

“Rotary Service Above Self Award” nominations being accepted

Nominations are open for the Crested Butte / Mt. Crested Butte Rotary Club’s annual “Rotary Service Above Self” award. The deadline for nominations is Friday, May 10, 2019.

In keeping with one of the mottos of Rotary International, the local club wants to recognize local CBCS students who volunteer in the community. To this end, the Crested Butte Rotary Club has developed this annual service award, given to a Crested Butte Community School junior at the annual community school recognition breakfast in late May.

Rotary asks representatives of local non-profits to nominate a junior at the Crested Butte Community School who contributes volunteer hours to them. The important thing is that the student is giving back without being paid.

To nominate a student, see the nomination form at crestedbutterotary.org under Service Above Self. The nomination should include reasons why the student deserves the award; detail about hours contributed to the organization; and background

on how the student has helped the organization.

Along with the award, Rotary will present \$500 to the individual chosen and another \$500 will be donated to the organization of the student’s choice in his or her name. A permanent plaque at the school recognizes every Service Above Self Award recipient. A committee of Rotary members reviews the nominations and makes the selection each year.

A high school junior can add the award to his or her résumé when applying to colleges. According to a former committee chairman, “This award is meant to encourage recognition of kids who give back to the community. Hopefully, it will help younger kids think about giving back. We want to show appreciation for the concept of community service. It is a way to give kudos to a local kid in a new way.”

Forward questions and nominations to: Charlie Tomlinson, cltomlin@msn.com; or Jennifer Read, school counselor, Crested Butte Community School, JRead@gunnisonschools.net.

Summer Experience at CBCS promises fun and learning

Crested Butte students can’t get enough of their school. Every year almost half the elementary students and dozens of secondary students participate in Summer Experience in June and July. And Summer Experience 2019 has lots of new offerings.

Elementary Summer Experience will include a Summer Scholars program, focused on keeping reading and math skills sharp over the summer through games, crafts, and play. A Music Makers class has been added where kids will drum, sing, and compose. Favorites like the

Garden Classroom, Robotics, and MakerSpace will be available, too.

Secondary Summer Experience features lots of overnight adventures. Partnering with Colorado Backcountry Guides, the program offers backpacking and peak summit trips. A leadership course at Adventure Experiences, Inc. in Taylor Canyon gives students a chance to get out of their comfort zone on an elaborate high ropes course. Overnight trips with Mountain Roots to Western Slope farms give students the chance to do

some farm chores, cook what they harvest, camp out, and discover where their food comes from. High school students can earn credit toward graduation in the Building and Construction class or by completing an online course.

Summer Experience runs from June 25 to July 25 on Tuesdays and Thursdays from 9 a.m. to noon. It is funded through the GWSD Fund 26 and most classes cost just \$25. Registration began on April 22 and program details are on the schools’ websites, cbs.gunnisonschools.net.

Your care may be super, but you’re only human.

Find Caregiving Resources

ColoradoCaregiving.org

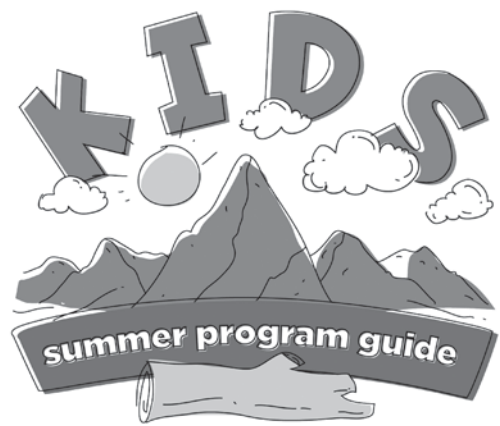
1-844-265-2372



COLORADO
Office of Community
Access & Independence
Division of Aging & Adult Services



Crested Butte News
www.crestedbuttenews.com



Looking for fun activities for your children this summer?

Check out the Crested Butte News Kids activity guides!

crestedbuttenews.com

Legals

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—NOTICE OF CHANGE IN TARIFFS ON LESS THAN 30-DAYS’ NOTICE— DATE OF NOTICE: APRIL 22, 2019

Atmos Energy Corporation (“Atmos Energy”) 1555 Blake Street Denver, Colorado 80202

You are hereby notified that Atmos Energy Corporation (“Atmos Energy” or the “Company”) has filed with the Colorado Public Utilities Commission (“Commission”), as approved in Proceeding No. 18A-0765G, an Advice Letter and revised tariff sheets proposing to include the Geographical Information System (“GIS”) improvement costs with the System Safety and Integrity Rider (“SSIR”) surcharge. The increase became effective on April 1, 2019. The prior SSIR surcharge and the approved rates are shown below.

Customer Class	Prior Volumetric SSIR Rate	Current Volumetric SSIR Rate (effective 4/1/2019)
Residential	\$0.05342	\$0.05417
Commercial	\$0.03158	\$0.03203
Irrigation	\$0.02934	\$0.02975
Transportation	\$0.02612	\$0.02649

The proposed and present rates and tariffs are available for examination at the business office of Atmos Energy Corporation located at 1555 Blake Street, Suite 400, Denver, Colorado, or at the Public Utilities Commission at 1560 Broadway, Suite 250, Denver, Colorado, 80202.

Anyone who desires may either file written objection or seek to intervene as a party in this filing. If you only wish to object to the proposed action, you may file a written objection with the Commission. The filing of a written objection by itself will not allow you to participate as a party in any proceeding on the proposed action. If you wish to participate as a party in this matter, you must file written intervention documents under the Commission’s rules.

Anyone who desires to file written objection or written intervention documents to the proposed action shall file them with the PUC, 1560 Broadway, Suite 250, Denver, Colorado, 80202 at least one day before the proposed effective date.

Members of the public may attend any hearing and may make a statement under oath about the proposed change whether or not a written objection or request to intervene has been filed.

Atmos Energy Corporation has filed a separate gas purchase report in accordance with Rule 4607 of the Commission’s Rules Regulating Gas Utilities and Pipeline Operators to begin the initial prudence review evaluation for the gas purchase year ended June 30, 2018.

Atmos Energy Corporation
Colorado-Kansas Division
By: Jared Geiger
Vice President, Rates & Regulatory Affairs

Published in the *Crested Butte News*. Issues of April 26 and May 10, 2019. #042603

—NOTICE OF A PUBLIC HEARING—

CONCERNING A LAND USE CHANGE APPLICATION FOR IRWIN BACKCOUNTRY GUIDES, LLC FOR THE EXPANSION OF A COMMERCIAL USE APPROXIMATELY 12 MILES WEST OF THE TOWN OF CRESTED BUTTE ON IRWIN LODGE ROAD

HEARING DATE, TIME AND LOCATION: The Planning Commission will conduct a public hearing on **May 17, 2019 at 9:00 am** in the Planning Commission Meeting Room, 2nd Floor, Blackstock Government Center, 221 N. Wisconsin, Gunnison, Colorado, to hear public comment concerning a land use change permit application for the expansion of a commercial use approximately 12 miles west of the Town of Crested Butte on Irwin Lodge Road.

APPLICANT: The applicant is Irwin Backcountry Guides, LLC, represented by attorney David Leinsdorf.
PARCEL LOCATION: The parcel on which the land use change is proposed is located 12 miles west of the Town of Crested Butte. The parcel is legally described as the following 19 lode mining claims, all in the Ruby Mining District: Aumego, U.S. Survey No. 2703; Capitol U.S. Survey No. 3466; Clara U.S. Survey No. 2801; Fourth of July U.S. Survey No. 3467; Zumo U.S. Survey No. 2702; Crystal, U.S. Survey No. 1156; Diquita, U.S. Survey No. 2786; Double Dyke U.S. Survey No. 5511; Lead Chief U.S. Survey No. 2731; Legal U.S. Survey No. 4149; Silver Hill U.S. Survey No. 2813; Justice U.S. Survey No. 2867; Pickwick, U.S. Survey No. 2814; Tacoma U.S. Survey No. 2701; Lottie S U.S. Survey

No. 5322; US Treasury, U.S. Survey No. 5322; Lower Chloride, U.S. Survey No. 17240A; Little Minnie, U.S. Survey No. 4421; Staten Island, U.S. Survey No. 3716.

PROPOSAL: The applicant proposes to use the existing Movie Cabin and Cat Barn for shelter in connection with its Forest Service guiding permits to get out of the rain and to serve lunch and/ or dinner as part of guided outfitting in the Irwin area. In addition, IBG proposes to offer lunch and dinner events at the Movie Cabin and Cat Barn for Eleven guests, Irwin Guides guests and to partner with other organizations and non-profits for lunch and/ or dinner events. The summer event season will be from May 1 to October 31. All events will comply with the noise limitations in Section 9-301.D.10 of the Gunnison County Land Use Resolution. Events will utilize the Movie Cabin and the meeting space in the Cat Barn. There will be no additional construction. June through September, IBG proposes to use the Movie Cabin and Cat Barn for an average of ten guests per day. This regular use will be in connection with its guiding activities and will be between the hours of 9:00 a.m. and 11:00 p.m. Lunch and/ or dinner events with Eleven and Irwin Guides clients for up to 24 people, concluding at or before 10:00 p.m. Wed-

ding ceremonies (no receptions) for up to 24 people, concluding at or before 10:00 p.m. Events for up to 24 people with non-profits, including those listed above, concluding at or before 10:00 p.m.

