

# Crested Butte South Special Area Regulations

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**Any errors or omissions from this document or the Master Plan should be brought to the attention of CB South P.O.A. as soon as possible at [chris@cbsouth.net](mailto:chris@cbsouth.net) or call (970) 349-1162.**

**Note: The drawings contained within these guidelines should not be used for construction.**

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# SECTION 1: PURPOSES

## 1.1 Crested Butte South (“Crested Butte South Special Area”)

The Crested Butte South Special Area (the “Crested Butte South Special Area” or “CB South Special Area”) has been designated by the Board of County Commissioners of Gunnison County (the “BOCC”) pursuant to Section 1-110: PROCESS FOR DESIGNATING SPECIAL AREAS of this *Resolution* (the “LUR”) as a Special Area.

## 1.2 Purpose

These purposes serve as basic goals for these *Regulations* and the review of applications for Crested Butte South Special Area Permits. When there is a conflict between a statement of purpose and an adopted standard in these *Regulations*, or when an adopted standard is more specific, the standard shall supersede these purposes. These *Regulations* shall be liberally construed to further the following purposes.

**A. To Simplify LUR Review and Approval.**

To simplify the Gunnison County Land Use Resolution review and approval process for real property wholly contained in the Crested Butte South Special Area

**B. To Promote a Compact Commercial and Business Development Pattern.**

To promote a compact commercial and business development pattern wholly contained in the Crested Butte South Special Area.

**C. To Protect the Environment; Public Health, Safety and Welfare; Public Services, Facilities and Property.**

To avoid or mitigate potential impacts caused by land development within the CB South Special Area, to the environment, to public services and facilities, property and public safety, and land use within the CB South Special Area and adjacent properties, to the maximum extent feasible.

**D. To Provide Opportunity for New and Existing Businesses.**

To provide the opportunity for existing businesses to grow and new businesses to locate in close proximity to existing populations, services, utilities and transportation routes.

**E. To Encourage Economic Diversity.**

To encourage, strengthen and promote greater economic diversity in the County; to broaden employment opportunities and reduce seasonal employment fluctuation in a manner that will not endanger or detract from the existing economy.

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## SECTION 2: APPLICABILITY

These *Regulations* apply to all development, including development of new, expansion of existing uses, and change of the use of land or structures within the CB South Special Area, including any and all commercial uses. The CB South Special Area encompasses Filings 1 through 4 of the Crested Butte South Subdivision, recorded as follows:

Crested Butte South – First Filing, August 21, 1970, Reception Number 280978

Crested Butte South – Second Filing, September 24, 1970, Reception Number 281588

Crested Butte South – Second Filing, Replat of Lots 1-3, and 10-15 all in Block 9, February 21, 1995, Reception Number 458318

Crested Butte South – Second Filing, Corrected Plat, Lot 15, Block 11, June 18, 2002, Reception Number 521255

Crested Butte South – Third Filing, January 4, 1971, Reception Number 282791

Crested Butte South – Fourth Filing, December 1, 1971, Reception Number 291415

Crested Butte South – Fourth Filing, Replat of Lots 4-6, Block 26, May 3, 2005, Reception Number 553180

These *Regulations* are in addition to the Declarations, Covenants and Restrictions, Amendments and Resolutions, and adopted Rules and Guidelines currently in use by the CB South Property Owners Association (P.O.A.), and as may be amended. In the event of any conflict between these *Regulations* and the Declarations, Covenants and Restrictions, Amendments and Resolutions, and adopted Rules and Guidelines in use by the CB South P.O.A., the more restrictive shall apply. Further, it is recognized that any reference to specific sections of the *Gunnison County Land Use Regulation* (LUR) is a reference to the current LUR, understanding that specific sections may change from time to time.

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## **SECTION 3: RELATIONSHIP TO THE GUNNISON COUNTY LAND USE RESOLUTION**

### **3.1 Uses Generally Exempt From Land Use Resolution**

Development within the CB South Special Area shall be exempt from requirements of the *Gunnison County Land Use Resolution*, unless otherwise specified in these *Regulations*.

### **3.2 Definitions**

Terms not otherwise defined within these *Regulations* shall be defined pursuant to the applicable sections of the *Gunnison County Land Use Resolution*.

### **3.3 Construction and Word Usage**

Construction and word usage shall be interpreted pursuant to the applicable Sections of the *Gunnison County Land Use Resolution*.

### **3.4 Interpretations**

The CB South Association Manager and/or P.O.A. Board of Directors shall have authority to interpret these *Regulations*, and the Board of County Commissioners during an appeal process. A written record of any interpretation shall be kept on file at the P.O.A. Offices.

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## SECTION 4: DEFINITIONS

This Section defines words, terms, and phrases used specifically in these *Regulations*. Terms not otherwise defined within these *Regulations* shall be defined pursuant to the Definitions section of the *Gunnison County Land Use Resolution*.

**ADA** refers to Americans with Disabilities Act of 1990 that sets forth requirements of accessibility to public and semi-public buildings, as may be amended.

**BOARD** means the Board of County Commissioners of the County of Gunnison, Colorado, duly authorized to act on behalf of Gunnison County, Colorado.

**BOCC** means the Board of County Commissioners of the County of Gunnison, Colorado.

**BUSINESS DISTRICT** means the Commercial Area which is comprised of the Commercial Core and the Commercial Perimeter.

**CERTIFICATE OF APPROVAL** is a certificate issued by the County Planning Department that states that the proposed project has received compliance review by both the DRC and the Gunnison County Planning Department and the applicant is authorized to apply for the applicable building permit through the County Building Department.

**CERTIFICATE OF OCCUPANCY** means a certificate issued by Gunnison County that provides proof that the building or structure has been constructed in conformance with the approved building permit plans and all applicable building codes.

**COMMERCIAL** means any establishment engaged in the retail, and incidental wholesale, of goods or services that is open to the general public or that may be open to members only. This does not include farm or ranch stands. "Commercial" also means "business."

**COMMERCIAL AREA** encompasses all of Block 6, Lots 5, 7, 9, 11, 13, 15, 17, 41 to 48 inclusive in Block 4; Lots 23 to 40 in Block 5, excluding Lots 32, 33, and 34, all within the 2nd Filing. Lots 32-34 in Block 5 may be included in the Commercial Area at the discretion of the P.O.A. Board only after notification of all immediately adjacent property owners, and at least one properly noticed public hearing.

**COMMERCIAL AREA MASTER PLAN (CAMP)** refers to the illustrative design that generally depicts the layout and potential development of those commercially-designated lots located in the Crested Butte South Subdivision together with these *Regulations* (see page 9-15).

**COMMERCIAL CORE** refers to all of Block 6 in the 2<sup>nd</sup> Filing. It is expected that the majority of the Commercial Core will be developed with commercial and mixed-use buildings.

**COMMERCIAL LOT** refers to all commercially designated (Commercial Core or Commercial Perimeter) lots within the CB South Special Area.

**COMMERCIAL PERIMETER** refers to those portions of Blocks 4 and 5 that front Block 6 in the 2nd Filing, and are commercially-designated, per the CB South Plats; and possibly may include lots 32-34 in Block 5 of the 2<sup>nd</sup> Filing.

**CB SOUTH SPECIAL AREA** a.k.a. Crested Butte South Special Area, shall mean all of the real property now or hereafter included in the Crested Butte South Subdivision, Filings 1-4, and subsequent Filings, made subject to these *Regulations*.

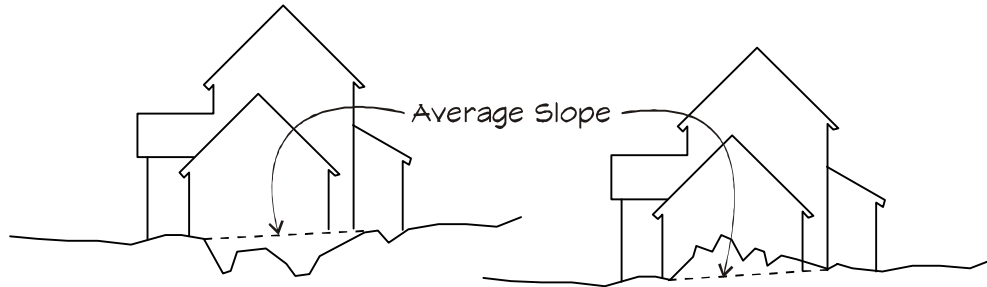
**CB SOUTH METRO DISTRICT** means the Crested Butte South Metropolitan District which provides water and sewer services to Crested Butte South and snowplowing and roadway maintenance services under contract with Gunnison County.

**CB SOUTH SPECIAL AREA PERMIT** means the required permits issued by the P.O.A. in accordance with these *Regulations*.

**DESIGN REVIEW COMMITTEE (“DRC”)** means the five (5) member Committee (with up to two alternates) established to review and act on plans for improvements on any lot to ensure compliance with these *Regulations*. The Design Review Committee is the Improvement Committee described in Sections 1.01-4 and 2.00 of the Covenants and Restrictions of Crested Butte South recorded in Book 420 at page 404 of the Gunnison County records. The Board shall be composed of at a minimum of one (1) and no more than two (2) Commercial Area lot owners, at least two (2) residential-use-only lot owners, and no more than one P.O.A. Board member, all of whom are appointed by the P.O.A. Board, with each member entitled to one vote on matters coming before the Design Review Committee. A quorum of the Board shall be three (3) members in order to hold a meeting and conduct business. Decisions rendered at meetings where only three (3) members are present must be unanimous. Each member shall serve a two year term, and terms shall be staggered.

**DESTROYED** shall mean relocated, replaced, structurally altered, or damaged by wind, fire or other cause to the extent that 50 percent or more of their replacement value has been destroyed.

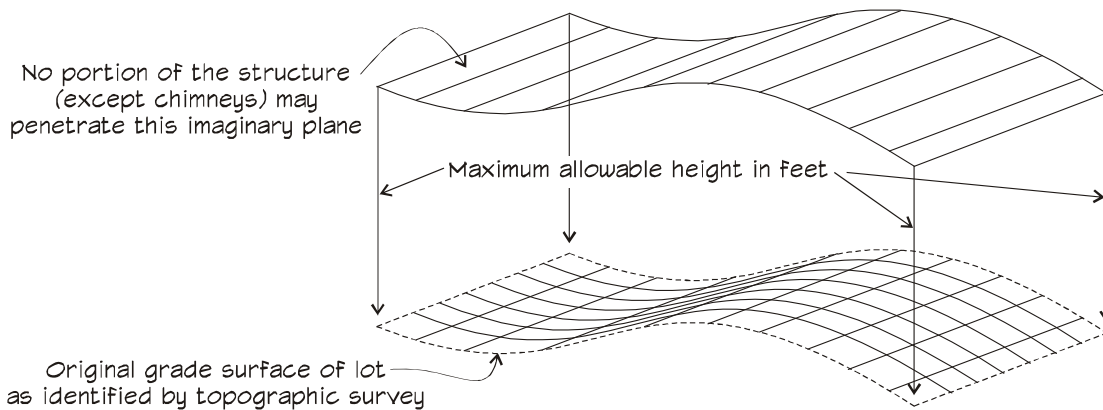
**EXISTING GRADE** means the original or natural topographic grade of a lot/property prior to any disturbance or grading work has been conducted. Existing grade shall be based on the USGS elevation provided on a wet-stamped survey of a property, by an engineer licensed in the State of Colorado, and completed prior to the date of the application. In the case of non-natural or highly irregular topography due to man-made impacts within the existing site development area, not created by the applicant, an average slope may be used (see below). On any lot/property exhibiting evidence of cut or fill grade not authorized by the P.O.A. the applicant may be required to provide a professional soil analysis to determine the natural grade. No excessive fill, excavation or other artificial methods of grade manipulation will be permitted to create an exaggerated building site to manipulate the building height measurement (see diagram below)



In the case of non-natural or highly irregular topography due to man-made impacts within the existing site development area, an average slope may be used.

**FARMER’S MARKET** means a market established by an organization of farmers/producers to provide the opportunity for direct sales (by farmers or their representatives) of primarily Colorado-grown produce, with the possibility of accessory sales of other agriculturally-related products, to wholesale or retail buyers at stalls or other similar structures of a temporary nature.

