



**BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO**

**RESOLUTION NO. 2023- 8**

**A RESOLUTION APPROVING AMENDMENT TO THE CRESTED BUTTE SOUTH  
SPECIAL AREA REGULATIONS AND COMMERCIAL AREA MASTER PLAN**

WHEREAS, the Crested Butte South Property Owners Association has submitted a Land Use Change application to amend the Commercial Area Master Plan and the Special Area Regulations. The Crested Butte South Special Area Regulations were approved by the Gunnison County Board of Commissioners in Resolution 2008-38; and

WHEREAS, The *Crested Butte South Special Area Regulations*, Section 106: *Amendment of Existing Covenants, Restrictions, Resolutions, Rules and Regulations* states, "The Existing Covenants, Restrictions, Resolutions, Rules and Regulations, and no portion of them, shall be amended without the prior written acknowledgement, by motion or recorded resolution, of the BOCC"; and

WHEREAS, The CB South POA approved the Commercial Area Master Plan (CAMP) on March 8, 2023;

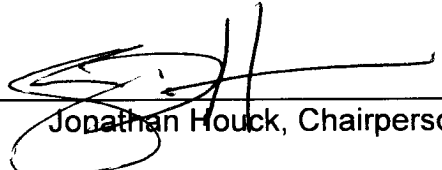
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that:

The Crested Butte South Special Area Regulations be replaced with the attached Exhibit A, "Crested Butte South Special Area Regulations and Commercial Area Master Plan."

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted this 21<sup>st</sup> day of March, 2023.

**BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO**

By  \_\_\_\_\_  
Jonathan Houck, Chairperson

By   
Elizabeth Smith, Vice Chairperson

By   
Laura Puckett Daniels, Commissioner

ATTEST [seal]:

  
Deputy County Clerk



Gunnison County, CO  
3/22/2023 3:20:59 PM  
447

690075  
Page 2 of 63  
R 0.00 D 0.00





## **Exhibit A**

# **Special Area Regulations**

## **Crested Butte South**

**March 21, 2023**

### **Commercial Area Master Plan (CAMP) And Commercial Design Standards**





**TABLE OF CONTENTS**

SECTION 1. PURPOSES.....1

1.1 Crested Butte South (“Crested Butte South Special Area”) .....1

1.2 Purpose .....1

SECTION 2. **APPLICABILITY** .....2

SECTION 3. RELATIONSHIP TO GUNNISON COUNTY REGULATIONS.....3

3.1 Uses Generally Exempt from Land Use Resolution.....3

3.2 Definitions .....3

3.3 Construction and Word Usage .....3

3.4 Interpretations .....3

SECTION 4. DEFINITIONS .....4

SECTION 5. PERMITTED AND PROHIBITED LAND USES .....10

5.1 Introductory Provisions .....10

5.2 Permitted Uses .....10

5.3 Prohibited Uses .....13

5.4 Temporary Uses and Structures .....14

5.5 Special Events .....14

5.6 Non-Conforming Uses.....14

SECTION 6. DEVELOPMENT REVIEW PROCESS & PERMITS .....15

6.1 Permits and Payment of Fees and Taxes Required Before Improvements .....15

6.2 Design Review Committee .....15

6.3 CB South Special Area Permit .....15

6.4 Variance Applications .....20



**6.5 Gunnison County Land Use Change Permit and Building Permit .....21**

**SECTION 7. GENERAL STANDARDS FOR ALL DEVELOPMENT.....22**

**7.1 Building Code.....22**

**7.2 Geological Hazard Study .....22**

**7.3 Noise and Construction Hours .....22**

**7.4 Odors.....22**

**7.5 View Obstructions to Motorists.....22**

**7.6 Site Maintenance.....23**

**7.7 Stormwater Management .....23**

**7.8 Wireless Telecommunication Devices and Structures .....23**

**7.9 Mechanical Systems .....24**

**7.10 Solid Fuel-Burning Devices.....24**

**7.11 Energy Conservation must comply with IECC .....24**

**7.12 Utility Connections .....24**

**7.13 Water Quality and Wetland Areas .....25**

**7.14 Wildfire Hazards .....25**

**7.15 Wildlife Habitat Areas.....25**

**7.16 Ridgelines .....25**

**7.17 Snowplowed Access.....25**

**7.18 Onsite Wastewater Treatment Systems (OWTS).....25**

**SECTION 8. CB SOUTH VILLAGE CENTER DESIGN STANDARDS.....26**

**8.1 CB South Village Center Vision and Goals .....26**

**8.2 General Design Principles .....27**

**8.3 Single-Family Dwellings are a permitted use in the CB Center Perimeter.....28**

**8.4 CB South Village Center Design Theme .....28**

Gunnison County, CO  
 3/22/2023 3:20:59 PM  
 447  
 690075  
 Page 5 of 63  
 R.0.00 D.0.00



