

ORDINANCE NO. 3

SERIES 2017

AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL AMENDING CHAPTER 16, ARTICLES 16 AND 21 OF THE CRESTED BUTTE MUNICIPAL CODE TO INCLUDE REQUIREMENTS FOR MECHANICAL PARKING LIFT SYSTEMS, TO CREDIT THE USE OF PRIVATE PROPERTY FOR PUBLIC PARKING IN THE "T" TOURIST ZONE DISTRICT AND TO EXEMPT PARKING SQUARE FOOTAGE AND ACCESS TO SUCH PARKING FROM RESIDENT OCCUPIED AFFORDABLE HOUSING REQUIREMENTS

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 31, 2017, the Crested Butte Board of Zoning and Architectural Review (the "Board") reviewed proposed amendments to the Crested Butte Municipal Code (the "Code") regarding allowing the installation and operation of mechanical parking lift systems on certain properties when certain conditions are satisfied and expanding the provisions of Section 16-16-30(f) to include the "T" Tourist Zone District;

WHEREAS, the Board found that given the acute parking needs in Crested Butte, it is appropriate to consider new parking regulation to better utilize the limited space within Crested Butte, and that mechanical parking lift systems may be appropriate to better utilize the square footage on a building site and maximize the parking provided certain conditions are met and that allowing private property to be combined with public property to better utilize space for parking can be achieved and that it is appropriate in certain zones to allow this and that it is appropriate to credit the private property owner with a parking credit proportional to the amount of private property encumbered;

WHEREAS, because parking square footage and access to such parking was previously accounted for in the Resident Occupied Affordable Housing (ROAH) job generation calculations for Hotel, Lodges, Motels and Short Term Residential Accommodation uses in the Code, it is appropriate to exempt this square footage from the ROAH requirements; and

WHEREAS, the Town Council has discussed and considered the Board's recommendations and hereby finds that allowing mechanical parking lifts systems and the

combination of private with public property is 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. **Adding a New Defined Term to Section 16-1-20.** Section 16-1-20 of the Code is hereby amended to include the following new defined term:

“Mechanical lift parking system means a parking system by which an automobile is parked vertically above another automobile and is lifted and lowered by mechanical means.”

Section 2. **Amending Section 16-16-30(f).** Section 16-16-30(f) of the Code is hereby deleted in its entirety and replaced with the following new subsection (f) 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”

Section 3. **Adding a New Section 16-16-100.** A new Section 16-16-100 is added to the Code and shall read as follows:

“Sec. 16-16-100 Mechanical Lift Parking System Requirements.

(1) Mechanical lift parking systems may be approved at the discretion of the Board if it finds the following conditions are met:

- (a) The system is only associated with a hotel, lodge, motel or short-term residential accommodation use.
- (b) The system is managed and operated by trained persons.
- (c) The system is manufactured and maintained by licensed and certified vendors.
- (d) The system is housed inside an enclosed space and the Board has approved the architectural appropriateness of any structure associated with the enclosure if said structure is located above ground.
- (e) The system will provide the required parking supplied by the system over the life of the use it is associated with.
- (f) The Board must find that the system complies with the criteria for conditional uses found in section 16-8-30

(2) If the mechanical lift parking system is provide parking for in excess of 20 vehicles, the Board at its discretion, may allow the dimensions outlined in Section 16-16-10(a) to be reduced to a minimum of 8 feet in width, 16 feet in length and 6 feet in height for stacked units in excess of the 20 spaces.

(3) The Board may waive the requirements of Section 16-16-10(d) for mechanical lift parking systems associated with the approved uses operated by valets.”

Section 4. Adding a New Subsection (6) to Section 16-21-30(b). Section 16-21-30(b) of the Code is hereby amended to add a new subsection (6) thereto that shall read as follows:

“(6) Floor areas for drive aisles, access ramps and parking spaces in approved underground parking areas for nonresidential or lodging uses.”

Section 5. 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 6. 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 21st DAY OF February, 2017.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 6th DAY OF March, 2017.

TOWN OF CRESTED BUTTE

By: Glenn Michel
Glenn Michel, Mayor

ATTEST:

Lynelle Stanford
Lynelle Stanford, Town Clerk

[SEAL]

