

Ordinance #722
Series 2016

An Ordinance Amending the Text of the Town of Mancos Land Use Code to Allow for Niche Manufacturing Over 2,000 Square Feet in the Commercial District with Approval of a Special Use Permit; And Declaring An Emergency Therefore

WHEREAS, Mancos Municipal Code authorizes the Town Board of Trustees to make amendments to the text of the Land Use Code of the Town of Mancos upon review by the Planning and Zoning Commission that are in the public interest; and

WHEREAS, an application has been received per the requirements of 16-18-110 of the Mancos Land Use Code for consideration of a text amendment to the Mancos Land Use Code to allow for niche manufacturing in the Commercial (downtown) district in locations over 2,000 square feet through approval of a special use permit; and

WHEREAS, niche manufacturing is currently permitted as a use by right in the Commercial district up to 2,000 square feet; and

WHEREAS, the proposed amendment permits niche manufacturing over 2,000 square feet in the Commercial district upon approval of a special use permit, which is the current procedure in the Highway Business District; and

WHEREAS, conditions may be placed on special use permits to include niche manufacturing to ensure compatibility with surrounding land uses in regard to noise, lighting, odors, hours of operation and other potential impacts; and

WHEREAS, proper public notice was given and public hearings were held in consideration of this request as set forth in Section 16-18-130 (d) and Section 16-18-140(d) of the Mancos Land Use Code; and

WHEREAS, the Town of Mancos Planning and Zoning Commission recommended approval of this zoning text amendment request after a public hearing at their regularly scheduled meeting on November 16, 2016; and

WHEREAS, the Town Board of Trustees has considered those items required for zoning amendments set forth in 16-1-40 Purpose and 16-18-160 of the Town of Mancos Land Use Code; and

WHEREAS, the Town has determined that this amendment would not be contrary to the public interest and furthers the goals of development in the downtown Commercial district per the Mancos Comprehensive Plan, and promotes compatible land use relationships; and

WHEREAS, this ordinance is required for the immediate preservation of public property, health, welfare, peace, safety, and the financial well-being of the Town; and

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mancos, Colorado, that the Town of Mancos Land Use Code shall be further amended as follows:

1. Sec. 16-4-430. Niche manufacturing, shall be amended as follows:

(a) Commercial and Highway Business District: The production or manufacturing of specialty items in conjunction with the retail or wholesale sales of the items at the same location. The production of these items shall have virtually no visual, audible or odoriferous impacts to the surrounding properties and the zone as a whole. The Town may impose development standards and safeguards as the conditions and location indicate the importance to the welfare and protection of adjacent property from items such as, but not limited to, noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions. There shall be a minimum of ten percent (10%) of the total floor space, or at least one hundred (100) square feet used, whichever is larger, for the retail or wholesale of the items, and it may be combined with offices. The hours of production or manufacturing are further limited from 7:00 a.m. to 7:00 p.m. There are no additional restrictions on the hours for retail sales operations. Niche manufacturing is a permitted use in the Commercial and Highway Business District only if there is less than or equal to two thousand (2,000) square feet of floor space used for the manufacture or production of the items at the sale. Niche manufacturing in the Commercial and Highway Business Districts is permissible only after obtaining a special use permit, in accordance with the procedures and standards of Section 16-20-80 of this Chapter, if there is greater than two thousand (2,000) square feet of floor space used for the manufacture or production of the items at the site. (Ord. 616 §2, 2009)

2. Sec. 16-9-20. Permitted Uses, subsection (6), shall be amended as follows:

(6) Niche manufacturing in the Commercial District where less than or equal to two thousand (2,000) square feet of floor space used for the manufacture or production of the items at the site.

3. Sec. 16-9-30. Special Uses shall be amended to include a new subsection (5), as follows:

(5) Niche manufacturing, over two thousand (2,000) square feet.

4. Table 16-1 Schedule of Use Regulations shall be amended with respect to its Niche Manufacturing use type in the Commercial (C) District, as follows:

<i>Use Type</i>	<i>Zoning Districts</i>							
	<i>AR</i>	<i>SFR</i>	<i>MR</i>	<i>MFR</i>	<i>C</i>	<i>HB</i>	<i>LI</i>	<i>P</i>
P = Permitted	S = Special Use Permit			T = Temporary Use				— = Not Permitted

Industrial, communications, transportation and automobile-related uses								
Niche manufacturing	—	—	—	—	S for greater than 2,000 s.f. P for less than or equal to 2,000 s.f.	S for greater than 2,000 s.f. P for less than or equal to 2,000 s.f.		

5. Reason for Emergency. The Board of Trustees of the Town of Mancos hereby finds, determines, and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of public property, health, welfare, peace, safety, and the financial well-being of the Town. The Board of Trustees further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Mancos.

6. Emergency declared. For the reason stated herein, the Board of Trustees for the Town of Mancos, Colorado hereby declares an emergency to exist concerning the subject matter of this Ordinance and its immediate effect is necessary in order to preserve public property, health, welfare, peace, safety, and the financial well-being of the Town.

7. Severance Clause. If an article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that anyone part or parts may be declared invalid or unconstitutional.

8. Immediate Effect. The Board of Trustees of the Town of Mancos finds and concludes that this Ordinance is necessary for the immediate preservation of the health, safety, and welfare of the citizens of the Town of Mancos to protect the citizens of the Town of Mancos and, therefore, this Ordinance shall be effective immediately upon its approval by the Board of Trustees.

9. Repeal. All other ordinances or parts of any ordinances or other Code provisions in conflict herewith are hereby repealed.

10. Effective Date. The within Emergency Ordinance shall take effect immediately upon adoption.

THIS ORDINANCE PASSED ON FIRST AND FINAL READING AFTER PUBLIC HEARING THIS 14th Day of December, 2016.

TOWN OF MANCOS, COLORADO

Ellen Queenie Barz
Ellen "Queenie" Barz, Mayor

ATTEST:

Heather Alvarez
Heather Alvarez, Town Clerk

PUBLISHED THE 23 DAY OF Dec, 2016 BY THE AUTHORITY OF THE TOWN CLERK OF MANCOS, COLORADO.

ATTEST:

Heather Alvarez
Heather Alvarez, Town Clerk