



# Carbondale Planning and Zoning Commission Meeting Regular Meeting

December 14, 2023, at 7:00 p.m.

Room 1 at Town Hall and Virtually

Please click the link below to join the webinar:

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**1. Call to Order**

**2. Roll Call**

**3. 7:00 P.M. - 7:05 P.M.: Consent Agenda**

Planning and Zoning Commission October 10, 2023, meeting minutes.

[10 12 2023 Planning & Zoning Commission Minutes Draft.pdf](#)

Planning & Zoning Commission November 9, 2023, meeting minutes.

[11 9 2023 Draft Minutes.pdf](#)

3 - 11

**4. 7:05 P.M. - 7:10 P.M.: Public Comment for Persons Not on the Agenda**

**5. 7:10 P.M. - 8:15 P.M.: Action Items**

5.1 7:10 P.M. - 7:45 P.M.: Impervious Lot Coverage Code Text

12 - 59

## Amendment

[2023 1214 Lot Coverage Public Hearing.pdf](#) 

[2023 1109 Attachment A - Impervious Lot Coverage Code Sections.pdf](#)  


[2023 1109 Attachment B - Draft UDC Regulations.pdf](#) 

[2023 1109 Attachment C - Meeting Minutes.pdf](#) 

[2023 1109 Attachment D - Staff Memos.pdf](#) 

- |     |  |         |
|-----|--|---------|
| 5.2 | 7:45 P.M. - 8:00 P.M.: CLG Grant Letter of Support<br><a href="#">CHPC Letter of Support for OTR DG.pdf</a> <br><a href="#">CLG Grant Letter of Support - PZC 121423.pdf</a>                              | 60 - 61 |
| 5.3 | 8:00 P.M. - 8:15 P.M.: 2024 Planning and Zoning Commission<br>Schedule<br><a href="#">PZC 2024 Meeting Calendar memo 12 14 2023.pdf</a>  <a href="#">P&amp;Z 2024<br/>CALENDAR draft 10 9 2023.docx</a>  | 62 - 65 |

Review and Approve

### **6. 8:15 P.M. - 8:25 P.M.: Staff Update**

### **7. 8:25 P.M. - 8:30 P.M.: Commissioner Comments**

### **8. 8:30 P.M.: Adjournment**

Upcoming P & Z Meetings:

12/28/2023: TBD

1/11/2024: 111 Main Annexation

ATTENTION: All meetings are conducted in person and virtually via Zoom. If you wish to comment concerning an agenda item, please email [kmcdonald@carbondaleco.net](mailto:kmcdonald@carbondaleco.net) by 4:00 p.m. the day of the meeting.



**Minutes**  
**Planning & Zoning Commission**  
**Carbondale Town Hall and Via Zoom**  
**Thursday, October 12, 2023**

**Commissioners Present:**

Jay Engstrom	Chair
Jeff Davlyn	Member
Jarrett Mork	Member
Jess Robison	Alternate
Cindy Suplizio	Alternate

**Commissioners Absent:**

Nicholas DiFrank	Vice-Chair
Nick Miscione	Member
Kim Magee	Member
Kade Gianinetti	Member

**Town Staff Present:**

Jared Barnes	Planning Director
Kae McDonald	Planning Technician

**Guest and Attendees:**

Doug Pratte	The LandStudio Inc.
Julie Pratte	The LandStudio Inc.
Will Coffield	Alder Real Estate
Tony Spires	ANB Bank
Kyle Sanderson	Sopris Engineering, LLC
Roman Gershkovich	Open Studio Architecture

## 1. Call to Order

Jay called the October 12, 2023, meeting of the Carbondale Planning & Zoning Commission to order at 7:01 pm.

## 2. Roll Call

## 3. Consent Agenda

### 3.1 Planning and Zoning Commission September 14, 2023, Meeting Minutes

Move to approve the September 14, 2023, Planning and Zoning Commission meeting minutes.

*Moved by:* Jess Robison

*Seconded by:* Cindy Suplizio

**Aye** Jeff Davlyn, Jarrett Mork, Jess Robison, and Cindy Suplizio

**Abstain** Jay Engstrom

**Carried**

## 4. Public Comment for Persons Not on the Agenda

There was no one present, not on the agenda, to address the Commission.