PUBLIC PARTICIPATION: The public is invited to submit verbal or written comments at the hearing, or to submit written comments by email (planning@gunnisoncounty.org) or by letter (to the County Planning Department, 221 N. Wisconsin, Suite D, Gunnison, CO 81230), so long as they are received by 5 p.m. the afternoon before the date of the meeting so that they may be submitted for the public record during the hearing. A copy of the application is available in the County Community Development Department, 221 N. Wisconsin, Suite D, Gunnison, CO; additional information may be obtained by calling the Planning Department (970) 641-0360.

ADA ACCOMMODATIONS: Anyone needing special accommodations as determined by the *American Disabilities Act* may contact the Planning Department prior to the day of the hearing. /s/ Cathie Pagano
Director of Community and Economic Development

Published in the *Crested Butte News*. Issue of April 26, 2019. #042602

legals@crestedbuttenews.com

Legals

<input checked="" type="checkbox"/> District Court, Gunnison County Court Address: 4000 Justice Way Castle Rock, Colorado 80109	
▲ COURT USE ONLY ▲	
In the Matter of the Estate of William D. Weaver, a/k/a William Douglas Weaver	
Deceased Attorney or Party Without Attorney (Name and Address): Martin J. Plank, P.C. 3900 E. Mexico Avenue, Suite # 1300 Denver, Colorado 80210 Phone Number: (303) 584-0990 E-mail: mplank@martinplankpc.com FAX Number: (303) 584-0995 Atty. Reg. #: 19928	
Case Number: 2019 PR 30002 Division Courtroom	NOTICE TO CREDITORS BY PUBLICATION PURSUANT TO §15-12-801, C.R.S.
NOTICE TO CREDITORS	
Estate of William Douglas Weaver Case Number 2019 PR 30002 All persons having claims against the above-named estate are required to present them to the Personal Representative or to	
<input checked="" type="checkbox"/> District Court of Gunnison County, Colorado	
on or before September 15, 2019 (date)*, or the claims may be forever barred.	
Mr. Martin J. Plank Type or Print name of Person Giving Notice Address: 3900 E. Mexico Ave., # 1300 Denver, Colorado 80210 City, State, Zip Code	
Publish only this portion of form. Published in the <i>Crested Butte News</i> . Issues of April 12, 19 and 26. #041201	

**—TOWN OF CRESTED BUTTE—
REQUEST FOR PROPOSAL (RFP)
FOR
CRESTED BUTTE CLIMATE ACTION PLAN**

The Town is seeking qualified applicants to develop a Climate Action Plan (CAP) for the Town of Crested Butte. The Town is especially interested in proposals that demonstrate the ability to involve key community stakeholders and regional partners, while developing a realistic CAP that can help the Town meet its Greenhouse Gas Emissions Reduction goals. The Request for Proposal outlining the services to be provided can be found on the Town website www.townofcrestedbutte.com under Bids/Proposals.
RFP Due Date: May 3, 2019 before 05:00p.m. MST
 Location for delivery: Proposals may be submitted via email to melyemma@crestedbutte-co.gov; or delivered to Town Hall, 507 Maroon Ave., Crested Butte, Colorado 81224; or can be mailed to Town of Crested Butte, Attn: Mel Yemma, PO Box 39, Crested Butte, Colorado 81224 in a sealed envelope marked, "Town of Crested Butte Climate Action Plan Proposal".
 Contact Information: Mel Yemma, Open Space/Creative District Coordinator, (970) 349-5338 or melyemma@crestedbutte-co.gov.
 Published in the *Crested Butte News*. Issues of April 5, 19 and 26, 2019. #040504

**—NOTICE OF PUBLIC HEARING—
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW
TOWN OF CRESTED BUTTE, COLORADO
322 BELLEVUE AVENUE**

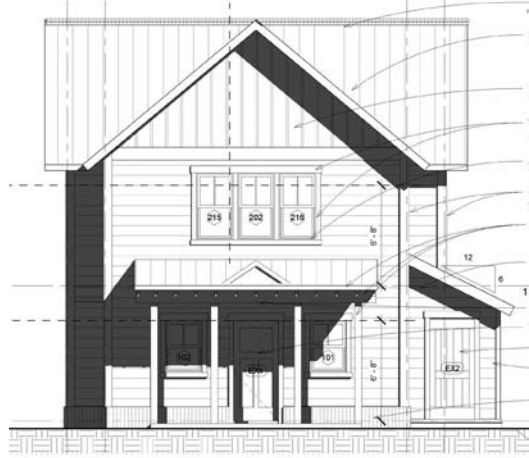
PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on April 30, 2019 beginning at 6:00 p.m. in the Crested Butte Town Hall located at 507 Maroon Ave. in Crested Butte, Colorado for the purpose of considering the following:
 The application of **322 Bellevue Avenue, a Colorado LLC in conjunction with HHCB, LLC** to change a previously approved plan and site a retail marijuana store in the commercial building located at 322 Bellevue Avenue, Block 46, Lots 5-6 in the C zone.
 Additional requirements:
 - A conditional use permit for a retail marijuana store in the C zone is requested.
 TOWN OF CRESTED BUTTE
 By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator
 Published in the *Crested Butte News*. Issues of April 19 and 26, 2019. #041916

—PUBLIC NOTICE—

Colorado law requires the county assessor to hear objections to real property classification and valuation beginning no later than May 1, 2019. Objections to real property valuations must be postmarked, emailed*, delivered, or presented in person no later than June 3, 2019. Colorado law requires the county assessor to begin hearing objections to personal property valuations no later than June 17, 2019. Objections to personal property valuations must be postmarked, emailed*, delivered, or presented in person no later than July 1, 2019. Gunnison County Assessor office hours between May 1, 2019 and June 3, 2019 are 9:00 am to 4:00 pm, M-F *all emails are time-stamped by the county server and receive an immediate acknowledgement of receipt. The county assessor's office encourages emails as the most expedient and resource-saving method to file an objection.
 In 2019, the Assessor and Board of County Commissioners have elected to use the extended appeal period in accordance with §39-5-122.7, C.R.S. The Assessor will mail Notices of Determination to those who have appealed on or before August 15, 2019. The County Board of Equalization will convene September 15 - October 31, 2019.
 Contact the Gunnison County Assessor's office for more details.
 Gunnison County Assessor
 221 N. Wisconsin St., Suite A
 Gunnison, CO 81230
 (970) 641-1085
assessor@gunnisoncounty.org
www.gunnisoncounty.org
 Published in the *Crested Butte News*. Issues of April 19 and 26, 2019. #041901

**—NOTICE OF PUBLIC HEARING—
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW
TOWN OF CRESTED BUTTE, COLORADO
922, 924 BUTTE AVENUE**


PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on April 30, 2019 beginning at 6:00 p.m. in the Crested Butte Town Hall located at 507 Maroon Ave. in Crested Butte, Colorado for the purpose of considering the following:
 The application of **Town of Crested Butte in conjunction with Bywater LLC** to construct a duplex and one cold accessory building to be located at 922, 924 Butte Avenue, Block 79, Lot 4 in the R2A zone.
 Additional requirements:
 - Architectural approval is required.
 (See Attached Drawing)
 TOWN OF CRESTED BUTTE
 By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator
 Published in the *Crested Butte News*. Issues of April 19 and 26, 2019. #041912



legals@crestedbuttenews.com
deadline tuesday at noon

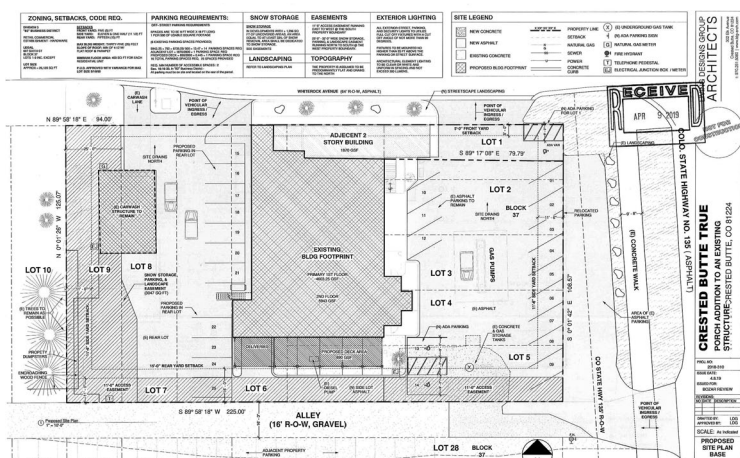
**—NOTICE OF PUBLIC HEARING—
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW
TOWN OF CRESTED BUTTE, COLORADO
14, 16 NINTH STREET**

