

Memo

To: Tom Baker
From: Tim Cain
Date: March 13, 2013
Re: C-1 Zone District-Conditional Uses

Scope: The purpose of this memo is to determine if council will recommend that staff proceed with a text amendment to the C-1 Zone District that will add language to the Municipal Code which is similar to other Zone Districts in Town. Specifically there is language in other commercial zones that states, "Any use not specifically defined in the permitted or conditional use categories shall be a conditional use." However, it is recommended along with this change that we provide a list of nonpermitted uses.

Discussion: With the ever changing technological advances having much to do with the internet, it appears that we need to address unforeseen types of business opportunities that may arise in the near future. It appears we need to embrace these changes by allowing for more flexibility on an administrative and council level. The C-1 Zone District lists of permitted and conditional uses have at times been too restrictive or difficult to use when one tries to "fit" a particular type of use that is similar, but not exactly the same and may or may not be compatible with surrounding land use. It is also a jobs killer when a proposed commercial venture sees that its unique business model is not either permitted or conditional and, thus, prohibited in the downtown core.

Recommendation: Consider allowing staff to amend the commercial -1 zone district code by allowing for additional language which will allow for a conditional use permit process for uses that are not listed in the permitted or conditional use categories and also include a list of prohibited uses.

Memo

To: Tom Baker
From: Tim Cain
Date: March 13, 2013
Re: C-1 Off-Street Parking Sunset Provision

Background: After holding two readings at public meetings on May 1, 2012 and May 15, 2012, the Town Council adopted Ordinance 2012-1 which extended Ordinance 2010-4 for one year expiring on May 31, 2013. Ordinance 2012-1 allowed for future extensions by resolution rather than by ordinance. What this means is there are currently one and one-half off street residential parking spaces and no commercial off street parking spaces required in the C-1 Zone District.

Discussion: Possible council discussion items include:

1. Allow Ordinance 2012-1 to sunset which also means that Ordinance 2004-10 will expire. The repercussions are new residential units will be required to provide for two (2) off-street parking spaces and new commercial business would be required to provide a certain number of off-street parking spaces depending on the type of use. For example, a retail store (except for service or repair shop) would need to provide two (2) spaces per three hundred (300) square feet of floor space.
2. Draft a Town Council resolution to extend Ordinance 2012-1 in its present state.
3. Amend Ordinance 2004-10 prior to May 31, 2013.
4. Amend Municipal Code Chapter 17.76 – Off Street Parking and in particular 17.76.020 which establishes the number of each space for each type of use (see Memo-Residential Cash in Lieu of Off Street Parking for examples of types of use).

Recommendation: Staff seeks direction from council on how to proceed with the caveat that allowing Ordinance 2012-1 to sunset could have a considerable impact for any new commercial business in the downtown core.

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE 2010-4**

**AN ORDINANCE OF THE TOWN OF NEW CASTLE, COLORADO, AMENDING
TITLE 17 OF THE NEW CASTLE MUNICIPAL CODE BY ADDING A SECTION
ADDRESSING OFF-STREET PARKING REQUIREMENTS AND STANDARDS IN
THE TOWN'S C-1 ZONE DISTRICT.**

WHEREAS, the Town of New Castle adopted Ordinance 2004-10 to add a section to Title 17 of the New Castle Municipal Code addressing off-street parking requirements and standards in the Town's C-1 zone district, as identified on the Town Map attached as Exhibit A; and

WHEREAS, the Town adopted Ordinance 2005-19 to clarify Ordinance 2004-10; and

WHEREAS, by its terms, Ordinance 2004-10, as clarified by Ordinance 2005-19, was in effect until August 1, 2007, at which time the provisions of the C-1 zone district text as existing on July 1, 2004 were deemed reenacted; and

WHEREAS, prior to the adoption of Ordinances 2004-10 and 2005-19, the Municipal Code did not expressly address off-street parking within the C-1 zone district, except to state that the district "may be exempt from" the off-street parking provisions of the Municipal Code; and

WHEREAS, the Town seeks to encourage development in the C-1 zone district while ensuring that there is adequate off-street parking in the C-1 zone district; and