8.5 General Conformance with the CB South Village Center Strategic Plan .....28

8.6 Required Land Uses .....28

8.7 DRC Specific Approval.....29

8.8 Dimensional Standards.....29

8.9 Minimum Setbacks .....29

8.10 Building Height .....32

8.11 Building Design .....34

8.12 Landscaping .....39

8.13 Parking Regulations .....42

8.14 Exterior Lighting Design. ....45

8.15 Street Design. ....45

8.16 Sidewalks.....46

8.17 Driveway and Parking Area Design .....47

8.18 Storage, Loading and Service Areas in the CB South Village Center.....47

8.19 Snow Storage and Snow Staging in CB South Village Center .....48

8.20 Metro and Fire District Approval of Proposed Building and Structure Locations.....49

8.21 Mailbox Design and Location .....49

8.22 CB South Village Center Signs .....49

8.23 Pioneer Plaza and Remainder of Block 8 Requirements .....49

SECTION 9. RESIDENTIAL DESIGN STANDARDS .....50

9.1 Residential Design .....50

9.2 Driveway Grades .....50

9.3 CB South Special Area .....50

9.4 Residential Lots .....50

9.5 Metro and Fire District Approval of Proposed Building and Structure Locations.....50

9.6 Variance Requests .....50

Gunnison County, CO  
 3/22/2023 3:20:59 PM  
 447  
 690075  
 Page 6 of 63  
 R 0.00 D 0.00



SECTION 10. BEGINNING AND COMPLETING CONSTRUCTION.....51

SECTION 11. AMENDMENT AND TERMINATION.....52

11.1 Term.....52

SECTION 12. MISCELLANEOUS PROVISIONS.....53

12.1 No Liability .....53

12.2 All Owners Bound .....53

12.3 Destruction of Improvements.....53

12.4 Severability.....53

12.5 No Precedent Set by This Designation .....53

SECTION 13. VIOLATIONS AND ENFORCEMENT .....54

13.1 Power .....54

Gunnison County, CO  
3/22/2023 3:20:59 PM  
447

690075  
Page 7 of 63  
R 0.00 D 0.00



Gunnison County, CO  
3/22/2023 3:20:59 PM  
447

690075  
Page 8 of 63  
R 0.00 D 0.00



**This Page is Intentionally Left Blank**







## 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**”) pursuant to Section 1-110: Process for Designating Special Areas of the *Gunnison County Land Use Resolution* (“**LUR**”), Resolution 2008-38 as a Special Area. 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 this Commercial Area Master Plan (CAMP) 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 CAMP, or when an adopted standard is more specific, the standard shall supersede the purposes. The CAMP 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 CAMP 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 CAMP in addition to the Crested Butte South Covenants and Restrictions, Amendments and Resolutions (collectively Covenants and Restrictions), and adopted Rules and Regulations, and Guidelines currently in use by the CB South Property Owners Association (“P.O.A.”), each may be amended from time to time. In the event of any conflict between the Regulations and the Covenants and Restrictions, Amendments and Resolutions, and adopted Rules, Regulations, and Guidelines in use by the CB South P.O.A., the more restrictive shall apply. 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 Interpretations**

The CB South P.O.A. Manager and/or Board of Directors and the BOCC as necessary shall have authority to interpret the CAMP during an appeal process. A written record of any interpretation shall be kept on file at the P.O.A. Offices.





## SECTION 4. DEFINITIONS

This Section defines words, terms, and phrases used specifically in the CAMP. 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.

**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.

**CAMP** means this Commercial Area Master Plan created to regulate the development and use of the Crested Butte South Special Area in conjunction with the designation of CB South as a Special Area pursuant to applicable Sections of the *Gunnison County Land Use Resolution*.

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

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

**COMMERCIAL** means any establishment engaged in the retail, offices and incidental wholesale, of goods or services open to the general public or members only. "Commercial" also means "business."

**COVENANTS AND RESTRICTIONS** means the Crested Butte South Covenants and Restrictions, Amendments and Resolutions recorded in the official records of Gunnison County, Colorado in Book 420 at page 404, as the same may be amended and/or restated from time to time.

**CB SOUTH PLATS** means 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. Lots 32-34 in Block 5 may be included in the CB South Village Center at the discretion of the P.O.A. Board only after notification of all immediately adjacent property owners, and at least one properly noticed public hearing.





**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 which provides water and sewer services to Crested Butte South, snowplowing and roadway maintenance services under 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 subsequent Filings, made subject to the CAMP as more specifically described in Section 2.

**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 CAMP. The DRC is the Improvement Committee described in Sections 1.01-4 and 2.00 of the Covenants and Restrictions. The DRC shall be comprised of at least one (1) and no more than two (2) CB South Village Center lot owners, at least two (2) residential-use-only lot owners, and no more than one P.O.A. Board member, all of whom are appointed by the P.O.A. Board, with each member entitled to one vote on matters coming before the DRC. 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 terms shall be staggered.

**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.

**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 as limited herein, 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. Each dwelling unit may have one (1) kitchen without size limitation. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit.

