

TOWN OF MT. CRESTED BUTTE  
ORDINANCE NO. 2  
SERIES 2024

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, ADOPTING LANDSCAPING STANDARDS TO IMPLEMENT WATER CONSERVATION MEASURES AND TO INCORPORATE DEFENSIBLE SPACE MEASURES**

**WHEREAS**, The Town of Mt. Crested Butte, Colorado is a home-rule municipality with the authority to make and enforce ordinances to protect the health, safety and welfare of its residents and environment;

**WHEREAS**, a reliable supply of potable water is essential to the public health, safety and welfare of the people and economy of the Town of Mt. Crested Butte; and

**WHEREAS**, the Town of Mt. Crested Butte is located in a region that receives limited annual precipitation. Factors such as drought, development, wildfire risk, climate change and downstream water delivery obligations affect the region's water reliability and may render the Town of Mt. Crested Butte susceptible to water supply shortages; and

**WHEREAS**, careful water management requires active water conservation measures, not only in times of drought but at all times, to help ensure a reliable supply of water to meet current and future water supply needs; and

**WHEREAS**, while there are many high-density zones, Town of Mt. Crested Butte zoning includes very large single-family home parcels with minimum lot sizes up to 12,500 square feet and the Town acknowledges that larger lot single family homes use significantly more water than small lot single family homes and multiplexes; and

**WHEREAS**, the *2015 Final Water Conservation and Use Efficiency Plan for Mt. Crested Butte Water and Sanitation District* found that future residential conservation may be best served through code development, including the development of outdoor water conservation standards; and

**WHEREAS**, the Town Council finds and determines that the landscape restrictions and guidance provided for in this Ordinance are reasonably necessary to achieve the water growth objectives shared by the Town of Mt. Crested Butte and the Mt. Crested Butte Water and Sanitation District; and

**WHEREAS**, the Mt. Crested Butte land use planning staff has been receiving an increase in permit applications that include low-water use landscaping proposals; and

**WHEREAS**, the Town of Mt. Crested Butte recognizes the importance of incorporating wildfire defensible space standards into landscape design; and

WHEREAS, as changes in landscaping conservation best practices may occur over time and provide opportunities to conserve water, or hydrologic conditions or regulatory requirements change, or as deemed necessary, this Ordinance may be revised or modified by Ordinance.

**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, ORDAINS THAT:**

Section 1. Chapter 21, Zoning, Article V, Sec. 21-1, shall be amended as follows: the following definitions are deleted, amended or inserted in their appropriate alphabetical order:

Artificial Turf may refer to synthetic grass-like materials used for athletic fields, residential artificial grass, and pet turf. Artificial turf is made of synthetic fibers to resemble a natural manicured lawn or athletic field. An artificial turf system typically includes a sub-base (sand, gravel, decomposed granite) and infill material to help keep fibers upright and natural looking. Infill materials may be synthetic or a natural material, such as ground up walnut shells.

Defensible Space refers to a natural and/or landscaped area around a structure that has been maintained and designed for reduced fire danger.

Fire-Resistant Plants refers to plants that do not easily ignite or spread flame due to high moisture content, minimal or no woody stems/branches, and/or low sap/resin content. The Plant List in Appendix A Plant List and Artificial Turf Requirements includes specific fire-resistant identified plants.

Hydrozone refers to a group of plants selected and planted together based on their similar water requirements.

Landscaping shall mean planted areas and plant materials, including trees, shrubs, lawns, flower beds and ground cover, together with decorative elements such as water features, walks, on grade decks, patios, terraces, and like features. Xeriscape is a form of landscaping. For the purposes of this chapter, natural or significant rock outcroppings, trees or native vegetation shall be deemed landscaping.

Low Impact Design (LID) shall mean practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat. LID practices aim to preserve, restore and create green space using soils, vegetation, and rainwater harvest techniques. LID works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. Practices that adhere to these principles include rain gardens, vegetated rooftops, rain barrels and permeable pavements. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed.

Manicured High Density Grass refers to mown and irrigated sod or seeded lawn areas.

Modification shall mean a relaxation of the terms of these regulations where the intent of these regulations may be fulfilled by using an alternative design, or where strict application of

these regulations may jeopardize the health, safety, or welfare of the citizens. A modification may be granted by the planning commission, but its decision can be appealed to the town council by ~~any citizen of the town~~ the applicant for the modification per Sec. 21-24, Sec. 21-308.

Mountain Meadow shall refer to subalpine regions of existing and naturally established vegetation areas that include native grasses, wildflowers, and groundcovers. These areas are generally devoid of trees and shrubs. Undisturbed mountain meadows help to absorb snowmelt and prevent erosion, provide valuable habitat for pollinators and are part of the established aesthetic of Mt. Crested Butte.

Mulch material may be of organic material including, but not limited to wood, bark nuggets, nut shells, grass clippings, straw, compost and chopped leaves; or inorganic material including gravel, stone, pea gravel, pebbles. Inorganic mulch may also be used where appropriate, particularly to meet fire resistant landscaping recommendations.

Permeable Hardscape is a paving surface/material that is either made of a porous material that allows water to flow through the paving material or non-porous pavers or stones spaced so that water can flow through the joints between paving elements and infiltrate into the substrate. The substrate needs to allow for water storage and/or infiltration. This may include open graded aggregate, native soil or other material that provides needed structural support and volume to accommodate sub-surface drainage.

Rain Garden shall mean a garden that collects rainwater and filters it before slowly releasing the water into the ground. A Rain Garden collects rainwater from impervious surfaces like roofs, pavements, driveways, patios, parking lots, or waterlogged yards, allowing the water to slowly seep back into the ground, preventing runoff from reaching local waterways. Rain gardens can also help filter out pollutants in runoff and provide food and shelter for butterflies, birds, and other wildlife.

