

**TOWN OF NEDERLAND, COLORADO**

**ORDINANCE NUMBER 784**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE NEDERLAND MUNICIPAL CODE, TO ELIMINATE BARRIERS TO MIXED USE DEVELOPMENT IN THE COMMERCIAL ZONING DISTRICTS, WHICH INCLUDES THE CENTRAL BUSINESS DISTRICT (CBD), NEIGHBORHOOD COMMERCIAL DISTRICT (NC), AND GENERAL COMMERCIAL DISTRICT (GC)**

**WHEREAS**, pursuant to C.R.S. § 31-23-301, the Board of Trustees (“Board”) of the Town of Nederland, Colorado (“Town”) possesses the authority to create regulations and restrictions concerning planning and zoning within the Town; and

**WHEREAS**, the Planning Commission has made certain recommendations to the Board of Trustees regarding amendments to Chapter 16, Zoning, of the Town of Nederland Municipal Code (“Code”), related to mixed use development in the Central Business District, Neighborhood Commercial District and General Commercial District; and

**WHEREAS**, the Board and the Planning Commission held a public joint work session on October 3, 2017, where they discussed a goal in the Town’s 2013 Comprehensive Plan, namely removal of barriers to mixed use in the commercial districts, which includes the Central Business District, Neighborhood Commercial District and General Commercial District; and

**WHEREAS**, after due and proper notice as required by C.R.S. §§ 31-23-304 and 305, the Planning Commission held a public hearing on February 28, 2018; and

**WHEREAS**, the Planning Commission has found that it is advantageous to the Town’s goals of economic development and planning to make certain changes regarding mixed use in the Central Business District, Neighborhood Commercial District and General Commercial District; and

**WHEREAS**, the Board of Trustees has conducted its own review of the issues, including the Planning Commission’s recommendations, and finds that it would further the health and welfare of the citizens of Nederland to make these recommended changes.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Nederland, Colorado, as follows:

**Section 1.** Section 16-6 of the Code, concerning Definitions, is hereby amended as follows:

*Mixed use* means a multi-use structure containing a mixture of commercial and/or office uses combined with residential uses. For a multi-level structure, **ALL OF the street level FRONTAGE, INCLUDING AT LEAST THIRTY PERCENT (30%) OF THE TOTAL SQUARE FOOTAGE OF THE STRUCTURE,** shall be used for commercial and/or office uses only. For a single-level structure in the CBD and GC zoning districts, at least thirty percent

(30%) of the total use shall be commercial and/or office uses, including all of the street **LEVEL** frontage.

**Section 2.** Section 16-32 of the Code, concerning Use Groups is hereby amended as follows:

**Sec. 16-32. Use Groups.**

(a) This Section provides for grouping of similar uses into use groups. In each zoning district, use groups permitted outright are designated "Y," use groups permitted by special review are designated "R" and use groups prohibited are designated "N."

(b) Any use that is not specifically permitted in this Section shall be deemed to be a prohibited use. If a question arises as to whether a specific use does or does not fall within the expressed use categories, application may be made to the Planning Commission for a determination as to whether a specific use is permitted. Any decision by the Planning Commission may be reviewed by the Board of Trustees within thirty (30) days of the decision of the Planning Commission.

(c) Use group table...

USE GROUPS	DISTRICTS						
	F	MR LDR MDR HDR	NC	CBD	GC	I	P <sup>7</sup>
<i>Residential Use Groups</i>							
Single-family dwelling units	Y	Y	Y	N <sup>2</sup>	N <sup>2</sup>	N <sup>2</sup>	Y <sup>8</sup>
<i>Mixed Uses<sup>6</sup></i>							
	N	N	R	R Y <sup>10</sup>	R Y <sup>10</sup>	R	N

"N" = use groups prohibited  
 "R" = use groups permitted by special review  
 "Y" = use groups permitted outright

Footnotes:

...<sup>2</sup> One dwelling unit shall be permitted per property (contiguous properties in single ownership shall constitute one property) so long as the residential use is clearly incidental to the principal use.

...<sup>6</sup> For a multi-level structure, all of the street frontage on the street level, including at least 30% of the use abutting the street, shall be used for commercial and/or office uses only. For a single level structure in the CBD and GC zoning districts, at least 30% of the total use shall be commercial and/or office uses, including all of the street frontage.

...<sup>10</sup> SEE SECTION 16-60 OF THIS CODE TO DETERMINE WHEN A SPECIAL REVIEW USE (SRU) APPLICATION MAY BE NECESSARY. IF AN SRU APPLICATION IS NECESSARY, ADEQUACY

OF WATER AND SEWER UTILITIES SHALL BE ADMINISTRATIVELY REVIEWED BY TOWN STAFF, AND APPLICANT SHALL FULLY COMPLY WITH CHAPTER 13 OF THIS CODE.

**Section 3.** Section 16-60 of this Code, concerning designation of additional special review uses, is hereby amended as follows:

**Sec. 16-60. Designation of additional special review uses.**

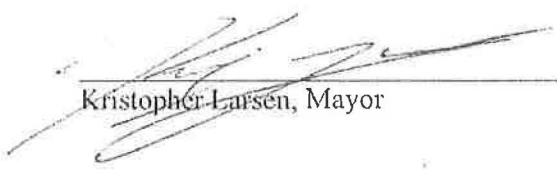
- (a) In addition to those areas designated as special review uses in Section 16-32, any commercial, industrial or public and quasi-public uses conducted in structures with a floor area of ten ~~EIGHT~~ thousand (10,000) (8,000) square feet or larger, OR ANY COMMERCIAL MIXED USE WITH OVER FOUR RESIDENTIAL UNITS, are hereby designated as special review uses.

**Section 4.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

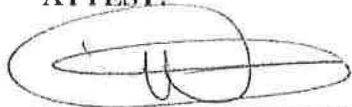
**Section 5.** Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

**INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS 1st DAY OF May, 2018.**


**TOWN OF NEDERLAND, COLORADO**

  
Kristopher Larsen, Mayor

**ATTEST:**

  
Nicole Cavalino, Town Clerk

**APPROVED AS TO FORM:**

  
For Carmen Bery, Town Attorney