**Multi-Family Dwelling Unit:** A building containing three (3) or more dwelling units on one (1) lot. Multi-family dwelling units include apartment units, condominium units and lodge units that may also be built with hotel units, hotel efficiency units and efficiency lodge units (please refer to the zoning designation definition that contains specific allowances and limitations for each type of multi-family dwelling unit that may limit kitchen and room configuration limitations for these unit types). When a kitchen size is not limited by a dwelling unit zoning designation definition, each dwelling unit may have one (1) kitchen without size limitation.

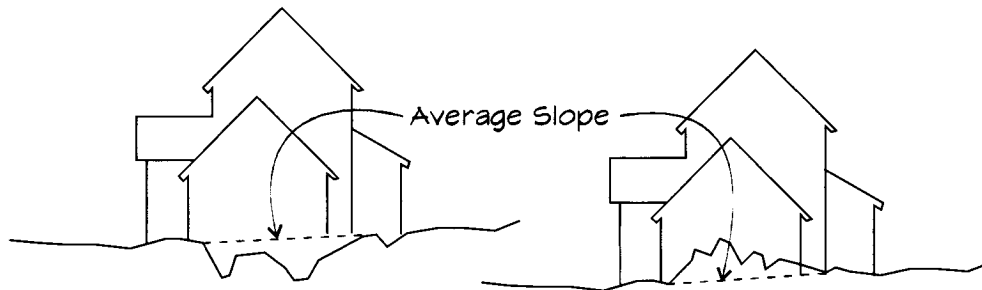




**Duplex Dwelling Unit:** A lot containing a building containing only two (2) dwelling units located on one (1) platted lot. Each dwelling unit may have one (1) kitchen without size limitation. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit. A mother-in-law suite is permitted.

**Single-Family Dwelling Unit:** A building containing only one (1) dwelling unit located on one (1) lot. Each dwelling unit may have one (1) kitchen without size limitation. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit. A mother-in-law suite is permitted.

**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 Planning Department.

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

**HEIGHT** means the heights set forth in Section 8, Building Height section.

**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, non-family member, who lives off-premises. All home occupations are governed by separate Crested Butte South Property Owners Association Regulations on the same.

**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 Gunnison County.

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

**INDUSTRIAL** means land uses that relate to, concern or arise from the assembling, fabrication, finishing, manufacturing, 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*), and as amended from time to time.

**MANUFACTURING USES** 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 CAMP or minimize potential harm or adverse impacts have been undertaken and that no feasible and



Crested Butte South Property Owners Association



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.

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

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

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

**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 Crested Butte South Property Owners Association Board of Directors elected by the owners in good standing to represent the property owners in Crested Butte South.

**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.

**REMAINDER OF BLOCK 6** means the land area in Block 6 as platted on the Crested Butte South Second Filing as recorded in Gunnison County records at Reception Number 281588 and which remains after the Townhome Map Pioneer Plaza Commercial Townhomes was recorded and excludes Pioneer Plaza Commercial Townhomes.

**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 a resolution passed by the Board of County Commissioners of Gunnison County designating Crested Butte South for certain purposes as outlined in the resolution 2008-38.

**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; and possibly may include Lots 32-34 in Block 5 of the Second Filing pursuant to Covenants and Restrictions.





## 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.
  - 1. With any P.O.A. Board decision on the requested use, the applicant can seek relief through the appeal process, as set forth in *B.O.C.C Resolution 2008-38*.
- 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.
- D. Lots 32-34 in Block 5 may, in the future, be included in the CB South Village Center at the discretion of the P.O.A. Board, only after notification of all immediately adjacent property owners, and at least one properly noticed public hearing. Otherwise, in no instance shall platted residential lots located outside of the defined Village Center Core or the Village Center Perimeter Lots be converted to a CB Center Lot.

### 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, assembly halls, schools, churches, public or civic buildings, and P.O.A. or governmental offices. Assembly halls may require additional off-street parking.
5. **Restaurants, Coffee 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 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 and Dental Clinics and Professional Offices.** These uses may be located on the first or second level.
7. **Rental, Repair and Wholesaling Facilities.** These uses are allowed only in conjunction with any of the above uses, provided all activity is clearly incidental and accessory to the permitted uses and wholly conducted within the building. No purely warehousing and storage uses shall be permitted. These uses shall be located on the first level.
8. **Accommodations.:** Accommodations includes hotels, motels, and bed and breakfasts (subject to any applicable Sections of the LUR), limited in size to no more than 15,000 S.F., subject to any variance application to the P.O.A. Board.
9. **Public Parks and Plazas.** Public parks and plazas 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 (by farmers or their representatives) of primarily Colorado-grown produce, with the possibility of





accessory sales of other agriculturally-related products, to wholesale or retail buyers at stalls or other similar structures of a temporary nature.