*Variance* shall mean a relaxation of the terms of the zoning chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property or lot, and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. As used in this chapter a variance may not be allowed for an establishment or expansion of any use otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the zoning district.

Water Body means natural or impounded surface water, including but not limited to a stream, river, spring, lake, reservoir, pond, and wetland.

Xeriscape means landscaping that includes but is not limited to the following: Use of low-water demanding plants; Grouping plants with similar water and cultural requirements (such as sun and climate) together on the same irrigation zones; Limiting the use of high-irrigation manicured high density grasses and plantings; Use of temporary mulches.

Section 2. Chapter 21, Zoning, Article V, Sec. 21- 305, shall be amended as follows:

Sec. 21-305 Design Policies.

The following design policies shall apply to all buildings, developments or projects in the town except for temporary structure(s) and/or use as defined in this chapter. The planning commission may consider whichever design policies they deem to be applicable to temporary structure(s) and/or use applications in consideration of design review for temporary structure(s). The Town Council finds that it is in the public interest for all properties to provide design elements and improvements that complement the natural landscape and retain the Town's sub- alpine character; improve the general appearance of the built environment and enhance its aesthetic appeal; delineate outdoor use areas and increase space efficiency; screen and enhance privacy; and prevent erosion and stabilize slopes. Designs shall be developed for the unique climate considerations of Mt. Crested Butte and for the specific aspect and elevations of individual properties. Good design and responsible development will increase safety, help protect air and water quality, preserve the economic base, and improve quality of life. The policies shall be adequately addressed in plans in order for design review approval to be granted:

- (a) Recreation facilities. All multifamily developments shall provide recreation facilities of a type that are appropriate to the size, character and impact of the development.
- (b) Pedestrian circulation. In all multifamily developments, pedestrian circulation shall provide safe and convenient routes to all project facilities, to all off-site destinations likely to attract substantial pedestrian traffic and to any existing pedestrian ways.
- (c) Storage.
  - (1) All developments shall provide the types and amounts of storage that are appropriate to the development. Types shall include, but not be limited to, storage space for firewood, maintenance facilities and equipment, inventory storage and owner storage.
  - (2) Storage in single-family residential areas and low density multiple-family district shall be limited to those items which are clearly incidental to residential functions and uses.
  - (3) All types of storage shall be screened from public view and from the view of surrounding areas and shall be compatible with the architecture of the development.
  - (4) Firewood shall not be stored within 0- 5 feet of the structure. Firewood shall be in a location that meets the requirements of (f)(8)c.
- (d) Refuse. All developments shall provide for an enclosure or screened location for the storage of refuse. All refuse containers must comply with the requirements of Chapter 9 of this Code. If the manner of storage or collection requires vehicular access, it shall be provided in such a way so as not to impair vehicular movement along public roadways. Refuse containers shall be screened from public view and from the view of surrounding areas and shall be compatible with the architecture of the development.
- (e) Drainage and rainwater management. The town hereby finds that it is in the public interest to preserve the function and beauty of natural drainage courses. Natural drainage courses shall be incorporated into the site development as a design element. Rainwater management practices minimize runoff and increase infiltration, which recharges groundwater and improves water quality. Implementing rainwater best management practices (BMPs) into the landscape and grading design plans to minimize runoff and to

increase onsite retention and infiltration are encouraged. Best drainage and rainwater practices include:

- (1) Design. All developments shall provide a drainage system that is designed to deposit all runoff into natural drainageways. Surface water shall not be diverted out of its natural drainageway and into the town drainageways or ditches.
  - (2) Capacity. Grading. Grading shall divert runoff to benefit existing and proposed landscape material or to rainwater infiltration gardens where appropriate. The grading design shall minimize soil erosion, siltation of drainage swales and ditches and damage to existing vegetation.
  - (3) Maximizing the use of on-site landscape-based or LID surface water controls.
  - (4) Preventing the direct discharge of rainwater to a waterbody (other than natural gullies or on-site drainage features).
  - (5) Appropriate sizing. The drainage system internal to a development shall be so designed that the carrying and retention capacities of all downstream systems are preserved, or that the rate, flow, location and size of the natural drainage systems downstream are unaffected.
  - (6) The use of rain gardens, infiltration areas, and surface water conveyance infrastructure such as vegetated swales are encouraged. Check dams in vegetated swales help to slow the flow of water and increase infiltration before water exits the property.
  - (7) Parking lot design. Parking lot design should demonstrate LID. Landscaping within parking areas must be used for water infiltration. Curb placement should facilitate drainage towards stormwater filtration features.
- (f) Landscaping. The provisions of this section shall apply to all new developments and to the erection or placement of an additional structure or structures upon a lot or property if said addition results in a net increase in the floor area exceeding twenty (20) percent of the existing structure(s). For the required landscaping points see table 21-305 (2) Zoning District Points Table. All such alterations, repairs, and additional structures shall be considered cumulative in determining the net increase. All landscaping shall occur immediately following the construction process as seasonally appropriate and all new landscaping shall be temporarily irrigated until well established. Native plant materials that are more drought tolerant shall be used wherever possible. Once landscaping is well established watering shall be reduced to reflect the normal maintenance needs of the appropriate hydrozone and plant community.
- It is the intent and purpose of this landscaping section to protect the water resources of Mt. Crested Butte and further the 2023 Town of Mt. Crested Butte Master Plan (Master Plan) water conservation goals. The landscape restrictions and guidance included in this section advance the following Master Plan goals and policies, including the following directives:
- Reduce residential pesticide and herbicide runoff by encouraging or adopting xeriscape landscape requirements (Master Plan R3.2.2)
  - Develop methods and best practices to reduce sediment discharge into wetlands, ephemeral and perennial streams (Master Plan R3.2.3)