## 5. Action Items

### 5.1 ANB Mixed-Use Project - Play Area Revision

Jared reminded the Commission that at the September 14<sup>th</sup> meeting, the Planning and Zoning Commission recommended approval of the ANB Bank combined application for a Rezoning, Major Site Plan Review, Alternative Compliance, and Conditional Use Permit with additional Condition #14 being added to the recommended motion:

“Because the Planning and Zoning Commission has expressed concerns about the safety and appropriateness of the dog park and play area, those plans shall be reviewed and approved by said Commission.”

Jared noted that the applicants redesigned the children’s play area, art area, and pet area while continuing to meet all the area requirements. He added that staff believes the revised plan has addressed the concerns of the Commission while still complying with the UDC and a motion for approval is included in the staff memo.

#### Questions for Staff

Jay asked whether the discussion should remain centered on the play area. He also asked if the public hearing was closed.

Jared answered in the affirmative on both questions.

#### Applicant Presentation

Doug reminded the commission members that the original design of the play area was located next to the dog area and the commission members expressed concern over potential safety issues.

Julie added that the Commission had also asked for more of a commitment than just designating it “play area.”

Doug preferred to refer to the redesigned plan as a “pocket park” and listed the improvements made to the plan:

- The pieces of play equipment are sculptural elements with warranted materials and fall-zone specifications included in the design.
- Because of the fall-zone requirements, the area is now more than double the required 400 sq ft.
- The art area remains as originally designed.
- Rather than an enclosed dog park, pet owners are encouraged to walk their leashed dogs along the landscaped bike path and a waste station will be provided in the area.
- There is an updated planting plan surrounding the pocket park.
- If approved, the overall landscape plan will be updated prior to the Board of Trustees meeting.

#### Questions for Applicant

Jarrett asked if the play sculptures were meant for climbing and what material the sculptures were made of.

Julie replied that ID Sculpture is a playground manufacturer and there are examples of their play sculptures at Ross Montessori and are ready to be installed at the Marketplace. She stated that the sculpture might be used for bouldering, but it is meant to be more passive. She thought it was a better alternative to swings and slides that might not see a lot of use.

Doug added that the sculptures are some kind of cast material, and they are meant to be climbed on.

Jarrett asked about the added vegetation surrounding the play area.

Julie replied that since there wasn't enough room for a third sculpture because of the fall zone, they wanted to create a nice garden feeling for adults that are watching their kids play and make the area a place for all ages.

Doug added that they also wanted to create some separation from Highway 133.

Jarrett asked if there was lighting designated for the area to increase the feeling of safety away from the parking lot.

Doug noted that the lighting plan included in the application focused primarily on the parking lot. He pointed out that the play area is meant for use from dawn to dusk and they didn't want to add lights that might attract nighttime activity.

Cindy commented that she liked the play sculptures.

Jay agreed that the new design was a better use of space. He wondered about the redlined seed mix on the landscape plan.

Julie explained that when they presented the landscape plan to the Tree Board, they were informed that that strip must be a CDOT-specified seed mix.

Jay asked if there would be a transition to a shorter grass at the property line, adding that he wasn't opposed to the CDOT mix extending onto the property. He thought that would be a better transition over a more manicured look.

Will thought that if a shorter low-water mix is available, it would be a pleasant area for people to walk their dogs.

Jay asked if there were evergreens on the planting list. Julie replied that there are two tannenbaums that will grow up to six feet tall that will be planted along the east side of the play area. She noted that there are other evergreens planted elsewhere on the property, as well.

Motion to approve the revised play area and pocket park plan to address condition #14 of the Planning & Zoning recommendation to the Board of Trustees for the ANB Bank Mixed-Use Project.

*Moved by:* Jarrett Mork

*Seconded by:* Jess Robison

**Aye** Jeff Davlyn, Jay Engstrom, Jarrett Mork, Jess Robison, and Cindy Suplizio

**Carried 5-0**

## 5.2 Impervious Lot Coverage CTA Public Hearing

Jared reminded the commission members that at the August 24<sup>th</sup> public hearing, options for impervious lot coverage code text amendments were discussed in earnest with some divergent thinking – specifically simplicity versus more regulations – but the overarching theme seemed to be that the commission members don't want anything as involved as Aspen's regulations but rather something that is easier to implement. Jared acknowledged that a key takeaway was the roof overhangs should not be counted towards impervious lot cover unless it is a noticeably significant overhang. Jared described each of the three options, noting significant changes including:

- 1) Impervious lot coverage will be measured from the outside walls.
- 2) There is an edited Subsection E.
- 3) Option 2 adds clarity to the deck/patio exemption.
- 4) In addition to the clarified deck/patio exemption, Option 3 adds clarity to pervious paver exemption.

