

TOWN OF MT. CRESTED BUTTE
ORDINANCE NO. 1
SERIES 2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AMENDING CHAPTER 21, ZONING, ARTICLE I. IN GENERAL, SECTION 21-1 DEFINITIONS AND ARTICLE III. DISTRICT REGULATIONS

WHEREAS, the Town of Mt Crested Butte, Colorado (“the 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; and

WHEREAS, the Town has broad constitutional and statutory powers to regulate the use of lands within the Town limits; and

WHEREAS, the Town staff has recommended revisions to the definitions section of the zoning code in order the meet the current needs and conditions of the Town; and

WHEREAS, the Town Council finds that the revisions hereof are in the best interests of the health, safety and general welfare of the residents of the Town.

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

Section 1. Chapter 21, Zoning, Article I. In General, Section 21-1 Definitions, is hereby amended by the removal of CRFA as a definition.

Section 2. Chapter 21, Zoning, Article I. In General, Section 21-1 Definitions, is hereby amended by modification of the following definitions:

Floor area shall mean the total floor area, measured to the outside surface of the building’s enclosing exterior walls of any areas intended for use by the general public including, but not limited to, closets, service areas, hallways, interior walls, interior and exterior corridors and stairwells, mechanical areas, but excluding crawl spaces, attic spaces, lofts, uncovered exterior courts, exterior balconies.

Floor area, commercial and retail (CRFA) shall mean the total floor area of a structure or portions thereof not classified as Gross Residential Floor Area: within the enclosing walls measured to the outside surface of the building’s enclosing exterior walls but excluding parking structures, hallways, corridors, and stairwells serving more than one commercial areas, crawl spaces, attic spaces, lofts, service areas, mechanical areas, and exterior balconies.

Floor area, gross residential (GRFA) shall mean the total floor area within the enclosing walls measured to the outside surface of the building’s enclosing exterior walls of a dwelling unit or accommodation unit,

and any other areas intended for use by the general public including, but not limited to, closets, service areas, storage facilities, mechanical areas, and interior walls within the units, but excluding hallways, corridors, stairwells serving more than one (1) dwelling or accommodation unit, crawl spaces, attic spaces, lofts, parking structures, exterior balconies, and the first six hundred (600) square feet of garage area per unit.

Kitchen facilities shall mean fixtures and equipment for food storage and preparation of meals, including a sink, cooking appliances and refrigeration and food storage facilities.

Manufactured home shall mean a single-family or multifamily dwelling unit which is partially or entirely manufactured in a factory or at some location other than the site of final construction and installation. A manufactured home is installed on an engineered, permanent foundation. For purposes of this chapter, a modular and prefabricated home shall be considered a manufactured home.

Office, medical shall mean the office for the conduct of medical, mental health, or dental practices.

Parking structure shall mean a facility, designed to facilitate the orderly circulation and parking of automobiles. Parking structures are either integrated into the structure of a building or are self-supporting with footers, foundations, columns, or other conventional support members. If the parking structure is in question, the determination shall be made at the zoning administrator's discretion.

Pedestrian way shall mean a sidewalk or accessway intended to be used primarily by pedestrians.

Storage facility shall mean an enclosed structure attached to or detached from the dwelling, intended primarily for the storage of tools, power tools, firewood, recreational vehicles, recreational equipment, and other incidentals accessory to residential uses. Storage Facilities shall be compatible in style with the main dwelling, or structure on the same lot. If the storage facility is in question, the determination shall be made at the zoning administrator's discretion.

Section 3. Chapter 21, Zoning, Article I. In General, Section 21-1 Definitions, is hereby amended by the addition of the following definitions:

Attic Space shall mean an area covering an entire story completely under a roof, that has less than seven (7) feet of headroom. If the area is in question, the determination shall be made at the zoning administrator's discretion.

Campus shall mean a land use which allows a mix of nonresidential uses (e.g., visitor center, laboratory, education, flex space), small-scale commercial uses (e.g., dining, gift shop) and residential uses within a comprehensive development area.

