

**TOWN OF NEW CASTLE, COLORADO
RESOLUTION NO. PZ 2025- 5**

**A RESOLUTION OF THE NEW CASTLE PLANNING AND ZONING COMMISSION
RECOMMENDING THE AMENDMENT OF PROVISIONS OF TITLE 17 OF THE TOWN
MUNICIPAL CODE CONCERNING FOOD TRUCKS**

WHEREAS, pursuant to Chapter 17.08 of the New Castle Municipal Code (“Code”), the Town of New Castle (“Town”) has established a Planning & Zoning Commission (“Commission”); and

WHEREAS, pursuant to Section 17.92.030(B) of the Code, the Commission must consider and provide a recommendation regarding amendments to Title 17 of the Code; and

WHEREAS, Chapter 17.36 of the Code establishes the use, dimensional, and other zoning regulations for the C-1 commercial zone district; and

WHEREAS, “mobile vending carts or stands,” commonly known as food trucks, are among the listed conditional uses in the C-1 district; and

WHEREAS, interest in both temporary and semi-permanent “food trucks” within the Town has increased, and the Colorado General Assembly has enacted new legislation concerning food truck permitting; and

WHEREAS, the Code does not currently differentiate between food trucks that will be used on a temporary vs. semi-permanent basis, and Town Council has recommend that the Code be updated to clarify what permitting process applies to temporary vs. semi-permanent food trucks; and

WHEREAS, in accordance with Section 17.92.030(B) of the Code, the Commission held a public hearing on December 10, 2025, to consider whether the Code should be amended to address recent state law changes concerning food trucks and to clarify the land use procedures applicable to food trucks; and

WHEREAS, based on the testimony and evidence presented at the hearing, the Commission now desires to recommend that the Town Council approve certain amendments to Chapters 17.04 and 17.36 of the Code as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE PLANNING AND ZONING COMMISSION AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Commission.

2. Recommendation. The Commission recommends that the following sections of the Code be amended as set forth below, with added language in **bold** and *italics* and removed language ~~stricken~~:

17.04.050 – Definitions

“Mobile Food Establishment” means a retail food establishment that (a) is operated from a movable, motor-driven, or propelled vehicle, portable structure, or watercraft; (b) can change location; and (c) is intended to physically report to and operate from a commissary kitchen for servicing, restocking, and maintenance.

17.36.050 – Conditional Uses

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B.

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16. ~~Mobile vending carts or stands~~ ***Mobile Food Establishments that will remain on and operate from the same lot or parcel for more than fourteen (14) days in any three hundred sixty-five day period.***

D. Mobile Food Establishments that will operate from one or more locations for fourteen (14) days or less at any one time shall not be required to obtain a conditional use permit but must obtain a special event license as set forth in Section 5.04.050 for each operating event. Any Mobile Food Establishment, whether operating under a conditional use permit or special event permit, shall be subject to the requirements of C.R.S. §§ 29-11.6-101, et seq., and any Mobile Food Establishment guidelines adopted by the Town, as either may be in effect from time to time.

3. Effective Date. This Resolution shall be effective upon adoption.

THIS RESOLUTION PZ 2025-___ was adopted by the New Castle Planning and Zoning Commission by a vote of ___ to ___ this 10th day of December, 2025.

TOWN OF NEW CASTLE, COLORADO,
PLANNING & ZONING COMMISSION

By: _____
Chuck Apostolik, Chair

ATTEST:

Michelle Huster, Professional Assistant
To the Town Clerk