- Decrease the populations of non-native and invasive species, such as encouraging/ adopting landscaping standards that eliminate the use of non native species. Develop incentives for private landowners to remove noxious weeds. Support educational effort to reduce the spread of noxious weeds (Master Plan R3.2.2)
- Development and adoption of a water efficient land use code (Master Plan P7.5)
- Minimizing or eliminating landscape irrigation (Master Plan P7.1)
- Integrate and implement recommendations from the Colorado Water Conservation Board “Best practices for Implementing Water Conservation and Demand Management Through Land Use Planning Efforts” (Master Plan P7.8)

(1) Landscape Application materials for landscape plan. The landscape plan as required to be submitted by section 21-302(a) shall provide, as a minimum, the following:

- a. The location of all existing trees or groups of trees having trunks with a diameter of three (3) inches or more measured at a height four (4) feet above natural grade, and an indication of those trees proposed to be removed;
- b. The location of shrubs and other significant native plants which are to remain and which are proposed to be removed shall be generally indicated;
- c. The location of the proposed plant materials;
- d. The location, extent, and design of any additional landscape elements, including patios, decks, fences, walls, hard surfaced areas and proposed planters; and
- e. The limits of site disturbance. The landscape plan shall depict the area of disturbance and clearly identify where existing mountain meadows, trees, shrubs, and plants will remain undisturbed. Refer to Chapter 6 Sec. 6-49 and 6-19 for additional Construction Management Plan Requirements.
- f. Mitigation measures to create defensible space. The Landscaping Plan shall clearly identify the defensible space zone areas on the site plan and be in compliance with 21-305 (8).
- g. A landscape point schedule table demonstrating compliance with 21-305 (f) Landscape Point Schedule.
- h. A planting list demonstrating compliance with 21-305 (2) (b) Plants.
- i. A notes section demonstrating compliance with all other applicable landscape standards.

(2) Soils.

- a. Topsoil. Stripped topsoil shall be stockpiled, without compaction, and stabilized against erosion in a designated location to reuse during landscaping. Existing topsoil shall be salvaged and stockpiled for use as

soil amendments or topsoil. Topsoil shall not be removed from the subject property or an approved location until landscaping is complete.

- b. Topsoil redistribution. Clean, uncontaminated topsoil shall be reapplied to a recommended depth of six (6) inches after final grading of the site. If topsoil stockpiling is insufficient to attain the six (6) inch depth; imported topsoils should be amended to replace organic material, nutrients, and other soil characters as needed.
- c. Compost, at a rate of a minimum of four cubic yards per one thousand square feet of permeable area, is recommended to a depth of six inches into the soil. Compost shall be weed-free.
- d. Mulch shall be placed on all exposed soil and around plants to reduce water loss through evaporation. A minimum three-inch layer of mulch is required to be applied on exposed soil surfaces of planting areas as weed mitigation and for soil moisture retention. Mulch shall be applied at a minimum depth of 3 inches with modifications as appropriate for installed plant material. Mulch shall be renewed as needed.

(3) Plants. The use of native and drought-tolerant plants is required for the majority of the landscaped area.

- a. Plants shall be selected from an approved plant list. A list of plants can be found in **Appendix A Plant List and Artificial Turf Requirements**, which may be administratively adopted and periodically updated by town planning staff. The plant list may also include a list of prohibited plants that shall not be used. If not on the existing list, the plant shall be indicated on the plan and shall be native, adapted, or drought-tolerant and approved by the town planning staff.
- b. Applicants are encouraged to salvage native shrubs, small trees and herbaceous plants from areas to be disturbed by the homesite construction and consider wildfire landscape planting selection addressed in 21-305 (f) (8).
- c. Mountain meadows are to be preserved wherever possible. A limit of disturbance line shall be defined on site prior to commencement of construction activities and maintained through construction completion.
- d. Grouping plants according to water needs. All plantings should be grouped according to their hydrozone and water needs to minimize water use.
- e. The planting of noxious weeds is strictly prohibited, as outlined in Chapter 14 Article II. All seed mixes and composts shall be noxious weed free.

(4) Manicured high-density grass lawn. Water demand from traditional manicured high-density grasses, such as sod or seeded lawn, peaks in the summer months and is a significant burden on water resources and the environment. This section is designed to restrict the future installation of water intensive high-density grass lawn areas.

- a. Manicured high-density grass requirements. Manicured high-density grasses shall be selected from the recommended species included in the Appendix A Plant List and Artificial Turf requirements.
  - b. Manicured high-density grasses shall be limited as follows:
    - 1. Single-family and two-family dwelling units shall not have manicured high-density grasses in excess of one-thousand (1,000) square feet or 10 percent of the total lot area per unit, whichever is less.
    - 2. Multifamily dwelling units shall not have manicured high-density grasses in excess of two-hundred (200) square feet per unit.
    - 3. Commercial and Business District development shall not have manicured high-density grasses in excess of 1,000 square feet or 3 percent of the required open space, whichever is greater.
    - 4. Prohibited in the following (unless approved by the Town after reviewing evidence of a water-efficient irrigation system):
      - i. Parking lot islands;
      - ii. Slopes greater than 4:1;
      - iii. Street medians;
      - iv. Stormwater detention ponds, unless designed for active recreation or needed as part of required wetlands; and
      - v. Any space less than 10 feet wide.
  - c. Water-intensive manicured high-density grasses (such as Kentucky bluegrass) may be used only in areas specifically designed for heavy usage or foot traffic, such as athletic fields.
  - d. Parks shall be designed to limit the use of high-water intensity grass and plants (such as Kentucky Bluegrass) to those areas with heavy usage or foot traffic, such as athletic fields.
  - e. Limits on covenants requiring manicured high-density grass lawn. Colorado homeowner's associations cannot prohibit the installation of non-vegetative turf grass (artificial turf) nor can they prohibit the use of xeriscaping and drought-tolerant plantings. Colo.Rev.Stat. § 38- 33.3-106.5. Associations can still adopt design guidelines or rules addressing installation of xeriscape, drought-tolerant plantings and artificial turf.
- (5) Artificial turf. The use of artificial turf is permitted in lieu of manicured high-density grasses. The total area of artificial turf must reflect the same area as manicured high-density grasses in (4)(ii)(a). Artificial turf type must meet the requirements found in Appendix A. Plant List and Artificial Turf Requirements.
- (6) Water features.
- a. Recirculating water systems shall be used for water features.