**HEIGHT:** No portion of any structure (except for chimney elements and elevator shafts) shall exceed a true vertical dimension of the heights prescribed herein, as measured vertically from the existing grade directly below (see diagram below)



**HOME OCCUPATION** shall mean a business, occupation or trade conducted wholly within a dwelling, or wholly within a structure accessory to the dwelling. Such home occupation shall be incidental and secondary to the use of the property for residential purposes, and shall not change the residential character of the property, and shall employ on-site no more than one (1) outside, non-family member, who lives off-premises. All home occupations are governed by separate Crested Butte Property Owners Association Regulations.

**IMPROVEMENT OR IMPROVEMENTS** means an addition to or enhancement of property or its condition, amounting to more than mere repairs or replacement, including, but not limited to, structures, infrastructure, habitat compensation, restoration, reclamation, general landscaping, and such other installations as may be designated by the County.

**INCIDENTAL OR ACCESSORY** means affiliated with or dependent on the principal use.

**LAND USE RESOLUTION (LUR)** means the Gunnison County Land Use Resolution, adopted by the Board of County Commissioners of Gunnison County, Colorado on January 8, 2001 (the “effective date” of the *Resolution*), and as amended.

**MANUFACTURE** means to make or process a raw material into a finished product.

**MANUFACTURING USE** means a land use where raw materials are brought to the site and created into a finished product through a process, typically using large quantities of materials and industrial machines.

**MAXIMUM EXTENT FEASIBLE** means that all practical efforts to comply with the *Regulations* or minimize potential harm or adverse impacts have been undertaken and that no feasible and prudent alternative exists. Economic factors may be taken into account but shall not be the overriding or dispositive factor in determining whether no feasible and practical alternative exists in a particular situation.

**MIXED USE BUILDING** is a commercial structure that has no more than 66% of the square footage allocated to residential uses.

**MULTIPLE-FAMILY BUILDING** is a residential building with a minimum of three (3) units.

**NUISANCE** means an activity that arises from the unreasonable, unwarranted or unlawful use of property, working obstruction or injury on the right of another, or on the general public.

**PLANNING COMMISSION** means the Gunnison County Planning Commission.

**PLANNING DEPARTMENT** means the Gunnison County Planning Department.

**P.O.A.** means the Crested Butte South Property Owners Association that is composed of all owners, in good standing, of property in the Crested Butte South Subdivision.

**P.O.A. BOARD** means the Crested Butte South Property Owners Association Board of Directors that is elected to represent the property owners in Crested Butte South.

**P.O.A. MANAGER** means the agent or administrator of the Property Owners Association who is hired by and reports to the P.O.A. Board.

**PROPERTY** shall be synonymous with the CB South Special Area, and shall mean all of the real property now or hereafter made subject to these *Regulations*.

**RECORDED OR RECORDATION** means, with respect to any document, the recording of said document in the records of the Office of the Gunnison County Clerk and Recorder, Gunnison County, Colorado.



**RECYCLING AREA** means an enclosed common facility where the recycling of products such as cans, glass, plastic, newspaper, and other similar items can be deposited for pick up by a recycling company. A recycling area must be part of a common trash enclosure as provided for in the Commercial Core.

**REGULATIONS** means these CB South Special Area Regulations (the "*Regulations*"), created to regulate the development and use of the South Special Area in conjunction with the designation of CB South as a Special Area pursuant to applicable Sections of the *Gunnison County Land Use Resolution*.

**SIGN** means any attention-getting device used to promote business activity, any placard, poster, billboard, advertising structure or inscribed surface, pattern or artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, or other visually communicative or expressive device that is visible from an out of doors position and is used to advertise or call the public's attention to any public, business, commercial, recreational or any other activity, object for sale or lease, person or place, or to bear any kind of message. A sign includes any surface on which a name, text, device, signal, ornament, logotype, or advertising matter is made visible, but does not include a vehicle on which the name of a business appears. The meaning of "sign" shall also include any sign currently in disuse, but still visible from an out of doors position, and any frame or support structure erected specifically to support a sign.

**SIGNIFICANT TREES** means those trees with a caliper of 3" or more (measured 4' above the root ball) for which an applicant is seeking credit as part of residential design review.

**SITE DEVELOPMENT PLAN** means a scaled drawing that depicts the proposed development on a lot or lots within the CB South Special Area.

**SOLID FUEL BURNING DEVICE** means a device designed for the combustion of solid fuels including, but not limited to, wood, coal, pulp, paper, pellets or similar non-liquid or non-gaseous materials so that usable heat is derived for the interior of a building, and includes solid-fuel-burning stoves, fireplaces or wood stoves of any nature, combination fuel furnaces or heaters that burn solid fuel, or any other device used for the burning of solid combustible material.

**STREET** means a dedicated public right-of-way that provides vehicular and pedestrian access to adjacent properties. Street shall include road, lane, place, avenue, drive and similar terms.

**VENDING CART** means a small vehicle or cart used for the vending of food and goods to the general public. Typically, vending carts are non-motorized and are wheeled to a location outside of a public right-of-way, such as a park or common area.

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## SECTION 5: PERMITTED AND PROHIBITED LAND USES

This Section describes the permitted and prohibited uses of lots in the CB South Special Area, and details how the permitted uses are required to be operated. Any use not specified may be considered on a case-by-case basis by the P.O.A. Board. The P.O.A. Board may require additional mitigation to offset issues, including but not limited to, potential noise, odors, visual, environmental or traffic impacts. In the event that the P.O.A. Board denies the requested use, the applicant can seek relief through the appeal process, as set forth in *B.O.C.C Resolution 2008-38*.

Lots 32-34 in Block 5 may, in the future, be included in the Commercial Area at the discretion of the P.O.A. Board, only after notification of all immediately adjacent property owners, and at least one properly noticed public hearing. Otherwise, in no instance shall platted residential lots located outside of the herein defined Commercial Core or the Commercial Perimeter be converted to a commercial lot.

### 5.1 Permitted Uses

#### A. Commercial Lots.

It is the goal of this Special Area Plan that mixed uses (commercial on first floor and residential above) be used to create a vital downtown area. Commercially designated lots shall be used only for the following purposes:

- 1. Retail Commercial Establishments:** antiques, appliances, art supplies, galleries, retail bakeries, bike shop, clothing stores, shoe stores, jewelry stores, video stores, bookstores, cameras, candies, tobaccos, florists, food markets, furniture, gifts, hardware, hobby shops, photo shops, print shop, sporting goods, stationery and variety stores, liquor store, and pet shop. These uses shall be located on the first level.
- 2. Service Commercial Establishments:** business offices, financial institutions and personal services establishments, including barber and beauty shops, non-commercial laundromats, shoe repair, sewing and tailoring, daycare center (subject to State requirements), animal grooming, studios for instruction in the arts, health clubs, radio and television broadcasting, artist's studio, and catering services. These uses shall be located on the first or second level.
- 3. Auto-Related Uses:** fueling and washing vehicles which are provided as a service incidental to a retail store, provided the following conditions are met: a minimum lot area shall be 16,000 S.F., and there is not a similar use within 500-feet, and the fuel dispensing units accommodate no more than four vehicles at any given time. These uses shall be located on the first level.
- 4. Assembly Halls:** recreational clubs, theatres, assembly halls, schools, churches, public or civic buildings, and P.O.A. or governmental offices. Assembly halls may require additional off-street parking.

5. **Restaurants:** coffee shop, cocktail lounges or other places serving food and/or alcoholic beverages (excluding drive-in eating places that serve customers in their vehicles, which are prohibited). Restaurants serving alcohol will have limited hours of operation to be determined by the P.O.A. Board. Outdoor dining is encouraged, but outdoor music, outdoor speakers, live music and/or live advertising will require special approval by the P.O.A. Board. These uses shall be located on the first or second level.
6. **Medical and Dental Clinics and Professional Offices.** These uses may be located on the first or second level.
7. **Rental, Repair and Wholesaling Facilities:** These uses are allowed only in conjunction with any of the above uses, provided all activity is clearly incidental and accessory to the permitted uses and wholly conducted within the building. No purely warehousing and storage uses shall be permitted. These uses shall be located on the first level.
8. **Newspaper and Publishing Offices.** These uses shall be located on the first or second level.
9. **Accommodations:** including hotels, motels, and bed and breakfasts (subject to applicable Sections of the *Gunnison County Land Use Resolution*), limited in size to no more than 15,000 S.F., unless approved by the P.O.A. Board.
10. **Parks and Plazas:** should meet the following criteria:
  - The parks and plazas should have South-facing orientation;
  - Food and beverage service is or can be located nearby;
  - The parks and plazas should have water and/or Public Restrooms located within or near them;
  - The parks and plazas should be designed as places for activity and events;
  - The parks and plazas should be connected by developed and undeveloped paths to and from neighborhoods; and
  - Space for playgrounds is provided, where appropriate.
11. **Farmer's Market.** Any market established by an organization of farmers/producers to provide the opportunity for direct sales (by farmers or their representatives) of primarily Colorado-grown produce, with the possibility of accessory sales of other agriculturally-related products, to wholesale or retail buyers at stalls or other similar structures of a temporary nature.
12. **Construction-Oriented Specialty Uses:** paint store, tile/flooring store, locksmith, shop-craft industry, household appliance repair shop, garden shops,

fabric and sewing supplies, provided all uses are conducted within the building (except garden shops), and provided a storefront is utilized, maintained and accessible to the general public. These uses shall be located on the first level.

- 13. Propane Refilling Station:** as a use incidental to a primary business use that provides new tanks and the re-filling of propane tanks for residential applications. These uses must be located on the first level and shall be screened from view.

**14. Residential Units.**

**Commercial Core:** must be located on the second level or higher, comprising not more than 2/3 of the total floor area of a mixed use building.

**Commercial Perimeter:** single-family, duplex and multi-family buildings are allowed as well as mixed-use buildings.

- 15. Home Occupations:** shall be allowed in the CB South Special Area in accordance with the Crested Butte South Home Occupation Regulations.

- 16. Wireless Communications Facilities:** provided they are installed on public or quasi-public lands such as fire stations, P.O.A. offices, etc.

- 17. Outdoor Commercial Vending/Vending Carts:** Shall be permitted in accordance with CB South regulations.

**A. Residential lots.**

Any residential lot within the CB South Special Area shall be used only for the following purposes:

- 1. Single Family and Duplex Uses.**
- 2. Multi-Family Uses,** subject to change of use approval. Multi-family Uses shall only be allowed in Filing's 1 and 2, subject to Section 5.1.A.14 above.
- 3. Home Occupations:** shall be allowed in the CB South Special Area in accordance with the Crested Butte South Home Occupation Regulations.

## 5.2 Prohibited Uses

The following uses and operations are prohibited:

- A. Manufacturing Uses.** Any land use where raw materials are brought to the site and created into a finished product through a process, typically using large quantities of materials and industrial machines.

- B. Propane Tanks.** Propane tanks that support a building's mechanical system shall not be permitted.
- C. Water Wells.** Any drilling for water except as permitted by the CB South Metro District.
- D. Adult-Oriented Businesses.** Adult-oriented businesses shall not be allowed within 1,000 feet of any of the following uses: a residence; a public park or playground; recreational facility; child care center; place of worship or assembly; or a school.

### 5.3 Temporary Uses and Structures

All temporary uses and structures, including temporary greenhouses, shall be considered on a case-by-case basis.

### 5.4 Special Events

All special events shall be subject to application fees, review, and approval by the Gunnison County regulations as set forth by the applicable sections of the *Gunnison County Land Use Resolution*, until such time as the CB South P.O.A. adopts their own Special Event Regulations which shall be acknowledged by the B.O.C.C.

### 5.5 Non-Conforming Uses

All non-conforming uses shall be subject to the applicable Section(s) of the *Gunnison County Land Use Resolution*.