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on April 30, 2019 beginning at 6:00 p.m. in the Crested Butte Town Hall located at 507 Maroon Ave. in Crested Butte, Colorado for the purpose of considering the following:
 The application of **Town of Crested Butte in conjunction with Bywater LLC** to construct a duplex and one cold accessory building to be located at 14, 16 Ninth Street, Block 79, Lot 11 in the R2A zone.
 Additional requirements:
 - Architectural approval is required.
 (See Attached Drawing)
 TOWN OF CRESTED BUTTE
 By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator
 Published in the *Crested Butte News*. Issues of April 19 and 26, 2019. #041913



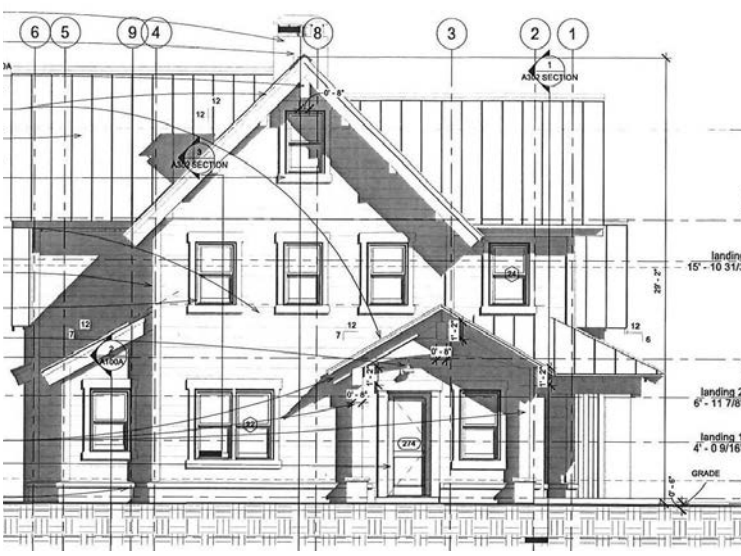
**—NOTICE OF PUBLIC HEARING—
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW
TOWN OF CRESTED BUTTE, COLORADO
607 SIXTH STREET**

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on April 30, 2019 beginning at 6:00 p.m. in the Crested Butte Town Hall located at 507 Maroon Ave. in Crested Butte, Colorado for the purpose of considering the following:
 The application of **Pauckyla Ltd.** to site a ground level covered deck attached to the hardware store located at 607 Sixth Street associated with the existing PUD in Block 37, Part of Lots 1 and 6 and all of lots 2-5 and 7-9 in the B2 zone.
 Additional requirements:
 - Architectural approval is required.
 - A variance for a 3:12 roof pitch is requested as part of the PUD.
 - **Concept Plan, General Plan, and Building Permit Review to alter an existing Planned Unit Development (PUD) are required.**
 (See Attached Drawing)
 TOWN OF CRESTED BUTTE
 By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator
 Published in the *Crested Butte News*. Issues of April 19 and 26, 2019. #041914



**—NOTICE OF PUBLIC HEARING—
CRESTED BUTTE BOARD OF ZONING AND ARCHITECTURAL REVIEW
TOWN OF CRESTED BUTTE, COLORADO
20 THIRD STREET**

PLEASE TAKE NOTICE THAT a public hearing, which may result in the granting of a vested property right, will be held on April 30, 2019 beginning at 6:00 p.m. in the Crested Butte Town Hall located at 507 Maroon Ave. in Crested Butte, Colorado for the purpose of considering the following:
 The application of **Michael R. Haney** construct a new primary residence and make additions to the existing accessory building located at 20 Third Street, Block 3, West 100 feet of Lots 20-21 and West 100 feet of the South half of Lot 19 in the R1 zone.
 Additional requirements:
 - A conditional use permit for a heated and/or plumbed accessory building in the R1 zone is required.
 - Architectural approval is required.
 (See Attached Drawing)
 TOWN OF CRESTED BUTTE
 By Jessie Earley, Assistant Design Review and Historic Preservation Coordinator
 Published in the *Crested Butte News*. Issues of April 19 and 26, 2019. #041915



Legals

—TOWN OF MT. CRESTED BUTTE—
ORDINANCE NO. 3
SERIES 2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MT. CRESTED BUTTE, COLORADO, AMENDING PORTIONS CHAPTER 21, ZONING, OF THE TOWN CODE OF THE TOWN OF MT. CRESTED BUTTE TO MODIFY SETBACK REGULATIONS, NON-CONFORMING USE REGULATIONS, AND RELATED PROVISIONS IN CONNECTION THEREWITH

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 Mt Crested Butte Planning Commission has recommended that portions of Chapter 21, Zoning, be revised to address changes to setback regulations, non-conforming use regulations, and miscellaneous supplemental regulations within the Town, as well as reorganize portions of the Code in connection therewith; 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, Sec. 21-1 Definitions, is amended by the addition of the following definition:

Recreational amenities shall mean playgrounds, trampolines, grills, ski rails, soccer nets, tents, play houses, fire rings, temporary pools, and other forms of recreation equipment constructed for use of recreating. **Section 2.** Sections of Article III. District Regulations, Division 1. Generally, are amended to read as follows:

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	1,200 square feet	520 square feet*						
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*		
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 about the Single-Family Residential District or the Low Density Multiple-Family District.
Sec. 21-83 – Additional Height Allowance for Sloped Roofs
Structures or portions of structures with sloping roofs may exceed the height limit in accordance with the schedule:

Vertical Rise Per Twelve Feet Horizontal	Permitted Additional Height
2 feet	1 foot
4 feet	2 feet
5 feet	3 feet
6 feet	4 feet
7 feet	5 feet
8 feet	6 feet
9 feet	7 feet
10 feet	8 feet
11 feet	9 feet
12 feet	10 feet
13 feet or greater	12 feet maximum

Sec. 21-84 Temporary office trailers.
The following regulations shall be applicable in any district:
(a) Trailers may be used as temporary offices for construction firms for a period not to exceed two (2) years. Such trailers shall be removed as soon as they are no longer required for the project. No such trailer will be left at one (1) site to provide office space or storage for another site. No person or persons may live in trailers used as temporary offices for construction firms.
(b) The location of such a trailer shall first be approved by the zoning administrator and such location shall be reviewable by the town manager, taking into account pedestrian and traffic flow and the aesthetics of the community.

Sec. 21-85 Utility installations.
In all zoning districts, all utility installations for new buildings or new structures shall be placed underground.

Sec. 21-86 Sight distance triangle.
In all zoning districts, in order to minimize traffic hazards at street intersections by improving visibility for drivers of converging vehicles in any district, no fence, retaining walls, landscaping or structure over three (3) feet in height shall be permitted within the triangular portion of a corner lot measured from the point of intersection of the lot lines abutting the streets a distance of thirty (30) feet along each lot line.

Sec. 21-87 Height of screens; fencing materials.
(a) Fences, hedges, walls

(excluding retaining walls), and landscaping screens, where not restricted by covenant or other legal instrument, shall not exceed six (6) feet in height on any other portion of a site. Higher fences, hedges, walls or landscaping screens may be authorized by the planning commission where necessary to screen utilities.
(b) No barbed wire, electrically charged wire, cyclone, chain link or similar type fencing shall be erected or maintained, except as required by governmental entities. Fencing necessary for tennis courts and other recreational activities are exempted, but the fence must be constructed of materials normally used for such tennis courts or other recreational activities.

Secs. 21-88-- 21-95 Reserved. Section 3. Sections of Article III. District Regulations, Division 2. Single-Family Residential District, are amended to read as follows:
Sec. 21-99 Accessory uses.

The following accessory uses shall be permitted in the Single-Family Residential District:

- (a) Private greenhouses, storage facilities, playhouses, garages or carports, swimming pools, patios, dog runs, or recreation facilities customarily incidental to single-family dwellings;
- (b) Home occupations and studios, subject to issuance of a home occupation permit in accordance with Article VII in this chapter;
- (c) Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof;
- (d) Clothesline located, to the greatest extent possible, on the rear or a side of the dwelling away from the public right-of-way; and
- (e) Patio and deck furniture which is intended and manufactured for outdoor use.

Sec. 21-101 Setbacks.
(a) In the Single-Family Residential District, the minimum front setback shall be twenty (20) feet, the minimum side setback shall be fifteen (15) feet, and the minimum rear setback shall be twenty-five (25) feet, or fifteen (15) feet if one (1) side setback is at least twenty-five (25) feet.

(b) Architectural projections. Architectural projections including eaves, roof overhangs, awnings, louvers and similar shading features, sills, belt courses, cornices and similar features, and flues and chimneys may project no more than one-fourth (1/4) the distance into the required setback.

(c) Balconies, decks, and stairways or fire escapes. Above ground balconies, decks, stairways, fire escapes, terraces, porches, decks, steps and other similar exterior features may project no more than 1/2 the distance

into the required setback but shall not be allowed to encroach into any easement areas.

(d) Application and interpretation of lot lines. Where a lot or site does not have frontage on a street, or where access is by means of an easement or other right over adjoining properties, by means of an extension of a portion of the site, or by means of a private driveway, road or street, the line where principal access to the lot is attained shall be deemed the front lot line, and setback areas shall be determined there from.

(e) Accessory Uses. All accessory uses and structures except fences, hedges, walls and landscaping or ground level site development such as walks, driveways and terraces shall conform to the required minimum setback lines on each site.

