set forth below are consistent with its findings and in furtherance to the intents and purposes of the T Zone as amended hereby.

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

Section 1. Amending Section 16-5-10. Section 16-5-10 of the Code is hereby deleted in its entirety and replaced with the following Section which shall read as follows:

“Sec. 16-5-10. Intent.

The purpose for which this District is created is to provide areas for the establishment of (a) tourist-oriented lodging accommodations and accessory uses and museums, and (b) residential units as long term rentals. Careful attention shall be accorded the scale at which such facilities and uses are built.”

Section 2. Amending Section 16-5-30. Section 16-5-30 of the Code is hereby amended by adding the following new subsection (2) thereto and renumbering the subsections that follow accordingly:

“(2) Residential units up to 100% of the total floor area of any multifamily building where such units are deed restricted to long term rental housing that serve households that earn 80% or less of the Area Median Income (AMI).”

Section 3. 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 4. 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.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 18th DAY OF November, 2013.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 9th DAY OF December, 2013.

TOWN OF CRESTED BUTTE

By: Aaron J. Huckstep
Aaron J. Huckstep, Mayor

ATTEST:

Shelley Jansen
Shelley Jansen, Town Clerk

