

Special Area Regulations Crested Butte South

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SECTION 1. PURPOSES

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

The Crested Butte South Special Area (“**Crested Butte South Special Area**” or “**CB South Special Area**”) has been designated by the Board of County Commissioners of Gunnison County (“**BOCC**”) as a Special Area pursuant to Section 1-110: Process for Designating Special Areas of the *Gunnison County Land Use Resolution* (“**LUR**”), in Resolution No. 2003-46, and further adopted Special Area Regulations, in Resolution 2008-38. The following amendments thereto have been adopted as follows: Resolution No. 2017-5, Resolution No. 2020-14, and Resolution No. 2023-8. The terms and conditions of Resolution 2008-38, as they may be amended from time to time, shall control at all times.

1.2 Purpose

These purposes set forth in the Crested Butte South Special Area Regulations (SAR) serve as basic goals for the development of the CB South Special Area and the review standards and process thereof. When there is a conflict between a statement of purpose and an adopted standard within the SAR, or when an adopted standard is more specific, the standard shall supersede the purposes. The SAR shall be liberally construed to further the following purposes:

A. To Simplify LUR Review and Approval

To simplify the LUR 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 mixed-use 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 welfare, 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 operate 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 Crested Butte South Special Area.

SECTION 2. APPLICABILITY

The SAR applies to all development, including development of new buildings or structures, 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 the First through the Fourth Filings 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; all in the records of the Clerk and Recorder of Gunnison County, Colorado.

This SAR is in addition to and meant to be read in conjunction with the Amended and Restated Covenants and Restrictions for Crested Butte South recorded on January 20, 2023, at Reception No. 689469, (Covenants and Restrictions), Rules and Regulations, and Residential Design Guidelines currently in use by the CB South Property Owners Association (“**P.O.A.**”), as each may be amended from time to time. In the event of any conflict between the any of the foregoing in use by the CB South P.O.A., the more restrictive regulation, rule, covenant or guideline shall control, subject to Section 3.4 below. Further, any reference to specific sections of the LUR is a reference to the current LUR, as it may be amended from time to time.

SECTION 3. RELATIONSHIP TO GUNNISON COUNTY

3.1 Uses Generally Exempt from Land Use Resolution

Development within the CB South Special Area shall be exempt from requirements of the LUR, unless otherwise specified herein, or by Gunnison County.

3.2 Definitions

Terms not otherwise defined hereunder shall be defined pursuant to the applicable sections of the LUR.

3.3 Construction and Word Usage

Construction and word usage shall be interpreted pursuant to the applicable sections of the LUR.

3.4 Gunnison County Land Use Resolution Appellate Procedures and Standards

Except as expressly stated in these regulations, the appellate procedures and standards of the LUR, as amended from time to time, shall control.



SECTION 4. DEFINITIONS

This Section defines words, terms, and phrases used specifically in the SAR. Terms not otherwise defined herein 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, among other things, as may be amended from time to time.

BOA means the Gunnison County Board of Adjustment.

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

BASEMENT means the floor of a building partly or entirely below ground level.

BUILDING CODE means the effective building codes as adopted by Gunnison County.

CERTIFICATE OF APPROVAL is a certificate issued by the Gunnison County Community Development Department that states the proposed project has received compliance review by both the Crested Butte South P.O.A.'s DRC and the Gunnison County Community Development Department and the applicant is authorized to apply for the applicable building permit through the Gunnison County Community Development 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 wholesale operations, professional offices and the provision of goods or services for the general public. "Commercial" also means "business."

COMMUNITY DEVELOPMENT DEPARTMENT means the Gunnison County Community Development Department, which includes both the Planning, Building, and Environmental Health offices.

COVENANTS AND RESTRICTIONS means the Amended and Restated Covenants and Restrictions for Crested Butte South recorded in the official records of Gunnison County, Colorado on January 20, 2023 at Reception No. 689469, as the same may be amended and/or restated from time to time.

CB SOUTH PLATS mean the recorded plats for the First, Second, Third and Fourth Filings, Crested Butte South, Gunnison County Colorado

CB SOUTH VILLAGE CENTER 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 Second Filing, including Pioneer Plaza.



CB SOUTH VILLAGE CENTER STRATEGIC PLAN refers to the illustrative strategic plan within the CB South Village Center Area as shown in Figure 8-1.

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

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 any subsequent filings, made subject to the SAR as more specifically described in SAR Section 2. *Applicability.*

CB SOUTH SPECIAL AREA PERMIT means the required permits issued by the P.O.A. in accordance with the requirements herein.

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 the SAR, Residential Design Guidelines and the Covenants and Restrictions as appropriate. The DRC shall be comprised of at least one (1) commercial lot owner, , at least one (1) residential-use-only lot owner, and at least 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 DRC, except that the DRC shall not include the DRC Manager as a member. A quorum of the DRC 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 such terms shall be staggered. There is no term limit for DRC members.

DEVELOPMENT means any of the following activities (a) the construction, reconstruction, demolition, conversion, structural alteration, relocation or enlargement of any buildings or structures; (b) any use or change in use of any buildings, land or water; (c) any extension of any use of land; (d) any clearing, grading or other movement of land; (e) any dredging, filling, grading, paving, excavation or drilling operations; (f) any alteration; (g) any improvement; (h) any redevelopment; (i) any landscaping or (j) the storage, deposition or excavation of materials.

DRC MANAGER means the agent, contractor or employee retained by the P.O.A. to manage, advise and administrate, and provide staff support for, all matters pertaining to the administration of the SAR.

DWELLING UNIT means a building or a portion of a building containing a single unit providing living facilities for one (1) or more persons, including permanent provisions for living, sleeping, a kitchen,, and sanitation

Dwelling units are further classified as:

Accessory Dwelling Unit: A single-family dwelling located on the same lot as the primary single-family dwelling that meets the requirements for an accessory dwelling unit contained in Section 3.

Multi-Family Dwelling Unit: A residential building containing three (3) or more dwelling units on one (1) lot. Multi-family dwelling units include apartment units and condominium units.

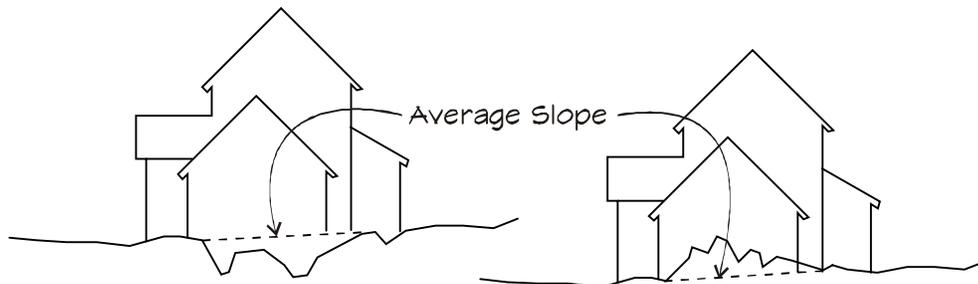


Duplex Dwelling Unit: A lot containing a building containing only two (2) dwelling units located on one (1) platted lot. A Secondary Unit Intended only for Sleeping without a Kitchen is permitted:

Single-Family Dwelling Unit: A building containing only one (1) dwelling unit located on one (1) lot. A Secondary Unit Intended only for Sleeping without a Kitchen is permitted:

Secondary Unit Intended only for Sleeping without a Kitchen: An attached dwelling unit without a kitchen.

EXISTING GRADE means the original or natural topographic grade of a lot/property prior to any disturbance or grading work having 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 soils 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.

FIRE CODE means the current effective fire code that has been adopted by Gunnison County and/or the Crested Butte Fire Protection District.

FLOOR AREA means the sum of all area(s) within the exterior walls of a building or portion thereof, measured from the exterior faces of the exterior walls, excluding the area within attached or detached garages, attics or crawl spaces provided that such areas meet the following floor area exclusions:

Attic Areas: Attic areas shall have with a ceiling height of five feet (5') or less as measured from the topside of the structural members of the floor to the underside of the structural members of the roof directly above.



Attic Areas with Trusses: Attic areas created by construction of a roof with structural truss type members provided the trusses are spaced no greater than inches (30") apart.
Attic Areas with Non-Truss System: Attic areas created by construction of a roof structure utilizing a non-truss system with spaces greater than five feet (5') in height if all of the following criteria are met:

The area cannot be accessed directly from a habitable area within the same building level; and

The area shall have only the minimum access required by the Building Codes from the level below; and

The attic space shall not have a structural floor capable of supporting a "live load" greater than forty (40) pounds per square foot, and the "floor" of the attic space shall not be improved with decking.

Crawl Spaces: Crawl spaces accessible through an opening not greater than twelve square feet (12') in area with five feet (5') or less of ceiling height as measured from the surface of the earth to the underside of structural floor members of the floor/ceiling assembly above. Crawl spaces created by a "stepped foundation," hazard mitigation or other similar engineering requirement with a total height in excess of five feet (5') may be excluded from floor area calculations at the discretion of the Gunnison County Community Development Department. .

Stairways: Stairs within a dwelling unit shall only be counted on every other level.

HEIGHT means the heights set forth in SAR, Section 8.10 *Building Height*.

HOME OCCUPATION means 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 employee who is a non-family member living off-premises.

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 P.O.A. or Gunnison County.

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

INDUSTRIAL USE means land uses that relate to, concern or arise from the assembling, fabrication, finishing, , packaging, or processing of goods.

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*), as may be amended from time to time.

MANUFACTURING USE means 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.



MAXIMUM EXTENT FEASIBLE means that all practical efforts to comply with the SAR 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 means development with both residential and commercial land uses.

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

PERIMETER LOT means a Village Center Perimeter Lot as defined herein.

PIONEER PLAZA OR TOWNHOME MAP PIONEER PLAZA COMMERCIAL TOWNHOMES means the property subject to the Townhome Map Pioneer Plaza Commercial Townhomes as recorded in Gunnison County records at Reception Number 555752.