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 and row houses 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 Occupation.:** Home occupations shall be allowed in the CB South Special Area in accordance with the Crested Butte South Home Occupation Regulations.
  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.
- 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 the Regulations. Multi-family buildings shall only be allowed in the 1st and 2nd Filings.
  3. Home occupations, subject to the Crested Butte South Home Occupation Regulations.
  4. Accessory Apartments that meet the requirements in Section C below and the Residential Design Standards.





**C. Accessory Apartments.** Detached or attached accessory apartment 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.
3. Parking for the accessory apartment and the primary dwelling units is provided in accordance with the Covenants and Restrictions and the CAMP.
4. The primary single-family dwelling exists or is being concurrently constructed.
5. Provide separate access to the unit, a kitchen facility 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 unit to the extent practical.

**5.3 Prohibited Uses. The following uses and operations are prohibited:**

- A.** Any and all Industrial uses.
- B.** Manufacturing uses are prohibited except that the following types of light manufacturing uses shall be permitted subject to the development minimizing and mitigating any adverse impacts to the community and there is a primary on-site retail use:
1. Breweries, Vintner and Distillery;
  2. Coffee roasting and manufacturing;
  3. Food or greenhouse production (excluding marijuana growing or production of marijuana- based goods which are prohibited);
  4. Mountain sports equipment or gear manufacturing;
  5. 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 CAMP, fits within the community and provides mitigation for any adverse impacts.
- 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.



Crested Butte South Property Owners Association —



- 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 Section 5.2, 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 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 by the P.O.A. Manager, pursuant to Section 6.4.
- E. **Gunnison County Administrative Land Use Change Permit and Building Permit.** An Administrative Land Use Change Permit and, as applicable, a Building Permit have been issued by Gunnison County, pursuant to Section 6.3 of the Regulations.

### 6.2 Design Review Committee

As set forth in the above Definitions, the DRC is a five (5) person Committee (with 2 alternates) authorized to review and act on permit applications and plans for improvements within the CB South Special Area to ensure compliance with the CAMP. The DRC shall be composed of, at a minimum, one (1) and no more than two (2) CB South Village Center lot owners, at least two (2) residential lot owners, and no more than one P.O.A. Board member, all of whom are appointed and may be removed for good cause by the P.O.A. Board.

### 6.3 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 P.O.A. Manager shall determine whether the application is complete and includes all information required by the CAMP. It is the goal, but not the requirement of the CAMP 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 P.O.A. Manager shall inform the applicant of the specific deficiencies in writing by mail, fax, or e-mail and shall take no further action on the application until the deficiencies are remedied.
  - 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 P.O.A. Manager shall certify when an application is determined to be complete. A determination that an application is complete shall not constitute a determination that it complies with the applicable standards of the CAMP.
4. **Request for Review by DRC.** The P.O.A. 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 P.O.A. Manager may request the professional analysis and recommendations of any other review agency, organization, or technical consultant deemed appropriate and necessary to complete the review, including 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 P.O.A. Manager, unless an extension of not more than 14 days has been requested by the agency before the 14<sup>th</sup>. The P.O.A. Manager may grant such a reasonable extension if he/she determines that good cause for the delay has been shown. The failure of







any agency to respond within 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 to Public of Proposed Design Review.** At least fourteen (14) days prior to a design review, notice shall be given to the public that a design review for a Special Area Permit has been scheduled by posting of the property (commercial and residential) on the website and by notice within the official newspaper of the Town of Crested Butte, Colorado, identifying a 14-day public comment period, during which comments may be submitted in writing to the DRC.

- 7. **Notice to Public of Variance Requests or Proposed Multi-Family Residences of Three or More Units.** Any variance request or change in use from a vacant lot, single-family, or duplex residential use to multi-family residential use of three (3) or more units requires a public hearing before the P.O.A. Board. Notice shall be given to the public by posting on the subject property; by certified letter sent to all immediately adjacent property owners, including those property owners located immediately across a street; and by notice within a legal newspaper of general circulation serving the subdivision, on the website, identifying a 14-day public comment period, during which comments may be submitted in writing to the P.O.A. Approval from the P.O.A. Board must be received prior to any DRC review of the project.

- 8. **Action by the DRC and P.O.A. Manager.** Within 14 days of having received comments from review agencies, and, as applicable, the applicant has reasonably responded to those comments, the P.O.A. Manager shall schedule a DRC meeting to review the project. Upon completion of 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 CAMP, 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.