## SECTION 6: DEVELOPMENT REVIEW PROCESS AND REQUIRED PERMITS

### 6.1 Permits and Payment of Fees Required Before Improvements

No improvements shall be commenced, erected, placed, or altered, on any lot by any owner or developer until the following have been obtained:

- A. Payment of all Crested Butte South P.O.A. Fees.** All Crested Butte South P.O.A. associated fees have been paid.
- B. Final Plans Approved by DRC.** Final plans have been submitted to and approved in writing by the DRC.
- C. Payment of all County Taxes and Fees.** All real property taxes and other County fees have been paid.
- D. CB South Special Area Permit.** A CB South Special Area Permit has been issued by the P.O.A. Manager, pursuant to Section 6.4.
- E. Gunnison County Administrative Land Use Change Permit and Building Permit.** An Administrative Land Use Change Permit and, as applicable, a Building Permit have been issued by Gunnison County, pursuant to Section 6.3 of these *Regulations*.

### 6.2 Variance Requests

Variances from the dimensional standards listed pursuant to Section 8: *General Standards for All Development*, Section 9: *Commercial Area Design Principles and Standards* and Section 10: *Residential Design Standards* of these *Regulations* may be issued by the P.O.A. subject to the following conditions. Variances for lots located in all Filings will be heard by the P.O.A. Board in accordance with the process set forth below and do not require an additional hearing by the Gunnison County Board of Adjustments. Variance requests can be processed concurrently with the Special Area Permit application. Variances may be granted from dimensional standards, but not for any change in land use. All decisions shall be in writing, and shall be recorded by the P.O.A. in the Gunnison County Clerk and Recorder's office, at the applicant's expense.

- A. Consideration of Variance.** The P.O.A. Board will hold a Public Hearing that is properly noticed per Section 6: *Review Process* of these *Regulations*. The P.O.A. Board shall make the following findings of fact and will have the final authority to grant variances when all of the following have been met:
  - 1. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular

lot/property for which the applicant desires a variance and do not apply generally to all uses.

2. That such special circumstances were not created by the applicant.
3. That the granting of the variance will be in general harmony with the purposes of the CB South Rules and Regulations, and these *Regulations* will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.
4. The variance applied for does not depart from the provisions of the CB South Rules and Regulations any more than is required to accommodate the unique aspect(s) of the lot/property.

**B. Granting of Variance.** The P.O.A. Board may grant a variance so as to relieve those difficulties or hardship(s) as based on the findings of fact.

### 6.3 Gunnison County Land Use Change Permit and Building Permit

A development that has obtained a Crested Butte South Special Area Permit in compliance with these *Regulations* shall be required to secure a Land Use Change Permit and, as applicable, a Building Permit from Gunnison County. Such development shall be classified, reviewed and permitted at no higher impact classification than as an *Administrative Review Project That Requires a Land Use Change Permit*, pursuant to the applicable sections of the *Gunnison County Land Use Resolution*, except that no additional County noticing requirements are needed.

**A. County Permit Application not Complete without CB South Special Area Permit.** No application for a Gunnison County Land Use Change Permit nor a Building Permit shall be accepted as complete by Gunnison County without an approved Crested Butte South Special Area Permit.

### 6.4 CB South Special Area Permit

A CB South Special Area Permit is required before any improvements can be made to a lot. The CB South Special Area Permit indicates that a development project is in compliance with these *Regulations*. An application for a CB South Special Area Permit shall be processed as follows:

**A. Permit Application.** The P.O.A. shall provide the applicable form for a CB South Special Area Permit. The following information and materials are required:

1. **Applicant.** The name, address, telephone and fax numbers, and e-mail address for the owner and agent. If the owner is to be represented by an agent, a notarized letter signed by the owner indicating that they are the owner of record and are authorizing the agent to represent the owner shall be provided. A copy of the recorded deed showing title vested in the applicant shall also be provided.
2. **Survey.** A legal survey stamped by a licensed Colorado surveyor/engineer that includes the following:



A survey map or improvement location certificate showing existing structures (if any), irrigation ditches and other wetlands, water courses, utility and other easements, rights-of-way, fences, significant trees and other similar improvements;

Actual placement of property corner pins or caps on the site;

Lot size shown in both acres and square feet; and

Two foot (2') existing contour lines tied into an established USGS control point. This contour interval requirement may be waived by the P.O.A. Manager if in his/her judgment the information is not necessary in the review of the project.

3. **Legal Description and Address.** The legal description and physical/street address of the proposed development.
4. **Project Description.** A detailed written description of what the applicant wants to do on or to the lot, including:

**Residential Uses (if any).** Single Family or Duplex uses and additions.

**Business or Commercial Operation.** A description of the proposed business or commercial use.

**Change of Use.** A description of the proposed change in use.

**Number of Employees.** Number of employees anticipated for the operation.

**Hours of Operation.** The hours of daily operation, and the days of the week in which the business or commercial use is proposed to be conducted.

**Construction.** The amount of square footage proposed for the structures, and the types of materials to be used in the structures.

**Phases.** If a business or commercial operation or a multi-family building is proposed to be developed in phases, an identification of the phases and what activities are proposed to be included in each.

**P.O.A. Administrative Review.** If a project cannot provide specific information regarding the nature of the business, then the future tenant will be required to meet with the P.O.A. Manager and provide the specifics of their proposed business operation for a P.O.A. Administrative review and approval of the project details, including but not limited to parking, signage, hours of operation, etc.

5. **Architectural Elevations, Roof & Floor Plans.** Architectural plans and elevations for all sides of the proposed structure at a minimum scale of 1/8"=1'

(1/4" = 1' scale is preferred). All plans and elevations shall include decks, patios, fences, retaining walls, room labels and dimensions, and make and model of all solid fuel burning devices, if applicable. Architectural elevations including both existing, and approximate proposed grade lines, finished floor elevations, top of slab elevations, all exterior finishes labeled, roof pitch labeled, USGS Height (as measured from the USGS topographic reference from the site survey) on all roof ridges, typical overhang dimensioned and labeled, overall height and direction.

6. **Architectural Perspective.** This shall be drawn from the main public view of the proposed structure. This can also be a scale model or photographs (including photo-simulation). This requirement may be waived by the P.O.A. Manager if in his/her judgment the information is not necessary in the review of the project.
7. **Building cross sections.**
8. **Color samples of all proposed exterior materials.**
9. **Site Development Plan.** A Site Development Plan which shall include a scaled (written and graphic, a minimum scale of 1 inch = 20 feet; preferably 1 inch = 10 feet) drawing of the subject lot and all immediately adjacent lots and their uses per the survey dimensions, site grading, the nature, kind, shape, composition and locations of all existing and proposed structures; adequate and functional snow storage areas, boundary lines and front, rear and side setback lines of the lot, a construction staging plan, and the following:

**Utilities.** Locations of all existing and proposed utilities to serve the lot, including water, sewer, electric, gas, phone, fiber optic and cable lines, and temporary sanitary facilities for construction personnel.

**Parking and Driveways.** The number, surface type, and location of all existing and proposed parking spaces, driveways, and snowmelt systems on the lot.

**Sign Locations and Designs.** A plan for the location of and renditions of all sign designs, in compliance with these *Regulations*, as applicable. Alternatively, sign review can occur later in the process, via an P.O.A. Administrative review with the P.O.A. Manager.

10. **Exterior Lighting Plan.** An exterior lighting plan, pursuant to the applicable requirements of Section 9.18 *Commercial Area Design Principles and Standards* or the Land Use Resolution for residential lighting standards.
11. **Drainage Plan.** A drainage plan for the lot, depicting existing and proposed drainage patterns on and adjacent to the lot. The lot's drainage system shall be designed by a registered professional engineer licensed in the State of Colorado, according to generally accepted storm drainage best management practices and

pursuant to Section 8 *General Design Standards* and all other applicable County, State and Federal regulations.

12. **Landscaping Plan.** A landscaping plan, pursuant to Section 8 *General Design Standards* for commercial lots and pursuant to the Crested Butte South Residential Design Guidelines for residential lots.
13. **Water Supply and Wastewater Treatment.** Verification from the CB South Metro District of its intent to provide services, such as a signed agreement or contract between the applicant and the Metro District indicating that it has the capacity and is willing to provide the amount of water that will be needed for the proposed use.
14. **Fees.** A performance deposit and application fee will be required as set forth by the P.O.A. Board (for specific fee schedules, please refer to the CB South Architectural Review Application). Performance Deposit payment shall be made prior to the P.O.A. Special Area Permit being issued.

The application fee is a non-refundable fee that is used in the review, administration, and enforcement of CB South Special Area Permits.

The performance deposit will be refunded by the P.O.A. when the construction or alteration has been completed in strict compliance with all plans, specifications and representations and the site has been cleared of all construction materials, debris, equipment and other unsightly objects. No performance deposit will be refunded by the P.O.A. unless all construction and clean up has been completed within six (6) months of the issuance of a Certificate of Completion and the request for refund has been made in writing.

No performance deposit for landscaping will be refunded by the P.O.A. until two full growing seasons have expired.

Any fees charged for the review of the project by other agencies or professionals as set forth herein, shall be the responsibility of the applicant. No Special Area permit will be issued until all fees are paid.

**B. Review Process.** The following review process shall apply to all CB South Special Area Permits:

1. **Submittal of Application.** The applicant shall submit to the P.O.A. a complete application as required by these *Regulations*.
2. **Determination of Completeness.** The P.O.A. Manager shall determine whether the application is complete and includes all information required by these *Regulations*. It is the goal, but not the requirement of these *Regulations* that this review be completed within 30 days of the submittal of the application.

**Application is not Complete.** If the application is not complete, the P.O.A. Manager shall inform the applicant of the specific deficiencies in writing by mail, fax, or e-mail and shall take no further action on the application until the deficiencies are remedied.

**Failure to Correct Constitutes Withdrawal.** If the applicant fails to correct the deficiencies within sixty (60) days of the date of the notification that the application was incomplete, the application shall be considered withdrawn.

3. **Application is Complete. If appropriate,** the P.O.A. Manager shall certify it as complete. A determination that an application is complete shall not constitute a determination that it complies with the applicable standards of these *Regulations*.
4. **Request for Review by DRC.** The P.O.A. Manager shall refer the complete application to the DRC, which shall complete its review pursuant to Section 7: *Design Review*.
5. **Request for Review by Other Agencies or Departments.** At the same time the Permit is being referred to the DRC, the P.O.A. Manager may request the professional analysis and recommendations of any other review agency, organization, or technical consultant deemed appropriate and necessary to complete the review, including County offices and departments, State, or Federal agencies having an interest in or authority over all or part of the proposal, utility companies, the applicable school district and special service districts serving the proposed development, and engineers, designers, planners, and legal consultants. In all cases where water and sewer service are required, or when landscaping, sidewalks, and lighting will be proposed within the public right-of-way, then review and approval by the CB South Metro District will be required prior to issuance of a CB South Special Area Permit. In addition, all development shall be subject to review and approval by the Crested Butte Fire Protection District. Any fees associated with these additional reviews must be paid by the applicant prior to consideration of the submittal of the Special Area Permit.

**Review and Comment by Review Agencies.** The review agencies that are sent a copy of the application shall be requested to make comments within 14 days of mailing by the P.O.A. Manager, unless an extension of not more than 14 days has been requested by the agency before the 14<sup>th</sup>. The P.O.A. Manager may grant such a reasonable extension if he/she determines that good cause for the delay has been shown. The failure of any agency to respond within 14 days or within the period of extension shall be deemed no objection of the application by the agency.

**Review of Agency / Department Comments by Applicant.** The applicant shall have the right to review the comments and recommendations received from the review agencies. The applicant may submit additional information and make changes in the development proposal to respond to the comments of the review agencies; provided, however, that if those changes are substantial or if they significantly alter the nature, character or extent of the application, the DRC may, after the changes, refer the application again to some or all review agencies to obtain additional comments, and may reasonably extend the period of their review accordingly. In addition, the DRC may require a new application fee if the changes are substantial to cover the costs of re-processing the project.