P.O.A. means the Crested Butte South Property Owners Association which is comprised of all owners of property in the Crested Butte South Subdivision governed by a duly elected Board of Directors.

P.O.A. BOARD means the Board of Directors for Crested Butte South Property Owners Association, Inc. elected by the owners in good standing.

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

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 CB South Village Center Area.

SAR means this Crested Butte South Special Area Regulations, formally known as “Commercial Area Master Plan” or “CAMP”, created to regulate the development and use of the Crested Butte South Special Area as designated by Gunnison County. The Crested Butte South Special Area remains a Special Area and a master planned community pursuant to 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 outdoors 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 outdoors 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, commercial or mixed use development design review.

SITE DEVELOPMENT PLAN means a scaled drawing depicting 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.

SPECIAL AREA REGULATIONS (SAR) means the resolution(s) passed by the Board of County Commissioners of Gunnison County designating Crested Butte South for certain purposes as outlined in the Resolution 2008-38, as amended, and this document.

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.

VILLAGE CENTER CORE refers to all of Block 6 in the Second Filing. The majority of the Village Center Core is expected to be developed with commercial, multi-family and mixed-use buildings.

VILLAGE CENTER PERIMETER LOTS OR PERIMETER LOTS refers to those portions of Blocks 4 and 5 that front Block 6 in the Second Filing, and are commercially-designated, per the CB South Plats.



SECTION 5. PERMITTED AND PROHIBITED LAND USES

5.1 Introductory Provisions

- A. 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.
- B. Any use not specified herein or in the Covenants and Restrictions may be considered on a case-by-case basis by the P.O.A. Board.
- C. 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.

5.2 Permitted Uses

- A. **CB South Village Center.** Lots within the CB South Village Center shall be used only for the following purposes:
 - 1. **Retail Commercial Establishments:** antiques, appliances, art supplies, galleries, retail bakeries, sports shops, 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 and professional 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 of Colorado requirements), animal grooming, studios for instruction in the arts, performing arts, health clubs, radio and television broadcasting, artists' 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, libraries, assembly halls, schools, churches, public or civic buildings, and P.O.A. or governmental offices.
 - 5. **Restaurants, Coffee Shops and Bars:** coffee shops, 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).
 - a. Restaurants serving alcohol will have limited hours of operation to be determined by the P.O.A. Board.



- b. Outdoor dining is encouraged, but outdoor music, outdoor speakers, live music and/or live advertising will require special review and permitting by the P.O.A. Board and shall be subject to the Noise Guidelines adopted thereby, the result of which might be approval or denial thereof.
6. **Medical, Dental and Veterinary 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. **Accommodations.** Accommodations includes hotels, motels, lodges, condotels, and bed and breakfasts (subject to any applicable Sections of the LUR), limited in size to no more than 15,000 S.F
9. **Public Parks and Plazas.** Public parks and plazas, if developed, shall meet the following criteria:
 - a. The parks and plazas should have south-facing or west orientation;
 - b. Food and beverage service is or can be located nearby;
 - c. The parks and plazas should have water and/or Public Restrooms located within or near them;
 - d. The parks and plazas should be designed as places for activity and events;
 - e. The parks and plazas should be connected by developed and undeveloped paths to and from neighborhoods; and
 - f. Space for playgrounds is provided, where appropriate.
10. **Farmer's Market.** Any market established by an organization of farmers/producers to provide the opportunity for direct sales of primarily Colorado-grown produce, including locally raised dairy and meat products, 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. Farmer's Market may also include the direct sales of local cottage industry crafts, art work, and raw or prepared foods or local non-profit informational booths. .
11. **Construction-Oriented Specialty Uses:** This type of use includes a 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.

12. **Propane Refilling Station.** This is 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.
13. **Residential Dwelling Units.**
 - a. Village Center Core: multi-family dwelling units subject to the limitations set forth herein.
 - b. Village Center Perimeter Lots: single-family, duplex, row houses and multi-family dwellings are allowed as well as mixed-use buildings.
14. **Home Occupations:** Are permitted as defined in this SAR.
15. **Wireless Communications Facilities.** This use is permitted provided they are installed on buildings, do not exceed the maximum building height, and are designed to blend into the design of the structure, with screening provided where possible.
16. **Outdoor Commercial Vending/Vending Carts.** These types of vending carts shall be permitted in accordance with any P.O.A. adopted vending cart regulations.
17. **Food Trucks.** Are permitted only when a secondary use to a brewery, distillery, vintner, Farmer's Market or in an approved special event;

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

1. Single family and duplex dwelling residential use.
2. Multi-Family dwelling uses, subject to meeting the applicable requirements of Covenants and Restrictions and this SAR. Multi-family buildings shall only be allowed in the First and Second Filings.
3. Home Businesses.
4. Accessory Apartments Dwelling Unit means a dwelling unit that meets the requirements in SAR Section 5.2.C *Accessory Dwelling Units*, and the Residential Design Standards, Section 9., below.

C. Accessory Dwelling Units . Detached or attached accessory dwelling units shall be allowed in all residential areas, subject to the following:

1. The total Floor Area of the dwelling unit area of the unit is no greater in size than

one-third (1/3) of the total dwelling area of the single-family unit up to a maximum of 1,000 sq. ft.

2. Legal title to the accessory dwelling unit and the single-family unit is held in the same name during the period of ownership thereof, meaning both units are one lot.
3. Parking for the accessory dwelling unit and the primary dwelling unit is provided in accordance with the Covenants and Restrictions and the SAR.
4. The primary single-family dwelling unit exists or is being concurrently constructed.
5. Provide separate access to the accessory dwelling unit, and a kitchen separate from the main single-family dwelling unit; and
6. If detached, be located on a lot so as to minimize visual impacts to existing buildings on lots immediately adjacent to the proposed dwelling unit to the extent practical.

5.3 Prohibited Uses. The following uses and operations are prohibited (except as expressly set forth below):

- A. Any and all Industrial uses.
- B. Manufacturing uses are generally prohibited except that the following light manufacturing processes are permitted subject to the development of minimizing and mitigating any adverse impacts to the community and the presence of primary on-site retail use:
 1. Breweries, Vintners and Distilleries;
 2. Coffee roasting;
 3. Food or greenhouse production (excluding marijuana growing or production of marijuana-based goods which are prohibited);
 4. Meat and fish smoking;
 5. Recreational equipment, gear or clothing manufacturing;
 6. The P.O.A. Board may approve other light manufacturing businesses if the P.O.A. Board determines that the proposed light manufacturing business is in compliance with the SAR and Association covenants and guidelines.
- C. Propane Tanks. Propane tanks that support a building's mechanical system shall not be permitted.
- D. Water Wells. Any drilling for water except as permitted by the CB South Metro District.



- E. 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.
- F. The parking or storage of heavy equipment, such as, excavation or earthwork machines, trailers in excess of 24 ft., specifically designed for executing construction tasks, is prohibited on any residential or commercial lots within Crested Butte South, except as may otherwise be permitted for temporary construction projects.
- G. Any use not explicitly listed as an allowed use in SAR Section 5.2. *Permitted Uses*, or determined by the P.O.A. Board to be similar in character and impact to an allowed use.

5.4 Temporary Uses and Structures

All temporary uses and structures in the CB South, including temporary greenhouses shall be reviewed and approved by the P.O.A. Board or staff, based on the nature of the request, on a case-by-case basis, and shall be subject to the Covenants and Restrictions.

5.5 Special Events

All special events shall be subject to application process, fees, review, and approval or denial by the P.O.A. Board.

5.6 Non-Conforming Uses

All non-conforming uses shall be subject to the applicable Section(s) of the LUR.



SECTION 6. DEVELOPMENT REVIEW PROCESS & PERMITS

6.1 Permits and Payment of Fees and Taxes Required Before Improvements

No improvements shall be commenced, erected, placed, altered, or maintained on any lot by any owner or occupant until the use has received DRC approval or POA approval, and plans and specifications have been submitted to and approved in writing by the DRC, and, as applicable, a Building Permit is issued by Gunnison County. No development or 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 and consulting review expenses as set forth on the fee schedule 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 Gunnison County Taxes and Fees.** All real property taxes and other Gunnison County fees have been paid.
- D. **CB South Special Area Permit.** A CB South Special Area Permit has been issued pursuant to SAR, Section 6.3., *CB South Special Area Permit*.
- 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 SAR, Section 6.3, *CB South Special Area Permit*.

6.2 Design Review Committee

6.3 The DRC is defined in Section 4 above. CB South Special Area Permit

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

- A. **Permit Application.** The applicant shall submit the plans, information and studies as set forth in the P.O.A. approved CB South Special Area Application.
- 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 set forth on the CB South Special Area Application.
 - 2. **Determination of Completeness.** The DRC Manager shall determine whether the application is complete and includes all information required by the SAR. It is the goal, but not the requirement of the SAR that this review be completed within 14 days of the submittal of the application.

