

ORDINANCE NO. 19

SERIES 2010

AN ORDINANCE AMENDING THE CONDITIONAL USE REQUIREMENTS FOR THE "B2" BUSINESS DISTRICT TO ALLOW FOR EIGHT VEHICLES AT FUEL DISPENSING UNITS FOR AUTO RELATED USES OF FUELING AND VEHICLE WASHING

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 regulations contained in the Crested Butte Municipal Code (the "**Code**") allow as a conditional use in the "B2" Business District auto-related uses of fueling and vehicle washing which are provided as a service incidental to a retail store, provided that, among other things, such fuel-dispensing units accommodate no more than four (4) vehicles at any given time;

WHEREAS, the Town staff has recommended that the requirements that fuel-dispensing units accommodate no more than four vehicles at any given time should be amended to allow up to eight (8) vehicles at any given time since such limitation of four is not practical given present-day fuel-dispensing operational needs;

WHEREAS, the Town Council finds that the Town staff's recommendation of allowing up to eight fuel-dispensing units is more practical given present-day fuel-dispensing operational needs; and

WHEREAS, for the reasons stated above, the changes to the Code proposed hereinbelow are in the best interest of the Town and the health, safety and welfare of the residents 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 16-5-230, Conditional Uses. Subsection (9) of Section 16-5-230 of the Code is hereby deleted in its entirety and replaced with the following new subsection (9) which shall read as follows:

"(9) The auto-related uses of fueling and vehicle washing which are provided as a service incidental to a retail store, provided that the following conditions are met:

a. The minimum lot area shall be fifteen thousand six hundred twenty-five (15,625) square feet.

b. The same conditional use has not been granted for other property located within five hundred (500) feet of the parcel (property) for which the conditional use permit is sought.

c. The fuel-dispensing units accommodate no more than eight (8) vehicles at any given time.

d. The lot for which the permit is sought shall access directly onto both Highway 135/Ski Area Road and a Town street."

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 shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. 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 enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 21st DAY OF JUNE, 2010.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 6th DAY OF JULY, 2010.

TOWN OF CRESTED BUTTE, COLORADO

By:


Leah B. Williams, Mayor

ATTEST:

 (SEAL)
Eileen Hughes, Town Clerk