(f) Recreational Amenities. Recreational amenities may be exempted from minimum setback requirements by the planning commission or zoning administrator, if they determine that their location is not environmentally and/or aesthetically detrimental.
Sec. 21-102 Building height.

(a) The maximum height of a building in the Single-Family Residential District shall be thirty (30) feet. Structures or portions of structures with sloping roofs may exceed the height limit in accordance with the schedule in Section 21-83. This table shall apply to gable, hip or shed roofs, but shall not apply to mansard roofs or to any roof structure which does not extend to a peak at a slope of two (2) feet vertical to twelve (12) feet horizontal or greater.

(b) Architectural projections above height limit. Towers, spires, cupolas, chimneys, flagpoles and similar architectural features not useable as habitable floor area may extend above the height limit a distance of not more than fifteen (15) percent of the height limit.

(c) Application and interpretation of height limits. Where a building is designed to have the appearance of separate, identifiable structures joined only by lower portions of the same structure, or adjoining for less than twenty-five (25) percent of the perimeter of the portion of the structure to another portion of the structure, each separate or identifiable portion may be considered a separate structure for the purpose of determining height limits. Determination of portions of structure having the appearance of separate, identifiable structures shall be made by the zoning administrator.
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.

(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 (1,200) square feet. Where a dwelling unit is within a dwelling, single-family, it may have a gross residential floor area equal to one-third (1/3) of the gross residential floor area of the single-family dwelling, but not to exceed eight hundred (800) square feet of gross residential floor area.

Secs. 21-108—21-120 Reserved. Section 4. Sections of Article III. District Regulations, Division 3, Low Density Multiple-Family District, are amended to read as follows:
Sec. 21-124 Accessory uses.

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

- (a) Private greenhouses, storage facilities, playhouses, garages or carports, swimming pools, patios, dog runs, or recreation facilities customarily incidental to permitted dwellings;
- (b) Home occupations and studios, subject to issuance of a home occupation permit in accordance with Article VII in this chapter;
- (c) Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof;
- (d) Clotheslines located, to the greatest extent possible, on the rear or a side of the dwelling away from the public right-of-way; and
- (e) Patio and deck furniture which is intended and manufactured for outdoor use.

Sec. 21-126 Setbacks.
(a) The minimum front setback in the Low Density Multiple-Family District shall be twenty (20) feet, the minimum side setback shall be fifteen (15) feet, and the minimum rear setback shall be twenty-five (25) feet, or fifteen (15) feet if one (1) side setback is at least twenty-five (25) feet.

(b) Architectural projections. Architectural projections including eaves, roof overhangs, awnings, louvers and similar shading features, sills, belt courses, cornices and similar features, and flues and chimneys may project

no more than one-fourth (1/4) the distance into the required setback.

(c) Balconies, decks, and stairways or fire escapes. Above ground balconies, decks, stairways, fire escapes, terraces, porches, decks, steps and other similar exterior features may project no more than 1/2 the distance into the required setback but shall not be allowed to encroach into any easement areas.

(d) Application and interpretation of lot lines. Where a lot or site does not have frontage on a street, or where access is by means of an easement or other right over adjoining properties, by means of an extension of a portion of the site, or by means of a private driveway, road or street, the line where principal access to the lot is attained shall be deemed the front lot line, and setback areas shall be determined there from.

(e) Accessory Uses. All accessory uses and structures except fences, hedges, walls and landscaping or ground level site development such as walks, driveways and terraces shall conform to the required minimum setback lines on each site.

(f) Recreational Amenities. Recreational amenities may be exempted from minimum setback requirements by the planning commission or zoning administrator, if they determine that their location is not environmentally and/or aesthetically detrimental.
Sec. 21-127 Distance between buildings.

In the Low Density Multiple-Family District, the minimum distance between buildings on the same lot shall be fifteen (15) feet. In all cases, however, a space of sufficient shape and size shall be provided to accommodate any snow shed from buildings within the property boundaries.

Sec. 21-128 Building height.
(a) The maximum height of buildings in the Low Density Multiple-Family District shall be thirty-five (35) feet. Structures or portions of structures with sloping roofs may exceed the height limit in accordance with the schedule in Section 21-83. This table shall apply to gable, hip or shed roofs, but shall not apply to mansard roofs or to any roof structure which does not extend to a peak at a slope of two (2) feet vertical to twelve (12) feet horizontal or greater.

(b) Architectural projections above height limit. Towers, spires, cupolas, chimneys, flagpoles and similar architectural features not useable as habitable floor area may extend above the height limit a distance of not more than fifteen (15) percent of the height limit.

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(c) Application and interpretation of height limits. Where a building is designed to have the appearance of separate, identifiable structures joined only by lower portions of the same structure, or adjoining for less than twenty-five (25) percent of the perimeter of the portion of the structure to another portion of the structure, each separate or identifiable portion may be considered a separate structure for the purpose of determining height limits. Determination of portions of structure having the appearance of separate, identifiable structures shall be made by the zoning administrator. **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.

(b) Minimum GRFA. Each multifamily unit shall have a minimum gross residential floor area of five hundred twenty (520) square feet.

Secs. 21-136—21-145 Reserved.

Section 5. Sections of Article III, District Regulations, Division 4. High Density Multiple-Family District, are amended to read as follows:

Sec. 21-149 Accessory uses.

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

(a) Private greenhouses, storage facilities, playhouses, garages or carports, swimming pools, patios, dog runs, or recreation facilities customarily incidental to permitted dwelling and lodge uses;

(b) Home occupations and studios, subject to issuance of a home occupation permit in accordance with Article VII in this chapter;

(c) Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof;

(d) Patio and deck furniture which is intended and manufactured for outdoor use.

Sec. 21-151 Setbacks.

(a) In the High Density Multiple-Family District, the minimum front setback shall be twenty (20) feet, the minimum side setback shall be twenty (20) feet and the minimum rear setback shall be twenty (20) feet.

(b) Architectural projections. Architectural projections including eaves, roof overhangs, awnings, louvers and similar shading features, sills, belt courses, cornices and similar features, and flues and chimneys may project no more than one-fourth (1/4) the distance into the required setback.

(c) Balconies, decks, and stairways or fire escapes. Above ground balconies, decks, stairways, fire escapes, terraces, porches, decks, steps and other similar exterior features may project no more than ½ the distance into the required setback but shall not be allowed to encroach into any easement areas.

(d) Application and interpretation of lot lines. Where a lot or site does not have frontage on a street, or where access is by means of an easement or other right over adjoining properties, by means of an extension of a portion of the site, or by means of a private driveway, road or street, the line where principal access to the lot is attained shall be deemed the front lot line, and setback areas shall be determined there from.

(e) Accessory Uses. All accessory uses and structures except fences, hedges, walls and landscaping or ground level site development such as walks, driveways and terraces shall conform to the required minimum setback lines on each site.

(f) Recreational Amenities. Recreational amenities may be exempted from minimum setback requirements by the planning commission or zoning administrator, if they determine that their location is not environmentally and/or aesthetically detrimental.

Sec. 21-152 Distances between buildings.

In the High Density Multiple-Family District, the minimum distance between buildings on the same lot shall be ten (10) feet. In all cases, however, a space of sufficient shape and size shall be provided to accommodate any snow shed from buildings within the property boundaries.

Sec. 21-153 Building height.

(a) The maximum height of buildings in the High Density Multiple-Family District shall be forty-five (45) feet. Structures or portions of structures with sloping roofs may exceed the height limit in accordance with the schedule in Section 21-83. This table shall apply to gable, hip or shed roofs, but shall not apply to mansard roofs or to any roof structure which does not extend to a peak at a slope of two (2) feet vertical to twelve (12) feet horizontal or greater.

(b) Architectural projections above height limit. Towers, spires, cupolas, chimneys, flagpoles and similar architectural features not useable as habitable floor area may extend above the height limit a distance of not more than fifteen (15) percent of the height limit.

(c) Application and interpretation of height limits. Where a building is designed to have the appearance of separate, identifiable structures joined only by lower portions of the same structure, or adjoining for less than twenty-five (25) percent of the perimeter of the portion of the structure to another portion of the structure, each separate or identifiable portion may be considered a separate structure for the purpose of determining height limits. Determination of portions of structure having the appearance of separate, identifiable structures shall be made by the zoning administrator. **Secs. 21-163—21-195 Reserved.**

Section 6. Sections of Article III, District Regulations, Division 5, Business District, are amended to read as follows:

Sec. 21-198 Conditional uses.

The following uses shall be permitted in the Business District, subject to the conditional use provisions of this chapter:

- (a) Public utilities;
- (b) Public buildings;
- (c) Hospitals;
- (d) Private clubs and civic, cultural and fraternal organizations;
- (e) Public or commercial parking facilities or structures;
- (f) Public transportation terminals;
- (g) Schools;
- (h) Religious facilities;
- (i) Automobile service station facility;

Gasoline service stations shall be subject to the following requirements:

(1) All fuel storage tanks shall meet all EPA requirements and shall be completely buried beneath the surface of the ground.

(2) All gasoline pumps, lubrication or similar devices, and other service facilities shall be located at least twenty (20) feet from any street right-of-way line.

