

ORDINANCE NO. 7

SERIES 2010

AN ORDINANCE AMENDING THE TOWN'S ZONING AND LAND USE ORDINANCE TO ALLOW CERTAIN RETAIL AND PERSONAL SERVICE ESTABLISHMENT USES IN THE "C" COMMERCIAL DISTRICT ZONE THAT CURRENTLY ARE ONLY ALLOWED AS CONDITIONAL USES IN THAT ZONE TO BE ALLOWED AS PERMITTED USES THEREIN

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and the laws of the State of Colorado;

WHEREAS, the Town's Zoning and Land Use Ordinance (the "Ordinance") contains various zone districts that allow permitted uses as a matter of right and conditional uses upon approval by the Town's Board of Zoning and Architectural Review (BOZAR) subject to certain approval criteria;

WHEREAS, under the Ordinance, the "C" Commercial District zone (the "C Zone") presently allows certain retail and personal service establishments uses as conditional uses only;

WHEREAS, the purpose of the C Zone is to "allow the use of land for limited commercial purposes and light industrial purposes, with customary and accessory and institutional uses;"

WHEREAS, the Town staff has found that, based on the intent of the C District, personal service establishments and certain retail establishments should be permitted uses in the C Zone as opposed to conditional uses requiring the prior approval of BOZAR;

WHEREAS, the Town Council finds that, based on Town staff recommendations, personal service establishments and certain retail establishments should be permitted uses in the C Zone as opposed to conditional uses requiring the prior approval of BOZAR, as such uses, as permitted uses, would be consistent with the intent of the C District; and

WHEREAS, the Town Council has determined that the below changes to the Ordinance, including allowing personal service establishments and certain retail establishments as permitted uses in the C Zone as opposed to conditional uses requiring the prior approval of BOZAR accomplish the goals of the Town staff set forth hereinabove, are consistent with the intent of the C Zone and are in the best interest of the health, safety and welfare of the resident and visitors of Crested Butte.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amending Section 16-5-530, Conditional Uses to Strike Subsections (2) and (4) Therefrom. Subsections (2) and (4) of Section 16-5-530 are hereby stricken from

said Section. The subsections in said Section are renumbered accordingly in the order that they appear.

Section 2. Adding Two New Uses to Section 16-5-520(a), Permitted Uses. Two (2) new subsections are added to Section 16-5-520(a) which shall read as follows:

"(16) Personal service establishments.

(17) Retail commercial establishments, limited to the following and similar uses: antiques, appliances, art supplies, galleries, retail bakeries, bookstores, cameras, candies, tobaccos, florist, food markets, furniture, gifts, hardware, hobby shops, photo shops, sporting goods, stationery and variety stores."

Section 3. Amending Section 16-5-530, Conditional Uses Relative to Commercial Nurseries and Greenhouses. Subsection (7) to Section 16-5-530 is hereby deleted in its entirety and replaced with the following new subsection (7) which shall read as follows:

"(7) Commercial nurseries and greenhouses; except that such uses shall not include marijuana growing or cultivation operations."

Section 4. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 5. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision of any ordinance previously adopted by the Town which is in conflict with this ordinance is hereby repealed as of the effective date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 19th DAY OF APRIL, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 3rd DAY OF MAY, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By: Leah B. Williams
Leah B. Williams, Mayor



ATTEST:
Eileen Hughes
Eileen Hughes, Town Clerk