

**TOWN OF NEDERLAND, COLORADO**

**ORDINANCE NUMBER 869**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO, AMENDING SECTIONS 16-31 AND 16-32 OF CHAPTER 16 OF THE NEDERLAND MUNICIPAL CODE TO PROHIBIT MINING WITHIN THE TOWN**

**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**, historically mining has occurred in the Town, but there are currently no mining operations within the Town; and

**WHEREAS**, mining can cause significant environmental impacts such as land use change, water contamination, air pollution, and soil degradation; and

**WHEREAS**, these environmental impacts are a threat to the health and safety of the Town and its residents as the industrial zone district is located close to residential and business districts; and

**WHEREAS**, the Town desires to prohibit the use of mining within the entire Town; 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 November 20, 2024; and

**WHEREAS**, at the November 20, 2024, public hearing, the Planning Commission found that prohibiting mining in the Town will benefit the health and welfare of the community and recommended approval of the amendments to Chapter 16 to prohibit mining in the Town; and

**WHEREAS**, the Board of Trustees also held a public hearing on December 17, 2024 regarding consideration of this Ordinance.

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

**Section 1. Findings and Intent.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees of the Town of Nederland.

**Section 2. Amendment to Section 16-31 of Chapter 16 of the Nederland Municipal Code.** Section 16-31 of the Code, concerning District categories, is amended to read as follows with deletions showing as strike-throughs. There are no other amendments to Section 16-31.

**Sec. 16-31.- District categories.**

In order to implement the purposes and provisions of this Chapter, the Town hereby establishes the following zoning districts:

- (1) Mountain residential (MR). The mountain residential district is established to accommodate residential and related uses on one (1) acre or larger lots. While oriented toward steep mountain topography, it may be established anywhere in the Town to maintain a low density, mountain residential character while permitting economically feasible urban services.
- (2) Low density residential (LDR). The low density residential district is established to accommodate low density residential neighborhoods with lots at least sixteen thousand

(16,000) square feet in size. This district provides a combination of the large lot character of the MR district and the development economics of the MDR district.

- (3) Medium density residential (MDR). The medium density residential district is established to accommodate residential and related uses at suburban density requiring a minimum lot size of eight thousand (8,000) square feet. As is the case in the F, MR and LDR districts, the dominant form of housing to be permitted in the MDR district is single-family detached unless the appropriateness of other housing forms is demonstrated through an approved planned unit development plan.
- (4) High density residential (HDR). The high density residential district is established to accommodate residential and related uses at urban densities requiring a minimum lot size of four thousand (4,000) square feet. Again, single-family detached units are preferable in this district; however, multifamily units may be approved through the special review or planned unit development procedures of this Chapter.
- (5) Neighborhood commercial (NC). The neighborhood commercial district is established to accommodate residential and a limited range of commercial uses. Those commercial uses deemed to have significant incompatibility with existing or potential residential uses, or for which the use will cause a significant increase in traffic volume on secondary residential streets, shall not be permitted.
- (6) Central business district (CBD). The central business district is established to accommodate a limited range of commercial uses in an intensely developed core commercial area. To this end, front and side yard setbacks are not applicable in the CBD district; however, trash and fire access shall be provided in the rear yards.
- (7) General commercial (GC). The general commercial district is established to accommodate a wide range of commercial uses including many uses deemed inappropriate in the NC and CBD districts.
- (8) Industrial (I). The industrial district is established to accommodate light industrial uses, ~~mineral processing uses~~ and industrial uses of a commercial nature which for aesthetic and safety reasons are deemed inappropriate in the commercial districts ~~and mineral processing~~.
- (9) Public. Public areas in which public and semi-public facilities and uses are located, including, without limitation, governmental and educational uses.

**Section 3. Amendment to Section 16-32 of Chapter 16 of the Nederland Municipal Code.**

Section 16-32 of the Code, concerning Use groups, is amended to read as follows with the additions showing in underline and deletions showing as strike-throughs. There are no other amendments to Section 16-32.

**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						
	MR LDR MDR	HDR	NC	CBD	GC	I	P
<i>Industrial Use Groups</i>							
Commercial/industrial uses, including but not limited to building contractor's yards and transportation centers	N	N	N	N	R	R	N
Medical clinics	N	N	R	R	R	N	R
Small wind turbines	R	R	R	R	R	R	R
Small-scale solar energy systems	Y	Y	Y	Y	Y	Y	Y
Medium and large-scale solar energy systems	R	R	R	R	R	R	R
Warehousing and facilities for the manufacturing, fabrication, processing or assembly of products, provided that such facilities are completely enclosed; <del>processing of minerals and ores at a rate of 100 tons per day or less, provided that noisy and/or dusty stationary equipment is enclosed</del>	N	N	N	N	N	R	N
All other facilities for the manufacturing, fabrication, processing or assembly of products; <del>processing of minerals and ores at the rate of more than 100 tons per day</del>	N	N	N	N	N	R	N
<u>Mineral processing</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Salvage yards, impound lots, <u>and</u> saw mills <del>and mineral extraction</del>	N	N	N	N	R	R	N
Commercial/industrial uses, including but not limited to small warehouses; and storage facilities	N	N	N	N	N	Y	R
Research facilities	N	N	R	R	R	R	R

"N" = use groups prohibited

"R" = use groups permitted by special review

"Y" = use groups permitted outright

**Section 4. Minor Revision or Correction Authorized.** The Town Administrator, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, numerical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

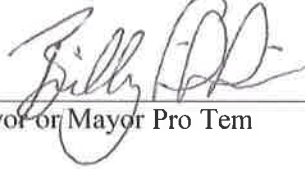
**Section 5. Severability.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

**Section 6. Repeal.** 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.

**Section 7. Effective Date.** After adoption by the Board of Trustees, this Ordinance shall take effect thirty days after the publication of the ordinance.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED THIS 17<sup>th</sup> DAY OF December 2024, BY A VOTE OF 6 IN FAVOR AND 0 AGAINST.

TOWN OF NEDERLAND, COLORADO

  
Mayor or Mayor Pro Tem

ATTEST:

  
Macy Caligaris, Town Clerk

APPROVED AS TO FORM:

  
Jennifer Madsen, Town Attorney

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Nederland at its meeting of December 17, 2024, and ordered published by title only by Mountain Ear newspaper on December 19, 2024.

  
Macy Caligaris, Town Clerk