(3) All servicing of vehicles, except sale of gas and oil and services customarily provided in connection therewith shall be conducted completely within a structure.

(4) All storage of goods shall be completely within a structure.

(j) Antennas of wireless telecommunication services;

(k) Temporary structures used for a period of more than thirty (30) consecutive days;

(l) Uses which are customarily incidental and accessory to any permitted or other conditional use allowed may be operated in such a manner as to serve the needs of properties other than the property on which it is located, provided that it will not unreasonably impact surrounding uses or properties. The council may prescribe conditions upon the use in order to mitigate impact to surrounding uses or

properties of noise, traffic, congestion, or other adverse impacts.

Sec. 21-199 Accessory uses.

The following accessory uses shall be permitted in the Business District:

(a) Private garages or carports, swimming pools, patios, and recreational facilities customarily incidental to permitted multifamily dwellings and lodge accommodation uses;

(b) Home occupations and studios, subject to issuance of a home occupation permit in accordance with Article VII in this chapter;

(c) Other uses customarily incidental and accessory to permitted or conditional uses, and necessary for the operation thereof.

Sec. 21-201 Setbacks.

(a) In the Business District, the minimum front setback shall be fifteen (15) feet, the minimum side setback shall be fifteen (15) feet and the minimum rear setback shall be fifteen (15) feet. A ten (10) foot pedestrian accessway, at or near grade, is desirable along all lot lines, but with a buffer provided between the accessway and any public street or road. These accessways may be covered. In no way shall a building or structure shed snow onto the required pedestrian accessway, a public right-of-way or an adjoining lot.

(b) Architectural projections. Architectural projections including eaves, roof overhangs, awnings, louvers and similar shading features, sills, belt courses, cornices and similar features, and flues and chimneys may project no more than one-fourth (1/4) the distance into the required setback.

(c) Balconies, decks, and stairways or fire escapes. Above ground balconies, decks, stairways, fire escapes, terraces, porches, decks, steps and other similar exterior features may project no more than ½ the distance into the required setback but shall not be allowed to encroach into any easement areas.

(d) Application and interpretation of lot lines. Where a lot or site does not have frontage on a street, or where access is by means of an easement or other right over adjoining properties, by means of an extension of a portion of the site, or by means of a private driveway, road or street, the line where principal access to the lot is attained shall be deemed the front lot line, and setback areas shall be determined there from.

(e) Accessory Uses. All accessory uses and structures except fences, hedges, walls and landscaping or ground level site development such as walks, driveways and terraces shall conform to the required minimum setback lines on each site.

(f) Recreational Amenities. Recreational amenities may be exempted from minimum setback requirements by the planning commission or zoning administrator, if they determine that their location is not environmentally and/or aesthetically detrimental.

Sec. 21-202 Distance between buildings.

In the Business District, the minimum distance between buildings on the same site shall be ten (10) feet. In all cases, however, a space of sufficient shape and size shall be provided to accommodate any snow shed from buildings within the property boundaries.

Sec. 21-203 Building height.

(a) The maximum height of buildings in the Business District shall be fifty-five (55) feet. Roof heights shall be varied within the project, and multiple roof breaks shall be articulated to minimize the mass and scale of structures. Structures or portions of structures with sloping roofs may exceed the height limit in accordance with the schedule in Section 21-83. This table shall apply to gable, hip or shed roofs, but shall not apply to mansard roofs or to any roof structure which does not extend to a peak at a slope of two (2) feet vertical to twelve (12) feet horizontal or greater.

(b) Architectural projections above height limit. Towers, spires, cupolas,

chimneys, flagpoles and similar architectural features not useable as habitable floor area may extend above the height limit a distance of not more than fifteen (15) percent of the height limit.

(c) Application and interpretation of height limits. Where a building is designed to have the appearance of separate, identifiable structures joined only by lower portions of the same structure, or adjoining for less than twenty-five (25) percent of the perimeter of the portion of the structure to another portion of the structure, each separate or identifiable portion may be considered a separate structure for the purpose of determining height limits. Determination of portions of structure having the appearance of separate, identifiable structures shall be made by the zoning administrator. **Sec. 21-204 Building square footage.**

(a) Maximum CRFA and GRFA. In the Business District, not more than one hundred (100) square feet of commercial and retail floor area (CRFA) for each one hundred (100) square feet of site area nor more than one hundred fifty (150) square feet of gross residential floor area (GRFA) for each one hundred (100) feet of site area shall be permitted.

(b) Minimum CRFA and GRFA. A minimum of eighteen (18) square feet of commercial and retail floor area (CRFA) shall be required for each one hundred (100) square feet of gross residential floor area (GRFA).

Sec. 21-206 Useable open space.

In the Business District, an area equivalent to a minimum of thirty (30) percent of the total lot area shall be useable open space. Useable open space may be common space accessible to more than one (1) dwelling or accommodation unit, or may be private space accessible to separate dwelling units or accommodation units or a combination thereof. Up to fifty (50) percent of the required area for useable open space may be included as an enclosed mall or atrium. Useable open space may also include other areas, other than an enclosed mall or atrium, open to all occupants of the structure, their employees, guests and business invitees. At least one-half (1/2) of the required useable open space shall be provided at ground level. At least seventy-five (75) percent of the required ground level open space shall be open to all occupants of the structure, their employees, guests, and business invitees. The minimum dimension of any area qualifying as ground level open space shall be ten (10) feet. The minimum dimensions of any area qualifying as non-ground level useable open space shall be five (5) feet. Not more than one-half (1/2) of the useable open space requirement may be satisfied by balconies or roof decks.

Sec. 21-207 Landscaping and lot development.

Landscaping in the Business District shall be provided pursuant to the requirements of section 21-305.

Sec. 21-208 Parking and loading.

Off-street parking and loading in the Business District shall be provided in accordance with Article XVI, Division 3 (Parking, Loading, Snow Storage and Driveway Standards), of this chapter.

Sec. 21-209 Lighting.

Lighting in the Business District shall be provided pursuant to the requirements of section 21-877, Commercial lighting regulations.

Secs. 21-210—21-220 Reserved.

Section 7. Sections of Article III, District Regulations, Division 6, Commercial District, are amended to read as follows:

Sec. 21-223 Conditional uses.

The following conditional uses shall be permitted in the Commercial District, subject to the conditional use provisions of this chapter:

- (a) Ski lifts and tows;
- (b) Animal hospitals and kennels;
- (c) Automotive service stations;

Gasoline service stations shall

be subject to the following requirements:

(1) All fuel storage tanks shall meet all EPA requirements and shall be completely buried beneath the surface of the ground.

(2) All gasoline pumps, lubrication or similar devices, and other service facilities shall be located at least twenty (20) feet from any street right-of-way line.

(3) All servicing of vehicles, except sale of gas and oil and services customarily provided in connection therewith shall be conducted completely within a structure.

(4) All storage of goods shall be completely within a structure.

(d) Building materials supply stores;

(e) Commercial laundry and cleaning services;

(f) Contractor's yards;

(g) Machine shops;

(h) Motor vehicle sales and services;

(i) Repair garages;

(j) Tire sales and services, including retreading and recapping;

(k) Trucking terminals and truck service stations;

(l) Vehicle storage yards;

(m) Warehouses;

(n) Woodworking and cabinet shops;

(o) Antennas of wireless telecommunication services;

(p) Public utilities;

(q) Public buildings;

(r) Water and wastewater treatment facilities;

(s) Bus stops;

(t) Temporary structures;

(u) Additional commercial services determined to be similar to the foregoing conditional uses.

Sec. 21-227 Setbacks.

(a) In the Commercial District, the minimum front setback shall be ten (10) feet, the minimum side setback shall be ten (10) feet and the minimum rear setback shall be ten (10) feet.

(b) Architectural projections. Architectural projections including eaves, roof overhangs, awnings, louvers and similar shading features, sills, belt courses, cornices and similar features, and flues and chimneys may project no more than one-fourth (1/4) the distance into the required setback.

(c) Balconies, decks, and stairways or fire escapes. Above ground balconies, decks, stairways, fire escapes, terraces, porches, decks, steps and other similar exterior features may project no more than ½ the distance into the required setback but shall not be allowed to encroach into any easement areas.

(d) Application and interpretation of lot lines. Where a lot or site does not have frontage on a street, or where access is by means of an easement or other right over adjoining properties, by means of an extension of a portion of the site, or by means of a private driveway, road or street, the line where principal access to the lot is attained shall be deemed the front lot line, and setback areas shall be determined there from.

(e) Accessory Uses. All accessory uses and structures except fences, hedges, walls and landscaping or ground level site development such as walks, driveways and terraces shall conform to the required minimum setback lines on each site.

(f) Recreational Amenities. Recreational amenities may be exempted from minimum setback requirements by the planning commission or zoning administrator, if they determine that their location is not environmentally and/or aesthetically detrimental.

Sec. 21-228 Distances between buildings.

In the Commercial District, the minimum distance between buildings on the same lot shall be fifteen (15) feet. In all cases, however, a space of sufficient shape and size shall be provided to accommodate any snow shed from buildings within the property boundaries.

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Sec. 21-229 Building height.

