

ORDINANCE NO. 25

SERIES 2018

**AN ORDINANCE DECLARING A MORATORIUM ON THE
ISSUANCE OF NEW BUSINESS OCCUPATION LICENSES
UNDER CHAPTER 6, ARTICLE 2 OF THE CRESTED
BUTTE MUNICIPAL CODE FOR FORMULA
RESTAURANT AND RETAIL BUSINESSES IN ALL
BUSINESS AND COMMERCIAL DISTRICTS**

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

WHEREAS, Chapter 6, Article 2 of the Crested Butte Municipal Code (the "**Town Code**") contains regulations adopted by the Town Council that govern the issuance of business licenses in business and commercial districts in the Town; and

WHEREAS, the Town is a National Historic District and it has adopted Design Guidelines to protect the integrity of the District and to sustain the character of the community that is so appealing to residents and visitors of Crested Butte; and

WHEREAS, the Town is widely known as having an authentic, non-commercialized old mining town atmosphere with charming, desirable and economically viable commercial retail areas comprised primarily of small, independently-owned and unique establishments; and

WHEREAS, the Town desires to study the impacts of new formula businesses upon, among other things, the Town's established historic character, quality of life, economic health and vitality, and the interests and needs of the community; and

WHEREAS, the Town Council finds that declaring a moratorium of six months duration on the issuance of business occupation licenses for formula restaurant and retail businesses will provide the Town with the time and opportunity to analyze these impacts and engage in a public process to determine whether any additional regulations should be included in the Town Code to address such impacts, to preserve and enhance the small mountain town ambience and that would be in the best interest of the health, safety, and general 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. Moratorium on the Issuances of New Business Occupation Licenses for Formula Restaurant and Retail businesses under Chapter 6, Article 2. The Town hereby declares that for a period of six months, there shall be no new business occupation licenses issued for a new Formula Restaurant or Retail Business under Chapter 6, Article 2 of the Town

Code in any Tourist, Business or Commercial zone districts in order to allow the Town the time and opportunity to analyze the impacts of new Formula Restaurant and Retail upon, among other things, the Town's established historic character, quality of life, economic health and vitality, and interests and needs of the community; and to determine whether any additional regulations should be included in the Town Code to effectively address such impacts and needs. Business occupation licenses for existing Formula Restaurant or Retail Businesses in the Town may be renewed and licenses may be transferred while the moratorium is in effect, provided that the parties comply with the requirements of Section 6-1-110 and other applicable provisions of the Town Code.

Section 2. Definition of Formula Restaurant or Retail Business for purposes of this Moratorium. For purposes of this Moratorium a Formula Restaurant or Retail Business shall be defined as: any restaurant or retail commercial establishment that has ten (10) or more other establishments in operation, or with local land use or permit entitlements already approved and effective, located anywhere in the United States and that maintains two (2) or more of the following features: a standardized array of merchandise or menu items, standardized array of services, a standardized façade, a standardized décor and color scheme, uniform apparel, standardized signage, a trademark, or service mark.

Section 3. Public Process. During the course of the Moratorium, the Town will engage in a public process including property owners, business owners, residents, visitors and other stakeholders to gain input on their interests and concerns regarding Formula Restaurant and Retail businesses.

Section 4. BOZAR Recommendation. During the course of the Moratorium, the Town Board of Zoning and Architectural Review (BOZAR) shall review the potential impacts of Formula Restaurant or Retail Businesses on the Town's historic character, quality of life, economic diversity, and needs of the community and make a recommendation to the Town Council on whether any additional regulations should be included in the Town Code to address such impacts and needs.

Section 6. 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 7. 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 Council that is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

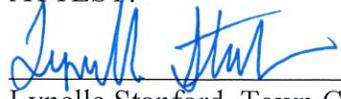
INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS 17th DAY OF September, 2018.

ADOPTED BY THE TOWN COUNCIL, UPON SECOND READING IN PUBLIC HEARING THIS 1st DAY OF October, 2018.

TOWN OF CRESTED BUTTE, COLORADO

By 
James A. Schmidt, Mayor

ATTEST:


Lynelle Stanford, Town Clerk