6. **Notice to Public of Proposed Design Review.** At least fourteen (14) days prior to a design review, notice shall be given to the public that a Design Review for a Special Area Permit has been scheduled by posting of the property (commercial and residential) and by notice within a legal newspaper of general circulation serving the subdivision, identifying a 14-day public comment period, during which comments may be submitted in writing to the DRC.
7. **Notice to Public of Variance Requests or Proposed Multi-Family Residences of Three or More Units.** Any variance request or change in use from a vacant lot, single-family, or duplex residential use to multi-family residences of three (3) or more units requires a public hearing before the P.O.A. Board. Notice shall be given to the public by posting of the property; by certified letter sent to all immediately adjacent property owners, including those property owners located immediately across a street; and by notice within a legal newspaper of general circulation serving the subdivision, identifying a 14-day public comment period, during which comments may be submitted in writing to the P.O.A. Approval from the P.O.A. Board must be received prior to any DRC review of the project.
8. **Action by the DRC and P.O.A. Manager.** Within 14 days of having received comments from review agencies, and, as applicable, the applicant has reasonably responded to those comments, the P.O.A. Manager shall schedule a DRC meeting to review the project. Upon completion of their review, the DRC shall approve, approve with conditions, or deny the application, based upon the compliance of the application with the applicable standards and requirements of these *Regulations*, setting forth in writing the reasons for their decision. Conditions of approval shall include the applicant(s) obtaining and complying with all applicable Federal, State, County and other permits required for the project.

**DRC approval is valid for only twelve (12) months.**

**An extension of the DRC approval for up to an additional twelve (12) months shall require a written request to the P.O.A. Manager a**

minimum of thirty (30) days prior to the expiration of the DRC approval. The P.O.A. Manager shall determine whether the project will be subject to a new review by the DRC Consideration for extensions will include, but not be limited to, whether the CB South architectural guidelines have been changed since the original date of plan approval.

**Any extension request** shall be accompanied by a new design review fee which is not refundable.

9. **Recordation of Certificate of Approval & Proof of Building Permit Issuance.** Application can be made to the Gunnison County Planning Department for a Land Use Change Permit and building permit as soon as the CB South Permit is approved.

Within five (5) business days of issuance of a building permit by the County, the applicant shall provide a copy of said building permit to the P.O.A. as notice that construction may begin. Any recordation fees shall be paid by the applicant.

10. **Appeal.** A decision by the P.O.A. Manager or DRC on a CB South Special Area Permit application may be appealed by referral to the P.O.A. Board.

**Written Appeal.** An appeal by the applicant or any CB South property owner may be submitted to the P.O.A. Manager no more than fourteen days (14) after the date which the decision-making body issues its final decision on the application; that time for submittal shall not include the day on which the decision was made. The complete appeal shall be submitted in writing, stating the basis for the appeal and the relief that is requested, and shall include materials to support the appeal. The appeal shall become part of the record.

**Board Consideration of Appeal.** The appeal shall be considered by the P.O.A. Board at a regularly scheduled meeting within 30 days after the date the written appeal was filed. In the event that a P.O.A. Board member acted as a DRC member during the review of the project subject to the appeal, then said P.O.A. Board member shall excuse themselves from the P.O.A. Board during the appeal meeting and deliberations.

**Notice of Meeting.** The P.O.A. shall, by notice within a legal newspaper of general circulation serving the subdivision, and by first-class mail, inform the applicant, the appellant, and, if a public hearing was part of the original review process on the application for which an appeal of action has been filed, anyone who testified at the public hearing or submitted written comments on the application. The notice shall include the date, time, and place of the public meeting.

**Board Decision.** The P.O.A. Board shall affirm, affirm with modifications, or reverse the original action in writing, setting forth its reason for the decision.

- 11. Modification or Reversal of Original Action.** The original action shall only be modified or reversed if the appellant establishes, by a preponderance of the evidence based on the record of the review body, that:

**No Credible Evidence.** There is no credible evidence in the record to support the original decision; and/or

**Original Action Inconsistent with these Regulations.** The original action was inconsistent with the applicable requirements of this regulation or other regulating documentation; or

**Review Body Action Inappropriate.** The review body exceeded its jurisdiction or abused its discretion.

- 12. Board Decision shall be Final.** However, the P.O.A. Board's decision may be appealed To the Gunnison County Planning Department.

- 13. Occupancy.** In no instance shall occupancy be allowed in CB South prior to the final/official issuance of the Certificate of Occupancy by the Gunnison County Building Department.

## 6.5 Standards for Approval

An application for a CB South Special Area Permit shall comply with the following standards:

- A. Compliance with These Regulations.** The use shall comply with all applicable standards and provisions of these *Regulations* and the governing documents of Crested Butte South.
- B. Compatibility with Community Character.** The proposed land use shall be both architecturally and functionally compatible with, or an enhancement of, the character of existing land uses in the Special Area, and it shall avoid excessive similarity and dissimilarity with existing structures, and they shall not subject other uses to undue noise, dust, fumes, odor, explosion, aircraft flight patterns, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected growth.
- C. No Significant Net Adverse Impacts Offsite.** The proposed land use shall not create significant net adverse impact, including but not limited to: changes to existing water quality, air quality in the impact area, soils and geologic conditions within the impact area, existing land uses, public services and facilities, and government expenditures, public roads and their uses, including hours during which vehicles related to the project will be operating, impacts on adjoining or other affected lands in the impact area, visual impacts, and the amount of surface acreage disturbed and its location.

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## SECTION 7: DESIGN REVIEW COMMITTEE APPROVAL

### 7.1 Required Review and Approval

No improvements shall be commenced, erected, placed, altered, or maintained on any lot by any owner or occupant until the use has received a CB South Special Area Permit, and plans and specifications have been submitted to and approved in writing by the Design Review Committee (DRC), and, as applicable, a Building Permit is issued by Gunnison County.

### 7.2 Design Review Committee

The Design Review Committee (DRC) is a five (5) person Committee (with 2 alternates) that is authorized to review and act on permit applications and plans for improvements within the CB South Special Area to ensure plan compliance with these *Regulations*. The DRC shall be composed of, at a minimum, one (1) and no more than two (2) Commercial Area lot owners, at least two (2) residential lot owners, and no more than one P.O.A. Board member, all of whom are appointed by the P.O.A. Board.

### 7.3 Review and Action by DRC

The DRC may deny or approve the plan as submitted, as altered or amended, or subject to specific conditions, as set forth in their findings.

- A. Denial.** The DRC shall have the right to deny the plan on any reasonable grounds including, but not limited to, the following:
- 1. Non-Compliance with These *Regulations*.** Failure to comply with any of the restrictions set forth in these *Regulations* or any other applicable regulatory document.
  - 2. Incomplete Information.** Failure to include required information in the plans and specifications as required by these *Regulations*, or as reasonably requested by the DRC.
  - 3. Exterior Appearance.** Objection to the exterior design, the appearance of materials or the types of materials employed in the proposed structure, or objection to the color scheme, finish, proportions, or style of architecture of any structure, or conflicts with these *Regulations* and/or the *Crested Butte South Residential Design Guidelines*.
  - 4. Incompatibility with Other CB South Special Area Uses and Density.** Objection on the grounds of incompatibility of any proposed structure, use, or density with existing structures or uses upon other adjacent lots.
  - 5. Incompatibility.** Any other matter which, in the judgment of the DRC, would render the proposed improvements incompatible with any CB South rule or

regulation, including the Commercial Area Master Plan, or any other general plan for improvements within the CB South Special Area.

- B. Approval.** The DRC shall base its decision, among other factors, upon the compliance with criteria found within in these *Regulations* as well as other CB South regulations, including but not limited to: compliance with site dimensions, adequacy of structural design, conformity and harmony of external design with neighboring structures, location and use of proposed improvements upon adjacent lots, proper facing of the main elevation with respect to nearby streets, adequacy of screening of mechanical, air conditioning and other rooftop installations, and conformity of the plans and specifications to the purpose and intent of these *Regulations*.
- 1. Final Plans.** The applicant shall submit three (3) complete sets of the final approved plans, modified per the direction of the DRC at their meeting.
  - 2. Filing of Approved Plans.** Upon approval or conditional approval by the DRC a copy of the approved plans and the DRC decision shall be deposited for permanent record with the DRC, and filed by the P.O.A. Manager. The second set and copy of the Special Area Permit shall be filed with Gunnison County as part of the Building permit set. The third set shall remain on-site during construction.

## SECTION 8: GENERAL STANDARDS FOR ALL DEVELOPMENTS

This Section establishes the general standards required of all development by which applications for CB South Special Area Permits will be reviewed for development within the CB South Special Area. These standards are intended to enhance and protect the health, safety and welfare of the Special Area to the maximum extent feasible.

### 8.1 Building Code

All buildings and structures proposed to be built in the CB South Special Area must meet all applicable building codes adopted and amended by Gunnison County.

### 8.2 Geological Hazard Study

A comprehensive geologic hazard study was conducted by Fox & Associates, Inc, on December 5, 1980, entitled “Subsoil and Engineering Geology Investigation, Crested Butte South Subdivision, Filings 1 through 4”. Due to landslide and potentially unstable slopes being present within Filings 2, 3, and 4, the report recommended that individual site specific studies be performed to evaluate the local geology, potential construction, road cuts and provide recommendations to minimize problems. As part of the building permit submittal, the County may require area assessments on each individual lot/property located within a geological hazard area, as mapped by the Colorado Geological Survey. It shall be the policy of the P.O.A. to inform contractors/builders/residents/owners if their particular lot will likely require such a study in the design review process. Further, development in areas subject to geologic hazards shall be subject to the applicable requirements of the *Gunnison County Land Use Resolution*.

### 8.3 Noise and Construction Hours

Every use in the CB South Special Area must comply with the *Noise Guidelines for Crested Butte South* such that any noise produced is not objectionable because of intermittence, beat frequency, or shrillness regardless of dba measurement.

### 8.4 Odors

No use shall cause or allow the emission of odors from any single source so as to result in detectable and unreasonable odors, as determined by state statutes. Ventilation and control of odor and fumes may be required by the DRC.

### 8.5 View Obstructions to Motorists

The DRC shall have the authority, but not the obligation, to remove, relocate or require the removal or relocation of any retaining wall, earthen berm, bank, hedge, shrub, bush, tree or other improvement, natural or artificial, placed or located on any lot if the location of the object will, in the determination of the DRC, obstruct the vision of a motorist upon any of the streets within or providing access to the CB South Special Area. Any such removal or relocation will be done at the Owner’s expense.

## 8.6 Landscaping

**A. General Landscaping Requirements.** (Refer to the *Crested Butte South Residential Design Guidelines* for more specific requirements for residential lots).

1. Drought tolerant and native species shall be used wherever possible.
2. Native wildflowers shall be used to create seasonal color and interest in key locations.
3. Evergreens shall be used sparingly, and only in appropriate places where they have plenty of room to grow.
4. Natural irrigation in the form of ditches and drip irrigation is encouraged while other irrigation shall be limited.

**B. Landscaping Plan Requirements.** Applicants shall prepare a landscaping plan that shall indicate the type and location of vegetation to be included on the site. The plan shall also contain a planting schedule (a table that indicates species, size, and quantity) and a plan for maintenance of all landscaping to be installed. After disturbing any soil on any lot within the CB South Special Area, all lots shall be kept weed free, in accordance with the CB South Covenants and State of Colorado statutes. All street trees shall be a minimum of 3” caliper as measured 4’ from the top of the root ball.

