

ORDINANCE NO. 10

SERIES 2006

AN ORDINANCE AMENDING THE ZONING AND LAND USE ORDINANCE TO ADD A DEFINITION OF THE TERM “RETAIL BAKERIES.”

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; and

WHEREAS, the Town’s Zoning and Land Use Ordinance (hereafter “Ordinance”) sets forth, as a conditional use in several zone districts, the use of “retail bakeries”; and

WHEREAS, there is no definition in the Ordinance for the term “retail bakery” or “retail bakeries”; and

WHEREAS, in order to provide clear and consistent guidance to the community, owners and Town staff, it is appropriate that the Ordinance contain such a definition; and

WHEREAS, in the interests of clarifying the Ordinance to provide such guidance and direction with respect to the Town’s requirements, the Town Council has determined that it is in the best interests of the Town to amend the Ordinance; and

WHEREAS, the Town Council finds that the below amendment is in the best interests of the health, safety and general welfare of the inhabitants of the Town.

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

Section 1. Creating a Definition for the Term “Retail Bakery(ies)”. Section 15-2-3. of the Ordinance is hereby amended by the addition of the following definition:

“Retail Bakery. A business offering for sale baked goods and other associated and like food, and may include non-alcoholic beverages, which food and beverages are prepared either on or off the business premises, and are sold to be consumed off the premises of the business. No seating or on-premises consumption of food or beverages is permitted.”

Section 2. 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 3. Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS _____ DAY OF _____, 2006.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS _____ DAY OF _____, 2006.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
Alan Bernholtz, Mayor

ATTEST:

Eileen Hughes, Town Clerk

SEAL