- b. An extension of the DRC approval for up to an additional twelve (12) months shall require a written request to the P.O.A. Manager a minimum of thirty (30) days prior to the expiration of the DRC approval. The P.O.A. Manager shall determine whether the project will be subject to a new review by the DRC. Consideration for extensions will include, but not be limited to, whether the CB South architectural guidelines have changed since the original date of plan approval.
  - c. Any extension request shall be accompanied by a new design review fee as determined by the P.O.A. Board which is not refundable.
9. **Recordation of Certificate of Approval & Proof of Building Permit Issuance.** Application can be made to the Gunnison County Planning Department for a Land Use Change Permit and building permit as soon as the CB South Permit is approved.
- 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.
10. **Appeal.** A decision by the P.O.A. Manager or DRC on a CB South Special Area Permit application may be appealed by referral to the P.O.A. Board.
- a. **Written Appeal.** An appeal by the applicant or any CB South property owner may be submitted to the P.O.A. Manager no more than fourteen days (14) after the date which the decision-making body issues its final decision on the application; that time for submittal shall not include the day on which the decision was made. The complete appeal shall be submitted in writing, stating the basis for the appeal and the relief that is requested, and shall include materials to support the appeal. The appeal shall become part of the record.
  - b. **Board Consideration of Appeal.** The appeal shall be considered by the P.O.A. Board at a regularly scheduled meeting within 30 days after the date the written appeal was filed. In the event that a P.O.A. Board member acted as a DRC member during the review of the project subject to the appeal, then said P.O.A. Board member shall recuse him or herself from the P.O.A. Board during the appeal meeting and deliberations.
  - c. **Notice of Meeting.** The P.O.A. shall, by notice within a legal newspaper of general circulation serving the subdivision, and by first-class mail, inform the applicant, the appellant, and, if a public hearing was part of the original review process on the application for which an appeal of action has been filed, anyone who testified at the public hearing or submitted written comments on the application. The notice shall include the date, time, and place of the public meeting.



- d. **Board Decision.** The P.O.A. Board shall affirm, affirm with modifications, or reverse the original action in writing, setting forth its reason for the decision.
11. **Modification or Reversal of Original Action.** The original action shall only be modified or reversed if the appellant establishes, by a preponderance of the evidence based on the record of the review body, that:
- a. **No Credible Evidence.** There is no credible evidence in the record to support the original decision; and/or
  - b. **Original Action Inconsistent with CAMP.** The original action was inconsistent with the applicable requirements of the CAMP, Covenants and Restrictions or other regulating documentation for Crested Butte South; or
  - c. **Review Body Action Inappropriate.** The review body exceeded its jurisdiction or abused its discretion.
12. **Board Decision Shall be Final.** However, the P.O.A. Board's decision may be appealed to the Gunnison County Planning Department.
13. **Occupancy.** In no instance shall occupancy be allowed in CB South prior to the final/official issuance of the Certificate of Occupancy by the Gunnison County Building Department.
- 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 CAMP.** The use shall comply with all applicable standards and provisions of the CAMP, 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, and it 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 CAMP, 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 CAMP.

#### 6.4 Variance Applications

Variances from Section 7: General Standards for All Development, Section 8: CB South Village Center Design Principles and Standards and Section 9: Residential Design Standards all as set forth herein may be issued by the P.O.A. Board subject to the requirements of this section. Variances for lots located in all Crested Butte South Subdivision will be heard by the P.O.A. Board in accordance with the process set forth below and do not require an additional hearing by Gunnison County. Variance requests can be processed concurrently with the Special Area Permit application. Variances may be granted from dimensional standards, but not for any change in land use. Any change in land use must be approved by Gunnison County, as well as the P.O.A. Board. 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.

A. **Variance Application.** The applicant shall submit the plans, information and studies as set forth in the P.O.A. approved CB South Variance Submittal Form.

B. **Review Process.** A variance application will be processed generally using the steps and provisions set forth under Section 6.3 (as solely determined by the P.O.A. Manager), including the submittal of the application, determination of completeness, consultant or agency review and referrals, public notice, action and recordation. There is no appeals process for a variance since the P.O.A. Board is the review authority for granting variances.

C. **Consideration of Variance.** The P.O.A. DRC and Board will hold public hearings. 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 CAMP, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent properties, to the neighborhood, or to the public welfare in general.
4. The variance applied for does not depart from the provisions of the CAMP or Covenants and Restrictions, any more than is required to accommodate the unique aspect(s) of the lot/property.

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

**6.5 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 CAMP 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 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**

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.

### **7.2 Geological Hazard Study**

A comprehensive geologic hazard study was conducted by Fox & Associates, Inc., on December 5, 1980, entitled "Subsoil and Engineering Geology Investigation, Crested Butte South Subdivision, Filings 1 through 4". Due to landslide and potentially unstable slopes being present within 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*.

### **7.4 Odors**

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

### **7.5 View Obstructions to Motorists**

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



## 7.6 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 CAMP 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 CAMP 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.

## 7.7 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.

## 7.8 Wireless Telecommunication Devices and Structures

Installation of wireless telecommunication devices and structures within the CB South Special Area shall be required to comply with the applicable requirements of the CAMP 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.



## 7.9 Mechanical Systems

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

## 7.10 Solid Fuel-Burning Devices

- A. No solid-fuel-burning device shall be installed within any structure or building or on any property unless such device is an approved solid fuel burning device, as certified to meet the E.P.A. Phase II Rated particulate emissions rate standard by the United States Environmental Protection Agency (E.P.A.), 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 multiple-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 multiple-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.