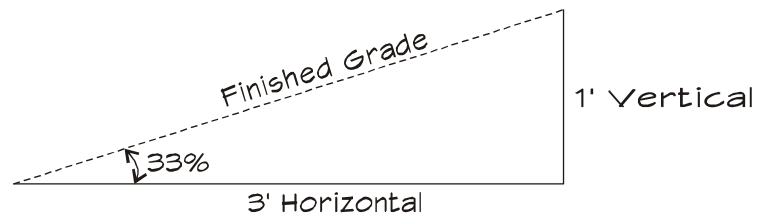
1. All commercial lots shall provide, and maintain in good health, a minimum of two (2) street trees, 25’ on center in the front landscaping strip. In the event that the DRC finds that it is impractical or a hardship to provide the required trees, then they may request cash-in-lieu of the trees. The cash-in-lieu amount shall be determined by the P.O.A. Board and modified from time-to-time.
2. In addition to the required landscaping set forth in the *Crested Butte South Residential Design Guidelines*, the following shall be provided in all parking areas to reduce heat and break up impervious surfaces: one (1) tree (min. 3” caliper measured 4’ above the top of root ball) planted for every five parking spaces.
3. At least one tree and three shrubs (min. 5 gallon size) shall be provided per each 500 square feet of the area that is shown as being open on the landscaping plan. All landscape planting areas that are not dedicated to trees or shrubs shall be landscaped with native grass, ground cover, or other appropriate landscape treatment.
4. No material or temporary soil stockpiling shall be placed within four feet (4’) of existing shrubs or in the drip line of trees. During construction, temporary protective barriers or tree wells shall be installed around each tree, plant and/or group of plants that are to remain on site. Protective barriers shall be of a durable

material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

5. All dead or dying trees shall be removed from the site, unless those trees are to be retained for wildlife habitat, upon the recommendation of the Colorado Division of Wildlife or the Colorado State Forest Service. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas.
6. To avoid landscape materials from blocking driver sight distances, no material greater than thirty inches (30") in height shall be located within fifteen feet (15') of a driveway or road edge.
7. All landscaping design shall provide adequate space for snow plowing and areas for snow storage (33% of driveway and parking areas), that shall be indicated on the landscaping plan. See Section 9.17 for snow storage requirements.

### C. Site Protection.

1. Topsoil moved during construction shall be stockpiled and redistributed on all re-graded surfaces in order to provide an even cover to all disturbed areas of the lot. Such surfaces shall be stabilized by seeding or planting.
2. All stumps, other tree parts, litter, brush, weeds, excess or scrap construction materials, and other debris shall be removed from the site within six months of the issuance of a Certificate of Occupancy and properly disposed of.
3. Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion. All roadway slopes steeper than one foot vertical to three feet horizontal (1:3) shall be planted with ground cover appropriate for soil conditions, water availability, and the immediate environment.



4. No excavation of any lot shall be made except in connection with construction of an improvement approved by the DRC, and upon completion, exposed openings shall be back-filled and disturbed ground shall be graded, leveled and restored to its original condition, or planted with landscaping material as provided herein.

**D. Planting Specifications.** Deciduous trees shall have at least a three (3) inch caliper (measured 4' from top of root ball) at planting. Sizes of evergreens and shrubs shall be allowed to vary depending upon the characteristics of use and their location and the types of shrubs proposed, but as a minimum shall be six feet (6') in height to ensure

good health. Trees shall be staked upon planting and provision made by the owner for regular watering and maintenance until they are established. Dead and dying plants shall be replaced by the owner no later than the following growing season.

- E. Timing.** All landscaping shall be installed no later than one growing season after substantial completion of construction on the lot. In no case will the portion of the performance deposit for landscaping installation be refunded until all required landscaping is installed and has survived at least two growing seasons.

## 8.7 Stormwater Management

There shall be no construction of ponds except as may be necessary for use as water detention or retention areas, and all such ponds shall be constructed according to an approved site development plan approved by a licensed engineer in the State of Colorado. All development in areas subject to flood hazards shall be subject to all applicable sections of the *Gunnison County Land Use Regulations*. Wherever possible, aesthetically-pleasing wetlands shall be created to improve water quality and to slow water down and filter it before leaving the site. The applicant shall provide the following:

- A. Drainage Study.** In addition to the drainage plan, a drainage study may be required for projects in excess of 10,000 S.F. of created impervious surface area. Such study, if required, shall be subject to review and approval by the Gunnison County Public Works Department.
- B. Runoff Control Structures.** The owner shall provide storm sewers, culverts and other runoff control structures as indicated on the drainage plan or determined necessary by the drainage study. Such structures shall be included in a designated easement, if required by Gunnison County.
- C. Historic Runoff.** The drainage system shall be designed and constructed so that only historic runoff, not including historic irrigation, shall be released from the site. Drainage flows in excess of this amount shall be retained, detained or handled in an on-site system. All costs associated with handling runoff generated by a development shall be paid for by the owner of the development.

## 8.8 Wireless Telecommunication Devices and Structures

Installation of wireless telecommunication devices and structures within the CB South Special Area shall be required to comply with the requirements of the *Gunnison County Land Use Resolution* current at the time the applicant applies for a CB South Special Area Permit.

## 8.9 Mechanical Systems

Mechanical systems must be screened from public view. No mechanical systems shall be the prominent feature on any roof line as viewed from public rights of way. Additionally, all mechanical systems and building protrusions shall be painted a dark color or similar color to the surface thru which they protrude.

## 8.10 Solid Fuel-Burning Devices

- A. No solid-fuel-burning device shall be installed within any structure or building or on any property unless such device is an approved solid fuel burning device, as certified to meet the E.P.A. Phase II Rated particulate emissions rate standard by the United States Environmental Protection Agency (E.P.A.), or any subsequent standard established by the E.P.A., or is certified to meet those standards by a testing laboratory accredited by the E.P.A., or is approved by the Colorado Air Quality Control Commission.
  
- B. The maximum number of devices allowed shall be as follows:
  - 1. **Single Family Residence.** Any single family residential structure, including detached condominiums and townhouses not in multiple-family buildings, and manufactured/mobile homes for which a Building or Manufactured Home permit is issued after the effective date of the *Gunnison County Land Use Resolution* shall be allowed to install one approved solid-fuel-burning devices per single family residence. An integrated secondary residence does not qualify for devices in addition to those identified above for the primary residence. Further, each half of a duplex does qualify for a single device.
  
  - 2. **Multiple-Family Residences, Hotels, Commercial and Institutional Buildings.** No solid-fuel-burning device shall be allowed in individual units of multiple-family buildings, hotel/motel units, commercial or industrial buildings, except that one approved solid-fuel-burning devices may be installed per building.
  
  - 3. **Any solid-fuel-burning device** shall be installed pursuant to the standards and specifications defined by the manufacturer of that device, or shall meet the clearances specified in the Uniform Mechanical Code or subsequent applicable code adopted by Gunnison County.

## 8.11 Energy Conservation

Before beginning any project, property owners are encouraged to talk with local resources on energy efficiency for a better understanding of the latest technologies and potential energy savings and/or tax rebates on energy systems.

- A. Passive solar designs are encouraged. New buildings placement should make every effort to be considerate of existing and future solar access on adjacent properties.
  
- B. Appropriate ventilation shall be utilized in all designs.
  
- C. Day-lighting shall be used to minimize the need for energy-consuming lights.
  
- D. Renewable energy sources are strongly encouraged.

- E. R-Values in excess of the current Building code requirements are strongly encouraged.
- F. Consideration shall be given to where shading will occur in the design of structures as this will be where snow accumulates in winter.

## 8.12 Utility Connections

All utility connections, including all electrical, cable, fiber optic and telephone connections and installation of wires to buildings, shall be placed underground from the nearest available power source. No transformer, electric, gas or other meter of any type, or other apparatus, shall be located on any power pole nor hung on the outside of any building, but shall be placed on or below the surface of the ground and where placed on the surface, shall be adequately screened, fenced or protected and all installations shall be subject to the prior approval of the DRC. Additionally, all meters and pipes near or on a structure, exclusive of the glass areas, shall be painted a dark color or similar color to the surface that they are closest to in order to blend with their surroundings.

## 8.13 Water Quality and Wetland Areas

Development in areas identified as wetland areas or areas that may impact quantity, quality or dependability of water resources shall be subject to the applicable sections of the *Gunnison County Land Use Regulations*.

## 8.14 Wildfire Hazards

Development shall be subject to the most current and applicable sections of the *Gunnison County Land Use Regulations*. Additionally, property Owners are encouraged to review their plans with the Crested Butte Fire Protection District before submitting to the DRC. All properties should consider the mitigation recommendations (defensible space) for areas outside of hazard areas as delineated in the “*Colorado State Forest Service’s protect your home from wildfire - it’s your responsibility*” available at on the Gunnison County Website, or other replacement publication(s),

## 8.15 Wildlife Habitat Areas

Development in areas identified to be sensitive wildlife habitat areas shall be subject to all applicable sections of the *Gunnison County Land Use Resolution*.

## 8.16 Ridgelines

Development on ridgelines, as defined in the LUR shall be subject to the *Gunnison County Land Use Resolution*.

## 8.17 Snowplowed Access

Development of land beyond snowplowed access, as defined in the LUR, shall be subject to the *Gunnison County Land Use Resolution*.



### 8.18 Individual Sewage Disposal Systems (I.S.D.S.)

All residences and commercial structures must be connected to the Crested Butte South Metropolitan District's sewer system. In the event that the Metro District is unable to serve a lot, then that lot owner will be required to seek an I.S.D.S. permit through Gunnison County.

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## SECTION 9: COMMERCIAL AREA DESIGN PRINCIPLES AND STANDARDS

This section establishes the substantive standards by which applications for CB South Special Area Permits will be reviewed and approved for development within the Commercial Area. These standards are intended to enhance and protect the value, desirability and attractiveness of all property, and to promote high quality design and the uniform application of standards. **Commercial Area lots that develop for strictly residential use (where permitted) are subject to the standards set forth in the *CB South Residential Design Guidelines*.**

### 9.1 Standards are Minimum

These improvement standards are intended to ensure a minimum level of performance. If an alternate design, process, or material can be shown to provide performance equal to or better than that established by these standards, or where it can be shown that strict compliance with these standards would cause negative environmental impacts, or would result in adverse conditions on- or off-site because of unusual topography, size or shape of the lot, existing vegetation, or other exceptional situations or condition, then the DRC shall have authority to accept the alternative. The evaluation shall consider whether the alternative will provide for an equivalent level of public safety and whether the alternative will be equally durable, so that normally anticipated maintenance costs will not be increased.

### 9.2 Commercial Area Goal

It is the goal of the Commercial Area Master Plan to create opportunities for economic vitality and sustainability, while integrating it within the larger community of Crested Butte South.

### 9.3 General Design Principles

The General Design Principles that shall apply to all development (commercial, residential, and mixed use) in the Commercial Area are as follows:

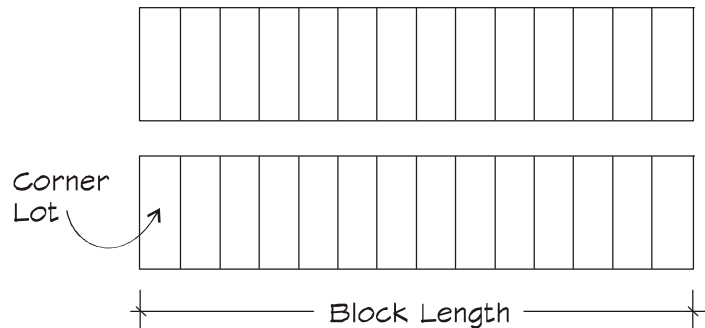
- A. The Commercial Area shall have a center focus and be integrated with housing, shops, work places, schools, parks and civic facilities essential to the daily life of the CB South residents.
- B. The Commercial Area shall be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other.
- C. As many activities as possible shall be located within easy walking distance of transit stops. The Commercial Area shall connect with the larger regional transit network.
- D. The Commercial Area shall contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.

- E.** The Commercial Area shall provide a variety of businesses that can provide a range of job types for CB South residents, minimizing the need to import workers with specialized skills.
- F.** The Commercial Area shall contain open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design by a design professional. Public spaces shall be designed to encourage the attention and presence of people at all times of the day and evening and can become the backdrop for formal and informal social interaction.
- G.** Streets, pedestrian paths and bike paths shall contribute to a system of fully-connected, safe, and interesting routes to and through the Commercial Area. Streets shall be narrow and spatially defined by buildings, trees and lighting to discourage high speed traffic. Accommodate the automobile, but minimize its dominance in the Commercial Area.
- H.** Wherever possible, the natural terrain, drainage and vegetation of the area shall be preserved, with superior examples contained within key public spaces.
- I.** The Commercial Area design shall conserve resources and minimize waste wherever possible.
- J.** The Commercial Area shall provide transit stops such that any pedestrian leaving any properties within the Commercial Area can walk to a transit stop within ten (10) minutes.
- K.** Transit stops shall be covered, have schedules, benches, newspaper racks, trash containers, and bike racks.
- L.** The Commercial Area shall provide for the efficient use of water through the use of natural drainage, drought tolerant landscaping and water recycling.
- M.** The street orientation, the placement of buildings and the use of shading shall contribute to the energy efficiency of the Commercial Area.
- N.** Materials and methods of construction shall be specific to the Crested Butte area, exhibiting a continuity of history and culture and compatibility with the climate to encourage the development of local character and mountain community identity.
- O.** The CB South Special Area shall promote a compact commercial development pattern that discourages sprawl, in which denser and more intense forms of commercial, mixed use and residential development will occur contiguous to or in close proximity to the Commercial Area only. Multi-family residential development is encouraged to develop in proximity to the Commercial Area, and is allowed in Filings 1 and 2 only.

