**TOWN OF NEW CASTLE, COLORADO**
**ORDINANCE 2013-4**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL APPROVING AN AMENDMENT TO PORTIONS OF CHAPTERS 17.36 AND 17.76 OF THE NEW CASTLE MUNICIPAL CODE CONCERNING THE REQUIREMENTS OF OFF-STREET PARKING AND CONDITIONAL AND NONPERMITTED USES IN THE C-1 COMMERCIAL ZONE DISTRICT.

WHEREAS, Town Staff and the Economic Advisory Committee have conducted extensive research into the needs, wants, and requirements of the Town concerning the location, placement and requirements for commercial uses and requirements throughout the downtown area; and

WHEREAS, after discussing various potential changes to the municipal code, the Staff has recommended that the Town amend portions of its municipal code to expand the number and type of conditional uses in the C-1 Commercial Zone District; and

WHEREAS, the Town sees the need to better incorporate flexibility and creativity in the range of potential commercial uses in the downtown core; and

WHEREAS, it is believed that this change will provide greater and more diverse commercial opportunities in the Town for employers, employees, and residents, thus supporting the Town's goals to foster sustainable job growth within the Town and create a "live-work" environment; and

WHEREAS, by expanding commercial opportunities the Town hopes to foster a more vibrant and dynamic downtown environment, encourage and grow pedestrian traffic and increase walkability; and

WHEREAS, pursuant to section 17.92.030(B) of the New Castle Municipal Code the Planning Commission held a public hearing on May 22, 2013 to consider the Town's application to amend the municipal code; and

WHEREAS, based on the testimony presented by staff and the general public, the Planning Commission approved resolution PZ 2013-3, recommending that the Town Council approve changes to the municipal code to expand the uses in the C-1 Commercial Zone District as set forth herein.

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

1. Recitals Incorporated by Reference. The foregoing recitals are incorporated by reference herein as findings and determinations of the New Castle Planning Commission.

2. Amendment. The Town Council hereby approves the following amendments to the New Castle Municipal Code:

A. 17.36.050 is amended as follows to add:

D. Any use not specifically defined in the permitted, conditional, or nonpermitted use categories shall be a conditional use.

B. There is hereby added a new section 17.36.060 as follows:

17.36.060 Nonpermitted Uses

The following uses are not permitted in the C-1 Commercial Zone District:

1. Outside storage of wrecked or inoperable vehicles or equipment, salvage, scrap or other such items.
2. Self-storage facilities
3. Petroleum, oil & gasoline storage
4. Recreation vehicle park
5. Propane storage
6. Auto wrecking and salvage yard
7. Auto storage yard
8. Truck repair and storage yard
9. Mobile home park
10. Asphalt batch plant
11. Concrete block and mixing plant
12. Concrete storage yard
13. Gravel extraction
14. Gravel storage
15. Mining operations
16. Adult entertainment establishment or sexually-oriented business
17. Testing laboratories, business research and development involving hazardous materials or pollution
18. Kennel

C. Section 17.76.120(I) is repealed and reenacted as follows:

I. Cash in Lieu of Parking. Upon a recommendation of the planning and zoning commission and at the sole discretion of the town council, the off-street parking requirements in the C-1 zone district may be wholly or partly satisfied by a payment of cash in lieu of parking. Such payment shall be utilized by the town solely for acquisition, construction, or improvement of parking facilities within the downtown. The amount of the cash in lieu shall be set by the fee schedule adopted annually by the town, and shall be changed based on an objective analysis of the costs in providing public parking spaces downtown.

3. Cash in Lieu Amount. Based on the information provided by Staff at the hearing, the Town Council hereby sets the cash-in-lieu of parking amount at $3000 per space. This number is based in on an average parking space size of 200 square feet at the rate of $13/square foot plus attendant acquisition and construction costs.

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

INTRODUCED on June 4, 2013, 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 June 18, 2013, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: _____
Frank Breslin, Mayor

ATTEST:

_____
Melody Harrison, Town Clerk

TOWN OF NEW CASTLE
GARFIELD
SEAL
COUNTY
COLORADO

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