- a. **Application is Not Complete.** If the application is not complete, the DRC 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.
- b. **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.** The DRC Manager will review an application for completeness and may exercise discretion when warranted. An application is required to be complete in order to proceed to the DRC review.
4. **Request for Review by DRC.** The DRC Manager shall refer the complete application to the DRC, which shall complete its review as provided for herein.
5. **Request for Review by Other Agencies or Departments.** At the same time the application is being referred to the DRC, the DRC 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 Gunnison County offices and departments, State of Colorado, 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 the DRC's design review. In addition, all development shall be reviewed and approval by the Crested Butte Fire Protection District for compliance with the adopted Fire Code. Any fees associated with these additional reviews must be paid by the applicant prior to the issuance of a certificate of approval.
 - a. **Review and Comment by Review Agencies.** The review agencies sent a copy of the application shall be requested to make comments within 14 days of mailing by the DRC Manager, unless an extension of not more than 14 days has been requested by the agency before the 14th day. The DRC 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 21 days or within the period of extension shall be deemed no objection of the application by the agency.
 - b. **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 of Public Hearing.** Public notice is required for a public hearing to consider a CB South Special Area Permit pursuant to SAR, Section 6.7, *Notice of Public Hearing*.
7. **Action by the DRC and DRC Manager.** Within 14 days of having received comments from review agencies, and, as applicable, the applicant has reasonably responded to those comments, the DRC Manager shall schedule a DRC meeting to review the project. Upon completion of its 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 the SAR, setting forth in writing the reasons for its decision. Conditions of approval shall include, but not be limited to, the applicant(s) obtaining and complying with all applicable federal, State of Colorado, Gunnison County and other permits required for the project.
 - a. DRC approval is valid for only twelve (12) months from approval date
 - b. An extension of the DRC approval for up to an additional twelve (12) months shall require a written request to the DRC Manager a minimum of thirty (30) days prior to the expiration of the DRC approval. An applicant shall demonstrate good cause for an approval to be extended, and may be assessed an additional design review fee based on the complexity of the request.
 - c. If an approved project has been appealed, the duration of the approval shall be stayed from the date of such appeal until such appeal has been fully and finally adjudicated by the appropriate administrative body or a court of competent jurisdiction.
 - d.
8. **Recordation of Certificate of Approval & Proof of Building Permit Issuance.** Application can be made to the Gunnison County Community Development Department for a Land Use Change Permit and building permit as soon as the CB South Permit is approved.
 - a. Within five (5) business days of issuance of a building permit by Gunnison 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.
9. **Occupancy.** Occupancy of any applicable improvement is not permitted prior to Gunnison County's official issuance of a Certificate of Occupancy by Gunnison

County or other appropriate authority.

C. Standards for Approval. The DRC shall approve an application for a CB South Special Area Permit if it finds the application complies with the following criteria:

1. **Compliance with the SAR.** The use shall comply with all applicable standards and provisions of the SAR, Covenants and Restrictions, and other governing documents of Crested Butte South.
2. **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 CB South Special Area, and it shall avoid excessive similarity and dissimilarity with existing structures, except that multi-family projects may have similarity from building to building to project a cohesive look. Further, the proposed land use shall not cause undue noise, dust, fumes, odor, explosion, or other hazards or nuisances, whether the result of design, location, basic character, or of planned or reasonably expected growth.
3. **No Significant Net Adverse Impacts Offsite.** The proposed land use shall not create significant net adverse impacts 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 subject area, visual impacts, and the amount of surface acreage disturbed and its location.
4. **Compliance with Any Previous Approvals.** The development application complies with any previous approved plans and conditions approved for the site still in effect.

D. The DRC shall base its decision, among other factors, upon the compliance with criteria found within the SAR, Covenants and Restrictions, as well as other CB South governing documents, 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 the SAR.

6.4 Variance Applications

A. Authority. The POA Board may consider applications for and issue variances from these Special Area Regulations without an additional hearing by Gunnison County BOA pursuant to this Section and the LUR.

B. Applicability. An applicant may apply for variance to the following SAR Sections:

1. Section 8: *CB South Village Center Design Principles and Standards.*



- a. Variances may be granted from dimensional standards, but not for any change in land use. Any change in land use must be approved by Gunnison County.

2. Section 9: *Residential Design Standards*.

C. Variance Application. The applicant shall submit the plans, information and studies as set forth in the CB South Variance Submittal Form.

D. Review Process. A variance application will be processed generally using the steps and provisions set forth under Section 6.3, *CB South Special Area Permit* (as solely determined by the DRC Manager), including the submittal of the application, determination of completeness, consultant or agency review and referrals, public notice, action and recordation.

1. Variance requests can be processed concurrently with the Special Area Permit application.
2. Variance requests shall be heard by the P.O.A. Board and do not require an additional hearing by Gunnison County BOA.

E. Public Hearing Required. Variance requests will be considered by the P.O.A. Board and DRC at a joint public hearing and publicly noticed pursuant to SAR, Section 6.7, Notice of Public Hearing.

F. Variance Standards. The DRC shall make a recommendation to the P.O.A. Board, and the P.O.A. Board will act on variance applications based on 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 Special Area and the SAR, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or to Crested Butte South Community.
4. The variance applied for does not depart from the provisions of the SAR or Covenants and Restrictions, any more than is required to accommodate the unique aspect(s) of the lot/property.

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



1. All decisions shall be in writing and shall be recorded by the P.O.A. in the official records of Gunnison County at the applicant's expense.

H. Appeal of Variance. Appeals of variance decisions by the POA Board may be appealed to the Gunnison County BOA pursuant to SAR, Section 6.6, *Appeals*.

6.5 Interpretation

The CB South P.O.A. Manager, the CB South DRC or DRC Manager, the CB South Board of Directors, or the Gunnison County Community Development Director may provide informal interpretations in the normal course of business, but such interpretations shall not constitute interpretations under SAR, Section 6.4(B), *Formal Interpretation*.

A. Authority

The Gunnison County Community Development Director may issue written, formal interpretations pursuant to this Section and LUR, Section 1-114: *Interpretation*.

B. Formal Interpretation

1. **Standing to Request Interpretation.** The following shall have standing to request an interpretation:
 - a. Applicant. The applicant or owner of real property within the Crested Butte South Special Area; or
 - b. Gunnison County. Any officer, department, board, or bureau of Gunnison County; or
 - c. The CB South P.O.A. Manager, the CB South DRC, the DRC Manager, or the CB South P.O.A. Board of Directors.

6.6 Appeal

A. Applicability

1. A decision by the P.O.A. Manager or DRC on a CB South Special Area Permit application may be appealed to the P.O.A. Board. A decision by the P.O.A. Board of Directors may be appealed pursuant to SAR, Section 6.6.B, *Appeal of P.O.A. Manager or DRC Decision to POA Board*.
2. A decision by the P.O.A. Board may be appealed to the Gunnison County Board of Adjustment pursuant to SAR, Section 6.6.C., *Appeal of POA Board Decision to Gunnison County Board of Adjustment*.
3. Interpretations issued by the Community Development Director may be appealed to the Board of Adjustment pursuant to LUR, Section 8-103: *Appeals*.

B. Standing to Appeal



The following persons have standing to appeal a decision under this SAR. A person seeking to appeal a decision carries the sole burden to establish standing, and the failure to do so shall result in an immediate dismissal of such person's appeal.

1. **Applicant.** An applicant for a land use change or other land use under this SAR.
2. **Property Owner.** The owner of record of real property that is the subject of a decision under this SAR.
3. **Person Aggrieved by Decision Under this Special Area Regulation.** Any person who can establish that a decision made under this SAR denies that person a claim of right or imposes a substantial burden or obligation upon that person. Such person must establish that the claim of right is a property or personal right. Mere residence or presence within the geographic area governed by this SAR is not, in and of itself, sufficient to confer standing upon a person to appeal a decision under this SAR, even if such residence or presence is proximate to property that is the subject of a decision under this SAR.
4. **County.** Any officer, department, board, or bureau of Gunnison County.
5. **Appeal of P.O.A. Manager or DRC Decision to P.O.A. Board. Written Appeal.** An appeal may be submitted to the P.O.A. Manager no more than fifteen (15) days 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 complete basis for the appeal and the relief that is requested, and shall include all materials to support the appeal. The appeal shall become part of the record. **Public Hearing Required.** Appeals will be considered by the P.O.A. Board at a public hearing and publicly noticed pursuant to SAR, Section 6.7, *Notice of Public Hearing*.
6. **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 with the P.O.A. 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 recuse him or herself from the P.O.A. Board during the appeal meeting and deliberations, unless such recusal means the P.O.A. lacks a quorum.
7. **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.
8. **Modification or Reversal of Original Action.** The original action shall only be modified or reversed if the appellant establishes, that:
 - a. **No Credible Evidence.** There is no credible evidence in the record to support the original decision;



- b. **Original Action Inconsistent with SAR.** The original action was inconsistent with the applicable requirements of the SAR, the LUR, Covenants and Restrictions, or other governing documents of Crested Butte South; or
- c. **Review Body Action Inappropriate.** The review body exceeded its jurisdiction or abused its discretion.

C. Appeal of P.O.A. Board Decision to the Gunnison County Board of Adjustment. Appeal of a decision issued by the P.O.A. Board pursuant to this *Special Area Regulation* may be appealed to the BOA. The appeal shall be submitted and considered pursuant to the requirements of LUR, Section 8- 603: *Appeals*, et seq.

- 1. **In Writing.** Any appeal shall be tendered in writing to the Gunnison County Community Development Director and the P.O.A. Manager no later than 15 calendar days after the P.O.A. Board decision at issue is rendered. Such written statement of appeal shall contain the complete basis for the appeal, and any facts, law or argument not set forth in such statement may be deemed waived by the BOA and not considered as part of the appeal.
- 2. **The P.O.A. Manager Shall Prepare Record.** Within 15 days of receipt of the appeal fee, the P.O.A. Manager shall provide the record of the decision-making bod(ies) to the Gunnison County Community Development Director.
 - a. The record shall include all non-privileged materials tendered to or considered by the P.O.A. Board including but not limited to the application, site plans, maps, referral agency comments, written and oral public comments, minutes, the final decision documents, and any other supporting materials and evidence.,. The appellant shall reimburse the P.O.A. for the costs associated with preparing the record, but may object to such costs by submitting a written objection to the BOA within three (3) business days of receipt of a statement of costs from the P.O.A.
 - b. The appellant must simultaneously serve or otherwise transmit a copy of all papers and documents submitted to the BOA to the P.O.A. Manager, and if the appellant is not the applicant whose project is the subject of the appeal, then to the applicant. An appellant must have properly preserved all issues and exhausted all administrative remedies before the DRC and/or the P.O.A. Board in order for the BOA to hear and decide such issues.

