

**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE NO. 2015-5**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL APPROVING  
RIVERSIDE RV PARK, INC.'S FINAL PUD DEVELOPMENT PLAN  
APPLICATION AND AMENDING SECTION 17.124.010 OF THE NEW  
CASTLE MUNICIPAL CODE.

WHEREAS, on August 4, 2015, Riverside RV Park, Inc. (“Applicant”) submitted a preliminary PUD Development Plan application (“Preliminary Application”) for the property located at 7051 CR 335 in the Town of New Castle, and more fully described as Lot 1, Section 2, Township 6, Range 91, Riverside Subdivision, County of Garfield, State of Colorado (“Property”); and

WHEREAS, the Property is subject to that certain Annexation Agreement between Rippy RV Associates and the Town of New Castle (“Town”) recorded in the Office of the Garfield County Clerk and Recorder in Book 1139 at page 785 as Reception No. 548660; and

WHEREAS, on September 9, 2015, the Town Planning & Zoning Commission (“Commission”) held a public hearing to consider Applicant’s Preliminary Application and ultimately approved the same with conditions; and

WHEREAS, Applicant subsequently submitted its final PUD development plan application (“Final Plan”); and

WHEREAS, the Commission held a public hearing on October 14, 2015, to consider the Final Application and ultimately recommended approval of the Final Application subject to the conditions set forth in PZ Resolution No. 2015-3; and

WHEREAS, Applicant has represented to the Commission, Town Council, and Town staff that the purpose of the proposed use of the Property is to foster and promote tourism within and around the Town; and

WHEREAS, pursuant to Section 17.100.080 of the Town Code, the Town Council considered the Final Application at a duly-notice public meeting on November 3, 2015; and

WHEREAS, the Town Council has reviewed and considered the Final Application and the criteria set forth in Section 17.100.090 of the Town Code and hereby finds that:

1. The Application is generally compatible with adjacent land uses;
2. The Application is consistent with the comprehensive plan;
3. The Town has the capacity to serve the proposed use with water, sewer, fire and police protection;
4. Subject to the provisions of this Ordinance, the uses proposed within the PUD are uses permitted outright or by special review within the zoning district or districts contained within the PUD;

5. The number of dwelling units permitted by the underlying zoning districts is not exceeded by the PUD plan; and
6. The PUD utilizes the natural character of the land, includes compatible land uses, provides, as applicable, for fire and police protection, off-street parking, vehicular, pedestrian and bicycle circulation, outdoor recreation, is of overall compatible architectural design, achieves adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with the performance standards and meets all other provisions of the Town Municipal Code.

WHEREAS, based on the contents of the Final Application and the recommendations of Commission and Town Staff, the Town Council hereby approves the Final Application subject to the conditions 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 Town Council.

2. Zoning. Section 17.124.010 of the Town Code is hereby amended as follows with removed language ~~stricken~~ and added language in **bold** and underlined:

C. Existing Uses. ~~The existing service station, retail, office, laundry and related building and uses on the property shall be considered permitted uses.~~ **The RV Park approved by Ordinance No. 2015-5 shall be considered an existing use. If such use does not occur as provided in Ordinance No. 2015-5 or if such approved use is discontinued for a period of one year or longer, then any future RV Park that conforms to the conditions contained in and approved by Ordinance No. 2015-5 shall be considered a conditional use.**

3. Approval. The Town Council hereby approves the Application subject to the following conditions:

A. The Application shall consist of the list documents and materials prepared by the Town Clerk and attached hereto as **Exhibit A**;

B. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the Commission or Town Council and reflected in the minutes of such hearings shall be considered part of the Application and binding on the Applicant;

C. The Applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations;

D. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including, without limitation, all costs incurred by the Town's outside consultants such as legal and engineering costs;

E. Applicant shall enter into and comply with the terms of the PUD Development Agreement attached hereto as **Exhibit B**;

F. Prior to issuance of a building or grading permit, Applicant shall address, to Town staff's satisfaction, the conditions and concerns of the Town engineer and public works department set forth in **Exhibit C** incorporated by reference into this Ordinance;

G. Prior to issuance of a certificate of occupancy, Applicant will construct a 3-rail fence on the east property line of the Property of a length approved by Town staff;

H. All lighting on the Property shall be downward-facing and dark-sky compliant;

I. After one year of the Park's being fully operational, Town staff shall review and analyze the Park's metered water and sewer use to determine whether .1 EQR per RV space reflects the Park's actual utility use and adjust tap fees accordingly;

J. In satisfaction of the Town's water rights dedication requirement, Applicant shall pay a cash-in-lieu of dedication fee to the Town in the amount of \$6,000.00 per EQR, said fee to be reduced by 25% so long as Applicant uses raw water to irrigate the Property;

K. Applicant shall not operate the RV Park unless at least one camp host is available to occupy the RV Park;

L. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of conditions of approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the business license should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the Applicant or owner may present testimony or offer other evidence on its behalf.

M. Guests' stays on the Property shall be limited to not more than 29 days per reservation ("Maximum Term") and consecutive reservations of the Maximum Term are limited to three (3);

N. After the first Maximum Term reservation, a guest's second and third consecutive Maximum Term reservations must be approved by Park management;

O. Only Class A, B, and C motor homes and self-contained towables shall be permitted in the Park and the Park's Rules and Regulations shall be updated accordingly; and

P. Park guests shall not be permitted to leave their reserved spaces unoccupied for more than fourteen (14) consecutive days.

INTRODUCED on November 3, 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 subject to changes approved by the Council, 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 19, 2016, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

NEW CASTLE TOWN COUNCIL

By: \_\_\_\_\_  
Bob Gordon, Mayor

ATTEST:

\_\_\_\_\_  
Melody Harrison, Town Clerk