

ORDINANCE NO. 9

SERIES 2011

AN ORDINANCE AMENDING THE CRESTED BUTTE MUNICIPAL CODE TO ALLOW MICRO-DISTILLERIES AS A CONDITIONAL USE IN THE "B1" AND "B2" BUSINESS DISTRICTS AND, IN CONJUNCTION THEREWITH, ADDING THE DEFINITION OF "MICRO-DISTILLERY" AND "TASTING/SALES SALES ROOM – MICRO-DISTILLERY" TO THE CODE AND AMENDING THE OFF-STREET PARKING REQUIREMENTS IN CONNECTION WITH SUCH TASTING/SALES SALES ROOM – MICRO-DISTILLERIES

WHEREAS, the Town of Crested Butte, Colorado ("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 laws of the State of Colorado;

WHEREAS, under Chapter 16 of the Crested Butte Municipal Code ("Code"), the Town Council has adopted a comprehensive zoning scheme;

WHEREAS, the intent of the "B1" and "B2" Business Districts (collectively, the "Districts") is to, respectively and in pertinent part, allow for the use of land for business and commercial purposes, and the generation of sales tax in connection therewith;

WHEREAS, the Code does not currently allow micro-distilleries as permitted or conditional uses in the Districts;

WHEREAS, the Board of Zoning and Architectural Review and Town Staff have found that allowing micro-distilleries as conditional uses in the Districts will support the intentions of the District;

WHEREAS, the Town Council has determined that allowing micro-distilleries as conditional uses in the Districts will support the intentions of the District, and, as such, the Code should be amended to allow micro-distilleries as conditional uses in the Districts; and

WHEREAS, Town Council has determined that the amendments and revisions to the Code prescribed herein should be adopted for the reasons set forth above and for the purpose of protecting the public 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 16-5-130. Section 16-5-130 is hereby amended by adding a new subsection (13) thereto which shall read as follows:

“(13) Micro-distillery.”

Section 2. Amending Section 16-5-230. Section 16-5-230 is hereby amended by adding a new subsection (15) thereto which shall read as follows:

“(15) Micro-distillery.”

Section 3. Amending Section 16-1-20. Section 16-1-20 is hereby amended by adding the following new defined terms thereto:

“*Micro-distillery* means a business known as a craft or designer distillery that manufactures spirituous liquors on site for distribution on or off site in quantities not to exceed 1700 cases or 15,300 liters (4041 gallons) of finished product per year. A micro-distillery must be licensed by the appropriate state and federal authorities. A micro-distillery must operate in conjunction with a tasting room, retail outlet, and/or restaurant bar use. If a micro-distillery operates in conjunction with a restaurant then a conditional use for the restaurant must also be granted for the location or reapproved if a restaurant use has previously been granted a conditional use permit for the location.

“*Tasting/sales room micro-distillery* means a micro distillery tasting or sales room that distributes and sells spirits produced from its associated state licensed micro-distillery production facility. If it is not associated with a micro-distillery production facility on site then it shall be considered a retail use. If it is associated on the same site with its production facility then it can be approved with the conditional use approval for the micro distillery.”

Section 4. Amending Section 16-16-20. The text of subsection (7) of Section 16-16-20 is hereby amended by deleting said language in its entirety and replacing it with the following new language which shall read as follows:

“(7) Restaurants, clubs, retail bakeries, tasting/sales room micro distilleries and premises licensed for consumption of alcoholic beverages, except those licensed for special events only: one (1) space for each five hundred (500) square feet of floor area or a portion thereof if the total floor area is between zero (0) and one thousand (1,000) square feet; one (1) space for each two hundred fifty (250) square feet of floor area or portion thereof from one thousand one (1,001) to two thousand (2,000) square feet; and one (1) space for each one hundred (100) square feet of floor area or portion thereof for floor area greater than two thousand (2,000) square feet. Outside floor area used for seating shall be counted as part of the total floor area by a factor of one-quarter (0.25). The above parking shall not be required if the restaurant is located within a hotel, lodge, motel or resort which serves only registered guests who contemporaneously stay at least one (1) night in the facility.”

Section 5. 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 6. Savings Clause. Except as amended hereby, the Crested Butte Municipal Code, as amended, shall remain valid and in full force and effect. Any provision thereof that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 18th DAY OF APRIL, 2011.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING IN PUBLIC HEARING THIS 2nd DAY OF MAY, 2011.

TOWN OF CRESTED BUTTE, COLORADO

By: *Daniel Escalante*
Daniel Escalante, Mayor Pro-tem

ATTEST:

Eileen Hughes
Eileen Hughes, Town Clerk

