

TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2024-01

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING SECTIONS 17.04.050, 17.36.040, AND 13.20.060 OF THE TOWN MUNICIPAL CODE TO ADD MICROBREWERY AS A PERMITTED USE IN THE C-1 ZONE DISTRICT.

WHEREAS, Chapter 17.36 of the New Castle Municipal Code (the “Code”) establishes the use, dimensional, and other zoning regulations for the C-1 commercial zone district; and

WHEREAS, there is a growing interest to operate microbreweries in the Town; and

WHEREAS, microbreweries are not listed as permitted, conditional, or prohibited uses in Chapter 17.36; and

WHEREAS, based on the characteristics of the C-1 zone district, the nature of microbreweries, and how other Colorado municipalities define and regulate microbreweries, Town staff believes that microbreweries would be an appropriate permitted use in the C-1 zone district; and

WHEREAS, Town staff believes that allowing microbreweries in the Town will promote economic development; and

WHEREAS, in accordance with Section 17.92.030(B) of the Code, the Town of New Castle Planning Commission held a public hearing on January 10, 2024, that was continued to January 24, 2024, to consider whether Section 17.36.040 of the Code should be amended to include microbreweries as a permitted use in the C-1 district; and

WHEREAS, based on the testimony and evidence presented at the hearing, the Commission recommend that the New Castle Town Council amend Chapter 17.36 of the Code to add microbreweries as a permitted use in the C-1 district; and

WHEREAS, in addition to amending the Town zoning regulations to allow for microbreweries, it is necessary to update the Town’s table of equivalent units for water and sewer demand to specifically address microbreweries; and

WHEREAS, the microbrewery EQR designation is based on the following calculation: 8 gallons of water to produce 1 gallon of malt liquor x 31 gallons of malt liquor per barrel x 500 barrels of malt liquor = 124,000 gallons of water = 1 EQR per 500 barrels of produced product; and

WHEREAS, Town Council now desires to amend the Code accordingly as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

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

2. Title 17 Amendments. Sections 17.04.050 and 17.36.040 of the Code are hereby amended as set forth below, with added language in **bold** and underlined:

17.04.050 – Definitions

“Microbrewery” means a facility or establishment that (1) manufactures no more than one thousand (1,000) barrels per year of fermented malt beverages or malt liquors on its licensed premises and (2) has a public-facing commercial component such as, but not limited to, a restaurant or other food and beverage establishment. For purposes of this definition, “fermented malt beverage” and “malt liquors” have the meaning assigned to them in the Colorado Liquor Code, as amended from time to time, and a barrel shall equal 31 US gallons. A brew pub is included in this definition, provided that it meets the production limitation set forth herein.

17.36.040 – Permitted Uses

...

C. Personal service establishment, including:

...

9a. Microbrewery, subject to compliance with Town discharge codes and requirements as may be amended and in effect from time to time

3. Title 13 Amendment. The Table of Equivalent Units in Section 13.20.060(C)(2) of the Code is hereby amended to include the following at the end of the table, with added language in **bold** and underlined:

Classification	EQR
<u>13. Microbreweries: for each 500 barrels of production or fraction thereof¹</u>	<u>1.0</u>

¹ The Town may request periodic production reports following commencement of actual use to confirm usage does not exceed tap fees assessed

4. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

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

INTRODUCED on February 6, 2024, 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 February 20, 2024, read by title and number, passed with amendments from first reading, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO,
TOWN COUNCIL

By: _____
Art Riddile, Mayor

ATTEST:

Mindy Andis, Town Clerk