(a) The maximum height of buildings in the Commercial District shall be thirty-five (35) feet. Structures or portions of structures with sloping roofs may exceed the height limit in accordance with the schedule in Section 21-83. This table shall apply to gable, hip or shed roofs, but shall not apply to mansard roofs or to any roof structure which does not extend to a peak at a slope of two (2) feet vertical to twelve (12) feet horizontal or greater.

(b) Architectural projections above height limit. Towers, spires, cupolas, chimneys, flagpoles and similar architectural features not useable as habitable floor area may extend above the height limit a distance of not more than fifteen (15) percent of the height limit.

(c) Application and interpretation of height limits. Where a building is designed to have the appearance of separate, identifiable structures joined only by lower portions of the same structure, or adjoining for less than twenty-five (25) percent of the perimeter of the portion of the structure to another portion of the structure, each separate or identifiable portion may be considered a separate structure for the purpose of determining height limits. Determination of portions of structure having the appearance of separate, identifiable structures shall be made by the zoning administrator.

Secs. 21-235 – 21-240 Reserved.

Section 8. Sections of Article III, District Regulations, Division 7, Public Uses and Facilities District, are amended to read as follows:

Sec. 21-241 Purpose.

The Public Uses and Facilities District is intended to establish public use areas in which public and semi-public facilities and uses are located, including, without limitation, governmental and educational uses.

Sec. 21-242 Permitted uses.

The following uses shall be permitted in the Public Uses and Facilities District:

- (a) Parks and golf courses;
- (b) Public recreation centers;
- (c) Government administration buildings;
- (d) Fire and police stations;
- (e) Schools;
- (f) Religious facilities;
- (g) Dwelling units, accessory and incidental to the primary use of the land;
- (h) Colleges and universities;
- (i) Public parking lots and parking structures;
- (j) Accessory buildings and uses customarily incidental to permitted and conditional public activities including, but not limited to, swimming pools, tennis courts, and parking facilities;
- (k) Bus stops;
- (l) Civic buildings;
- (m) Temporary structures used for a period of thirty (30) consecutive days or less.

Sec. 21-243 Conditional uses.

The following uses shall be permitted in the Public Uses and Facilities District, subject to the conditional use provisions of this chapter:

- (a) Hospitals, medical offices and clinics;
- (b) Public utilities and facilities;
- (c) Day care facilities;
- (d) Congregate care facilities;
- (e) Non-profit facilities providing a community service;
- (f) Antennas of wireless telecommunication services;
- (g) Emergency shelters;
- (h) Maintenance facilities;
- (i) Utility transmission lines;
- (j) Temporary structures used for a period of more than thirty (30) consecutive days.

Sec. 21-244 Lot area and frontage.

In the Public Uses and Facilities District, the minimum lot area shall be ten thousand (10,000) square feet, and the minimum frontage width shall be thirty (30) feet.

Sec. 21-245 Setbacks.

(a) In the Public Uses and Facilities District, the minimum front setback shall be ten (10) feet, the minimum side setback shall be fifteen (15) feet and the minimum rear setback shall be fifteen (15) feet. 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.

(b) Architectural projections. Architectural projections including eaves, roof overhangs, awnings, louvers and similar shading features, sills, belt courses, cornices and similar features, and flues and chimneys may project no more than one-fourth (1/4) the distance into the required setback.

(c) Balconies, decks, and stairways or fire escapes. Above ground balconies, decks, stairways, fire escapes, terraces, porches, decks, steps and other similar exterior features may project no more than ½ the distance into the required setback but shall not be allowed to encroach into any easement areas.

(d) Application and interpretation of lot lines. Where a lot or site does not have frontage on a street, or where access is by means of an easement or other right over adjoining properties, by means of an extension of a portion of the site, or by means of a private driveway, road or street, the line where principal access to the lot is attained shall be deemed the front lot line, and setback areas shall be determined there from.

(e) Accessory Uses. All accessory uses and structures except fences, hedges, walls and landscaping or ground level site development such as walks, driveways and terraces shall conform to the required minimum setback lines on each site.

(f) Recreational Amenities. Recreational amenities may be exempted from minimum setback requirements by the planning commission or zoning administrator, if they determine that their location is not environmentally and/or aesthetically detrimental.

Sec. 21-246 Distance between buildings.

In the Public Uses and Facilities District, the minimum distance between buildings on the same lot shall be ten (10) feet.

Sec. 21-247 Building height.

(a) The maximum height of buildings in the Public Uses and Facilities District shall be forty-five (45) feet. Structures or portions of structures with sloping roofs may exceed the height limit in accordance with the schedule in Section 21-83. This table shall apply to gable, hip or shed roofs, but shall not apply to mansard roofs or to any roof structure which does not extend to a peak at a slope of two (2) feet vertical to twelve (12) feet horizontal or greater.

(b) Architectural projections above height limit. Towers, spires, cupolas, chimneys, flagpoles and similar architectural features not useable as habitable floor area may extend above the height limit a distance of not more than fifteen (15) percent of the height limit.

(c) Application and interpretation of height limits. Where a building is designed to have the appearance of separate, identifiable structures joined only by lower portions of the same structure, or adjoining for less than twenty-five (25) percent of the perimeter of the portion of the structure to another portion of the structure, each separate or identifiable portion may be considered a separate structure for the purpose of determining height limits. Determination of portions of structure having the appearance of separate, identifiable structures shall be made by the zoning administrator.

Sec. 21-248 Density.

In the Public Uses and Facilities District, not more than fifty (50) percent of the total floor area shall be dedicated for residential use.

Sec. 21-249 Building square footage.

In the Public Uses and Facilities

District a maximum floor (CRFA) area of one hundred (100) square feet for each one hundred (100) square feet of lot area shall be permitted.

Sec. 21-250 Distance between buildings.

In the Public Uses and Facilities District, the minimum distance between buildings on the same lot shall be ten (10) feet. In all cases, however, a space of sufficient shape and size shall be provided to accommodate any snow shed from buildings within the property boundaries.

Sec. 21-251 Building walls.

In the Public Uses and Facilities District building walls shall be offset to a depth of at least five (5) feet every seventy (70) feet of wall length.

Sec. 21-252 Open space.

In the Public Uses and Facilities District, a minimum of twenty-five (25) percent of the total lot area shall be open space.

Sec. 21-253 Landscaping and lot development.

Landscaping in the Public Uses and Facilities District shall be provided pursuant to the requirements of section 21-305.

Sec. 21-254 Parking and loading.

Off-street parking and loading in the Public Uses and Facilities District shall be provided in accordance with Article XVI, Division 3 (Parking, Loading, Snow Storage and Driveway Standards), of this chapter.

Sec. 21-255 Lighting.

Lighting in the Public Uses and Facilities District shall be in accordance with the requirements of section 21-876 Residential lighting regulations.

Secs. 21-256 – 21-261 Reserved.

Section 9. Sections of Article III, District Regulations, Division 8, Recreation and Open Space District, are amended to read as follows:

Sec. 21-262 Purpose.

The Recreation and Open Space District is intended to preserve agricultural, undeveloped or open space lands from intensive development, consistent with agricultural and open space objectives. Parks, schools and certain types of private recreation facilities and institutions are also suitable uses in the Recreation and Open Space District, provided that the lots of these uses remain predominantly open. Lot development standards are intended to preclude intensive urban development and to maintain the recreation and open space characteristics of the district.

Sec. 21-263 Permitted uses.

The following uses shall be permitted in the Recreation and Open Space District:

- (a) Public recreational activities;
- (b) Agriculture;
- (c) Plant and tree nurseries and raising of field, row and tree crops;
- (d) Public parks, recreation areas and open spaces;
- (e) Ski lifts, tows and ski runs or accessways and related facilities;
- (f) Tennis courts;
- (g) Bus stops;
- (h) Temporary structures used for a period of thirty (30) consecutive days or less.

Sec. 21-264 Conditional uses.

The following conditional uses shall be permitted in the Recreation and Open Space District subject to the conditional use provisions of this chapter:

- (a) Private or public golf, tennis, swimming and riding clubs and hunting and fishing lodges;
- (b) Religious facilities;
- (c) The pasturing of horses and livestock;
- (d) Accessory dwelling units;
- (e) Temporary structures used for a period of more than thirty (30) consecutive days.

Sec. 21-265 Accessory uses.

The following accessory uses shall be permitted in the Recreation and Open Space District:

- Accessory buildings and uses customarily incidental to permitted agricultural uses, including barns, silos, sheds, corrals, pens and similar uses.

Sec. 21-266 Lot area and frontage.

In the Recreation and Open Space District, the minimum lot area shall be twenty-one thousand seven hundred eighty (21,780) square feet (one-half (1/2) acre) and each lot shall have a minimum frontage of thirty (30) feet.

Sec. 21-267 Setbacks.

In the Recreation and Open Space District, the minimum front setback shall be twenty (20) feet, the minimum side setback shall be fifteen (15) feet, and the minimum rear setback shall be fifteen (15) feet.

Sec. 21-268 Distances between buildings.

In the Recreation and Open Space District, the minimum distance between buildings on the same lot shall be fifteen (15) feet, provided that the minimum distance between any building used for the housing or feeding of animals and any building used for dwelling purposes shall be fifty (50) feet. In all cases, however, a space of sufficient shape and size shall be provided to accommodate any snow shed from buildings within the property boundaries.