WHEREAS, Section 17.92.010 of the Town Code provides that the Town Council may, from time to time, on its own motion, on applications of any person or persons of interest, or on application of the planning commission or board of adjustment, amend, supplement, or repeal the regulations and provisions of Title 17 of the Town Code; and

WHEREAS, pursuant to Chapter 17.92 of the Municipal Code the Planning and Zoning Commission considered this Ordinance in a public hearing on February 24, 2010, and after considering testimony from the staff and public unanimously approved Resolution PZ-2010-1 recommending that the Town Council adopt the provisions as set forth herein; and

WHEREAS, the Town Council finds and determines that the re-enactment of the off-street parking regulations for the C-1 zone district contained in Ordinances 2004-10 and 2005-19 is in the best interests of the public welfare and desires to adopt the new parking regulations as set forth below.

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

1. The Town Council incorporates the foregoing recitals as findings by the Town Council.

2. Section 17.76.010E of the Town Code is repealed and replaced as follows:

The requirements of this chapter shall apply to the C-1 zone district, as identified on the town zoning map, except as otherwise provided in Section 17.76.120.

3. Section 17.76.120 of the Town Code is repealed and replaced as follows:

17.76.120 Requirements and standards for off-street parking in the C-1 zone district.

A. The provisions in this section apply only to buildings or structures located in the town's C-1 zone district. In the event a provision in this section conflicts with another requirement in this chapter, the applicable provision in this section shall govern.

B. Parking space requirements for each use in the C-1 zone district shall be as follows:

1. For residential dwelling units, one and one-half parking spaces per dwelling unit;

2. For commercial uses, no parking spaces shall be required.

C. A minimum of fifty (50) percent of the required parking spaces in the C-1 zone district shall be provided on site behind the building and with access from the alley.

D. Loading may take place within the right-of-way as long as it does not create a safety hazard for vehicle or pedestrian traffic.

E. Off-site parking available within four hundred (400) feet of the front entry of a building owned or controlled under a permanent and recorded parking encumbrance agreement shall count towards the parking space requirement for the applicable use set forth in subsection B of this section.

F. Shared Parking. Separate properties in the C-1 zone district may share parking facilities with the approval of the town administrator. Requests for approval shall be submitted to the town administrator in a form provided by the town and shall contain the following:

1. A descriptive narrative;

2. A parking plan drawn to scale showing the location of the properties, the location and size of parking spaces, pedestrian access and other relevant information;
3. A calculation of the number of parking spaces required for each property pursuant to this section;
4. Proof of ownership or lease of the area to be used for parking;
5. Proof that there is a convenient pedestrian connection between the properties;
6. Proof that the properties are within five hundred (500) feet of each other;
7. A draft of a long-term shared parking agreement which names the town as a third-party beneficiary with the right but not the obligation to ensure compliance with the agreement; and
8. An application fee.

G. Compact Vehicle Parking Spaces. Up to twenty-five (25) percent of the required parking spaces in the C-1 zone district may be designed for compact vehicles. Perpendicular compact vehicle parking spaces shall be a minimum of seven and a half feet wide by fifteen (15) feet deep and shall have signage indicating that they are reserved for compact vehicles only.

H. Exemption. A special exemption to the parking requirements set forth in this section may be granted by the board of adjustment where it is demonstrated that the demand for parking for a particular use is less than the minimum parking required for that use.

I. Cash in Lieu of Parking. Upon a recommendation by the planning and zoning commission and at the sole discretion of the town council, up to fifty (50) percent of the parking requirement for residential use in the C-1 zone district may be satisfied by a payment of cash in lieu of parking to be utilized by the town solely for acquisition of public parking spaces within the C-1 zone district. The amount of the cash in lieu fee shall be determined annually by the town council upon a recommendation of the planning and zoning commission and shall be based upon an objective analysis of the cost of providing public parking spaces in the C-1 zone district.

4. Section 17.36.080E of the Town Code is repealed and replaced as follows:

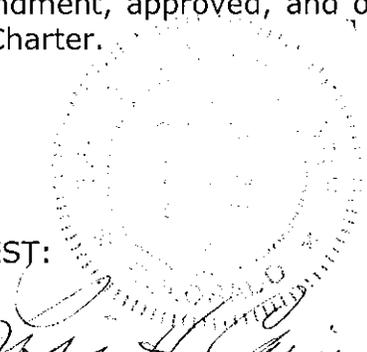
E. Parking shall follow the requirements of 17.76.120 "Requirements and standards for off-street parking in the C-1 zone district".