D. Administrative Record. A record of any appeal shall be kept on file at the P.O.A. Offices.

6.7 Notice of Public Hearing

- A. Notice Required.** The following review types shall be required to provide notice prior to the scheduled public hearing.
 - 1. **CB South Special Area Permit.** CB South Special Area Permits pursuant to SAR, Section 6.3.,. *CB South Special Area Permit.*



2. **Variance.** Variances pursuant to SAR, Section 6.4, *Variance*
 3. **Appeal.** Appeals, pursuant to SAR, Section 6.6, *Appeal*.
- B. Timing of Notice.** All public hearings shall be publicly noticed fifteen (15) days prior to the scheduled public hearing.
- C. Public Notice Requirements.** All forms of public notice shall include the following.
1. Date, time, and place of the public meeting.
 2. Identification of the 15-day public comment period and contact information to provide public comment.
- D. Public Notice Location.**
1. **Posting of Notice.** Notice shall be posted on subject property.
 2. **Publication of Notice.**
 - a. **Website.** Publication on the CB South P.O.A. website.
 - b. **Newspaper.** Publication in a legal newspaper of general circulation serving the CB South Special Area.
 3. **Mailing of Notice.** Mailing of notice is only required for variance applications.
 - a. **Variance.** Certified letter sent to property owners with a contiguous parcel boundary to the subject property and property owners located separated by a street that would otherwise have a shared, contiguous boundary with the subject property.



6.8 Gunnison County Land Use Change Permit and Building Permit

A development that has obtained a Crested Butte South Special Area Permit in compliance with the SAR 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 Gunnison County noticing requirements are needed.

- A. Gunnison 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.



SECTION 7. GENERAL STANDARDS FOR ALL DEVELOPMENT

This section establishes the general standards required of all development by which applications for CB South Special Area Permits will be reviewed. These standards are intended to implement the Purpose set forth above in SAR, Section 1.2. The following requirements shall apply to the CB South Special Area unless a section states that it only applies to the CB South Village Center.

7.1 Building Code

7.2 All buildings and structures proposed to be built in the CB South Special Area shall meet all applicable building codes adopted and amended by Gunnison County. 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 Second, Third and Fourth Filings 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, Gunnison 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. That being said, the POA's statement to an owner that his or her lot may require a soils or similar study or test is not to be construed as an opinion of a construction professional. Further, development in areas subject to geologic hazards shall be subject to the applicable requirements of the LUR.

7.3 Noise and Construction Hours

Every use in the CB South Special Area must comply with the *Noise Guidelines for Crested Butte South*, as amended from time to time.

7.4 Odors

No use shall cause or allow the emission of odors from any single source so as to result in odors which exceed acceptable levels set forth in state law. Ventilation and control of odor and fumes may be required by the DRC.

7.5 View Obstructions to Motorists

The DRC shall have the authority, but not the obligation, to trim, 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 if such improvement was installed without P.O.A. approval. Site Maintenance

- A.** A lot owner, or owner of improvements on a lot, shall maintain that lot or improvements in a clean, safe and orderly condition and in compliance with any P.O.A. approvals granted

under the SAR or the prior land use regulations. If the owner fails to perform any acts of maintenance or repair, the owner will be in non-compliance with the SAR and subject to the enforcement provisions of the P.O.A.

- B. Neither the P.O.A. nor any of its designees or employees or agents shall be liable for any incidental or consequential damages for failure to inspect any lot or improvements or portion thereof or to repair or maintain the same.

7.6 Stormwater Management

- A. The provisions of this section apply to any commercial, mixed-use, multi-family development, or other use allowed herein; except that this section does not apply to single-family or multi-family development.
- B. 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 LUR. 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.
- C. In addition to the drainage plan, a drainage study shall 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 Gunnison County Community Development Department.
- D. 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.
- E. 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.

7.7 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 applicable requirements of the SAR and LUR and are only allowed in the CB South Village Center or on a CB South P.O.A. or CB South Metro District property. The P.O.A. Board may also approve an overall wireless network using the public rights-of-way utilizing pole antennas that are designed to fit within the community.

7.8 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 through which they protrude.



7.9 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.), Gunnison County standards, 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 multi-family buildings, and manufactured for which a building or manufactured home permit is issued after the effective date of the LUR 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. Multi-Family Residences, Hotels, Commercial and Institutional Buildings.** No solid-fuel-burning device shall be allowed in individual units of multi-family buildings, hotel/motel units, or commercial buildings, except that one approved solid-fuel-burning devices may be installed per building for a common amenity area.
 - 3. Installation.** 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.

7.10 Energy Conservation must comply with IECC

Buildings shall comply with the Gunnison County adopted International Energy Conservation Code (“**IECC**”) or other applicable code, as adopted. 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. Passive solar design is encouraged.

7.11 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. Transformers, electric, gas or other meters of any type, or other utility apparatus, shall be adequately screened, fenced, buffered 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 if allowed by the mechanical specifications and utility agencies.



7.12 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 LUR.

7.13 Wildfire Hazards

Development shall be subject to the most current and applicable sections of the LUR, and International Wildland- Urban Interface Code, as amended. Additionally, owners are encouraged to review their plans with the Crested Butte Fire Protection District before submitting an application to the DRC. All owners should consider the mitigation recommendations for their properties (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).

7.14 Wildlife Habitat Areas

Development in areas identified to be sensitive wildlife habitat areas shall be subject to all applicable sections of the LUR.

7.15 Ridgelines

Development on ridgelines shall be subject to the LUR, including the definition of ridgelines.

7.16 Snowplowed Access

Development of land beyond snowplowed access, as defined in the LUR, shall be subject to the LUR.

7.17 Onsite Wastewater Treatment Systems (OWTS)

All residences and commercial structures must be connected to the Crested Butte South Metropolitan District’s sewer system. In the event that the CB South Metro District is unable to serve a lot, then that lot owner will be required to obtain an OWTS permit through Gunnison County prior to approval.



SECTION 8. CB SOUTH VILLAGE CENTER DESIGN STANDARDS

This section establishes the CB South Village Center Design Standards (“Center Standards”) that are the standards by which applications for CB South Special Area Permits will be reviewed and approved for development within the CB South Village Center. The Center Standards are intended to implement the SAR Purpose outlined in SAR, Section 1.2, the Village Center Vision and Goals and the General Design Principles.

8.1 CB South Village Center Vision and Goals

The CB South Village Center Standards are based on achieving the following Vision and Goals.

Vision for the Future. The CB South Village Center is the community’s cultural and social focal point that also provides for economic vitality including desired and needed businesses: a diversity of housing types; a variety of public spaces that encourage social and community interaction; a well-connected intermodal transportation system; and for sustainable design that incorporates the surrounding scenic beauty.”

Goals

- A. **Architectural Design** (homogeneous vs. creative). The CB South Village Center will provide a western or mountain modern design while allowing for creativity, flexibility and evolution over time.
- B. **Community Amenities.** The CB South Village Center will provide a variety of community amenities needed and desired by CB South residents.
- C. **Financing.** Projects shall be financed so as to ensure development equitably pays for needed infrastructure while also encouraging the desired land use pattern by supporting available financial incentives for development.
- D. **Housing.** The CB South Village Center encourages a variety of housing types for varying income levels found in the greater Crested Butte community.
- E. **Infrastructure** (water needs, sewer capacity, access roads, snow storage, internet parking). The development of the CB South Village Center will ensure adequate infrastructure is provided for development in the area.
- F. **Land Use** (live/work, types of uses, percent mix). The CB South Village Center will provide for a variety of land uses with the amount of commercial area in balance with the current and future population of the greater Crested Butte community.
- G. **Sustainability.** Development within the CB South Village Center should provide for economic vitality, green building in line with Gunnison County-adopted building and energy regulations, a diversity of housing, and other needed community services where possible.
- H. **Transportation** (bus, pedestrian, bicycle, etc.). The CB South Village Center will provide a well-connected intermodal transportation system that is connected to the Gunnison



Valley transit systems.

8.2 General Design Principles

The General Design Principles that shall apply to all development (commercial, residential, and mixed-use) in the CB South Village Center are as follows:

- A.** The CB South Village Center encourages a center focus and be integrated with housing, shops, work places, offices, schools, parks, plazas, and other civic facilities essential to the daily life of the CB South residents.
- B.** The CB South Village Center shall be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other.
- C.** The CB South Village Center shall connect with the larger regional transit network, with transit stops located as close as possible to activity centers and commuter parking locations.
- D.** The CB South Village Center shall contain a diversity of housing types to encourage diversity in economic levels and age groups to live within its boundaries.
- E.** The CB South Village Center shall endeavor to provide a variety of businesses providing a range of job types for CB South residents.
- F.** The CB South Village Center encourages open space in the form of squares, plazas, greens and parks whose frequent use and social interaction is encouraged through placement and professional design.
- G.** Streets, pedestrian paths/sidewalks and bike paths shall contribute to a system of fully-connected, safe, and interesting routes to and through the CB South Village Center.
- H.** Streets shall be narrow and spatially defined by buildings, trees and lighting to discourage high speed traffic.
- I.** The CB South Village Center shall provide the efficient use of water through the use of natural drainage, drought tolerant landscaping and other water saving/conservation methods.
- J.** 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. The CB South Center shall promote a compact commercial, mixed-use and multi-family development pattern.

8.3 Single-Family Dwellings in the Village Center Perimeter Lots.

- A.** All Single-Family Dwelling owners in the Village Center Perimeter Lots are aware they have built or will be building in an area envisioned for commercial, mixed-use and multi-family dwellings, with activity, noise, parking areas, smells, traffic, large building massing and similar impacts.



- B. New single-family homes, remodeling and additions shall be evaluated pursuant to the Crested Butte South Residential Design Guidelines.

8.4 CB South Village Center Design Theme

- A. Architecture will establish a strong image and sense of place for the community.
- B. All new buildings or complete remodeling of existing buildings shall have an authentic western or mountain modern design while allowing for creativity, flexibility and evolution over time.
- C. Architecture and landscaping will present a western or mountain modern design and reflect building forms common to high alpine regions while fitting in with already approved architectural design in the CB South Village Center.

8.5 General Conformance with the CB South Village Center Strategic Plan

- A. All development shall generally conform to the CB South Village Center Strategic Plan, shown in Figure 8-1.