Sec. 21-269 Building height.

The maximum height of buildings in the Recreation and Open Space District shall be thirty (30) feet, except for accessory farm and agricultural buildings which may not exceed forty-five (45) feet in height.

Sec. 21-270 Density.

In the Recreation and Open Space District, not more than one (1) accessory dwelling unit shall be permitted on each lot.

Sec. 21-271 Building square footage.

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.

Sec. 21-272 Building walls.

In the Recreation and Open Space District, the maximum length of any wall or building face shall be one hundred twenty-five (125) feet. Building walls shall be offset to a depth of at least five (5) feet for each fifty (50) feet of wall length.

Sec. 21-273 Open space.

In the Recreational and Open Space District, a minimum of ninety (90) percent of the total lot area shall be open space.

Sec. 21-274 Landscaping and lot development.

Landscaping in the Recreation and Open Space District shall be provided pursuant to the requirements of section 21-305.

Sec. 21-275 Parking and loading.

Off-street parking and loading in the Recreation and Open Space District shall be provided in accordance with Article XVI, Division 3 (Parking, Loading, Snow Storage and Driveway Standards), of this chapter.

Sec. 21-276 Exterior storage.

Applicants for approval of all new structures are encouraged to provide either a garage or a storage facility.

(a) Exterior storage shall be limited to those items that are clearly incidental to open space functions and uses of the property, and shall specifically exclude any commercial or industrially related storage. All items to be stored outdoors shall be maintained in a neat and orderly fashion, located as near as feasible to the main structures on the property, preferably on the side of the structures away from the public right-of-way and screened from public view and from the view of surrounding areas in a style and detail that is compatible with the architecture of the main structures on the property.

(b) Recreational vehicles and equipment shall be stored in a neat and orderly fashion in the driveway, or as near as feasible to the main structures on the property, on the side of the structures away from the public right-of-way and screened from public view and from the view of surrounding areas in a style and detail that is compatible with the architecture of the main structures on the property.

Sec. 21-277 Lighting.

Lighting in the Recreation and Open

Space District shall be in accordance with the requirements of section 21-876 Residential lighting regulations.

Secs. 21-278—21-288 Reserved.

Section 10. Sections of Article III, District Regulations, Division 9, Medical Marijuana, are amended to read as follows:

Sec. 21-289 Medical marijuana center, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses prohibited.

It is unlawful for any person to operate, cause to be operated, or permit to be operated a medical marijuana center, optional premises cultivation operation, or facility for which a medical marijuana infused products manufacturers' license could otherwise be obtained within the town, and all such uses are hereby prohibited in any location within the town, or within any area hereinafter annexed to the town.

Sec. 21-290 Patients and primary caregivers.

Nothing in this division shall be construed to prohibit, regulate, or otherwise impair the use of medical marijuana by patients as defined by the Colorado Constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with the Colorado Constitution, and consistent with C.R.S. section 25-1.5-106, and rules promulgated thereunder, as the same statute and rules may be amended from time to time.

Section 11. Sections of Article III, District Regulations, Division 10, Marijuana Regulations, are amended to read as follows:

Sec. 21-291 Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores prohibited.

It is unlawful for any person to operate, cause to be operated, or permit to be operated a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store, and all such uses are hereby prohibited in any location within the town, or within any area hereafter annexed to the town.

Section 12. Article VI. Reserved, is amended to read as follows:

Secs. 21-292—21-350 Reserved.

Section 13. Section of Article VII, Home Occupations, are amended to read as follows:

Sec. 21-351 Home occupations enumerated.

(a) For purposes of this section, provided that all requirements prescribed in this article are met, the following shall be considered home occupations:

- (1) Activities conducted principally by telephone, computer or mail order;
- (2) Studios and activities producing light handcrafts of objects of art;
- (3) Teaching and tutoring instruction limited to two (2) pupils at a time;
- (4) Professional services;
- (5) Dressmaking or apparel alterations.

(b) A home occupation shall not include a clinic, funeral home, nursing home, tea room, restaurant, antique shop, veterinarian's office or any similar use that generate traffic or other significant impacts.

Sec. 21-352 Requirements for home occupations.

Where permitted, home occupations shall be subject to the following limitations:

(a) The use shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and one (1) additional employee not related to the occupant.

(b) The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.

(c) The total floor area used for the home occupation shall not exceed one-fourth (1/4) of the gross residential floor area (GRFA) of the dwelling, nor exceed five hundred (500) square feet.

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Legals

continued from previous page

(d) There shall be no advertising, display or other indication of the home occupation on the premises, except for a small business identification sign, no more than one (1) square foot that identifies the business for purposes of mail and package delivery, that meets sign requirement and pay permit fees. Signs shall be permitted in accordance with Chapter 16 of the Municipal Code of the Town of Mt. Crested Butte, Colorado.

(e) Selling inventory, supplies or products on the premises shall not be permitted, except that incidental retail sales may be made in connection with other permitted home occupations.

(f) There shall be no exterior storage on the premises of material used in the home occupation.

(g) There shall be no noise, vibration, smoke, dust, odor, heat or glare noticeable at or beyond the property line, as a result of the home occupation.

(h) A home occupation shall not generate significant vehicular traffic in excess of that typically generated by residential dwellings. No parking or storage of commercial vehicles shall be permitted on the site.

Sec. 21-353 Home occupation permits.

(a) Permit required. The conduct of a home occupation or studio, where permitted as an accessory use by the provisions of this chapter, shall be subject to issuance of a home occupa-

tion permit by the zoning administrator.

(b) Application. Application shall be made on a form prescribed by the zoning administrator, and shall be accompanied by a statement fully describing the nature of the home occupation, including hours of operation, equipment or machinery to be used, anticipated number of customers, clients or students and other features of the home occupation. The application shall describe in detail the manner in which the home occupation will conform to the requirements of this article.

(c) Permit issuance and findings. After review of the application, the zoning administrator may issue a home occupation permit if he/she finds that the proposed use will conform to the requirements of this article. The permit may be subject to such conditions as the zoning administrator deems necessary to guarantee operation of the home occupation in accord with the requirements of this article and compatible with other uses in the vicinity. The zoning administrator shall deny the application if he/she finds that the proposed use will not conform to the provisions of this article, or would be injurious or detrimental to other properties in the vicinity.

(d) Time limit and renewal. Home occupation permits, when issued, shall be for a limited time period not exceeding two (2) years. Permits shall be renewable upon application, subject to such regulations as shall be in effect at the time of application

for renewal. The zoning administrator shall make the same findings with respect to an application for renewal as for the original issuance of a home occupation permit.

(e) Revocation or discontinuance. A home occupation permit may be revoked by the zoning administrator if he/she determines that the provisions of this article or the limitations prescribed as a condition of the permit are being violated. A home occupation permit shall become void if not used within two (2) months of issuance, or if the use for which it was issued is discontinued for a continuous period of six (6) months.

(f) Appeals. Appeals of any action of the zoning administrator in connection with issuance or denial of a home occupation permit or the conditions attached thereto may be filed with the town council by any resident or property owner in accordance with section 21-24 Appeals.

Secs. 21-354—21-375 Reserved.

Section 14. Article X. Nonconforming Sites, Uses, Structures and Site Improvements, Section 21-430, is amended to read as follows:

Sec. 21-430 Nonconforming structures and lot improvements.

Buildings and lot improvements lawfully established in compliance with the provisions of this chapter at the time of approval or construction as applicable, which do not currently conform to the development standards prescribed by this chapter for the district in which they are situated, may

be continued. Such structures or lot improvements may be altered only as follows:

(a) Buildings or lot improvements which do not conform to requirements for setbacks, distances between buildings, height, building bulk control or lot coverage, may not be altered in a manner that increases the nonconformity. A building or structure may be altered, except for height restrictions, in a manner that continues the nonconformity.

(b) Buildings or lot improvements which do not conform to requirements for useable open space or landscaping and lot development may be enlarged, provided that the useable open space requirements applicable to such addition shall be fully satisfied, and provided that the percentage of the total site which is landscaped shall not be reduced below the minimum requirement.

(c) Buildings or lot improvements which do not conform to the off-street parking and loading requirements of this chapter may be enlarged, provided that the parking and loading requirements for such addition shall be fully satisfied.

Section 15. The following sections in Article III, District Regulations are removed in their entirety:

ARTICLE III:

Sec. 21-96.1
Sec. 21-121.1
Sec. 21-146.1
Sec. 21-196.1
Sec. 21-221.1

Sec. 21-235.1
Sec. 21-241.1
Sec. 21-242.1
Sec. 21-251.1
Sec. 21-254.1
Sec. 21-254.3
Sec. 21-524.2

Section 16. 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 19th day of March 2019.
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 16th day of April 2019.
TOWN OF MT. CRESTED BUTTE, COLORADO

/s/ Janet R. Farmer

By: Janet R. Farmer, Mayor

ATTEST:

Tiffany O'Connell

Tiffany O'Connell, Town Clerk

Published in the *Crested Butte News*.
Issue of April 26, 2019. #042601

Classifieds

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FOR RENT

1 BEDROOM with private bathroom in Mt. CB at Chateaux, available for rent 5/1. 12-month lease. \$1100/month. No pets per HOA rules. swkhibbard@hotmail.com. (4/26/25).