5. This Ordinance shall expire 24 months from the effective date, unless re-enacted by Town Council.

INTRODUCED on March 16, 2010, 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 April 20, 2010, read by title and number, passed without amendment, approved, and ordered published by title and number as required by the Charter.

ATTEST:




Lisa H. Cain, Town Clerk

TOWN OF NEW CASTLE, COLORADO

By: 
Frank Breslin, Mayor

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE 2012-1**

**AN ORDINANCE OF THE TOWN OF NEW CASTLE, COLORADO,
EXTENDING THE EXPIRATION OF THE REQUIREMENTS FOR OFF-
STREET PARKING IN THE C-1 ZONE DISTRICT FOR ONE YEAR**

WHEREAS, the Town of New Castle adopted Ordinance 2004-10 to add a section to Title 17 of the New Castle Municipal Code addressing off-street parking requirements and standards in the Town's C-1 zone district; and

WHEREAS, the Town adopted Ordinance 2005-19 to clarify Ordinance 2004-10; and

WHEREAS, by its terms, Ordinance 2004-10, as clarified by Ordinance 2005-19, was in effect until August 1, 2007, at which time the provisions of the C-1 zone district text as existing on July 1, 2004 were deemed reenacted; and

WHEREAS, prior to the adoption of Ordinances 2004-10 and 2005-19, the Municipal Code did not expressly address off-street parking within the C-1 zone district, except to state that the district "may be exempt from" the off-street parking provisions of the Municipal Code; and

WHEREAS, the Town seeks to encourage development in the C-1 zone district while ensuring that there is adequate off-street parking in the C-1 zone district; and

WHEREAS, Section 17.92.010 of the Town Code provides that the Town Council may, from time to time, on its own motion, amend, supplement, or repeal the regulations and provisions of Title 17 of the Town Code; and

WHEREAS, pursuant to Chapter 17.92 of the Municipal Code the Planning and Zoning Commission held a public hearing on February 24, 2010, and after considering testimony from the staff and public unanimously approved Resolution PZ-2010- 1 recommending that the Town Council adopt Ordinance 2010-4; and

WHEREAS, after holding two readings at public meetings the Town Council adopted Ordinance 2010-4 on April 20, 2010; and

WHEREAS, by its terms, Ordinance 2010- 4 expires twenty-four (24) months from its effective date, or on approximately May 15, 2012; and

WHEREAS, the Town Council finds and determines that the extension of the off-street parking regulations for the C-1 zone district codified in Ordinance 2010-4 is in the best interests of the Town.

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

1. Recitals. The Town Council incorporates the foregoing recitals as findings of the Town Council.

2. Extension. Section 5 of Ordinance number 2010-4 is hereby amended to extend the expiration date an additional twelve (12) months to May 31, 2013. All other terms and conditions of that ordinance remain in full force and effect.

3. Additional Extensions. Should the need arise, Council may approve further extensions of the expiration deadline by Resolution in lieu of Ordinance.

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

INTRODUCED on May 1, 2012, 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 with in 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 May 15, 2012, 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
Frank Breslin, Mayor

ATTEST:

Melody Harrison
Melody Harrison, Town Clerk



Memo

To: Tom Baker
From: Tim Cain
Date: March 13, 2013
Re: Residential/Commercial Cash in Lieu of Off Street Parking

Background: In 2004 and 2005 Steve Rippy and Davis Farrar assisted the Planning and Zoning Commission (P&Z) by conducting an extensive study of downtown parking. Based on land acquisition and construction costs, their analysis concluded that the value of each downtown parking space was estimated to be \$8,900. On June 22, 2005 P&Z recommended to council that, as an option for providing off street parking in the C-1 Zone District, prospective new home builders pay cash in lieu of \$9,000 per parking space for a new residential dwelling unit. Currently only one and one-half off street parking spaces are required.

Council agreed with P&Z and passed TC Resolution 2005-7 on July 19, 2005. The resolution states in part, "At the sole discretion of the Town Council, up to fifty percent (50%) of the parking for **residential use** in the Central Business District may be satisfied by a payment of cash-in-lieu of parking to be utilized by the Town solely for acquisition of public spaces within the Central Business District. On May 19, 2009 Town Council reaffirmed its position and adopted TC-2009-13.