## 9.4 General Design Requirements

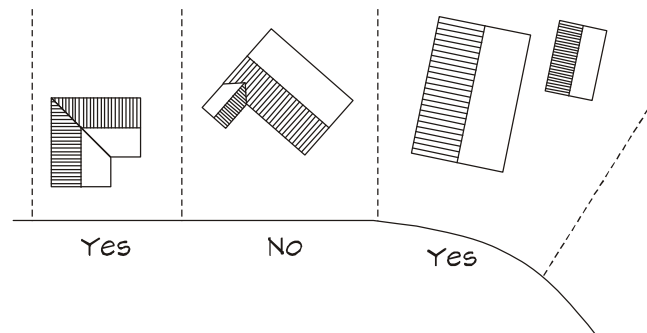
### A. Streets and Street Orientation.

1. Streets shall be narrow with a 10'-15' travel lane in each direction for two-way traffic and no more than 20' for one-way streets.
2. Streets shall be designed for speeds of 15-20 MPH maximum. The following specific streets in the Commercial Area shall have a maximum allowed speed of 15 MPH: Gillespie, Haverly, and Elcho.
3. Streets shall provide on-street parking, with 7'-8' of width for parallel parking.
4. Alleys shall be used wherever possible.
5. Sidewalks shall be provided wherever possible and shall be 5'-10' wide (6' average).
6. Pedestrian lights and street furniture shall be provided wherever possible.
7. No exterior lighting of any nature shall be installed or operated without approval of the DRC. Street lights in the public right-of-way are allowed if their location/ placement is approved by the CB South Metro District, in cooperation with the P.O.A.
8. Corner lots shall face whatever street has a greater block length.
9. Exceptions may be granted on a case-by-case basis in the interest of public safety.

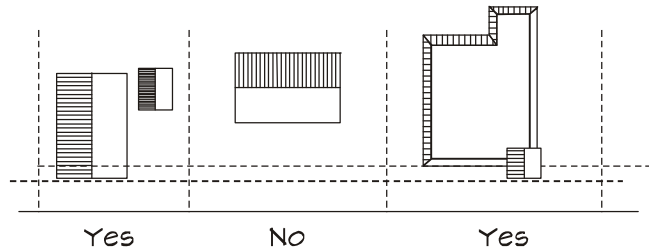


### B. Building Orientation.

1. Front facades of all principle structures shall parallel the street.



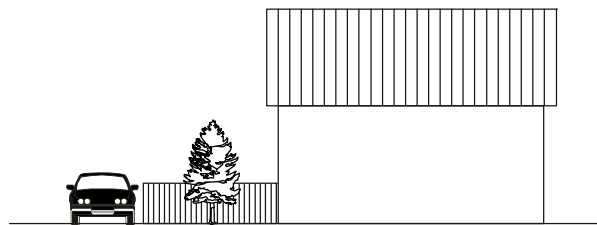
2. On corner lots, both street-facing facades shall be parallel to the intersecting streets.
3. On curvilinear streets, the front façade of the principle building shall be parallel to the tangent of the midpoint of the arc of the street.
4. On corner lots, architectural elements shall be on a diagonal to the street.
5. Buildings shall be oriented consistent with the lot direction.
6. Tall structures shall step down toward adjacent plazas, pedestrian ways, parks, etc. to ensure sunlight.
7. Exceptions may be granted on a case-by-case basis, in the interest of public safety and/or to maximize solar access.



**C. Build-To Lines.**

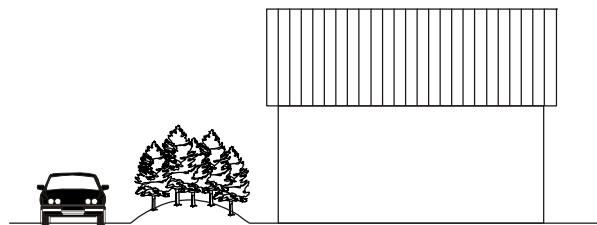
1. On buildings less than 15,000 S.F., at least 60% of the front façade shall be located within 5-feet of the minimum setback line.

Corner lots must meet this requirement on both street frontages. Porches may be used to meet the 60% requirement.



Fence, Yes

2. On buildings over 15,000 S.F., the DRC shall determine how much of the front façade will be located within five feet (5') of the minimum setback line, considering compatibility with adjacent properties.



Berm, No

**D. Fences.**

1. In all areas forward of the front façade of the building, fences, hedgerows and planter boxes shall not be more than 42” high, measured from natural grade.
2. Man-made berms are prohibited in front yard setback.

**E. Materials.** Mountain architecture and locally produced and available materials shall be used if feasible.

1. Primary building materials shall be:

Log or log-veneer

Board-and-batten.

*A maximum of 16-inches is allowed between boards with a 1” minimum batten width*

Horizontal or Vertical wood siding

*Diagonal wood siding is prohibited.*

*A maximum of 12” exposed lap siding is allowed.*

Hardie® Plank or similar cement-based types of siding materials

2. Lesser accents, not to exceed 20% of the total amount of exterior siding per elevation (applicable to all areas of CB South), can include:

Stucco

Natural-looking stone

Shingles

Metal siding

3. Materials, patterns, and combinations of materials that vary from the above requirements may be considered by the DRC who must determine that the materials are appropriate for CB South and compatible with adjacent structures and the aesthetic goals of these *Regulations*.

## 9.5 Dimensional Standards for Commercially-Designated Lots

**A. Open Space Required:** None

**B. Minimum Lot Area:** 4,750 S.F.

**C. Maximum Lot Area:** 15,000 S.F. in the Commercial Core (lots can be combined to accommodate larger buildings); as platted on the Commercial Perimeter.

- D. Minimum Lot Width:** Fifty (50) feet
- E. Maximum Width of Front Façade:** One hundred (100) feet (can be varied for larger buildings).
- F. Maximum Floor/Area Ratio:** 1.68. (For example, on a 13,000 S.F. Lot, the maximum building size is 21,840 G.S.F.)
- G. Minimum Floor Area Requirements:** 1,500 S.F.
- H. Pedestrian Access:** 10' shared easements in each block in Commercial Core; 10' shared easements in Blocks 4 and 5 as shown on the Commercial Area Master Plan.

## 9.6 Minimum Setbacks

All proposed buildings and structures located in CB South must be approved by the Crested Butte Fire Protection District and the Crested Butte South Metro District. No building or any portion thereof (except street frontage roof overhangs) shall be placed on any lot nearer to the front, side or rear property line than as set forth below:

### A. Commercial Core Lots.

- 1. Front:** A zero (0') front yard setback is preferred. (Awnings and front façade roof overhangs are allowed to extend beyond the property line with specific approval from the DRC, considering safety and the need for summer heat reduction).
- 2. Rear:** Fifteen (15) feet
- 3. Side:**

Zero feet (0') for flat-roofed buildings (including roof overhangs).

Seven and one-half feet (7.5') with non-shedding roof materials for slope-roofed buildings.

### B. Commercial Perimeter Lots with Commercial or Mixed Uses.

- 1. Front:** A zero foot (0') front yard setback is preferred. If parking is to be provided in front of the business, then the minimum setback shall be twenty-five feet (25') to allow head-in parking and a sidewalk. (Awnings and roof overhangs are allowed to extend beyond the property line with specific approval from the DRC, considering safety and the need for summer heat reduction).
- 2. Rear:** Twenty-five feet (25')



3. **Side:** Seven and one-half feet (7.5') with non-shedding roof materials for slope-roofed buildings.

**C. Commercial Perimeter Lots with Residential Uses.**

1. **Front:** Fifteen feet (15')
2. **Rear:** Twenty-five feet (25')
3. **Side:** Seven and one-half feet (7.5') with non-shedding roof materials for slope-roofed buildings or flat roofs.

**D. Setback Exception.** If a single building is constructed on two or more lots, no side yard setback is required from shared interior lot lines.

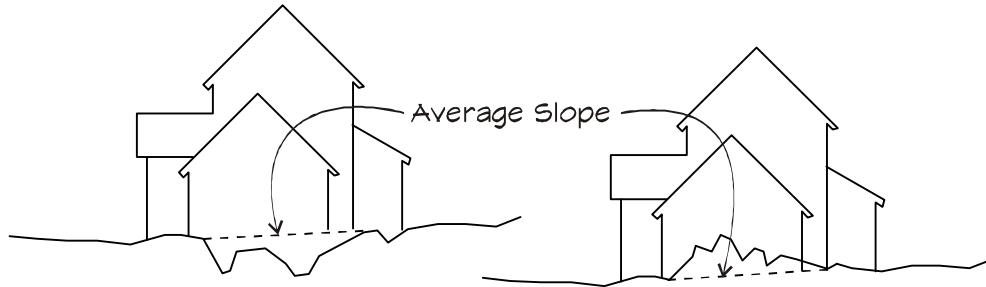
**E. Setbacks for Parking Areas and Driveways.**

1. **Driveway Width.** The width of the intersection of any driveway with the street right-of-way shall not exceed fifteen feet (15').
2. **Parking Setback on Commercial Lots:** None (provided functional on-site snow storage can be demonstrated.)

**F. Variances.** Variance requests for lots located in all Filings will be heard by the P.O.A. Board in accordance with the process set forth in **Section 6 Development Review** above and do not require an additional hearing by the County Board of Adjustments.

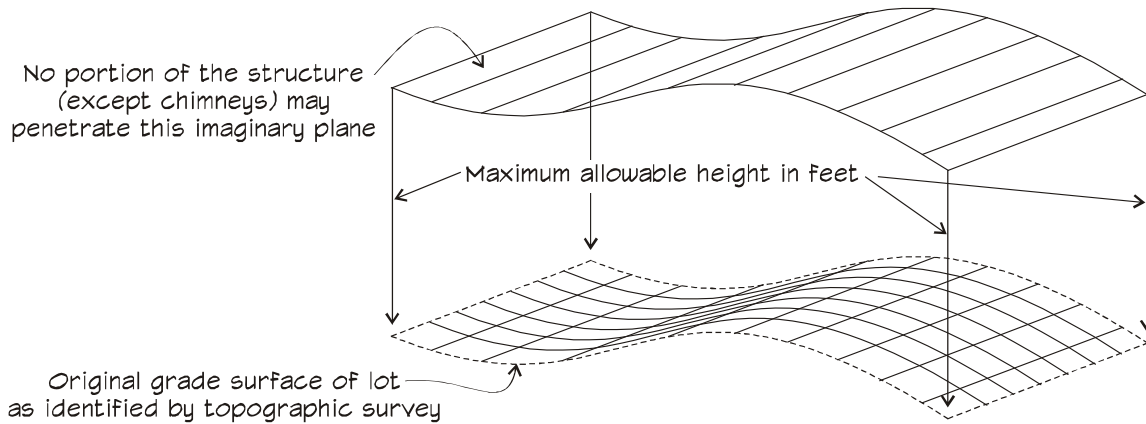
## 9.7 Maximum Height

Buildings shall be no more than three (3) stories. No portion of any structure (except for chimney elements and elevator shafts) shall exceed a true vertical dimension of the heights prescribed below, as measured vertically from the existing grade directly below. Existing grade is the original or natural topographic grade of a lot/property prior to any disturbance or grading work. Existing grade shall be based on the USGS elevation provided on a wet-stamped survey of a property, by an engineer licensed in the State of Colorado, and completed prior to the date of the application. In the case of highly irregular topography not caused by man-made impacts within the existing site development area, an average slope may be used (see below). On any lot/property exhibiting evidence of cut or fill grade not authorized by the P.O.A. the applicant may be required to provide a professional soil analysis to determine the natural grade. No excessive fill, excavation or other artificial methods of grade manipulation will be permitted to create an exaggerated building site to manipulate the building height measurement.