- b. Where available, recycled water shall be used as a source for decorative water features.
- c. Covers shall be used for all outdoor pools and spas.

(7) Rainwater harvesting.

- a. For all residential properties, households are encouraged to utilize water harvested by rainwater barrels for outdoor watering of landscapes of 2 rain barrels not exceeding 110 gallons of storage per unit authorized under C.R.S §37-96,5-103 (2016).
- b. The use of rain gardens to increase infiltration and filtering of stormwater is recommended for parking lots and residential development, where compatible with snow removal practices.

(8) Mitigation measures to create defensible space for new construction. Landscaping shall be designed and maintained to reduce fire risk by creating defensible space around the home or structures. These requirements by zone aim to minimize fuel and spread of fire.

- a. Zone 1. 0-5' from the home (home includes decks and other structures). Design to prevent flames from coming in contact with structure.
  - 1. Use non-flammable hard materials such as gravel, stone, or pavers.
  - 2. Remove all plants that are not fire-resistant from this zone. Do not store firewood in this zone including under decks.
  - 3. Keep the area raked of leaves including decks, gutters, and roofs.
  - 4. Prune tree branches at least 10' away from the structure.
- b. Zone 2. 5-30' from the home or to the property line whichever is closer. Aim to reduce fuel to reduce intensity of approaching fire.
  - 1. Keep grasses and vegetation mown to 4" or less.
  - 2. Remove/thin existing trees to keep at least 10' between canopies (measured from outermost branches) or 30' canopy gaps for groupings of 2-3 trees. Any planted trees should account for the crown spacing at maturity. Tree spacing and ladder fuel guidelines do not apply to mature stands of aspen trees.
  - 3. Remove accumulation of logs, branches, and mulch.
  - 4. Remove ladder fuels (vegetation) under remaining trees and do not plant any vegetation under the canopy of trees.
  - 5. Shrubs must be at least 10' away from tree branches. Keep clumps of shrubs isolated and no larger than 12' wide.
  - 6. Remove dead or diseased trees.
  - 7. Where possible, select plant material that is low-resin, high moisture, that has low volume of vegetation, and other low-flammability characteristics. Keep plant beds cleared of leaf litter and irrigate appropriately.

8. Store firewood as far from the structure as possible and is not permitted in Zone 1. It is recommended as far as 30' from the home and away from trees or vegetation if storing firewood outside. Storage inside of the structure (i.e. garage) is permitted.
- c. Zone 3: 30-100' from the home or to the property line whichever is closer. Manage in order to keep fire on the ground.
  1. Crown spacing of 6-10' is suggested, consider creating openings between clumps of trees. Tree spacing and ladder fuel guidelines do not apply to mature stands of aspen trees.
  2. Remove ladder fuels (vegetation) under tree canopies.
  3. Properly treat slash (woody debris) by removal, piling and burning, lopping and scattering, or mulching. Keep this material as far from the structure as possible.

(9) Watering, Water Waste, Fugitive Water, and Emergency Watering Restrictions. All watering shall adhere to the Mt. Crested Butte Water & Sanitation District IRRIGATION POLICY RESOLUTION- Revised, which policy is available for review and copying at the Mt. Crested Butte Water and Sanitation District office and official website, and is hereby incorporated by this reference. If the Mt. Crested Butte Water & Sanitation District IRRIGATION POLICY RESOLUTION is updated, the updated policy shall apply. Emergency watering restrictions promulgated by the Mt. Crested Butte Water & Sanitation District shall be adhered to. The following activities are declared a waste of water and are prohibited:

- a. Natural and unaltered mountain meadows shall not be watered.
- b. Landscape irrigation water applied in such a manner, rate and/or quantity that it causes runoff onto adjacent property or public right-of-way;
- c. Landscape irrigation water which leaves a sprinkler, sprinkler system, or other application device in such a manner or direction as to spray onto adjacent property or public right-of-way;
- d. Flow resulting from temporary failures or malfunctions of the water supply system when the failure or malfunction is not repaired within <48> hours.

(10) Required landscaping. Because landscaping on public and private lands is essential to the aesthetic values, ecology and soil conservation of the town, it is considered to be a benefit to the general public. The minimum number of points required for each landscape plan shall be as set forth below in the Zoning District Point Schedule. Landscaping shall be placed in such a manner as to soften the appearance of the structure as viewed from public places and neighboring properties and the landscaping plan must meet the approval of the appropriate review authority. All developments required to provide landscaping by this chapter shall provide, in accordance with the development's zoning district, as a minimum, the following:

