

ORDINANCE 6-2014

AN ORDINANCE RELATING TO LAND USE APPROVAL FOR TRANSITIONAL (TR) ZONING AND CONDITIONAL USE APPROVAL OF MIXED USE SINGLE FAMILY RESIDENCE AND LIGHT INDUSTRIAL FABRICATION FOR 3704 GARFIELD, TRACT A-20, WELLINGTON PLACE, TOWN OF WELLINGTON, COUNTY OF LARIMER, STATE OF COLORADO

WHEREAS, Mark & Becky Muth have requested approval of a final plan for the rezoning and conditional use approval of 3704 Garfield within the Town of Wellington; and

WHEREAS, the property is currently

WHEREAS, the Board of Trustees of the Town of Wellington has found the application to be in substantial compliance with the requirements of the Chapter 16 of the Wellington Municipal Code; and

WHEREAS, the notices have been given and the public hearings required by the Wellington Land Use Code have been held; and

WHEREAS, the Planning Commission by motion on March 17, 2014 recommended approval of the rezoning to Transitional (TR) and approval of the conditional use for light industrial fabrication with conditions.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO:

SECTION 1: 3704 Garfield, Trace A-20, Wellington Place, and more particularly described as Parcel 89331-29-047, Begging at the Northeast Corner of Tract 20, Wellington Place, Wellington, Thence West 63 Feet, Southwest 647 Feet, East 124.5 Feet, North 641 Feet to beginning is hereby zoned Transitional (TR).

SECTION 2: The Conditional Use as a Mixed Use single family residence and light industrial fabrication business is approved with the following conditions:

1) Screening of property

- Owner will install and maintain privacy fencing at the east property line (except fence may be moved from property line to avoid interference with existing drive used by adjacent property owner off Grant) from Grant to Harrison. The fence shall be 6' in height from Grant extending south 85' (the North Fence) and 6' in height from Garfield extending north 120' (the South Fence). The area of the fence between the North Fence and South Fence shall be eight feet in height unless residents request lower fencing in which case Owner may (but shall not be required to) reduce the height of the fence from eight feet (8') to six feet (6") in the area adjoining property owned by owners requesting the lower fence.
- Owner shall plant and maintain at least 6 trees with minimum mature height 15' along the east property line in the area between the North Fence

and the South Fence.

- Owner will install and maintain slating in the chain link fence on the west and north side of the property.
- Photometric area down lighting will be installed on the west side of the property for security purposes.

2) Employees. Owner shall not be allowed more than 6 employees working at the site in addition to the Owner and Owner's family members.

3) Uses allowed. In addition to Owner's residential use, the following uses will be permitted business/manufacturing uses on the site:

- Uses allowed in the transition zone.
- Electrical Contractor
- Electrical parts fabrication.
- Light metal fabrication including cutting and welding for the construction of
- Skids for pumping, piping systems, filtration and accessory systems
- Assembly and fabrication of pumping system, filtrations systems and digesters, including Control and accessory Systems.

Fabrication of new products beyond those stated above shall require further Town approval.

4) Hours of operation.

- Hours of public business to be limited to 6:00 am to 6:00 pm.
- All fabrication to be done within the shop building
- Garage doors and windows will closed during non-business hours.
- Doors and windows to the shop will be closed during any operation where noise, odors, dust etc. can reach neighboring properties.

5) Outdoor storage and parking:

Except as listed below, no outdoor business storage, equipment or refuse areas shall be allowed and allowed business storage shall be concealed from view from abutting rights-of-way and from adjoining residential districts (see screening above):

- With the exception of employee and customer visitor vehicles, vehicles on site shall be operable and shall consist of no more than 5 owner vehicles whether business or personal.
- Except for deliveries no more than 3 wheeled trailers (one not more than 40', one not more than 30' and one not more than 20' and enclosed) shall be allowed on site.
- Owner may maintain not more than 2 non-wheeled 8x8 Storage pods no more than 40' length on site, however in the event a new commercial use building is constructed on site the pods shall be removed and will not be allowed after issuance of a certificate of occupancy.
- Owner may store up to sixty (60) pieces of 20' piping onsite in outdoor areas (to be fenced in accordance with 1 above).