8.6 Required Land Uses

- A. Development within the CB South Village Center shall meet the following requirements consistent with the CB South Village Center Strategic Plan.
 1. **Commercial Building Zone.** Development within the Commercial Building Zone as shown on the CB South Village Center Strategic Plan shall be designed with the Commercial Building Zone Standards and other standards set forth in this Section.
 2. **Active Ground Floor Use Zone.** Development within the Active Ground Floor Use Zone as shown on the CB South Village Center Strategic Plan shall be designed to meet the Commercial Building Zone Standards and the following standards:
 - a. The first or ground floor use of a building located in the Active Ground Floor Use Zone shall be a commercial use..
 - b. Second floor uses may be any use as permitted by the SAR.
 3. **Village Center Core Residential Zone.** Development with the Village Center Core Residential Zone may be developed with multi-family buildings, commercial development or mixed-use development pursuant to the SAR.
 4. **Village Center Perimeter Lot Zone.** Development within the Village Center Perimeter Lot Zone as shown on the CB South Village Center Strategic Plan may be developed in accordance with the SAR.



8.7 DRC Specific Approval

Where the SAR allows the DRC to grant a specific approval, the DRC can grant approval of a site-specific plan that does not meet the requirements of a section if such section allows the DRC to grant a specific approval. The determination of approving or denying a specific project is a subjective determination of the DRC based on its sole discretion.

8.8 Dimensional Standards

A. Dimensional Standards for the CB South Village Center

Dimensional Standard	Requirement
Minimum Lot Area	2,500 sq. ft.
Minimum Lot Width	25 feet
Maximum Floor Area Ratio	1.68:1 ²
Open Space Required	None
Minimum Floor Area	1,500 sq. ft.

¹ Can be varied by the DRC for larger buildings through the variance process with findings that the Vision and Goals and Design Principles as articulated herein will be met.

² Example: 10,000 sq. ft. lot allows for maximum of 16,800sq. ft. of floor area.

8.9 Minimum Setbacks

A. 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:

Area	Front	Rear	Side
Village Center Core Lots	0' ¹	15' ⁵	0'-5' ²
Village Center Perimeter Lots with Commercial or Mixed Uses	0' ³	25'	7.5'
Village Center Perimeter Lots with Residential Only Uses	15'	25'	7.5'
Parking Area Setbacks	0 ⁴	0 ⁴	0 ⁴

¹ A zero foot (0') front yard setback is required for development in the Village Center Core Lots to have continuous buildings located along the front property line unless an active space is provided in front of the building (dining area, seating area, etc.) in which case the maximum setback allowed will be 15'.

² Side setback subject to application of adopted Fire Code requirements.

³ A zero foot (0') front yard setback is required for development in the Village Center Perimeter Lots to have continuous buildings located along the front property line unless an active space is provided in front of the building (dining area, seating area, etc.) in which case the maximum setback allowed will be 15'.

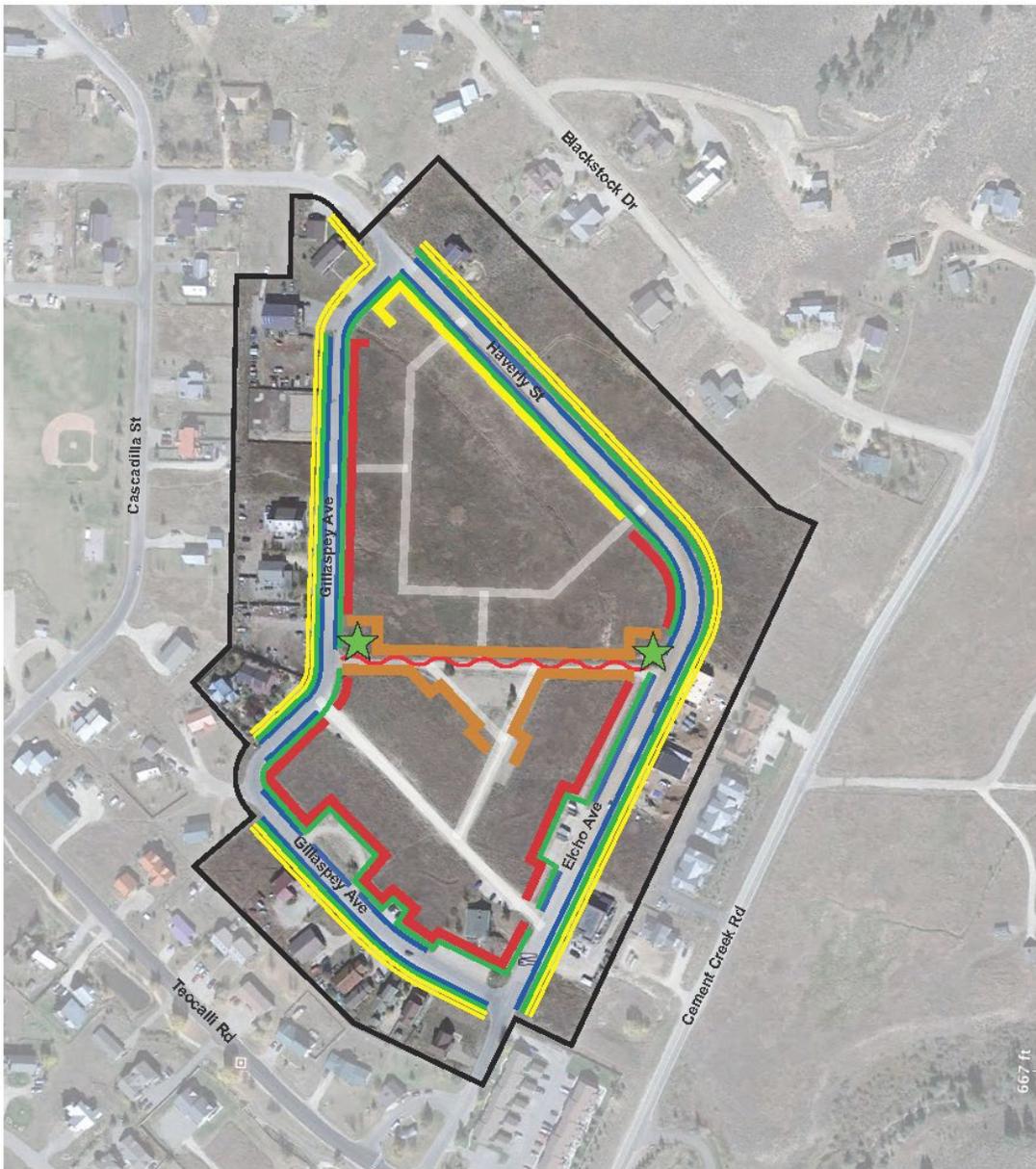
⁴No parking area setback is required provided off-site snow storage can be provided in accordance with the SAR and Gunnison County requirements and the parking area has adequate landscape buffering if such is required by the DRC. On street parking may cross over a property line if it is approved in accordance with SAR Section 8.12(A)(3).

⁵Rear setback may be reduced to 0' for Village Center Core Lots if common parking, trash/recycling, snow storage and other common areas are provided to serve the development.



Figure 8-1. CB South Village Center Strategic Plan (Refer to Legend on Mirrored Page)

Crested Butte South Village Center Strategic Plan



- | | | | |
|---|------------------------------|---|-----------------------------------|
|  | Bookend Plaza / Pocket Park |  | Village Core Residential Zone |
|  | Commercial Building Zone |  | Village Center Perimeter Lot Zone |
|  | Active Ground Floor Use Zone |  | Sidewalks |
|  | Village Main Street |  | On-Street Parking |

Figure 8-1. CB South Village Center Strategic Plan

Crested Butte South Village Center Design Intent



 **Bookend Plazas & Pocket Parks**
Plaza space activates the commercial core, offers flexible uses and provides south facing locations.



 **Commercial Building Zone**
A commercial style building form requirement allows for residential or commercial use.



 **Village Core Residential Area**
Predominantly residential multi-family apartments, stacked flats and townhomes.



 **On-Street Parking & Sidewalks**
On-street parking provides access to local businesses and a safety buffer for pedestrians.



 **The Village Main Street & Active Ground Floor Use Zone**
Pedestrian-focused street, shops and active uses on both sides, bookended by plazas and pocket parks, cars can access, but the design encourages slow driving and prioritizes pedestrian traffic.



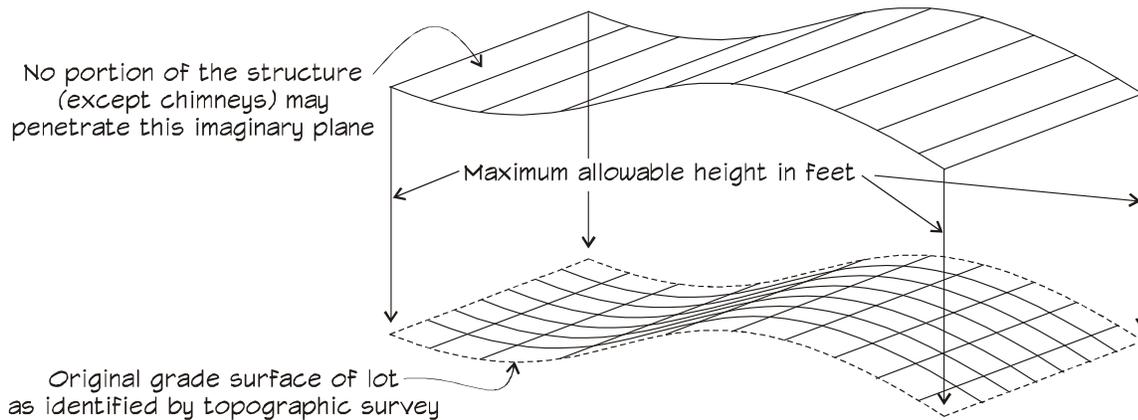
- B. Setback Exception for Zero Lot Line Development. If a single building is constructed on two or more lots with a party wall or shared common wall on the lot line, no side yard setback is required from shared interior lot lines.
- C. Setbacks for Parking Areas and Driveways in the CB Village Center. None provided snow storage and landscape buffering can be demonstrated in accordance with the SAR.
- D. Awnings and signs are allowed to extend beyond the property line into the right-of-way with specific approval from the DRC, considering safety and the need for summer heat reduction, and the execution of an encroachment permit.