- a. Residential districts. The landscaping plan for a development in Single-Family Residential (SFR) and single-family residential areas of PUD zoning districts will be evaluated by the zoning administrator and will be awarded points in accordance with the Landscape Point Schedule set forth herein. Existing landscape features, including mountain meadows, shall be retained whenever possible. All disturbed ground surfaces shall be re-vegetated or landscaped regardless of point allowance considerations. Landscaping and vegetative matter shall cover ~~one hundred~~ 100 percent of all of the open landscaped area, ~~except hard surfaced.~~ All seeds shall be certified weed free. Existing landscape features and landscaping shall be retained whenever possible. The amount of lot area covered in rock, stone, or other similar substrate shall be limited. The zoning administrator will evaluate the existing landscaping relative to current standards for any remodel or addition to determine the landscaping requirement.
- b. All other districts. The landscape plan of a development in all other districts will be evaluated by the planning commission for its appropriateness to the individual development considering its size, location and density, and will be awarded points in accordance with the Landscape Point Schedule. It is required that all new developments receive points in at least five (5) of the landscape point categories. Existing landscape features, including mountain meadows, shall be retained whenever possible. All disturbed ground surfaces shall be re-vegetated or landscaped regardless of point allowance considerations. Landscaping and vegetative matter shall cover ~~one hundred~~ 100 percent all of the open landscaped area ~~except hard surfaced.~~ The amount of lot area All seed shall be certified weed free covered in rock, stone, or other similar substrate shall be limited.
- c. The Town decision-making body with the jurisdiction over the relevant application ~~planning commission~~ may award points for space in an enclosed public mall or atrium that contributes meaningful landscaping ~~for the project.~~ Landscape points may be awarded for space in an enclosed public mall or atrium at a rate of one (1) point for each square foot. Landscape points for developments in the Business District will not be awarded points for required walkways (section 21-201).
- d. The ~~planning commission~~ Town decision-making body with the jurisdiction over the relevant application may reduce the total number and distribution of landscape points required by this section if it finds that the landscape plan articulates a harmonious blend between the pedestrian environment and architecture, or if it finds that the landscape plan incorporates extraordinary water conservation measures while maintaining the desired design aesthetic. Landscape plans for developments within the downtown development authority boundary shall also comply with all aspects of the Mt. Crested Butte Downtown Development Authority

Architectural and Site Design Standards as adopted and/or amended by the town council.

**TABLE 21-305(1): LANDSCAPE POINT SCHEDULE**

Landscape Item	Points
<p><b>1. Existing Landscaping</b>  <u>Maximum 500 points for new construction for undisturbed native grasses, groundcovers and mountain meadows. Additional points may be counted for preserving existing trees, shrubs, and willows. The Town decision-making body with the jurisdiction over the relevant application may change the minimum tree points required in table 21-305(1) 1 for heavily forested lots. The Town's approving body may require additional trees to achieve the intent of softening views of structure.</u>  <u>The landscape plan must clearly define all vegetation which will remain.</u>  <u>The intent is to maximize preservation of the existing native landscape. The Town values protecting the native landscape to preserve resources, reduce site impact and minimize establishment period for new landscaping. Define the area that is going to be protected first.</u></p>	
Trees	
Deciduous	5 per foot
Evergreen	15 per foot
Shrubs	
Deciduous	15 per shrub
Evergreen	25 per shrub
<u>Wetland Thicket – shrubby wetland areas</u>	<u>1 per square foot</u>
<u>Undisturbed native grasses and groundcover</u>	<u>5.0 per square foot</u>
<b>New Landscaping</b>	
<p><b>2. Trees</b>  <u>Trees shall be a minimum of six (6) feet in height.</u>  <u>The intent is to soften views of structures and create privacy from the neighbors and street.</u>  <u>Deciduous trees shall be a minimum of ten (10) feet in height, and have a minimum three (3) inch caliper, while evergreen trees)</u></p>	
Deciduous	5 per foot
Evergreen	15 per foot
<b>3. Shrubs</b>	

<u>The intent is to help soften views of structures, define outdoor spaces and create a visual transition between the built and natural landscapes.</u>	
Deciduous	15 per shrub
Evergreen	25 per shrub
<b>4. Mulches</b> <u>Combustible mulches within 5' of the structure are discouraged. The intent is to retain moisture and organic matter and mitigate weeds.</u> <u>This section includes mulched flower beds.</u> <u>Dry Landseaping:</u>	
<u>Fire Resistant Organic Mulch</u> <u>Screened/coarse textured wood chips, dense finely ground garden</u> <u>compost with incorporated woody material. Highly combustible mulches such as: shredded bark chips, pine bark, thick layers of pine</u> <u>needles, or other mulches that readily carry fire do not count towards</u> <u>the landscaping points total and are discouraged. Bark</u>	2.0 + per 10 square feet
Non Combustible Mulch <u>Cobble, crushed rock, gravel, decomposed granite Crushed Rock</u>	2.0 + per 10 square feet
<b>5. Planted surfacing</b> <u>Maximum 500 points.</u> <u>The intent is to have all disturbed areas revegetated with drought tolerant and native/naturalized flowers and grasses. Flower beds are awarded less points because they typically use more water.</u> <u>Manicured High Density Grasses are water intensive and do not contribute any points. Manicured High Density Grasses are restricted to a maximum area, see Sec. 21-305(2)(d) for maximum square feet.</u> <u>All seeds shall be certified weed free.</u> Grass —— Sod —— Seeded Lawn	.75 per 10 square feet .75 per 10 square feet
Flowers/Groundcover	2 per 10 square feet
Native Grasses / Native Wildflowers 500 points is the maximum which will be granted for planted surfacing.	4.0 per 10 square feet
<b>6. Hardscape Paths &amp; Living Space</b>	

