

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2020-5**

A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING
COMMISSION RECOMMENDING APPROVAL OF AMENDMENTS TO
SECTIONS 17.36.040 & 17.36.050 OF THE NEW CASTLE MUNICIPAL CODE
CONCERNING USES ON LOTS GREATER THAN 10,000 SQUARE FEET
LOCATED IN THE C-1 ZONE DISTRICT.

WHEREAS, Sections 17.36.040 & 17.36.050 of the Town of New Castle (“Town”) municipal code (“Code”) set forth the permitted and conditional uses for properties located in the C-1 zone district; and

WHEREAS, Subsection A of Section 17.36.050 currently requires a conditional use permit for the permitted uses listed in Section 17.36.040 when these uses are contemplated on a lot or lots greater than 10,000 square feet, and

WHEREAS, Town staff believes that requiring a conditional use permit for any uses whatsoever on parcels larger than 10,000 square feet places an undue burden on such properties and would be difficult to enforce and has therefore suggested changes to the Code sections referenced herein to ease that burden; and

WHEREAS, pursuant to section 17.92.030(B) of the Code, the Planning Commission opened a public hearing on March 25, 2020 and continued the same to June 10, 2020, to consider the proposed Code amendments; and

WHEREAS, based on the testimony and evidence presented at the hearing, the Commission now desires to recommend that Council approve the Code amendments set forth in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

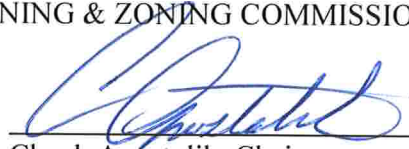
1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.

2. Recommendation. The Commission approves of the changes to Code Sections 17.36.040 & 17.36.050 set forth in Exhibit A and recommends that Town Council adopt the same.



TOWN OF NEW CASTLE, COLORADO,
PLANNING & ZONING COMMISSION

By:



Chuck Apóstolik, Chairman

ATTEST:



Mindy Andis, Deputy Town Clerk

EXHIBIT A

Draft Ordinance

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2020-__**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
SECTIONS 17.36.040 & 17.36.050 OF THE NEW CASTLE MUNICIPAL CODE
CONCERNING USES ON LOTS GREATER THAN 10,000 SQUARE FEET
LOCATED IN THE C-1 ZONE DISTRICT.**

WHEREAS, Chapter 17.36.040 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the conditions for uses permitted outright in C-1 zoning; and

WHEREAS, Chapter 17.36.050 of the Code sets forth the conditions for uses requiring a conditional use permit in C-1 zoning; and

WHEREAS, subsection A of Chapter 17.36.050 requires a conditional use permit for the permitted uses listed in Chapter 17.36.040 when these uses are contemplated on a lot or lots greater than 10,000 square feet, and

WHEREAS, the Town Council finds that requiring a conditional use permit for any uses whatsoever on parcels larger than 10,000 square feet places an undue burden on such properties and would be difficult to enforce; and

WHEREAS, the Town Council (“Council”) has considered the amendments to the Code set forth herein and now desires to approve the same.

NOW, THEREFORE, BE IT ORDAINED BY THE NEW CASTLE TOWN COUNCIL AS FOLLOWS:

3. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.

4. Section 17.36.040 and Section 17.36.050 Amendment. Section 17.36.040 and Section 17.36.050 of the Town Municipal Code are hereby repealed in their entirety and reenacted as set forth below:

17.36.040 – Permitted Uses.

A. Any of the uses set out in subsections B through D are permitted outright provided the following requirements are complied with:

1. All fabrication, service and repair operations are conducted within a building;

2. All storage of materials shall be within a building or obscured by a fence of at least six feet in height;
3. Storage areas shall be restricted to the rear twenty-five (25) feet of the lot(s); and
4. No dust, noise, glare or vibration is projected beyond the lot(s).

B. Retail establishments for the trade and sales of the following goods and materials:

1. Antiques;
2. Appliances;
3. Art and art supplies;
4. Automotive parts, new;
5. Bakery and doughnut shop;
6. Beverages;
7. Books, magazines, newspapers;
8. Cafe, coffee shop;
9. Clothing;
10. Dry goods;
11. Feed and pet supplies;
12. Food;
13. Furniture;
14. Garden supply and plants;
15. Groceries;
16. Hardware, general and specialty;
17. Jewelry;
18. Office materials and supply.

C. Personal service establishment, including:

1. Art gallery;
2. Automatic laundry/laundromat for individual use;
3. Bank;
4. Barber, beauty shop;
5. Day care facility for children under thirteen (13) years of age;
6. Indoor recreation;
7. Indoor theater;
8. Laundry or dry cleaning station for individual pick-up only;
9. Medical/health clinic limited to human outpatient services with floor area of no more than two thousand (2,000) square feet;
10. Office for the conduct of a business or profession;
11. Pharmacy;
12. Photography supply, studio;
13. Printing shop;
14. Private club;
15. Reading room;
16. Real estate sales office;
17. Restaurant, with or without a bar;
18. Shoe repair;
19. Studio for the conduct of arts and crafts instruction;
20. Tailor shop;
21. Tavern;
22. Travel agency.

D. Residential. One or more residential dwelling unit(s) when located on a floor above the ground floor of a commercial use building, or, when located on a ground floor and within the rear forty (40) feet of a lot, within a commercial use building.

17.36.050 – Conditional Uses

A. Any use listed as a permitted use in Sections 17.36.040(B), (C) and (D), which use is to be a drive-in establishment or facility where the customer receives goods or services while occupying a vehicle.

B. The following uses may be allowed subject to the provisions and requirements of Chapter 17.84 of this title:

1. Auditorium, public or private;
2. Automobile service station, with or without minor repairs;
3. Automobile, small truck, trailer rental facility;
4. Automobile washing facility;
5. Church or facility for any recognized established religion;
6. Community building operated by the public;
7. Educational facility, public or private;
8. Emergency response, public safety facility;
9. Facility for treatment, storage and disposal of wastewater;
10. Facility for treatment, storage and distribution of drinking water;
11. Fraternal lodge;
12. Hotel, motel;
13. Household appliance repair;
14. Library, public or private;
15. Medical/health clinic limited to human outpatient services with floor area of greater than two thousand (2,000) square feet;
16. Mobile vending carts or stands;

17. Mortuary;
 18. Municipal shop facility, for maintenance, repair and storage of equipment and materials for municipal services;
 19. Museum, public or private;
 20. Parking lot or garage as principal use of the lot;
 21. Public building for the administration of government;
 22. Residential apartment building;
 23. Residential single-family detached building occupying no more than one thousand two hundred (1,200) square feet of land area;
 24. Rooming and boarding house facility;
 25. Small engine repair and sales shop;
 26. Taxidermy shop;
 27. Temporary building to be used to conduct a permitted use;
 28. Utility substation, electric or gas, public or private;
 29. Veterinary clinic limited to small animal outpatient services, not including kennel.
- C. Any use not specifically defined in the permitted, conditional, or nonpermitted use categories shall be a conditional use.

3. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on _____, 2020, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on _____, 2020, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.