- Owner shall provide at least ten (10) on-site parking spaces for employees, customers and residents.
 - Owner shall insure that travel and parking areas of the property shall be surfaced with asphalt, concrete, compressed gravel or equivalent maintainable surfacing with erosion control.
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- 6) Traffic - Truck traffic will be routed to the best of owners ability so as to access and depart the property via 1st Street and will not be routed down Garfield, Harrison or Grant.
- 7) Use restrictions.
As amended Conditional Use Limitations on the Business shall include:
- No sandblasting, soda blasting, powder coating or paint booth shall be allowed on the Owner's property (except for a 4 x 4 enclosed filtered sandblasting unit). No outdoor sandblasting, soda blasting or painting will be allowed on the Property.
 - All manufacturing and similar uses shall be carried on entirely within a completely enclosed structure.
 - Dust, fumes, odors, smoke, vapors and noise shall be confined to the site and be controlled in accordance with the state air pollution laws.
 - All use shall comply with International Building Code (IBC) Use codes B (Business) or F (Factory) and not H (High Hazard)
 - No Storage of chemicals used in Digesters.
 - All required Material Safety Data Sheets (MSDS) to be available to the Town on request.

SECTION 3: The existing wheeled trailer(s) used for storage shall be removed from the site (except approved enclosed wheeled 20' storage trailer) no later than May 15, 2014.

SECTION 4: All existing buildings and uses as of the date of adoption of this approval shall be considered conforming uses on the owner's lot(s) on the owner's property. Owner may after obtaining approvals from the Town as to size and mass, construct one additional building on the site with dimensions not to be greater than 2,500 square feet. Any other building construction that would add size to any building, except the existing residential structure shall require Town approval.

Section 5: Repealer. The Board of Trustees hereby declares that should any section, paragraph, sentence, word or other portion of this Ordinance or the rules and regulations adopted herein be declared invalid for any reason, such invalidity shall not affect any other portion of this Ordinance or said rules and regulations, and the Board of Trustees hereby declares that it would have passed all other portions of this Ordinance and adopted all other portions of said rules and regulations, independent of the elimination here from of any such portion which may be declared invalid.

SECTION 6: Necessity. In the opinion of the Board of Trustees of the Town of Wellington, this ordinance is necessary for the preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Wellington.

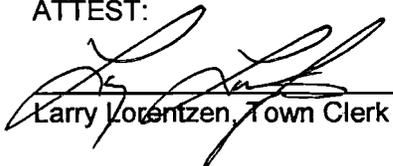
SECTION 5: Penalty. Any persons, firm or corporation violating this Ordinance or any provisions of applicable state law, is guilty of a violation of this ordinance and, upon conviction thereof, shall be punished by a fine of not more than ONE THOUSAND (\$1,000) DOLLARS, or by imprisonment for not more than ONE (1) YEAR, or both such fine and imprisonment. Each day during which such violation continues, shall be deemed a separate offense.

SECTION 7: Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours. Furthermore, the Mayor's signature shall be affixed to the plat and attested by the Town Clerk.

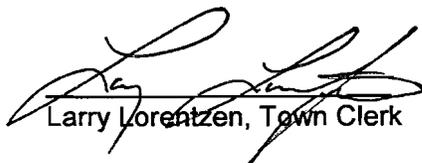
PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON AND ORDERED TO BECOME PUBLISHED THIS 25TH DAY OF MARCH, 2014, AND ORDERED TO BECOME EFFECTIVE 30 DAYS FROM THE DATE OF PUBLICATION.


Travis Vieira, Mayor

ATTEST:


Larry Lorentzen, Town Clerk

PUBLISHED BY TITLE THE 31st DAY OF March, 2014, IN "THE COLORADOAN".


Larry Lorentzen, Town Clerk