<p><u>The intent is to define exterior circulation/paths and create outdoor living spaces. Permeable surfaces help minimize runoff and improve water infiltration on site.</u></p> <p><b>Hard Surfacing:</b>  <b>Walkways</b>  Colored, and stamped or textured concrete (standard concrete discouraged)</p>	
<p><u>Permeable Paving</u>  <u>Maximum 500 points for permeable paving.</u>  <u>Paced pavers, stepping stones, soft-set stone, decorative rock, etc.</u>  <u>Note: Installation details shall be provided to illustrate profile of permeable materials. Non-Permeable Paving does not receive points</u>  <u>(i.e. concrete, hard set stone or pavers, etc). Pavers</u></p>	<p><u>2 + per 10 square feet</u></p>
<p><b>7. <u>Drainage, Rainwater Management, and Irrigation</u></b>  <u>The intent is to increase infiltration and filtering of water and encourage harvesting water on site.</u>  Structures (applicable to multifamily and commercial developments only)  Planters  Benches  Lampposts</p>	
<p><u>Rain gardens and/or rainwater infiltration areas</u></p>	<p><u>2 per 10 square feet</u></p> <p><u>1 per square foot</u>  <u>10 per bench</u>  <u>10 per post</u></p>
<p><u>Rainwater conveyance infrastructure such as vegetated swales</u></p>	<p><u>2 per 10 square feet</u></p>
<p><u>Rain barrels (state qualified, residential only)</u></p>	<p><u>2 per 10 square feet</u></p>
<p><u>Irrigation systems</u>  <u>Only for areas less than 1,000 square feet using optional soil moisture</u>  <u>sensing devices.</u></p>	<p><u>50 per barrel</u></p>

The landscape plan must clearly define all vegetation which will remain. Five hundred (500) points is the maximum which will be granted for existing landscaping. Preserving existing deciduous and evergreen trees may receive additional points under this section at the discretion of the appropriate review authority.

**TABLE 21-305(2): ZONING DISTRICT POINT SCHEDULE**

Zoning District	Point Requirement
<u>Additions for All Zoning Districts</u>	<u>Additions that result in a net increase in the floor area exceeding twenty (20) percent of the existing structure(s) shall have a landscape plan that meets landscaping requirements. The total required points shall be the result of adding the existing structure(s) and the additional square footage as it relates to gross residential floor area. Existing landscaping that does not meet the defensible space requirement shall not be counted towards the total landscaping points. It is recommended that existing landscaping is altered to meet defensible space requirements. Existing Landscaping is not capped at the 500 groundcover points for new construction.</u>
<u>SFR</u>	<u>Two thousand (2,000) points minimum, with one (1) additional point required for each square foot of gross residential floor area in excess of two thousand five hundred (2,500) square feet. A minimum of thirty (30) percent of the total required points must be provided by trees; a minimum of fifty (50) percent of the total tree points shall be evergreen trees.</u>
<u>SFR and LDMF</u>	Two thousand (2,000) points minimum, with one (1) additional point required for each square foot of gross residential floor area in excess of two thousand five hundred (2,500) square feet. A minimum of <del>thirty (30)</del> <u>fifty (50)</u> percent of the total required points must be provided by trees; a minimum of <del>twenty-five</del> <u>fifty (50)</u> percent of the total <u>tree</u> points shall be evergreen trees.
<u>HDMF</u>	Three thousand five hundred (3,500) points minimum, with fifteen (15) points per one hundred (100) square feet of lot area. A minimum of <del>thirty (30)</del> <u>fifty (50)</u> percent of the total required points must be provided by trees; a minimum of <del>twenty-five</del> <u>fifty (50)</u> percent of the total <u>tree</u> points shall be evergreen trees. The landscape plan shall be prepared by a licensed landscape architect. <del>when required by state statute</del>
<u>PAD, BD<sub>2</sub> and CD</u>	Three thousand five hundred (3,500) points minimum, with fifteen (15) points per one hundred (100) square feet of lot area. A minimum of <del>thirty (30)</del> <u>fifty (50)</u> percent of the total required points must be provided by trees; a minimum of <del>twenty-five</del> <u>fifty (50)</u> percent of the total <u>tree</u> points shall be evergreen trees. The landscape plan shall be prepared by a licensed landscape architect <del>when required by state statute</del> . The landscape plan shall address the pedestrian landscape space and scale. It is required that all new developments receive points in at least five (5) of the above listed categories. Development plans with floor area (GRFA/CRFA) greater than two thousand five hundred (2,500) square feet in size will require a minimum of one (1) additional point for each two and one-half (2.5) square feet over the two thousand five hundred (2,500) square feet of floor

	<p>area. Landscape points may be counted for space in an enclosed atrium at the rate of one (1) point for each square foot. Landscape points will not be awarded for hard surfaced walkways provided in the accessways required by section 21-201. The landscape plan for developments in the PAD, BD, CD, ROS and nonresidential areas of PUD zoning districts will be evaluated by the planning commission for its appropriateness to the individual project's size, location and density.</p>
PUDF	<p>A total of twenty-five (25) points per one hundred (100) square feet of lot area, and a minimum of three thousand five hundred (3,500) points are required. A minimum of <del>thirty (30)</del> <u>thirty (30)</u> percent of the total required points must be provided by trees; a minimum of <del>twenty-five (25)</del> <u>fifty (50)</u> percent of the total <u>tree</u> points shall be evergreen trees. The landscape plan shall be prepared by a licensed landscape architect <del>when required by state statute.</del>. The landscape plan shall address the pedestrian landscape space and scale. It is required that all new developments receive points in at least five (5) of the above listed categories. Development plans with floor area (GRFA/CRFA) greater than two thousand five hundred (2,500) square feet in size will require a minimum of one (1) additional point for each one (1) square foot over the two thousand five hundred (2,500) square feet of floor area. Landscape points may be counted for space in an enclosed atrium at the rate of one (1) point for each square foot of floor area.</p>
ROS	<p>Two thousand (2,000) points minimum for each one-half (1/2) acre of lot area. For development of facilities other than agricultural outbuildings, one (1) additional point shall be required for each square foot of floor area over two thousand five hundred (2,500) square feet. A minimum of <del>thirty (30)</del> <u>thirty (30)</u> percent of the total required points must be provided by trees; a minimum of <del>twenty-five (25)</del> <u>fifty (50)</u> percent of the total <u>tree</u> points shall be evergreen trees. Streets proposed through ROS shall have a minimum of three (3) trees (one (1) evergreen six (6) feet tall and two (2) deciduous) per one hundred (100) feet of right-of-way. Tree plantings shall be clustered and located in <u>a</u> manner where they will not affect snow plowing. <del>The Planning Commission may reduce the total number and distribution of landscape points if it finds that the landscape plan articulates a harmonious blend between the natural environment, pedestrian environment, and proposed architecture.</del></p>
PUD	<p>Areas within a PUD shall provide points in accordance with the zoning district that most closely resembles the proposed development, as determined by the appropriate review authority.</p>

(g) Cuts, fills and retainage.