Crawl Space shall mean an area under the first floor, or under a floor of the building, that has less than seven (7) feet of headroom. If the crawl space is in question, the determination shall be made at the zoning administrator's discretion.

Dormitory shall mean a dormitory-style unit with a shared kitchen, bath and living room with a minimum of two (2) private bedrooms and a maximum of four (4) private bedrooms containing a minimum of two hundred twenty (220) square feet of living space per bedroom intended primarily for occupancy by seasonal employees.

Loft shall mean an area entirely or partially under the roof assembly that has less than (7) feet of headroom, and less than (70) square feet of floor area, and less than (7) feet horizontally in any direction. If the area is in question, the determination shall be made at the zoning administrator's discretion.

Micro-unit shall mean detached small group of three or more units designed to include areas for living, sleeping, kitchen facility, bathroom, and storage. A portion of these required living elements may be accessed via communal amenities. A micro-unit is installed on an engineered, permanent foundation.

Section 4. Chapter 21, Zoning, Article III. District Regulations, is amended to read as follows:

ARTICLE III. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 21-82 Zone district summary chart.

	SFR	LDMF	HDMF	BD	CD	PUFD	ROS	PUD
Min. lot area	12,500 square feet	12,500 square feet	10,000 square feet	3,500 square feet	*	10,000 square feet	12,500 square feet	
Min. frontage	30 feet	30 feet	30 feet*	30 feet	*	30 feet	30 feet	
Min. setbacks								
Front	20 feet	20 feet	20 feet	15 feet	10 feet	10 feet**	20 feet	
Side	15 feet*	15 feet*	20 feet*	15 feet*	10 feet*	15 feet**	15 feet	
Rear	25 feet*	25 feet*	20 feet*	15 feet*	10 feet*	15 feet**	15 feet	
Max. height*	30 feet	35 feet	45 feet	55 feet	35 feet	45 feet	30 feet	
GRFA*	0.25:1*	0.30:1	0.60:1	1.5:1*	NA	NA	0.30:1	
Min. Square feet	1,000							
CRFA	NA	NA	NA	1:1*; 18% min.	*	1:1*	NA	
Max. density	1 dwelling unit per lot *	1 dwelling unit per 3,000 square feet	1 dwelling unit per 875 square feet	1 dwelling unit per 875 square feet	NA	No more than 50% residential	*	

	SFR	LDMF	HDMF	BD	CD	PUFD	ROS	PUD
Min. distance between buildings on same lot	NA	15 feet	10 feet	10 feet	15 feet	10 feet	15 feet	
Min. open space	NA	50%	50%	30%*	25%	25%	90%	
Min. useable open space			150 square feet min. per dwelling unit; 100 square feet min. per accommodation unit*	Min. of 30% of the total lot area	NA	NA	NA	NA

* See Divisions for additional regulations and exceptions.

** Accessory facilities shall be located a minimum twenty-five (25) feet from all property lines that abut the Single-Family Residential District or the Low Density Multiple-Family District.

DIVISION 2. SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 21-103.1 Building square footage.

(a) Maximum GRFA. Combining all buildings on the lot, not more than twenty-five (25) square feet of gross residential floor area (GRFA) shall be permitted for each one hundred (100) square feet of lot area, not to exceed eight thousand five hundred (8,500) square feet of GRFA, whichever is less.

(b) Lots Less than 12,500 Square Feet. For lots or a site of twelve thousand five hundred (12,500) square feet or less in size, a private garage shall be allowed in addition to the GRFA figure above, but in no case shall the combination of the dwelling, efficiency unit or attached accessory dwelling unit and garage exceed three thousand one hundred twenty-five (3,125) square feet.

(c) Minimum GRFA. The minimum gross residential floor area for any single-family dwelling shall be one thousand two hundred (1,000) square feet.