## 7.11 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.

## 7.12 Utility Connections

All utility connections, including all electrical, cable, fiber optic and telephone connections and installation of wires to buildings, shall be placed underground from the nearest available power source. 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.

**7.13 Water Quality and Wetland Areas**

Development in areas identified as wetland areas or areas that may impact quantity, quality or dependability of water resources shall be subject to the applicable sections of the LUR.

**7.14 Wildfire Hazards**

Development shall be subject to the most current and applicable sections of the LUR. 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).

**7.15 Wildlife Habitat Areas**

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

**7.16 Ridgelines**

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

**7.17 Snowplowed Access**

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

**7.18 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.

Gunnison County, CO  
3/22/2023 3:20:59 PM  
447

690075  
Page 33 of 63  
R 0.00 D 0.00





## 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 CAMP Purpose outlined in 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 will provide 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 shall have 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 enable people from a wide range of economic levels and age groups to live within its boundaries.
- E. The CB South Village Center shall provide a variety of businesses that can provide a range of job types for CB South residents, minimizing the need to import workers with specialized skills.
- F. The CB South Village Center shall contain 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. The street orientation, the placement of buildings and the use of shading shall contribute to the energy efficiency of the CB South Village Center. 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 multiple-family development pattern that discourages sprawl, in which denser and more intense forms of commercial, mixed use and multiple-family residential development will only occur contiguous to, or in close proximity to, or within the CB South Village Center. Multi-Family residential development is encouraged to develop in proximity to and within the CB South Village Center and is allowed in the First and Second Filings only.



**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 multiple-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 as allowed by the Regulations.
    - b. Second floor uses may be any use as permitted by the Regulations.
  - 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 CAMP.



- 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 CAMP.

**8.7 DRC Specific Approval**

Where the CAMP 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 in 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 <sup>2</sup>
Open Space Required	None
Minimum Floor Area	1,500 sq. ft.

<sup>1</sup> 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.

<sup>2</sup> 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' <sup>1</sup>	15' <sup>5</sup>	0'-5' <sup>2</sup>
Village Center Perimeter Lots with Commercial or Mixed Uses	0' <sup>3</sup>	25'	7.5
Village Center Perimeter Lots with Residential Only Uses	15'	25'	7.5'
Parking Area Setbacks	0' <sup>4</sup>	0' <sup>4</sup>	0' <sup>4</sup>

<sup>1</sup> 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'.

<sup>2</sup> Side setback subject to application of adopted Fire Code requirements.

<sup>3</sup> 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'.

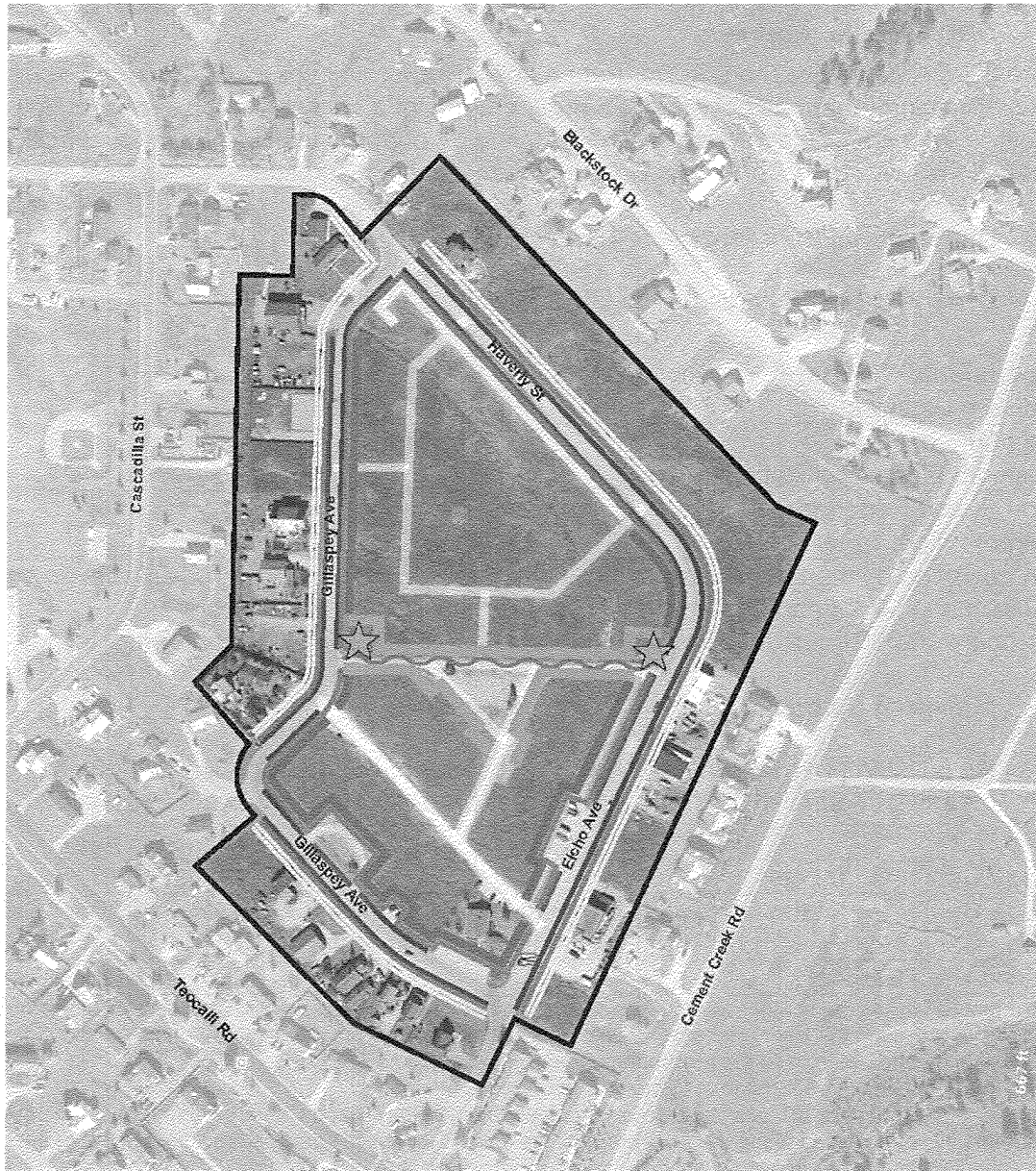
<sup>4</sup> No parking area setback is required provided off-site snow storage can be provided in accordance with the CAMP and Gunnison County requirements and the parking area has adequate landscape buffering if such is required by the DRC. On street parking may cross over a property line if it is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