After passing Ordinance 2012-1, which extended the off street parking moratorium in the C-1 Zone District for one year, council discussed that there was a need to address a fee in lieu for commercial off street parking.

Discussion: TC-2005-7 does not apply to other types of uses such as **Commercial Residential** (hotels, motels, club or lodge), **Institutions** (nursing home, rest home for the aged, hospital), **Places of Public Assembly** (churches, library, schools), **Commercial** (retail store, service and repair shop, offices other than medical or dental, eating and drinking establishments, mortuaries) **Commercial Amusements** (dance halls, skating rinks) and **Industrial** (storage warehouse). Currently, **Institutions**, **Commercial Amusements** and **Industrial** are neither permitted nor conditional uses and are not allowed in the C-1 Zone District.

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Re: C-1 Off-Street Parking Sunset Provision
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Among other issues corresponding council wishes to address, the two issues here are: does council desire to establish cash in lieu for commercial uses in the C-1 Zone District and if so, what is the desired amount of money?

Recommendation: Based on council discussion, staff seeks direction on how to proceed. One suggestion is for staff to draft a resolution to set a fee for commercial off street parking in the C-1 Zone district. However, this will only apply if council amends by resolution the extension of Ordinance 2012-1 whereby, presently, no commercial off street parking is required for new commercial development.

TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. TC-2005-7

A RESOLUTION OF THE TOWN OF NEW CASTLE, COLORADO,
ESTABLISHING A FEE FOR CASH IN LIEU OF PARKING.

WHEREAS, on July 6, 2004, the New Castle Town Council approved Ordinance 2004-10, adding Section 17.76.120 New Castle Municipal Code ("Town Code") addressing off-street parking requirements and standards in the Town's Central Business District; and

WHEREAS, the Town seeks to encourage development in the Central Business District while ensuring the District supports adequate off-street parking; and

WHEREAS, Section 17.76.120(I) establishes a cash in lieu of parking option whereby, upon recommendation by the Planning and Zoning Commission and at the sole discretion of the Town Council, up to fifty percent (50%) of the parking required for residential use in the Central Business District may be satisfied by a payment of cash in lieu of parking to be utilized by the Town solely for acquisition of public spaces within the Central Business District; and

WHEREAS, the aforementioned Section further provides that the amount of the cash in lieu fee shall be determined annually by the Town Council upon a recommendation of the Planning and Zoning Commission and shall be based upon an objective analysis of the costs of providing public parking spaces in the Central Business District; and

WHEREAS, Town staff has calculated, and the Planning and Zoning Commission has recommended that the Town Council approve, a cash in lieu fee in the amount of \$9,000.00 based on land acquisition and construction costs within the Town of New Castle; and

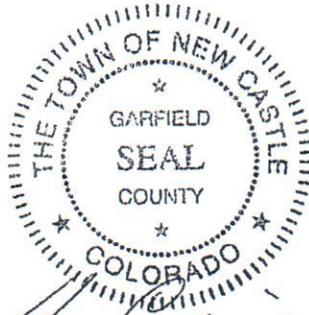
WHEREAS, the Town Council has reviewed the fee calculations and finds and determined that it is in the best interests of the Town to adopt the proposed figure as the cash in lieu requirement.

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

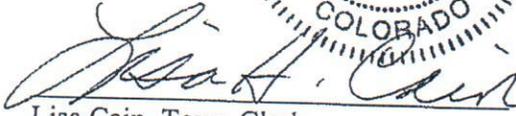
1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.
2. Approval. The Town Council hereby approves \$9,000.00 as the fee for cash in lieu of parking provided for in Section 17.76.120(I) of the Town Code.

THIS RESOLUTION was adopted by the Town of New Castle, Colorado by a vote of 5 to 0 on the 19th day of July, 2005.

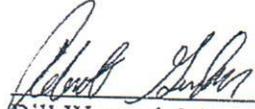
TOWN OF NEW CASTLE, COLORADO



ATTEST:


Lisa Cain, Town Clerk

By:


Bill Wentzel, Mayor