8.10 Building Height

- A. **Commercial Buildings in the Village Center Core.** Buildings in the Commercial Building Zone as shown on the CB South Village Center Strategic Plan Village Center Core buildings shall be no more than two (2) stories above finished grade with a maximum building height of 35 feet. Basements do not count as a story but must comply with the maximum height limit.
 - 1. If the maximum number of stories is increased per the Covenants and Restriction, building height shall be amended as approved by the Owners.
- B. **Residential Only Buildings in Village Center Core.** Residential only buildings located in the Residential Zone shall be no more than two (2) stories above finished grade with a maximum height of 35 feet. Basements do not count as a story but must be considered in calculating the maximum height.
- C. **Village Center Perimeter Lot Buildings.** Buildings located within the Village Center Perimeter Lots shall not exceed two stories or 32 feet for all roof forms.
- D. **Measurement and Exceptions.** Building height shall be measured vertically at a right angle to the horizon line from any point on a proposed or existing highest roof ridge (including but not limited to the roofing membrane) to the natural grade or finished grade, whichever is more restrictive, located directly below said point of the roof or eaves.
- E. **Covenant Change to Increase Height.** The building height limitations in allowable feet and stories set forth in this section may be changed in accordance with any amendment to Covenants and Restrictions.



F. Figure 8-2. Building Height Measurement



1. If the P.O.A. staff determines that there are minor irregularities in the natural grade, these areas shall not be used in determining compliance with the building height limitation set forth herein, and the surrounding typical natural grade shall be used.
 2. Window wells and similar building appurtenances installed below grade that extend out five (5) feet or less (as measured from the outside of retaining wall) shall not be counted as the finished grade for the purposes of calculating building height if such features do not add to the perceived height of a building. Garage entries are also not counted as lowest grade for determining building height.
- G.** No portion of any structure (except as provided for in Subsection E below) shall exceed a true vertical dimension of the heights prescribed below, as measured vertically from the existing grade directly below.
- H.** Existing grade shall be based a certified topographic survey of the building site with one (1) or two (2) foot contour intervals in a United States Geological Survey (“USGS”) datum prepared by a Colorado professional licensed land surveyor.
- I.** 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.
- J.** Unenclosed rooftop mechanical equipment may exceed the maximum height up to 4 feet over the maximum height provided such elements are screened from adjoining public rights-of-ways to the extent practicable. Elevator shafts may exceed the maximum height if they are located on the roof to screen and it is shown that such height is needed to meet elevator design specifications and the requirements of the adopted building regulations.

8.11 Building Design

The DRC may grant specific approvals for designs that vary from the following standards if the main intent and goals of the CB South Village SAR are met.

A. Commercial Building Zone Standards

1. Buildings located in the Commercial Building Zone as shown on the CB South Village Center Strategic Plan shall be designed with the following standards to ensure that initial residential uses can be easily converted to commercial uses:
 - a. First floor shall be designed with a height of 11' to 14' to the structural framing; and second floors with a height of 9' or more to the structural framing to the roof above.
 - b. The first floor street façade shall be designed with a predominantly clear glass exterior material. Tinted or mirrored glass is prohibited.
 - c. If a façade is greater than 60 feet, the façade for such a building shall provide substantial changes in wall and roof planes and new architectural building design to look as if each 60 feet is a new building on a separate lot).
 - d. When residential development is initially proposed on the ground floor, the first floor residential units are separate from dwelling units on the upper floors to allow for ease of conversion to future commercial uses. Egress on the front of the building for the upper floors via stairs will be limited on the front facades to maintain the desired commercial storefronts and predominant glass area.
 - e. An example of the desired commercial building in the Commercial Building Zone is shown in Figure 8-3.
 - f. All Commercial Building Zone floor area may have 100% residential use on first floor as long as the building is built to the commercial design standards and has elements of a commercial building.



Figure 8-3. Example of a Commercial Building in the Active Building Zone



B. Active Ground Floor Use Zone Standards

1. Buildings located along the Active Ground Floor Use Zone as shown on the CB South Village Center Strategic Plan shall be designed in accordance with the Commercial Building Zone Standards set forth above.
2. At least 100% of the total ground floor gross floor area for building along the zone shall be dedicated to commercial land uses, excluding residential doorways to stairs or elevator access areas, utilitarian uses such as storage areas, mud rooms, and laundry areas for upper level residences
3. Commercial land uses shall be provided on the first or ground floor and be located in the in the front of the building in the Active Ground Floor Use Zone.
4. Windows on the first floor shall be transparent with clear glass to show the active commercial uses occurring inside.

C. Residential Zone Standards

1. Buildings located in the Residential Zone as shown on the CB South Village Center Strategic Plan shall be designed with the following standards:
 - a. Maximum front façade of 60 feet unless the design for larger building facades provides substantial changes in wall and roof planes and new architectural building design to look as if each 60-foot façade is a new building on a separate lot.

D. Village Center Perimeter Lot Zone Standards

1. Buildings within the Village Center Perimeter Lot Zone do not have special zone design standards but must comply with the applicable standards set forth herein.

E. Building Orientation

1. Front facades of all principle structures shall parallel the street.
2. On corner lots where the intersection is at 90 degrees, both street-facing facades shall be parallel to the intersecting streets. Other buildings shall be designed to have the front facade placed along the primary street or pedestrian area as determined by the DRC.
3. On curvilinear streets, the front façade of the principal building shall be parallel to the tangent of the midpoint of the arc of the street.
4. Buildings shall be oriented consistent with the lot direction.
5. Tall structures adjacent to plazas and parks, etc. shall provide architectural elements that step the building down to a pedestrian scale, such as decks, awnings, or other architectural elements.
6. Consideration shall be given to where shading will occur in the design of structures as this will be where snow accumulates in winter.
7. Building orientation may also be determined as a DRC specific approval.

F. Building Form and Massing

1. Building forms shall be primarily rectangular forms, or building forms that were found historically in the West.
2. Building facades shall provide visual interest, by incorporating awnings, transoms or other traditional features on the ground floor, and bays or balconies or other architectural detailing on upper floors.
3. Arcades, porches, bays and balconies are encouraged and may be provided to break up building massing. Bays and balconies shall be encouraged on the upper floors of mixed-use buildings.

G. Single-family and Duplex Form and Massing

1. Duplex residences shall be asymmetrical, and shall appear as one residence.
2. Garages shall be designed to be subordinate to the overall design.

H. Roof Design



1. Roof forms within a development and for individual buildings shall have varied ridgelines and planes to break up building and development mass. The DRC may require significant stepping to break up development or a ridgeline over 60 feet.
2. Commercial and mixed-use buildings shall have roof slopes that are 3:12 slopes or less while residential buildings shall have roof slopes of 4:12 or greater unless the DRC grants a specific approval.
3. Reflective roofing material is prohibited.
4. Non-reflective, flat finish metal roofing material is permitted if the material has a dull appearance.
5. All building entries, public spaces, decks and patios shall have roof forms that will protect pedestrians from roof snow and ice shedding.
6. Vents and rooftop equipment will be screened from pedestrian views to extent practical.
7. Restaurant vents and vents for other businesses that have noxious or nuisance emissions shall be located and directed to minimize impacts to surrounding properties, with a preference for upward discharge.
8. Equipment will be designed and maintained to have a decibel level so as not to violate Gunnison County's or the CB South POA's Noise Guidelines.
9. Roof drainage plans will be provided and integrated into the overall drainage plan for a site.

I. Exterior Materials

1. Primary building exterior materials shall be:
 - a. Log or log-veneer;
 - b. Board-and-batten;
 - c. Vertical and horizontal wood siding;
 - Diagonal wood siding is prohibited.
 - Minimum size of 6 inches.
 - d. Hardie® Plank or similar cement-based types of siding materials that have a natural appearance with wood textures;
 - e. Brick; and
 - f. Stone as approved by the DRC.

2. Lesser accents, not to exceed 30% of the total amount of exterior siding per elevation (applicable to all areas of CB South), can include:
 - a. Stucco;
 - b. Natural stone, or cultured stone that is natural appearing as reviewed and approved by the DRC;
 - c. Wood shingles;
 - d. Metal siding, fascia, soffits, and structural beams or posts; and
 - e. Board form or other architectural grade concrete.
3. The base of all buildings shall be designed with exterior materials to withstand average snow depths and snow accumulations from any roof sheds above. Examples of such include metal or stone base materials.
4. Materials, patterns, and combinations of materials that vary from the above requirements may be considered by the DRC as a specific approval with the findings that the materials are appropriate for CB South and compatible with adjacent structures and the CB South Village Center Vision and Goals and General Design Principles.

J. Exterior Color

Exterior wall colors shall 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.

K. Windows

1. Window openings and patterns shall be responsive to good solar design principles. The design of exterior walls shall also respond to solar exposures.
2. Large uninterrupted expanses of glass shall be avoided except on southern facades and to primary views.
3. Combinations of windows shall be used to establish a human scale to building facades.
4. Windows shall appear to be recessed into large walls. Window patterns and reveals need to be carefully studied to create interest and variety.
5. Window openings and trim shall be consistent in proportion and scale with the associated building.
6. Window frames and trim shall be painted or stained wood, fiberglass, composite, painted or clad aluminum or patina copper clad.



- a. Aluminum is allowed as painted clad material only.
- b. The use of vinyl windows is a specific approval of the DRC based on appearance and durability in high alpine environments

L. Doors and Entryways

1. Commercial and Mixed-Use Buildings

- a. Primary entrances shall orient to plazas, parks, or pedestrian-oriented streets and parking.
- b. 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.
- c. All building entries shall be protected from falling and shedding snow.
- d. Secondary doors will be provided for parking, trash service, etc.