<sup>5</sup> Rear 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                 |




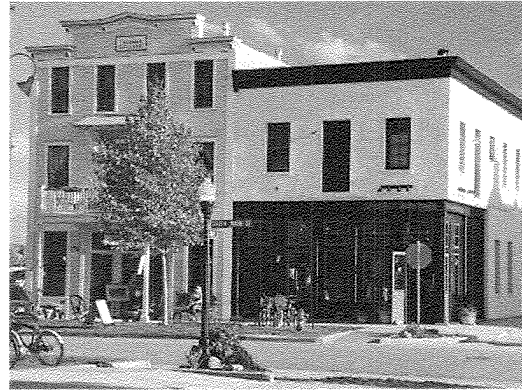



### Figure 8-1. CB South Village Center Strategic Plan

#### Crested Butte South Village Center Design Intent




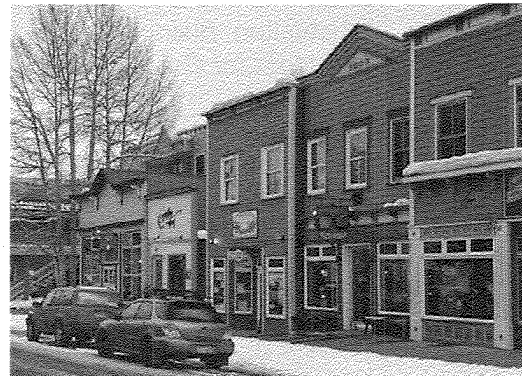
 **Bookend Plazas & Pocket Parks**  
Plaza space activates the commercial core, offers flexible uses and provides south facing locations.




 **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 CAMP.
- 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

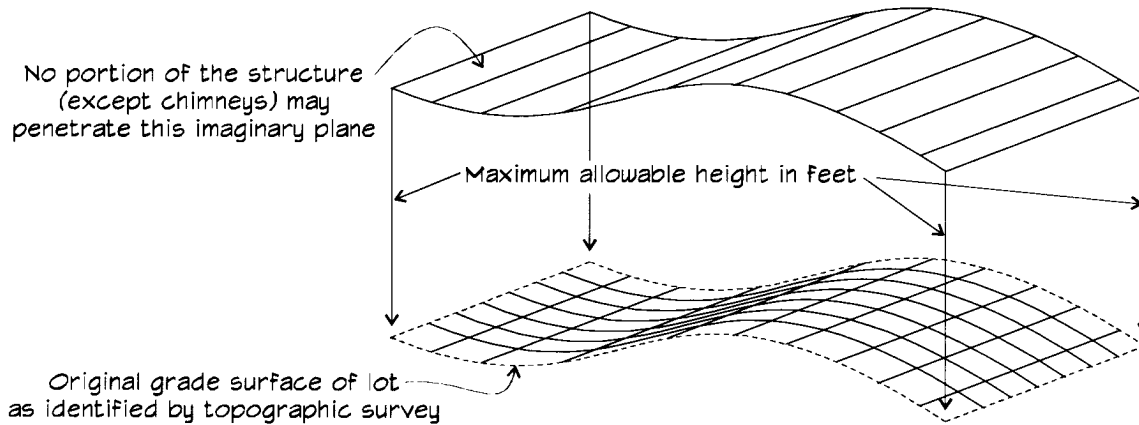
- A. **Commercial Buildings in the Village Center Core.** Buildings in the Commercial Building Zone as shown on the CB South Village Center Strategic Plan Village Center Core buildings shall be no more than two (2) stories above finished grade with a maximum building height of 35 feet. Basements do not 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 per the adopted resolution of the Board of Directors for Crested Butte South Property Owners Association.
- 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. (roof slopes of 2:12 or less). 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 CAMP 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 principle 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.