BEAUTIFUL RIVER FRONT HOME: 3000 sq.ft., 3 huge BD/3 bath, den, large living room, kitchen/sitting nook, 2 car garage, quiet cul de sac, completely furnished, fishing access. June 15th, year lease. No smoking. Txt 970-209-7058. (4/26/37).

ROOM FOR RENT in 3 bedroom/2 bath house. Private bedroom & bath. \$1350/mo. NP/NS. 6-12 month lease term. 970-596-0968. (4/26/21).

LET CB LODGING HELP YOU take care of your property. Whether it's a short-term or long-term rental property, or if you'd just like help with maintenance or housekeeping. Call us! Paula 970-349-7687. (4/26/32).

ELK RIDGE 2 BEDROOM/2 BATH fully furnished unit in Mt. Crested Butte. This two story end unit has a deck with views, lots of windows, washer/dryer, wood burning stove, and is pet friendly! The condo is located on the bus loop or just a short walk to the slopes and includes water, sewer and trash. \$1600/mo. plus utilities. Call Carolyn 970-349-6339. (4/26/64).

FURNISHED ONE BEDROOM EMMONS CONDO located in the heart of the base area. Granite countertops, stainless appliances, spacious deck and community hot tub. Walk to the base area bus stop and restaurants! Kristin 970-209-1568. (5/3/34).

3BD/2BA FURNISHED HOME in Meridian Lake, garage, amazing mountain views, close to mountain bike/hiking trails. Available June, July and August or the last 4-6 weeks of that time frame. \$3000/mo. + minimal utilities. Call 303-619-0094. (4/26/37).

MT. CB 2BD/2BA + LOFT: 990 sq.ft., 4-6 month lease starting 5/15, maybe sooner. No pets per HOA. \$2075/month + deposit. 406-600-3644. (4/26/22).

FOR RENT

FOR RENT: 3 bedroom apartment in town, off-street parking. Available May 1, 2019. \$2100/mo. Call Bob 970-901-7277. (4/26/18).

49 YEAR OLD MALE: 30+ year resident looking for caretakers unit, ADU or apartment in CB. My specialties include stone masonry, snow removal and painting. References galore. Please call Craig 970-209-8633. (4/26/pd/31).

Disclaimer:
DUE TO THE LAYOUT OF OUR CLASSIFIEDS, SOME EMAILS MAY APPEAR WITH A HYPHEN.

AVAILABLE EARLY JUNE: Newer Gunnison 3BD/2.5 bath townhome plus garage. Excellent condition with all appliances plus washer/dryer. Hardwood flooring. \$1,645 monthly. 1140 W New York. Call owner at 361-550-0919 or Nesbitt & Co 970-596-0922. (4/26/35).

CHATEAUX FULLY FURNISHED 2 bedroom/2 bathroom Chateaux condo. This top floor condo offers a deck with views of Mount Crested Butte access to common area washer/dryer, pool and hot tub. \$1,700/mo. plus some utilities. Sorry, no pets. Call Carolyn 970-349-6339. (4/26/43).

MAJESTIC SPACIOUS ONE BEDROOM/ONE BATH APARTMENT in town above Acme Liquor, next door to the grocery store, movie theater and bus stop. This unfurnished unit has a gas fireplace, dishwasher and laundry room with built in shelves. \$1,500/mo. plus utilities. Sorry, no pets! Call Carolyn 970-349-6339. (4/26/48).

FOR RENT

ROOMMATE WANTED for 3 bedroom home in Mt. Crested Butte beginning May 1. On bus route, large living area, great views, large deck, ample parking. \$950/mo. includes utilities. 970-596-0968. (4/26/30).

CRESTED MOUNTAIN NORTH CONDO: Available May 1st. 878 s.f. 2 bedroom, 1.5 bath, \$1,400/mo. No pets. Call 970-349-2773 for details. (4/26/21).

BLACK BEAR CONDO for long term rental. 4BD/4BA with loft, fully furnished, great view of CB Mountain. Across street from WestWall lift, heated parking, bus service. \$3,000/month plus security deposit. Available April 1, no animals allowed. Email rmc-cutchin@sbcglobal.net, or 214-616-7089 for more info and application. (4/26/48).

MARCELLINA/EAGLE'S NEST: Bus to everything in the Valley. Bus stops 20 feet from front door, hot tub, sauna, fireplace, 2 decks, great views, nice artwork, new kitchen, completely furnished. Available August 25th. Sorry, no pets. \$3100 plus utilities. 847-769-7800, liskorinternational@gmail.com. (4/26/48).

FULLY FURNISHED OUTRUN 3/2: OPEN concept living, new chef's kitchen, HE W/D, wood fireplace, huge deck, gorgeous views. \$2900 includes parking, wi-fi, cable, hot tub, tennis, W/S/T. Send request CC@InvestInCrestedButte.com. No pets. ADA service animals welcome. (4/26/40).

ROOM FOR RENT in 3 bedroom condo in town. \$625/month includes utilities & internet, plus \$625 deposit. No pets. Early rising household. Call for more details. 970-596-4716. (5/3/27).

FOR RENT

CRESTED BUTTE SOUTH: 2 bedroom/1.5 bathroom unfurnished unit. Located in the basement of a single family home in CB South, approx. 800 sq.ft., washer/dryer and storage room. Deck with beautiful views of the beaver ponds and the East River. Pets considered! \$1,600/mo. plus some utilities. Call Carolyn 970-349-6339. (4/26/51).

SILVANITE 2 BEDROOM PLUS LOFT: 1.5 bath condo in town. This top floor unit comes unfurnished and has a nice open floor plan. The rent includes water, sewer, trash and plowing. Sorry, no pets! \$1,800/mo. plus utilities. Looking for a minimum of a 1 year lease. Call Carolyn 970-349-6339. (4/26/50).

COMMERCIAL RENTALS

CO-WORKING SPACE for rent on Elk: Bright, sunny, quiet, kitchenette and bathroom. Best for remote worker looking for great office mates. Includes Internet, heat & electricity. \$150/month. Available May 1. Call/Text 802-760-7084. (4/26/33).

BEAUTIFUL, AFFORDABLE, BRIGHT CB OFFICE: Avail M, W & weekends, \$200/month, incl WiFi, bathroom, kitchen, window; central, quiet, cozy & private, set up for seeing clients or office work; does not fit massage table; 407 4th St. 303-993-4359. (4/26/37).

NEW COMMERCIAL BUILDING IN CB SOUTH: 2 units available now at 1,200 sq.ft. each plus room to remodel and increase sq.ft. if wanted. 1 year lease. Call or text for info 719-480-2472 or 303-903-0771. (4/26/34).

STORAGE UNITS AVAILABLE for rent in Riverland. 8 x 20 ft. 970-275-1703. (4/26/12).

COMMERCIAL SPACE FOR RENT: CB South ground level. 600 sq. ft commercial space available. 970-596-6844. (4/26/15).

FOR SALE

HOUSEHOLD ITEMS FOR SALE: Orthopedic Folding Wedge Pillow from Bed, Bath & Beyond. 10" tall x 12" wide, 16" folded, 31" extended; like new, very clean, \$35. Electronic Dartboard: Missing cord but battery operated, \$10 obo. Back Support Belt: McGuire-Nicholas, size small, like new, \$10. Call 275-8910. (4/26/pd/46).

SNOW TIRES & BMW FACTORY WHEELS: Four (4) factory original BMW 325i wheels with nearly new Hankook Winter Pike studded snow tires. Only two months' wear. Wheel size: 15x7. Bolt pattern 5x120mm. Tires 195/65/R15 91T. \$450. 970-904-0284. (4/26/pd/37).

GURKEE'S ROPE SANDALS: Brand new, still has tags on them. Size 6.5-7. \$35. Call 970-275-8910. (4/26/pd/15).

INFLATABLE TRAVEL PILLOW: Travel Smart by Conair. Removable, washable fleece cover with pocket. Used only once, royal blue. \$15. 970-275-8910. (4/26/pd/20).

BRAND NEW SKI PANTS Helly Hansen, black, women's medium. Tags still on - never worn. Retail at \$180 selling for \$100. Call 209-2978. (4/26/pd/22).

PET ITEMS FOR SALE: Pet Bed Cave: Brand new cozy cave bed with removable plush pillow. Made by Frisco. \$15. Water Bottle & Bowl: 20 oz. water bottle with attached pull out water bowl. Brand new. \$10. Call 970-275-8910. (4/26/pd/38).

REAL ESTATE

FOR SALE: Locals-only house in Crested Butte, with ADU. Must have lived in Gunnison Valley 5 of last 7 years and make 80% of income in Valley. Great neighborhood. 675k. 970-596-1991. (5/3/31).

FOR SALE: Land on County Road 26. 35.11 acres with views of the Pinnacles and Blue Mesa. Power to land and well. Call 642-1279 for more information. (4/26/pd/27).

ClassifiedsWORK

classifieds@crestedbuttenews.com