

**TOWN OF NEW CASTLE, COLORADO  
ORDINANCE NO. TC 2022-1**

AN ORDINANCE OF THE TOWN OF NEW CASTLE TOWN COUNCIL AMENDING  
CHAPTER 17 OF THE MUNICIPAL CODE TO COMPLY WITH HB21-1222

WHEREAS, the Town of New Castle (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of New Castle Home Rule Charter; and

WHEREAS, Chapter 17 of the New Castle Municipal Code (“Code”) outlines the Town’s zoning and land use regulations; and

WHEREAS, HB21-1222 mandates that local governing authorities treat licensed in-home child care facilities as residential properties in the application of local regulations, including zoning and land use development; and

WHEREAS, the Town Council has determined that the adoption of this Ordinance is necessary to comply with HB21-1222.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town Council.
2. Amendment. Chapter 17 of the Code is hereby amended as follows. Text in ALL CAPS indicates text that has been added, and text in ~~strike through~~ indicates text that has been deleted.

**Chapter 17.04 – General Provisions**

**17.04.050 – Definitions.**

B. Definitions. The following listed specific words and terms are defined as follows:

~~“Family CHILD care home” means a facility for child care in a place of residence of a family or person for the purpose of providing family care and training for a child under the age of sixteen (16) years who is not related to the head of such home~~ DWELLING IN WHICH A PERMANENT OCCUPANT OF THE DWELLING PROVIDES LESS THAN TWENTY-FOUR (24) HOUR CARE AT ANY TIME FOR TWO (2) OR MORE CHILDREN THAT ARE UNRELATED TO EACH OTHER OR THE PROVIDER, AND ARE CARED FOR IN THE PROVIDER’S PLACE OF RESIDENCE.

**Chapter 17.20 – R-1 Residential District**

**17.20.040 – Permitted uses.**

The following are permitted uses when conforming to building design standards as established herein.

- A. Single-family dwelling, detached building;
- B. Public park and open space;
- C. Home occupation;
- D. Public utilities;
- E. Accessory use;
- F. Historic character building(s), as provided herein;
- G. FAMILY CHILD CARE HOME.

**17.20.050 – Conditional uses.**

Conditional uses shall be as follows:

- A. Two-family dwelling (duplex);
- B. Church;
- C. School;
- D. Day nursery;
- ~~E. Home child care;~~
- ~~F.~~ E. Room boarding (maximum two rooms);
- ~~G.~~ F. Bed and breakfast lodge (maximum four rooms);
- ~~H.~~ G. Museum;
- ~~I.~~ H. Municipal facilities;
- ~~K.~~ I. Fire station;
- ~~L.~~ J. Utility substation;
- ~~M.~~ K. Accessory dwelling units associated with a primary single-family dwelling.

**Chapter 17.24 – R-2 Residential District**

**17.24.040 – Permitted uses.**

- ~~E. Home child care~~ FAMILY CHILD CARE HOME;

**Chapter 17.28 – R-3 Residential District**

**17.28.040 – Permitted uses.**

- ~~F. Home child care~~ FAMILY CHILD CARE HOME;

**Chapter 17.32 – R-4 Residential District**

**17.32.040 – Permitted uses.**

Permitted uses shall be as follows:

- A. Single-family dwellings;
- B. Animals (see Section 17.32.130);
- C. Animal structures and shelters;
- D. Agricultural;
- E. Grazing;
- F. Public park and open space;
- G. Home occupation;
- H. Public utilities;
- I. Accessory use;
- J. FAMILY CHILD CARE HOME.

**Chapter 17.68 – Commercial Transitional District.**

**17.68.030 – Uses by right.**

Uses permitted by right in CT districts shall be as follows:

- A. Residential on second story or above;
- B. Single-family residential;
- C. Home occupation;
- D. Domestic animals;
- E. Underground utility lines;
- F. Parks/open space;
- G. Accessory uses;
- H. Overhead utilities;
- I. FAMILY CHILD CARE HOME.

INTRODUCED on January 4, 2022, 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 January 18, 2022, read by title and number, passed without amendment as set forth herein, approved, and ordered published as required by the Charter.

TOWN COUNCIL OF THE TOWN OF  
NEW CASTLE, COLORADO

By: \_\_\_\_\_

Art Riddile, Mayor

ATTEST:

  
Melody Harrison, Town Clerk