In the case of non-natural or highly irregular topography due to man-made impacts within the existing site development area, an average slope may be used.

**A. Commercial Core Lots: Thirty-five feet (35').**



**B. Commercial Perimeter Lots:**

1. **Residential Use:** Thirty-two feet (32').
2. **Mixed Use:** Thirty-two feet (32').
3. **Commercial Use:** Thirty-two feet (32').

### 9.8 Minimum Unit Size

The following minimum floor areas, exclusive of porches, garages, and basements, shall apply to residential structures and units throughout CB South:

- A. **Single-Family:** 1,200 S.F.
- B. **Duplex:** 650 S.F. for each unit

**C. Multi-Family:**

1. **Efficiency (Studio) residences:** 400 S.F. for each unit
2. **All other residences:** 650 S.F. for each unit

**9.9 Facades and Color**

Exterior wall colors are encouraged to be natural, warm earth colors. Primary, bright or dramatic colors may be used as accent on trim, fascia and doors, and then only sparingly, and must be approved by the DRC, considering compatibility with neighboring properties.

**A Commercial Buildings & Mixed Use Buildings**

1. Building facades shall be varied and articulated to provide visual interest.
2. Building facades shall provide visual interest for pedestrians.
3. Street level windows shall be large, encompassing at least  $\frac{3}{4}$  of the building width and floor plate. Where appropriate, awnings shall be provided as part of the window treatment.
4. Multiple building entries are encouraged.
5. Arcades, porches, bays and balconies are encouraged. Bays and balconies shall be provided on the upper floors of mixed-use buildings.
6. All structures shall be designed and constructed so as to avoid the appearance of box-like structures.
7. Variances from these standards may be granted by the DRC on a case-by-case basis, if it is determined that the standards established above are inappropriate for a specific business use (e.g. a daycare, bank, etc.).

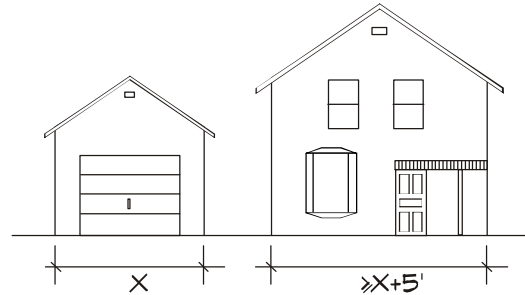
**B. Residential Buildings**

1. Building facades shall be varied and articulated to provide visual interest.
2. There shall be at least one principle street-facing window.
3. Single-family and duplex residences shall have a street-facing front porch.
4. Outdoor spaces such as balconies or alcoves shall be provided in multi-family buildings. A minimum of 60 S.F. per residence shall be provided.



5. Duplex residences shall be asymmetrical, and shall appear as one residence.
6. On the street-facing façade, the width of the living area on the first floor shall be at least five feet (5') greater than the width of the garage or carport.
7. All structures shall be designed and constructed so as to avoid the appearance of box-like structures.

8. Variances from these standards may be granted by the DRC on a case-by-case basis if it is determined that the standards established above are incompatible with neighboring buildings.



9. Detached accessory dwelling units shall be allowed in all residential areas, subject to the following:

The total dwelling area of the unit is no greater in size than one-third (1/3) of the total dwelling area of the single-family unit.

The total dwelling area of the unit is no greater in size than one thousand (1,000) square feet.

Legal title to the accessory dwelling unit and the single-family unit is held in the same name, in perpetuity.

## 9.10 Building Entrances

### A. Commercial and Mixed Use Buildings.

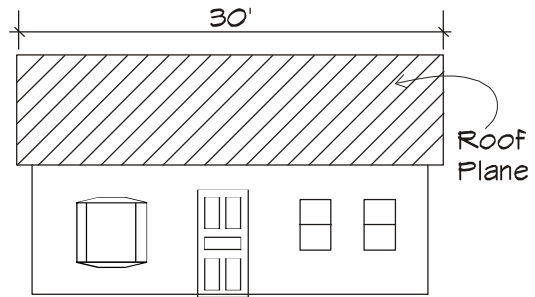
1. Primary entrances shall orient to plazas, parks, or pedestrian-oriented streets.
2. Corner buildings shall have corner entries.
3. Doors shall be inset to avoid the front door interfering with pedestrians on the adjacent sidewalk, but no more than four feet (4'). Entries shall not create a cave-like effect.
4. Commercial and Mixed-Use Buildings shall have interior airlock entries.
5. All building entries shall be protected from falling and shedding snow.
6. Variances from these standards may be granted by the DRC on a case-by-case basis, if it is determined that the standards established above are inappropriate for a specific business use.

**B. Residential Buildings.**

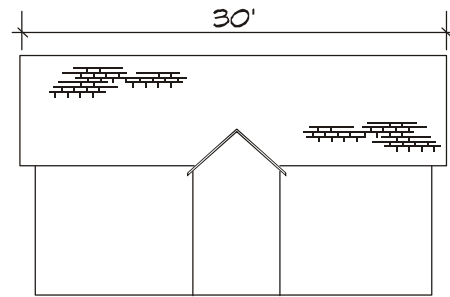
1. Primary ground floor entries to multi-family buildings shall orient to the street.
2. A front walkway shall connect the front porch to the public sidewalk or street.
3. The front door to single-family, duplex and town home residences shall be visible from the street.

**9.11 Roof Forms**

A. Residential roof forms shall be varied and broken up to avoid a single continuous roof plane.



B. On all perimeter lots, no unbroken roof plane shall be longer than 30 feet, including roof overhangs. A minimum of one foot (1') overhang is required; however, a more pronounced eave is strongly encouraged.



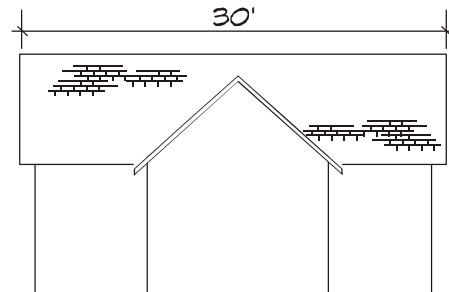
Not Broken Up

C. When located adjacent to smaller buildings, the roof forms of the building shall step down at the sides to minimize the visual impact on neighboring properties.

D. When sloped roofs are used, the majority (51%) of the roof area shall have a 5:12 pitch or greater.

E. Reflective roofing material is not permitted.

F. Where flat roofs are proposed, low (no more than two (2') foot) parapets shall be used on all sides of the structure.



Broken Up

G. All building entries shall have roof forms that will protect them from falling and shedding snow.

H. Non-reflective, flat finish copper roofing material is permitted if the material has a dull appearance.

I. Variances from these standards may be granted by the DRC on a case-by-case basis, if it is determined that the standards established above are inappropriate for the specific building design.

## 9.12 Two or More Units on One Lot

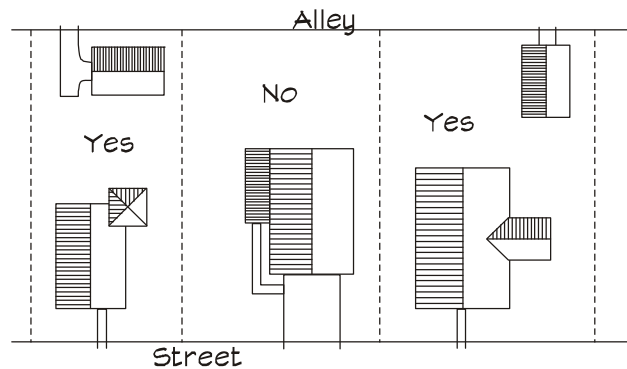
### A. Commercial Perimeter Lots

1. Commercial Perimeter Lots are not restricted to a certain number of units or mix of uses so long as setback, parking, and snow storage requirements, etc. can be satisfied.
2. Commercial Perimeter Lots are allowed to have single or mixed use buildings, including all residential or all commercial uses.

## 9.13 Residential Garages

Garage doors must be wood or metal and may be covered with vinyl cladding. All garage doors shall be stained, painted or commercially coated in a color to coordinate with the residence. In no case will white garage doors be allowed.

- A. **Position.** Residential Garages shall be positioned to minimize their visual impact on the street.
- B. **Alley Access.** Garages or carports shall be located in the rear of the property with access from the alley, if available.
- C. **Garage Setback.** Where no alley exists, garages shall be set behind the front façade of the house by at least 10’.

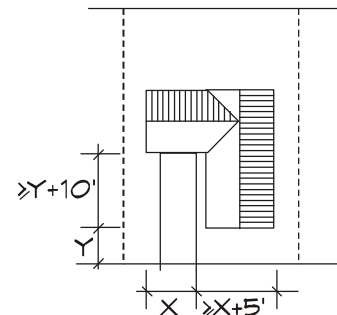


## 9.14 Parking

Each owner shall be responsible for compliance with these standards by its occupants, residents, employees and visitors. If parking requirements increase as a result of a change in use or increase in the number of units or employees, additional off-street parking shall be provided to comply with these standards. All uses are required to comply with the following standards:

### A. Commercial Area Parking Standards.

1. **Size:** Each parking space shall be a minimum size of 9’ x 18’. Covered parking spaces may be reduced in size with DRC approval. Parallel parking spaces shall be a minimum of 22’ long and 8’ wide.
2. **Commercial Uses:** 1.0 space per 1,000 S.F. leasable, rounded up to the nearest whole space, excluding common areas.



3. **Restaurants/bars and Assembly Halls:** 1 space per each five (5) seats based on seating capacity, excluding bar area seating.
  4. **Other Uses.** Any other use that the DRC believes will generate more traffic than this standard will meet, may be required to provide additional parking as determined by the DRC based on the immediately adjacent property usages as well as immediately available public parking availability.
  5. **Multi-Family Units:**
    - 1 space for each 1 bedroom or studio unit in the Commercial Area.
    - 2 spaces for each 2 or more bedroom units in the Commercial Area.
  6. **Single Family and Duplex Units:** 2 spaces for each dwelling unit.
  7. **Lodges and Accommodation Units:** 0.75 spaces for each sleeping room.
- B. Parking Lot Landscaping.** See Section 8 General Standards for All Developments.
- C. Parking Location.** Required off-street parking spaces shall be located on the same lot as the structure or business the spaces are intended to serve. In the Commercial Area, the following standards shall apply:
1. On-street parking adjacent to the commercial use can be used to meet the parking standards. Parallel parking is preferred over head-in parking and head-in parking is preferred over diagonal parking.
  2. Parking lots shall be placed to the rear of buildings where possible.
  3. Off-street parking off of alleys is preferred.
  4. Off-street parking off of an alley will require a minimum of 20' of depth from the rear property line and shall have a perpendicular 5' to 7' wide sidewalk between the parking area and the rear of the building.
- D. Snowmelt Systems.** Snowmelt systems may be permitted if an applicant chooses to do so, as long as the system is used and maintained, and protected by a covenant in perpetuity, recorded in the official records of Gunnison County, requiring that the applicant provides engineering specifications proving that at least 25% of the system's energy will be provided through renewable resources. In such cases where 25% of the system's energy will be provided through renewable resources, such systems will be approved.
- E. Multiple Uses.** If two or more principal uses occupy a single lot or structure, the standard for off-street parking shall be the additive total for each principal use of the lot or structure.

- F. Shared Parking.** When the peak use period for required parking for one land use will not overlap with the peak use period for required parking for another land use located on the same or adjacent lots, the DRC may allow the reduction of the required number of parking spaces by up to twenty-five percent (25%) of the total required. A subsequent change in use will require evaluation by the DRC and additional spaces may be required.
- G. Required Fractional Spaces.** When any calculation of required parking results in a fractional space, such fraction shall be rounded up to the next higher whole number of spaces. Upon approval of the DRC, a cash-in-lieu payment may be made instead of providing the one additional space. Such payment shall be deposited specifically into a fund earmarked for the acquisition of lands by the P.O.A. for parking purposes and/or the construction of parking spaces on land already owned by the P.O.A.
- H. Surface Improvements.** All off-street parking, access drives and loading areas within the Commercial Area and for all multiple-family buildings in CB South shall be paved. For single-family or duplex units outside of the Commercial Area, off-street parking, access drives and loading areas may be graveled but must be properly graded to assure proper drainage such that gravel does not end up in public rights-of-way or on adjacent parcels.