8.12 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), a plan for maintenance of all landscaping to be installed, and an irrigation plan. After disturbing any soil on any lot within the CB South Special Area, all lots shall be kept weed free, in accordance with the Covenants and Restrictions, Gunnison County, 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. In the event that the DRC finds that it is impractical or a hardship to provide the required landscaping as set forth below, 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.



1. All CB South Village Center development shall provide, and maintain in good health, a minimum of two (2) street trees, 25' on center in the front landscaping strip.
2. In addition to the required landscaping set forth in the *Crested Butte South Residential Design Guidelines*, the following shall be provided in all surface 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 ten exterior 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 and replaced on a caliper-for-caliper basis in accordance with the landscaping plan if part of P.O.A. approved landscaping. 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, not be located in roof snow or ice shedding areas (or be tolerant of such forces) and areas for snow storage (33% or driveway and parking areas), that shall be indicated on the landscaping plan. See SAR, Section 9.17 for snow storage requirements.

C. Walls, Fences and Berms

1. Walls and Fences.
 - a. Walls and fences in the side or rear of a property shall have a maximum height of 8 feet unless otherwise approved by the DRC for deer protection fencing for garden areas or needed screening of development.
 - b. Walls and Fences 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 unless otherwise approved by the DRC to screen unsightly areas.

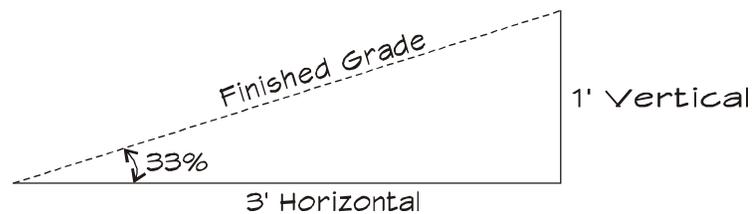
- c. Walls and fences may be constructed of wood, metal, stone or other materials approved by the DRC.

2. Berms

- a. Man-made berms are prohibited in front yard setback.
- b. The maximum slope of a berm shall be 3:1.
- c. Berms shall be landscaped with tree, shrubs and flowers to soften their appearance, with irrigation to ensure plant success.

D. 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 (6) months of the issuance of a Certificate of Occupancy and properly disposed.
- 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.

E. 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.

F. Timing

All landscaping shall be installed no later than one growing season after substantial completion, as that term is defined herein, 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.

8.13 Parking Regulations

A. Parking Requirement

Development within the CB South Village Center is required to provide and maintain the following number of parking spaces:

Land Use	Number of Parking Spaces
Commercial, Retail and Office ¹	1 space per 1,000 sq. ft. of leasable area
Assembly, Bar and Restaurant	1 space per 300 sq. ft. of gross floor area
Lodging and Accommodation Units	0.75 space per hotel or lodging room
Multi-Family Units	
One Bedroom or Studio Units	1 space per unit
Two or More Bedroom Units	2 spaces per unit
Duplex Unit	2 spaces per unit
Single-Family Unit	2 spaces per unit

¹The number of parking spaces shall be rounded up to the next whole number. Example: 1,200 sq. ft. retail shop requires 2 parking spaces.

1. Any other use not listed, or a use that the DRC believes will generate more traffic than the standards above, may be required to provide additional parking as determined by the DRC based on the immediately adjacent property land uses, public parking availability, parking standards for other comparable mountain communities, or parking research publications.
2. The parking requirements contained herein may be changed in accordance with any amendment to Covenant and Restrictions. Each owner and homeowner's sub-association for a multi-family project shall be responsible for compliance with these standards by its occupants, residents, employees and visitors.

B. On-Street Parking Allowance

The DRC may approve on-street parking adjacent to the project to meet the parking requirements if the following requirements have been met:

1. The project developer, P.O.A. or owner has a maintenance and snow plowing-snow removal agreement to maintain the connecting sidewalks, parking areas, the removal of snow from the adjoining street, and the maintenance of paving, signage and stripping.
2. The P.O.A. is indemnified for the parking;



3. The developer enters into an agreement with the County or applicable authority for parking in a public right-of-way;
4. The developer paves the adjoining street if such is not already paved and provides paved parking in accordance with the SAR
5. Parking is maximized within the private land prior to requesting on-street parking. No more than 10% of the total required parking shall be allowed on street.
6. A five-foot landscaped buffer is provided between the curb and sidewalk that may be used for snow storage.

The approval of on-street parking is subject to DRC in its discretion if it is determined to be in the best interests of the P.O.A.

C. Change of Use/Occupancy

When a change of use is proposed, the new use will only be allowed if it is shown to the DRC that adequate parking will be provided in accordance with the SAR, and subject to Gunnison County approval.

D. Shared Use 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 of the total required. A subsequent change in use will require evaluation by the DRC and additional spaces may be required.

E. Bicycle Parking

Bicycle parking is allowed to replace one required parking space if a bike rack is provided.

F. Parking Space Design

1. Size

- a. Angled parking that is between thirty degrees (30°) and ninety degrees (90°) to the driving aisle shall be nine feet (9') in width by twenty feet (20') in length.
- b. Parallel parking spaces shall be a minimum of 22' long and 8' wide.
- c. ADA accessible parking spaces shall be designed according to the Building Code. Accessible parking spaces shall be counted as part of the required parking spaces.

2. **Compact Parking.** Up to 1/3 of the required parking may be provided in designated/signed compact motor vehicle spaces that measure nine feet in width (9') and sixteen feet (16') in length. Compact motor vehicle spaces shall be designated as a general common element and be signed as compact parking

spaces.

3. **Clearance for Parking Garages.** The minimum clearance for each parking space shall be designed according to Building Code.
4. **On-Site Parking Space Design Preference.** Head in parking is preferred over diagonal parking and diagonal parking is preferred over parallel.
5. **Preferred Parking Lot Placement.** Parking lots shall be placed to the rear of buildings where possible. On-street parking may be allowed if approved pursuant to SAR, Section 8.12(A)(3).
6. **Garage Back-Out.** Garages shall be designed to ensure that cars backing out shall have adequate backup space when exiting a garage.
7. **Aisle Width.** The driveway and aisle width for either surface lots or parking garages shall be twenty-two feet (22') unless the adopted Fire Code requires greater width.
8. **Maximum and Minimum Parking Area Grade.** The minimum parking area grade for a surface parking lot is one-half percent (0.5%) and maximum grade for a parking area is six percent (6%), with a maximum grade of two percent (2%) for accessible parking spaces. The maximum grade for parking garages shall be six percent (6%) unless a Colorado professional engineer determines that a higher grade will provide for safe parking and not result in motor vehicle damage or pedestrian injury.
9. **Access to Parking Spaces.** Each required parking space shall have unobstructed access from a road or alley or from an aisle or drive connecting with a road or alley without requiring the movement of another vehicle unless the review authority approves tandem parking.
10. **Parking Area Surfacing.** Parking surfaces shall be asphalt or concrete unless an alternative surfacing is approved by the DRC.
11. **Snowmelt Systems.** Snowmelt systems may be permitted as long as the system provides (i) any required P.O.A. or Gunnison County energy offset or mitigation as set forth in the governing documents; and (ii) a covenant is recorded in official records of Gunnison County against the property that requires the snowmelt systems is used and maintained.
12. **Parking Lot Landscaping.** See SAR, Section 8.12., *Landscaping*.
13. **Multi-family Tandem Parking.** Tandem parking with one parking space located behind another may be permitted by the DRC as a specific approval if it is shown that such parking will be accessible and functional as evidenced by a plan that provides for the vehicles behind another vehicle to be moved without the vehicle owner being present. Examples of functional tandem parking may include the use of a lock box or access keys for all tandem parked vehicles, or if the two

tandem spaces are shared by family members.

8.14 Exterior Lighting Design. Lighting shall be designed in accordance with the following standards.

1. 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.
2. No flashing, traveling, animated or intermittent lighting shall be visible from the exterior of any building.
3. Commercial storefront displays shall be illuminated from the interior of the building.
4. Exterior lighting shall be warm (yellow vs. grey), and downcast and comply with the LUR.
5. Only full down-cast, fully shielded cut-off type light fixtures shall be used.
6. Street, sidewalk or path lights will be allowed upon approval of the P.O.A. Board and the CB South Metro District, if located in the public easement or street right-of-way. The fixture style shall be full cut off, shielded lighting as determined by the DRC and shall be consistent throughout the area.
 - a. Street lights and pedestrian 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. subject to the requirements of this section.
7. Seasonal and decorative lights are allowed.

8.15 Street Design

- A. Streets shall be designed in accordance with the Gunnison County and Crested Butte Fire Protection District standards in effect at the time of development except as may be varied as specified and allowed herein.
 1. All new or improved roads and streets shall be approved by Gunnison County.
- B. Streets shall be paved.
- C. One-way streets may be approved by the DRC and the Crested Butte Fire Protection District with nine feet (9') to twelve feet (12') of travel way and proper signage.
- D. On-street parking may be approved by the P.O.A. DRC as set forth in SAR, Section 8.13(A)(3) with spaces designed in accordance with the Parking Standards.
- E. The minimum public right-of-way to be dedicated on a new plat shall be 40 feet for a two-



way street or primary streets and 30 feet for a one-way street or side street.

- F. All new streets shall be subject to review and approved by the CB South Metro District and Crested Butte Fire Protection District and Gunnison County as applicable.
- G. A Colorado professional engineer shall design all new proposed streets, bridges and associated grading and drainage.
- H. The design and construction paving of streets shall be the responsibility of the developer. The P.O.A. may require that new streets be maintained after construction by the lot owner(s) that obtain access from the streets, including but not limited to snow plowing, resurfacing, sign maintenance, curbs and any landscaping.
- I. Streets shall be maintained by the lot owner(s) in accordance with the approved plans.
- J. The DRC may grant a variation to the street standards provided it finds such exemption will not adversely affect public health, safety and welfare.