- (1) Excessive grading, in the opinion of the zoning administrator, for building sites, access drives, off-street parking, pool sites, recreation areas or other improvements is not permitted.



- (2) Cut and fill slopes shall be limited to a ratio of two (2) horizontal to one (1) vertical for un-mowed slopes and a ratio of three (4) horizontal to one (1) vertical for mowed slopes unless written permission from the Zoning Administrator ~~Planning Commission~~ is received.
- (3) Slopes that exceed a ratio of two (2) horizontal to one (1) vertical shall be retained with a retaining wall or walls and/or structures.
- (4) Retaining walls shall not exceed eight (8) vertical feet. Terraced retaining walls, beginning at the second tier and all tiers above the second tier, must be stepped back at least four (4) feet in width and must be landscaped with one (1) tree or four (4) shrubs per ten (10) linear feet of wall.
- (5) Retaining walls shall be textured, colored or faced so as to blend harmoniously with their surroundings and the building, ~~project~~ or development with which they are associated.
- (6) Railroad tie retaining walls which exceed four (4) feet in height shall be battered as opposed to straight vertical at a minimum batter of one (1) horizontal to eight (8) vertical.

(h) Outdoor Irrigation

- (1) Irrigation Efficiency. When irrigation systems are installed, development shall use effective water conservation measures and best management practices that are feasible and reasonable including:
  - a. Evapotranspiration or soil moisture irrigation control.
    1. Smart controllers, such as soil moisture sensing devices and rain sensors, shall be used on irrigation systems serving an area greater than 1,000 square feet to minimize overwatering. Additional points will be awarded in the Design Review process if projects installing irrigation systems with less than 1,000 square feet use optional soil moisture sensing devices.
    2. Dual or multi-program controllers with separate valves and circuits shall be used when the landscape contains more than one type of landscape treatment or for an irrigated area over 1,000 square feet and for all commercial and industrial developments.
  - b. Irrigation system efficiency.
    1. Permanent irrigation systems (drip, bubblers, low-flow sprinkler heads or similar systems) shall be used on all irrigated landscapes.
    2. The system shall be designed to ensure that the operating pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
    3. Overhead spray irrigation is prohibited for use on trees, shrubs, and groundcover. Low-flow sprinkler heads shall be

- used when spray or rotor type heads are used for shrubs and groundcover.
4. Sprinkler heads shall be a WaterSense labeled product and have matched precipitation rates within each valve zone. Sprinkler spacing shall be designed to achieve the highest possible distribution uniformity. All sprinkler heads installed in manicured high-density grass shall have a distribution uniformity of 0.65 or higher.
  5. Manicured high density grass areas shall be sized and shaped for efficient irrigation and elimination of water waste. Minimum pop-up height for sprinklers in manicured high-density grass areas shall be 6 inches. Minimum irrigated manicured high-density grass area width shall be 10 feet.
- c. The irrigation designer, owner or other qualified inspector shall perform a coverage test to ensure plants are receiving the appropriate amount and uniform distribution of water.
- d. Maintenance and Operation:
1. Irrigation system installer shall provide to owner upon installation completion all operation manuals, product specifications and recommended maintenance schedule.
  2. Irrigations systems in this climate require unique maintenance for optimal performance. It is recommended that systems be winterized after the end of each growing season.
  3. When systems are turned back on in the spring, they should be checked for any potential damage incurred over the winter including damage to heads, drip emitters, lines, etc. A coverage test should be completed at this time.
  4. As plants grow, the system may need to be adjusted to accommodate changes. Trim or remove vegetation as required to preserve system performance.
  5. Re-program automatic controllers as needed to meet the seasonal plant needs.
- e. Seasonal and Time of Day Irrigation Restrictions. All watering shall adhere to the Mt. Crested Butte Water & Sanitation District IRRIGATION POLICY RESOLUTION- Revised. If the Mt. Crested Butte Water & Sanitation District IRRIGATION POLICY RESOLUTION is updated, the updated policy shall apply. The policy is available for review and copying at the Mt. Crested Butte Water and Sanitation District Office and official website and is hereby incorporated by this reference.
- (i) Snow shed. Buildings and structures shall not be constructed so as to allow snow to slide from any portion thereof onto a public right-of-way or onto adjacent property, or onto

areas which, because of the design of the improvements, are intended to be occupied or used by persons on a regular basis.

(j) Driveway or private access road connection. No driveway or private access road shall connect a corner lot to an arterial street, as defined in the subdivision regulations of this Code.

(k) ~~Roofs. Roofs should have a design and be covered with materials that are harmonious with their surroundings.~~ All metal roofs, trim, flashing, crickets, stove pipe or other piping located on or above the roof of a structure shall be anodized or painted so as to be nonreflective.

~~Driveway or private access road connection. No driveway or private access road shall connect a corner lot to an arterial street, as defined in the subdivision regulations of this Code.~~

(l) Snow slides. All developments shall be designed and constructed so as to avoid the creation of artificial slopes steeper than twenty-five (25) degrees to avoid the creation of potential snow slide hazards, unless it can be demonstrated by competent engineering evidence that such slope shall not create a snow slide hazard.

(m) Compliance of exterior lighting of the development with the requirements of Article XVI of this chapter.