## 9.15 Pedestrian Connections

Pedestrian paths to the downtown area shall be required as set forth in the Commercial Area Master Plan. Where large blocks within the Commercial Core are developed with zero foot (0') side yard setbacks, the DRC may require a five foot (5') pedestrian access easement from the front to the rear of the property as generally depicted in the Commercial Area Master Plan. Additionally, the DRC may require a five foot (5') pedestrian access easement on residential properties outside of the Commercial Area that would allow pedestrians to walk on designated sidewalks or connectors from the streets outside of the Commercial Area, through the Commercial Perimeter Lots, and into the Commercial Core. Sidewalks and pedestrian connectors to and within the Commercial Core should be hard surfaces such as concrete that can withstand snow removal operations.

## 9.16 Storage, Loading and Service Areas in the Commercial Area

No materials, supplies or equipment shall be stored on a lot except inside an enclosed building. Company-owned or operated trucks or delivery vehicles must be kept in a garage, behind the applicable commercial building, or behind a visual barrier screening such vehicles from view. All trash and loading facilities, including turn-arounds and docks, shall be provided at the rear of the building and must be screened to minimize their visibility from any street or alley. Screening of service areas and loading docks shall consist of any approved combination of earth mounding, landscaping, walls and/or fencing. Loading areas and docks shall not be closer than thirty feet (30') to an abutting alley or street unless specifically approved by the DRC, considering safety and compatibility with neighboring properties.



- A.** Locations of trash enclosures relative to snow storage shall allow access and maintenance of the dumpsters located within them, and shall not impede the free movement of trash removal vehicles.
- B.** Trash dumpsters and other waste/recycling containers serving multi-family or commercial uses shall be fully covered and enclosed and completely screened from view. As a minimum, fully covered enclosures must be 6' high with gates, and must be bear-proof.
- C.** In the Commercial Core area, a common enclosed trash dumpster with space for a recycling area shall be established in the rear of each block for a common group of specified users. This area shall be designated as a common area at the time of platting of the remainder of Block 6.



## 9.17 Snow Storage and Snow Staging in Commercial Area

Adequate snow storage areas are required for each site, and snow storage in dedicated parking areas is prohibited. No building shall be allowed to shed or store snow off of the property on which it is located or onto any public right-of-way.

- A. Snow Storage Obstructions.** Snow storage areas shall be free of fences, landscaping (except for street trees and ground cover), retaining walls, and other obstructions of a similar nature. Alternative methods of snow storage may be considered by the DRC.
  - 1. Pathways, signage, vegetation, fencing, and lighting shall be configured to cause the least obstruction to snow plowing.
  - 2. Locations of trash enclosures relative to snow storage shall allow access and maintenance of the dumpsters located within them, but shall not impede the free movement of trash removal vehicles.
- B. Formal Review by CB South Metro District.** All designs for snow storage shall be subject to review and approval by the CB South Metro District.
- C. Minimum Width Adjacent to Plowed Area.** Designated snow storage areas shall not be less than six feet wide and, to the maximum extent feasible, shall be located adjacent to the area of the project from which snow is to be removed.
- D. Minimum Storage Area.** A snow storage area(s) that is a minimum of thirty-three percent (33%) of size of all plowed areas (parking, all walkways, etc.) shall be provided on site.
- E. Snow Staging.** It is expected that the neighborhood parks will be used for snow storage staging during big snow events, if necessary. However, it is expected that the nearby parks may also be used for overflow parking for the Commercial Area and therefore snow storage shall not be placed in the parking areas of such parks.

## 9.18 Exterior and Interior Lighting in Commercial Area

No exterior lighting of any nature shall be installed or operated without approval of the DRC. All interior and exterior lighting must be arranged or shielded so as to avoid excess glare or reflection onto any adjacent property, any adjacent street or into the path of oncoming vehicles. No flashing, traveling, animated or intermittent lighting shall be visible from the exterior of any Building.

- A.** Commercial storefront displays shall be illuminated from the interior of the building.
- B.** Exterior lighting shall be warm (yellow vs. grey), and downcast.
- C.** Only full down-cast, cut-off type light fixtures shall be used. All lenses shall be opaque; no clear lenses shall be allowed.

- D.** Street lights will be allowed upon approval of the P.O.A. Board and the CB South Metro District, if located in the public street right-of-way. The fixture style shall be determined by the DRC and shall be consistent throughout the area.

### 9.19 Mailbox Design and Location

No mailbox or newspaper box or other receptacles of any kind for use in the delivery of mail or newspapers or magazines or similar material shall be erected or located on any lot unless and until the size, location, and design for said box or receptacle shall have been approved by the DRC, considering safety and compatibility with the immediate area.

### 9.20 Commercial Area Signs

All signs shall be designed and installed per the *CB South Sign Regulations*.

### 9.21 ADA Accessibility

All new commercial and multi-family buildings, and other structures as required by the Americans with Disabilities Act, must meet ADA requirements.

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## SECTION 10: RESIDENTIAL DESIGN STANDARDS

### 10.1 Residential Design

The Residential Design Standards apply to all residential lots in the CB South Special Area, outside of the Commercial Core area. These standards are set forth in the *Crested Butte South Residential Design Guidelines* available through the P.O.A.

### 10.2 Driveway Grades

Driveway grades for residential properties shall be in accordance with the *Crested Butte South Subdivision Residential Design Guidelines* available through the P.O.A. No variances shall be granted from these driveway grade/slope standards.

### 10.3 CB South Special Area

The CB South Special Area shall promote a compact development pattern that discourages sprawl, in which denser and more intense forms of commercial, mixed use and residential development will occur contiguous to or in close proximity to the Commercial Area only. Multi-family residential development is encouraged to develop in proximity to the Commercial Area, and is allowed in Filing's 1 and 2 only.

### 10.4 Residential Lots

Buildings on residential lots located outside of the Commercial Area shall have a maximum height of 32'.

### 10.5 All Proposed Building and Structure Locations

All proposed building and structure locations in CB South must be approved by the Crested Butte Fire Protection District and the Crested Butte South Metro District. No building or any portion thereof (except roof overhangs) shall be placed on any lot nearer to the front, side or rear property line than as set forth herein or in the residential guidelines.

### 10.6 Variance Requests

Variance requests for lots located in all Filings will be heard by the P.O.A. Board in accordance with the process set forth in **Section 6 Development Review, Process and Required Permits** above and do not require an additional hearing by the County Board of Adjustments.

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## **SECTION 11: BEGINNING AND COMPLETING CONSTRUCTION**

All construction activity must be in compliance with these *Regulations*, and the *Noise Guidelines for Crested Butte South* and the *CB South Construction Rules and Regulations* available through the P.O.A. Additionally, after commencement of construction of any improvement, the owner shall diligently execute the construction thereof such that the improvement shall not remain in a partly finished condition any longer than is reasonable necessary for completion thereof. All landscaping required to be provided on any lot shall be completed within 90 days after the substantial completion of the construction of any buildings to be constructed on the lot, provided, however, if weather conditions do not permit, then the landscaping shall be completed as soon thereafter as weather conditions permit. If any owner fails to undertake and complete its landscaping within this time limit, the P.O.A. may, at its option, after giving the owner thirty (30) days written notice, undertake and complete the landscaping of the lot in accordance with the landscaping plan. If the P.O.A. undertakes and completes such landscaping the cost of such landscaping shall be assessed against the owner's deposit, and if said assessment is in excess of the deposit and is not paid within 30 days after written notice of such assessment from the P.O.A., the P.O.A. may then place a lien on the lot as provided in the Covenants.

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## SECTION 12: AMENDMENT AND TERMINATION

### 12.1 Term

Unless terminated, in accordance with this provision, and subject to any limitations set forth in this provision, these *Regulations* shall continue in full force and effect.

**A. Termination and Modification.** These *Regulations*, and any provision contained herein, may be terminated, modified or amended as to all or a portion of the CB South Special Area upon Acknowledgement by the BOCC. In addition, the P.O.A. agrees to forthwith provide a copy of any changes, modifications or changes to the Crested Butte South Declarations, Covenants and Restrictions, as approved by the P.O.A., to the Gunnison County Planning Department.

**B. Amendment.** The following process shall apply to an application to amend or terminate these *Regulations*:

**1. Initiation.** An amendment to these *Regulations* may be initiated by any of the following:

**P.O.A.** An amendment may be initiated by the P.O.A., or by any CB South Property Owner in good standing, through the submittal of an application to the P.O.A.

**2. Submittal of Draft Amendment Language.** Any initiative or application for amendment shall include at a minimum the following:

**Identification of Applicant.** The Applicant's name, address, telephone number and e-mail address.

**Precise Wording.** The precise wording of the proposed amendment, and the Section in which it is proposed to occur.

**Rationale for Proposed Amendment.** A concise statement of the purpose and justification for the proposed amendment.

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## SECTION 13: MISCELLANEOUS PROVISIONS

### 13.1 No Liability

The P.O.A., and the DRC shall not be liable for any damage, loss, or prejudice suffered or claimed by any person on account of:

- A. The approval or disapproval of any plans, drawings, and/or specifications, whether or not in any way defective;
- B. The construction of any improvement or performance of any work, whether or not pursuant to approved plans, drawings and/or specifications; or
- C. The development of any lot within the CB South Special Area.

### 13.2 All Owners Bound

Any person who now owns or hereafter purchases or acquires rights in any improvements on any lot shall be bound by every covenant, condition, restriction and easement of the CB South Property Owners Association as contained in these *Regulations*, whether or not any reference to these *Regulations* is contained in the instrument by which such person acquired such interest or ownership.

### 13.3 Destruction of Improvements

In the event any building or other improvement on a lot is damaged or destroyed in whole or in part by any casualty, the owner shall, within one-calendar year, immediately undertake to restore the same to a condition in conformity with the plans and specification most recently approved by the DRC, or to the most recent design guidelines, whichever are more restrictive, with respect to such building or improvement, or that destroyed building or other improvement must be immediately removed.

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# SECTION 14: NO PRECEDENT SET BY THIS DESIGNATION

Neither the designation of the CB South Special Area, nor these *Regulations*, procedures or approvals hereunder shall be construed as a precedent for any other County action.

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## SECTION 15: VIOLATIONS AND ENFORCEMENT

Failure to comply with any provision of these *Regulations* shall be deemed a violation of these *Regulations* and the *Gunnison County Land Use Resolution* and shall be subject to enforcement by the applicable authority. To the extent that they have the authority, the Crested Butte South Property Owners Association will pursue enforcement of these *Regulations* as permitted under their governance policies. In absence of said authority, if the declaration or covenants are silent with respect to enforcement or enforcement by the P.O.A. is not occurring, and then enforcement by the County can occur.

### 15.1 Power

The P.O.A. shall have the power and duty to hear and make decisions regarding violations and written complaints filed with the Board and impose fines or other sanctions, pursuant to these Policies and Procedures, and the P.O.A.'s governance policies. The P.O.A. may determine enforcement action on a case by case basis, and take such actions as it may deem necessary and appropriate to assure compliance with these *Regulations*, the Crested Butte South Property Owners Association, Inc. Covenants and Restrictions ("Covenants"), the Association's Articles of Incorporation, Bylaws, and rules and regulations promulgated thereunder ("Documents"), and to create a safe and harmonious living environment.

These enforcement provisions may be in addition to other specific provisions outlined in the Association's Covenants and Restrictions, Articles of Incorporation, Bylaws or Rules and Regulations ("Governing Documents"), and the Association is not required to follow these enforcement provisions before seeking such other remedies. The Association may choose a legal remedy or seek assistance from other enforcement authorities, such as police, fire, or animal control, as it deems appropriate.