8.16 Sidewalks

A. Sidewalks shall be provided:

1. In accordance with the CB South Village Center Strategic Plan.
2. From and around parking areas as required by the DRC connecting to the overall sidewalk system and building entries.

B. Sidewalks Design

1. Sidewalks shall be a minimum of six feet (6') wide unless a larger size is required by the DRC to allow for heavier pedestrian or recreational traffic or accommodate outdoor seating areas. Sidewalks for the "circuit" as shown on the CB South Strategic Plan shall be eight feet (6') wide.
2. Sidewalks along the Commercial Building Zone as shown on the CB South Village Center Strategic Plan shall be a minimum of 10 feet (10') wide.
3. Sidewalks shall be constructed of concrete.
4. The DRC may approve of other path materials for pedestrian paths that connect to the CB South Village Center.
5. Sidewalks and paths that are intended to provide public access across private property shall be dedicated to the public via right-of-way or easement.
6. Pedestrian lights and street furniture shall be provided along sidewalks wherever possible.
7. Exceptions may be granted on a case-by-case basis in the interest of public safety.

8. Public access and maintenance easements shall be provided to the P.O.A. for the sidewalks.

C. Driveway and Parking Area Design

1. Driveways shall be designed in accordance with Gunnison County and Crested Butte Fire Protection District standards in effect at the time of development except as may be varied as specified and allowed herein.
2. Driveways and parking areas shall be paved adjacent to paved streets and roads.
3. One-way driveways may be approved by the DRC with 9 feet of travel-way and proper signage.
4. Access and infrastructure easements/ and or rights-of-way may be required where a driveway provides access across private property to lots that are sold or can be sold to separate parties.
5. A Colorado professional engineer shall design all new proposed driveways, bridges and associated grading and drainage.
6. The design and construction paving of driveways shall be the responsibility of the developer. Driveways shall be maintained after construction by the lot owner(s) that obtain access from the driveway, including but not limited to snow plowing, resurfacing, sign maintenance, curbs and any landscaping.
7. Driveways shall be maintained by the lot owner(s) in accordance with the approved plans.
8. The DRC may grant a variation to the driveway standards provided it finds such exemption will not adversely affect public health, safety and welfare.

8.17 Storage, Loading and Service Areas in the CB South Village Center

- A.** No materials, supplies or equipment shall be stored on a lot except inside an enclosed building.
- B.** 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.
- C.** 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.
- D.** Trash dumpsters and other waste/recycling containers serving multi-family or commercial uses shall be screened by a wall or fence. As a minimum, fully covered enclosures must



be 6' high with gates and must be bear-proof.

- E. In the Village Center 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

8.18 Snow Storage and Snow Staging in CB South Village Center

Adequate snow storage areas are required for each site and on-site, and snow storage in dedicated parking areas is prohibited. No building shall be allowed to shed 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. Any approved snowmelt areas will be deducted from the plowed areas.
- E. **Off Premise Snow Storage.** The DRC may approve a snow storage plan for off-site snow storage if the following standards are met:
 - 1. On-site snow storage has been maximized to the extent practicable.
 - 2. The site is as close as practicable to CB South;
 - 3. The developer has received approval from the property owner for perpetual easement for snow storage and access to such snow storage area to be recorded in Gunnison County;
 - 4. Any Gunnison County approval has been provided to the P.O.A. Manager.
 - 5. The developer enters into a development agreement that applies to successors and assigns that requires the removal of snow to the off-premise location, with the ability to modify the agreement for a new snow storage location or new



method to manage snow.

8.19 CB South Metro District and Crested Butte Fire Protection District Approval of Proposed Building and Structure Locations

All proposed building and structure locations in CB South are subject to review by the Crested Butte Fire Protection District and the Crested Butte South Metro District.

8.20 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.

8.21 CB South Village Center Signs

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

8.22 Pioneer Plaza Master Development Plan

1. Pioneer Plaza HOA is encouraged to prepare a master development plan ,that meets the requirements of SAR, and illustrates the overall parking, sidewalks, landscaping, snow storage plan, and similar common improvements that each lot developer within Pioneer Plaza follows.



SECTION 9. RESIDENTIAL DESIGN STANDARDS

9.1 Residential Design

The Residential Design Standards apply to all residential lots in the CB South Special Area, outside of the Village Center Core area. These standards are set forth in the *Crested Butte South Residential Design Guidelines*.

9.2 Driveway Grades

Driveway grades for residential properties shall be in accordance with the *Crested Butte South Subdivision Residential Design Guidelines*. No variances shall be granted from these driveway grade/slope standards unless approved by both the P.O.A. Board and the Crested Butte Fire Protection District.

9.3 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 CB South Village Center only. Multi-Family residential development is allowed in the First and Second Filings only.

9.4 Residential Lots

Buildings on residential lots located outside of the CB South Village Center shall have a maximum height of 32 feet.

9.5 CB South Metro District and Crested Butte Fire Protection District Approval of 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 *Crested Butte South Residential Design Guidelines*.

9.6 Variance Requests

Variance requests for lots located in the CB South Special Area will be heard by the P.O.A. Board in accordance with the process set forth in SAR, Section 6.5, *Variance* and do not require an additional hearing by the Gunnison County BOA.



SECTION 10. BEGINNING AND COMPLETING CONSTRUCTION

- A.** All construction activity must be in compliance with the SAR, and the Noise Guidelines for Crested Butte South and the CB South Construction Rules and Regulations, as each may be amended from time to time.
- B.** 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 reasonably necessary for completion thereof.
- C.** 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. For the purpose of the SAR, substantial completion is defined as the issuance of a Certificate of Occupancy)
 - 1. If any owner fails to undertake and complete his or her 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 approved landscaping plan.
 - 2. 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 and Restrictions and pursuant to law.



SECTION 11. AMENDMENT AND REPEAL

11.1 Term

In accordance with this provision, and subject to any limitations set forth herein, the SAR shall continue in full force and effect.

- A. Amendment and Repeal.** The SAR, and any provision contained herein, may be amended or repealed as to all or a portion of the CB South Special Area upon approval by the P.O.A. Board or by the BOCC as applicable and as set forth below. In addition, the P.O.A. Board shall provide a copy of any changes, modifications or changes to the Covenants and Restrictions, as approved by the P.O.A., to the Gunnison County Community Development Department within seven (7) days of such approval.
- B. Amendment.** The following process shall apply to an application for any amendment to SAR:
1. **Initiation.** An amendment to the SAR may be initiated by any of the following:
 - a. **P.O.A.** An amendment may be initiated by the P.O.A. Board, or by any CB South Property Owner in good standing, through the submittal of an application to the P.O.A. Board.
 - b. **BOCC.** The Gunnison County Board of County Commissioners or the Gunnison County Community and Economic Director may initiate amendments to the SAR.
 1. **Notification.** Notification of amendment(s) initiated by the BOCC or the Community and Economic Director shall be provided to the P.O.A. Manager.
 2. **Submittal of Draft Amendment Language.** Any initiative or application for amendment shall be submitted to the Gunnison County Community Development and Economic Director, or if initiated by said Director, to the BOCC, and shall include at a minimum the following:
 - a. **Identification of Applicant.** The application shall state whether the application was initiated by the P.O.A., the Community Development and Economic Director, or the BOCC.
 - b. **Precise Wording.** The precise wording of the proposed amendment, and the section in which it is proposed to occur.
 - c. **Rationale for the Proposed Amendment.** A concise statement of the purpose and justification for the proposed amendment.
- C. Approval by BOCC.** Any amendment to SAR shall be approved by the BOCC in a public meeting. The BOCC, in its sole discretion, may receive written or oral comment from the P.O.A. Board or any member of the public. **Repeal.** Any application for repeal of SAR shall be approved by the B.O.C.C. pursuant to LUR, Section 1-113: *Amending this Land*

Use Resolution.

- D. Not Appealable.** Any decision by the BOCC to amend or repeal the SAR is not appealable to the BOA or any other body.



SECTION 12. MISCELLANEOUS PROVISIONS

12.1 No Liability

Neither the County, the P.O.A. nor the DRC shall 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 or development 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.

12.2 All Owners Bound

Any person who now owns or hereafter purchases or acquires rights in any improvements on any lot shall be bound by the terms and conditions herein, whether or not any reference to SAR is contained in the instrument by which such person acquired such interest or ownership.

12.3 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 where the valuation of repair is more than 50% of the current property valuation the owner shall, within one-calendar year, immediately undertake to redevelop the property using the most recent standards set forth herein including any amendments hereto; or remove the debris and reclaim the property to a vegetated state. If a building is not destroyed where the valuation of repair is less than 50% of the current property valuation, it shall be restored to a condition in conformity with the plans and specifications most recently approved by the DRC or remove the debris and reclaim the property to a vegetated state.

12.4 Severability

If any part of the SAR or the development application or enforcement thereof with respect to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the SAR and its application to other persons or circumstances shall not be affected thereby and shall remain in full force and effect.

12.5 No Precedent Set by This Designation

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



SECTION 13. VIOLATIONS AND ENFORCEMENT

Failure to comply with any provision of the SAR shall be deemed a violation thereof and the *Gunnison County Land Use Resolution* and shall be subject to enforcement by the applicable authority. To the extent that it has the authority, the Crested Butte South Property Owners Association will pursue enforcement of SAR as permitted under its governance policies. In absence of said authority, if the Covenants and Restrictions are silent with respect to enforcement or enforcement by the P.O.A. is not occurring, and then enforcement by the County or by law may occur.

13.1 Power

- A. The P.O.A. Board 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 the P.O.A.'s governance policies. The P.O.A. Board 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 the SAR, the Covenants and Restrictions, the Association's Articles of Incorporation, Bylaws, and rules and regulations promulgated thereunder and to create a safe and harmonious living environment.
- B. These enforcement provisions may be in addition to other specific provisions outlined in the Covenants and Restrictions, Articles of Incorporation, Bylaws or Rules and Regulations and in some cases, 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.