Crested Butte South Property Owners Association



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 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.

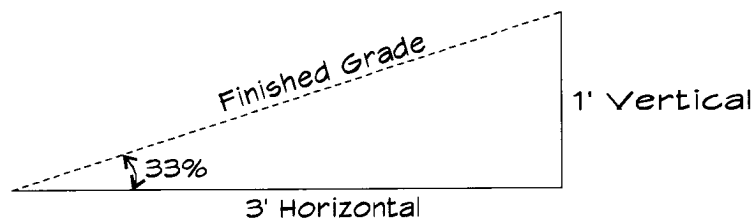
- c. Walls and fences may be constructed of wood, metal, stone or other materials approved by the DRC.

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 <sup>1</sup>	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
Mutli-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

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

- 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.
- The parking requirements contained herein may be changed in accordance with any amendment to Covenant and Restrictions. Each owner and project homeowner's 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:

- The project developer, POA 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 CAMP
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 POA.

**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 CAMP.

**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 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 Landscaping section.
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 Section 8.13(A)(3) with spaces designed in accordance with the Parking Standards.



Crested Butte South Property Owners Association —



- 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 the 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 Fire 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' of travelway 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.



Crested Butte South Property Owners Association



- 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. This area shall be designated as a common area at the time of platting of the remainder of Block 6.

### 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 and Remainder of Block 6 Master Development Plan**

**A. Pioneer Plaza.** Pioneer Plaza property owners shall meet the following requirements:

1. The Pioneer Plaza owners' association needs to amend the covenants applicable to the Property in order to allow development under the amended CAMP.
2. An overall plan is prepared by the Pioneer Plaza HOA that illustrates the overall parking, sidewalks, landscaping, snow storage plan, and similar common improvements that results in a Master Development Plan that must be generally followed by each lot developer within Pioneer Plaza unless the DRC approves an amendment to the Master Development Plan.

**B. Remainder of Block 6.** The Remainder of Block 6 shall meet the following requirements:

1. The owner shall submit a subdivision application to the P.O.A and Gunnison County that may split up the property consistent with the CAMP.
2. An overall plan is prepared by the first developer of the Remainder of Block 6 that illustrates the overall parking, sidewalks, landscaping, snow storage similar common improvements that results in a Master Development Plan that must be generally followed by each lot developer within the Remainder of Block 6 unless the DRC approves an amendment to the Master Development Plan.





## **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 encouraged to develop in proximity to the CB South Village Center and 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 *Section 6* above and do not require an additional hearing by Gunnison County.





## **SECTION 10. BEGINNING AND COMPLETING CONSTRUCTION**

- A.** All construction activity must be in compliance with the CAMP, 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 CAMP, 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 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.



## SECTION 11. AMENDMENT AND TERMINATION

### 11.1 Term

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

- A. Termination and Modification.** The CAMP, and any provision contained herein, may be terminated, modified or amended as to all or a portion of the CB South Special Area upon approval by the P.O.A. Board and by the BOCC. In addition, the P.O.A. agrees to forthwith 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 Planning Department.
- B. Amendment.** The following process shall apply to an application to amend or terminate the Regulations:
1. **Initiation.** An amendment to the CAMP may be initiated by any of the following:
    - a. **P.O.A.** An amendment may be initiated by the P.O.A., or by any CB South Property Owner in good standing, through the submittal of an application to the P.O.A.
  2. **Submittal of Draft Amendment Language.** Any initiative or application for amendment shall include at a minimum the following:
    - a. **Identification of Applicant.** The applicant's name, address, telephone number and e-mail address.
    - b. **Precise Wording.** The precise wording of the proposed amendment, and the Section in which it is proposed to occur.
    - c. **Rationale for Proposed Amendment.** A concise statement of the purpose and justification for the proposed amendment.
- C. Approval by BOCC.** Any termination or modification shall be approved by the B.O.C.C.

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*



## **SECTION 12. MISCELLANEOUS PROVISIONS**

### **12.1 No Liability**

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

- A. The approval or disapproval of any plans, drawings, and/or specifications, whether or not in any way defective;
- B. The construction 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 CAMP 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 CAMP 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 CAMP 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 CAMP, 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 CAMP shall be deemed a violation of the Regulations 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 CAMP 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 can 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 CAMP, 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.

Gunnison County, CO  
3/22/2023 3:20:59 PM  
447

690075  
Page 63 of 63  
R 0.00 D 0.00