(d) Maximum Accessory Dwelling Unit GRFA. An Accessory Dwelling Unit shall have a gross residential floor area not more than one-third (1/3) of the total gross residential floor area, but not to exceed 1,200 feet of GRFA, not including garage space. The planning commission may allow additional square footage for accessory dwelling units built as community housing units in compliance with Chapter 22 of this code.

DIVISION 3. LOW DENSITY MULTIPLE-FAMILY DISTRICT

Sec. 21-121 Purpose.

The Low Density Multiple-Family District is intended to provide lots for single-family, two-family, micro-units, and multiple-family dwellings together with such public facilities as may appropriately be located in the same district. The Low Density Multiple-Family District is intended to ensure adequate

light, air, privacy and open space for each dwelling and to maintain the desirable residential qualities of the district by establishing appropriate site development standards.

Sec. 21-122 Permitted uses.

The following uses shall be permitted in the Low Density Multiple-Family District:

- (a) One (1) or more single-family dwelling(s);
- (b) Two-family dwellings;
- (c) Micro-Units;
- (d) Multiple-family dwellings;
- (e) Bus stops;
- (f) Temporary structures used for a period of thirty (30) consecutive days or less.
- (g) Accessory Dwelling Unit. An ADU shall only be permitted if there is only a total of one (1) Single-family dwelling on the LDMF parcel. One (1) accessory dwelling unit or one (1) efficiency unit shall be permitted, attached to the single-family dwelling or to the private garage or stand-alone only for micro-units.

Sec. 21-129.1 Building square footage.

- (a) Maximum GRFA. In the Low Density Multiple-Family District, not more than thirty (30) square feet of gross residential floor area (GRFA) shall be permitted for each one hundred (100) square feet of lot area. For single-family dwellings, the dwellings shall not exceed eight thousand five hundred (8,500) square feet of GRFA, whichever is less.
- (b) Maximum Accessory Dwelling Unit GRFA. An ADU shall have a gross residential floor area no more than one-third (1/3) of the total gross residential floor area, not to exceed 1,200 feet of GRFA, not including garage space. The planning commission may allow additional square footage for accessory dwelling units built as community housing units in compliance with Chapter 22 of this code.

DIVISION 4. HIGH DENSITY MULTIPLE-FAMILY DISTRICT

Sec. 21-146 Purpose.

The High Density Multiple-Family District is intended to provide lots for multiple-family dwellings and micro-units at densities ranging from twelve (12) to fifty (50) dwelling units per acre, together with such public and semipublic facilities, limited professional offices and medical facilities and lodges, private recreation facilities and related visitor-oriented uses as may appropriately be located in the same district. The High Density Multiple-Family District is intended to ensure adequate light, air, open space and other amenities commensurate with high density apartment, condominium and lodge uses, and to maintain the desirable residential and resort qualities of the district by establishing appropriate lot development standards. Certain nonresidential uses are permitted as conditional uses which relate to the nature of the town as a winter and summer recreational and vacation community, and where permitted are intended to blend harmoniously with the residential character of the district.

Sec. 21-147 Permitted uses.

The following uses shall be permitted in the High Density Multiple-Family District:

- (a) Multiple-family dwellings;
- (b) Micro-Units;
- (c) Lodges, which may include accessory eating, drinking, recreational or retail establishments located within the principal use and not occupying more than fifteen (15) percent of the total gross floor area of the main structure or structures on the site. Additional accessory dining areas may be located on an outdoor deck, porch or terrace;
- (d) Bus stops;
- (e) Temporary structures used for a period of thirty (30) consecutive days or less;

Section 5. Severability. Should any section, clause, phrase, or provision of this ordinance be ruled invalid or unenforceable by any court of competent jurisdiction, it is hereby declared the intent of the Town Council of the Town of Mt. Crested Butte, Colorado, that the remaining provisions of this ordinance shall be given full force and effect if it is possible to do so.

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, this 1st day of February, 2022.

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 1st day of March, 2022.

TOWN OF MT. CRESTED BUTTE, COLORADO


By: Janet Farmer, Mayor

ATTEST:


By: Tiffany O'Connell, Town Clerk