

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC-2015-3**

**AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
PORTIONS OF CHAPTERS 17.20, 17.36, AND 15.44 OF THE NEW CASTLE
MUNICIPAL CODE CONCERNING THE CERTIFICATE OF APPROVAL
PROCESS IN THE C-1 AND R-1 ZONE DISTRICTS.**

WHEREAS, Chapter 17.36 of the Town of New Castle (“Town”) municipal code (“Code”) sets forth the provisions and regulations relevant to the Town’s C-1 Commercial Zone District (“C-1”); and

WHEREAS, Chapter 17.20 of the Code sets forth the provisions and regulations relevant to the Town’s R-1 Residential Zone District (“R-1”); and

WHEREAS, the goals for C-1 and R-1 are to promote the historical characteristics of the structures therein; and

WHEREAS, several structures located in C-1 and R-1 have been designated by the Town’s Historic Preservation Commission (“HPC”) as historic sites or landmarks; and

WHEREAS, Chapter 15.44 of the Code governs HPC and designated historic sites, landmarks, and districts; and

WHEREAS, HPC has not designated the entirety of the C-1 or R-1 zones as a historic district; and

WHEREAS, Chapters 17.20, 17.36, and 15.44 contain provisions regarding certificates of approval for proposed work to be done to structures that does not require a building permit; and

WHEREAS, the provisions of Chapters 17.20, 17.36 and 15.44 impose differing requirements on those structures that are both (1) located in C-1 or R-1 and (2) designated by HPC as historic sites or landmarks, which could lead to confusion for Town staff and property owners; and

WHEREAS, pursuant to section 17.92.030(B) of the New Castle Municipal Code the Planning Commission (“Commission”) held a public hearing on August 12, 2015, to consider a proposed amendment of the text of Chapters 17.20, 17.36, and 15.44 to resolve the confusion; and

WHEREAS, as set forth in Resolution PZ No. 2015-1, the Commission recommended approval of the proposed text amendment; and

WHEREAS, the Town Council desires to amend Chapters 17.20, 17.36 and 15.44 to allow for more orderly administration and regulation of C-1 and R-1.

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

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

2. Amendment. The Town Council hereby approves the following amendments to the New Castle Municipal Code. Language added to the Code is underlined, while language removed from the Code is ~~stricken~~:

A. 17.20.160 is amended as follows:

17.20.160 - Optional zone district regulations—~~R-1-HC~~—Residential historic character.

~~Certain lots or properties may be identified by the town planning commission or by the town historic preservation commission as being subject to optional regulations to allow historic character buildings. Pursuant to Chapter 15.44 of the code, the Historic Preservation Commission may designate certain lots or properties as historic sites, landmarks, or districts (“Designated Property or Properties”). The town clerk shall maintain an official register of all properties so identified. Such properties~~ Designated Properties shall be subject to all regulations and requirements of the R-1 residential district except as expressly modified below in this section.

A. ~~Lots Subject to Designation.~~ The provisions of this section shall be limited to the areas of the historic town, which boundaries are described in Section 17.20.020, originally adopted by town Ordinance No. 261, 1983. ~~This section shall apply only to single-family detached residential and accessory buildings.~~

B. Modifications to Zone District Regulations for ~~Historic Character Buildings~~ Designated Properties.

1. Minimum lot dimensions are thirty-six (36) feet wide at the street front and one hundred (100) feet long (deep) from the street front.
2. Minimum side yard building setbacks combined are twelve (12) feet.
3. Minimum width of one side yard building setback is four feet.
4. Minimum separation between buildings on the lot and on any adjacent lots is ten (10) feet.

~~C. To obtain a district certificate of compliance for an historic character building, the applicant must obtain approval by the town planner of the design of the outside appearance and materials of the building(s), and of a detailed site development plan of the lot, which shall depict the subject building(s) as well as accessory buildings, landscaping, fencing, access, vehicle parking space(s), and buildings on adjacent lots.~~

Any person proposing to do any work as described in this section, unless said work is to be performed on a Designated Property, shall first obtain the required review and approvals as set forth in this section by obtaining a certificate of compliance with district historical characteristics from the town. The provisions of this section 17.20.170 shall not apply to any Designated Property; the provisions of Chapter 15.44 shall control with respect to such properties.

C. 17.36.110 is amended as follows:

Any person proposing to do any work as described in this section, unless said work is to be performed on a designated historic site, landmark or district, shall be required to obtain the required review and approvals as set forth in this section by obtaining a certificate of compliance with district historical characteristics from the town planner. The provisions of this section 17.36.110 shall not apply to real property designated by the Historic Preservation Committee as a historic site, landmark, or district that is located within the C-1 District; the provisions of Chapter 15.44 shall control with respect to such properties.

D. 15.44.310(B) is amended as follows:

6. The conformance of the proposed work to the general standards of the zoning district in which the historic site, landmark, or district is located; and

6.7. Such additional criteria, as established by the historic preservation commission, which it deems to be in the best interests of the town.

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

INTRODUCED on August 18, 2015, 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 September 1, 2015, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: _____

Bob Gordon
Bob Gordon, Mayor

ATTEST:

Melody Harrison
Melody Harrison, Town Clerk