(n) Architectural compatibility. ~~The town hereby finds that e~~ Excessive similarity, dissimilarity or poor quality design of any building adversely affects the desirability of the immediate area and the community as a whole; impairs the benefits of existing property owners and the stability and value of real property; produces degeneration of property with attendant deterioration of conditions affecting health, safety and general welfare of the community; and destroys a proper relationship between the taxable value of real property and the cost of municipal services provided therefore accordingly:

(1) Excessive similarity or dissimilarity. Excessive similarity or dissimilarity to other existing structures, or proposed structures for which a permit has been issued, or to any other structure included in the same permit application, facing upon the same or intersecting streets within the same or adjacent land use district, is prohibited. Features of design include, but are not limited to: size, shape, scale, proportions; solid to void ratios; texture; pattern and color of materials; and architectural elements and details. A finding of excessive similarity or dissimilarity shall state not only that such exists, but that it is of such a nature as to reasonably be expected to provoke one (1) or more of the harmful effects set forth above.

(2) Building materials should be predominantly natural, such as wood siding, wood shingles and native stone. Metal and asphalt shingle roofs are also acceptable. Architectural concrete blocks are ~~block is~~ generally acceptable, if specifically designed and colored. All materials shall be non-reflective. Untreated, reflective, galvanized metal siding is not allowed on any roof or wall surface. In residential zoning districts and residential portions of PUDs, metal siding shall be complementary and secondary to the primary siding of the home. Primary siding shall be defined as the siding type that covers the largest extent of the exterior. All

exterior materials shall be approved by the ~~Town of Mt. Crested Butte~~ Zoning Administrator or Planning Commission, whoever is the approving authority.

- (3) Paint and stain colors may be approved administratively by the zoning administrator, provided the applicant selects colors and stains that are on the town's pre-approved palette of paint/stain colors. Natural colors (earth tones) are favored. Primary colors or other bright colors shall be used only as accents and then sparingly and mainly in nonresidential areas. Use of stains rather than paint on wood surfaces is acceptable. Exposed metal flashing or trim must be anodized or painted so as to be nonreflective.
  - (4) Design of accessory structures, fences, walls and other structural landscape features should be harmonious with the main structure or structures on the site. The same or other harmonious building materials should be used on main structures and accessory structures.
- (e) Site design. ~~The town hereby finds that~~ It is in the public interest for all sites within the community to be designed, arranged and developed in a safe, efficient and aesthetically pleasing manner. The arrangement of all functions, uses and improvements shall reflect the natural capabilities and limitations of the site as well as the characteristics and limitations of the adjacent property. ~~The various structures, use areas, functions and elements of the site design should be integrated by design into a unified whole, except in those cases where separation is appropriate to a particular interrelationship. Accordingly, the following site design standards must be met: Taking into consideration the basic character of the site and the nature of the proposed uses, the development shall be visually harmonious as perceived from both within and without.~~
- (1) Privacy. All sites shall be arranged so as to provide privacy for the occupants of both the site and the surrounding areas.
  - (2) Vistas. The site shall be developed in such a way so as to preserve primary views and vistas, as seen from public spaces (an outdoor area intended as a gathering place for the general public), and public parks. Maintaining view corridors to Crested Butte Mountain first and then to Whetstone Mountain, Mt. Emmons, the Town of Crested Butte, and/or Maroon Bells Wilderness Area from public spaces shall be a priority and identified and acknowledged in the site planning process. Proposed development shall not project into established sight lines and view corridors when locating outdoor structures, furnishings, landscape and signage.
  - (3) Taking into consideration the basic character of the site and the nature of the proposed uses, the development shall be visually harmonious as perceived from both within and without.
  - (4) The various structures, use areas, functions and elements of the site design should be integrated by design into a unified whole, except in those cases where separation is appropriate to a particular interrelationship.
- (p) Fire control and prevention provisions. Fire prevention and control measures shall be incorporated into the design so as to minimize the risk of fire spread.
- (q) Snow storage. ~~The town hereby finds that it is in the public interest for~~ All sites within the town ~~to~~ must have adequate snow storage areas both for the private property and

public rights-of-way. A functional snow storage area shall be provided which is equal to twenty-five (25) percent of the areas to be cleared of snow. This percentage can be reduced to twelve (12) percent if a snowmelt system is installed. Specific areas to be cleared shall include the full dimensions of roadways and parking areas.

- (r) Uphill slopes greater than 20% may not be counted in determining compliance with snow storage requirements. Uphill slopes of five to ten percent (5-10%) count as 50% of their area.
- (s) Snow storage areas are not allowed in waterbodies or within waterbody buffer areas or on compacted or poorly draining soil.
- (t) Contain runoff from snow storage areas so that it is directed through a detention or infiltration facility or other best management practice that removes pollutants, including vegetated areas.
- (u) Internal circulation. Internal circulation in the Business and Multiple-Family Zone Districts shall facilitate the movement of goods, services and waste products in a safe and efficient manner.
- (v) Solar access. ~~The town hereby finds that~~ It is in the public interest for active and passive solar energy and energy efficiency to be utilized. Sites and building design shall incorporate active or passive solar energy design.
- (w) Public transportation. ~~The town hereby finds that~~ It is in the public interest for a project to provide support facilities for the public transportation system in the Low Density Multiple-Family, High-Density Multiple-Family, Business, Public Uses and Facilities, and higher density and business portions of Planned Unit Development Districts, such as an on-site loading area or bus stop shelter.

Section 4. Severability. If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED on first reading at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado held this 20<sup>th</sup> day of February, 2024.

PASSED, ADOPTED AND APPROVED ON SECOND READING at a regular meeting of the Town Council of the Town of Mt. Crested Butte, Colorado held the 19<sup>th</sup> day of March, 2024.

TOWN OF MT. CRESTED BUTTE, COLORADO

  
\_\_\_\_\_  
Nicholas Kempin, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read 'Tiffany O'Connell', written over a horizontal line.

Tiffany O'Connell, Town Clerk