Jared pointed out that if the Commission feels strongly about one of the three options, they could take action to move it forward, but if they prefer to continue to work on the language, they can continue the noticed public hearing to a later meeting.

### Questions for Staff

Jarrett asked if the numbered options represent the Staff's preferred hierarchy.

Jared replied that it is for the Commission to determine, and Staff is comfortable implementing any of the actions, adding that they all provide more clarity compared to the current regulations. He pointed out that while the options progress from the most simplistic to the most complex, they will have the inverse effect upon what can be built on a lot today because it will limit allowed exemptions.

### Public Comments

Jay opened the meeting up to public comment.

There was no one from the public to comment, so the public comment was closed.

### Commission Discussion

Jess stated she preferred Option 1 or Option 2.

Cindy stated that while she liked Option 3, she thought the minimum void space of 20% could be interpreted in a variety of ways. She added that she liked Option 2 the most.

Jarrett stated that he liked Option 2 or Option 3 and appreciated limiting the driveway. He thought Option 3 was strict, but liked the clarifications, but thought there might be potential added cost.

Jeff appreciated the work on Option 3.

Jay thought Options 1 and 2 were so simple they might lead to more questions. He thought clarifying what is pervious versus impervious would be valuable for Option 3 and suggested creating a table to illustrate the distinctions. He stated that he preferred Option 3 because of the added explanations. Jay agreed with Cindy that the 20% void space could be interpreted several ways and didn't think that percentage needed to be mentioned.

Jared clarified that the percentage was intended to describe the space between pavers.

Jay asked for clarification on the Option 3 exemption – the 10% is an increase over the stated impervious lot coverage.

Jared replied that that is the tricky way the exemptions work, so the true lot coverage would net out once the two allowances were leveraged.

Jay wanted to push for this because to add an ADU, parking still needs to be considered, and this exemption would allow an ADU to park its obligation. He was comfortable not having the exemption if there was some added verbiage about adding impervious area if it is for an ADU.

Jarrett pointed out that in Aspen if you have a duplex, there is more garage space allowed and asked if that was Jay's intent with allowing added impervious lot coverage for an ADU. He suggested adding definitions or clarifications to provide a clearer understanding of what people can do.

Jeff thought including descriptive language would be helpful. He asked for clarification regarding when the 10% exemption would be applied, noting his presumption was that the exemption would only apply if property owners met their impervious lot coverage ratio regardless of driveway materials.

Jared answered in the affirmative, noting that as it is currently implemented is that every driveway is impervious regardless of surfacing and then, if needed, request the 10% exemption and a portion could be considered pervious if it meets the criteria of Subsection G. He explained that the intent is to prevent property owners from building massive driveways using pervious pavers. He added that recent experience is that buildings are being designed to max out the impervious lot coverage, leaving landscape architects to figure out how to meet their requirements, as well.

Jeff asked if any changes will be made to Table 3.7.2.

Jared didn't think any changes needed to be made to that table. He thought it might be worthwhile if considering Option 1 or 2.

Jay noted that there are two disparate situations – smaller lots in the downtown area versus more expansive lots in River Valley Ranch.

Jared thought one option might be to only allow a driveway exemption in specific zone districts or lot size.

Jess wondered if there was a way to include an increase in impervious lot coverage for ADUs while still controlling other variables.

Jared thought one potential threat might be property owners pursuing the ADU allowance for the lot coverage allowance and then abandoning it or having a subsequent owner abandon the ADU, thereby granting them a larger driveway and parking area for personal use. He noted that further clarification could be worked out when ADU code text amendments are being discussed.

Jarrett asked if ADUs had separate addresses.

Jared replied that ADUs can't be legally separated, and Garfield County's addressing preferences have been to assign them as "Unit A" or "Unit 1." Jared noted that ADU regulations will be discussed at an upcoming meeting for code text amendments and that would be a good time to consider these issues, as well.

Jeff asked if the driveway exemptions are being applied to lots that are greater than 10,000 sq ft.

Jared replied that while the majority have been on larger lots that are assigned a lower ratio, there are recent examples in the greater downtown area that have impervious surfaces building up over time.

Jeff wondered if a column could be added to Table 3.7.2 that could be used for infill purposes.

Jared replied that if it is tied specifically to ADUs it would align with the Board of Trustees efforts in encouraging ADUs and part of that conversation is the appropriate number of parking spaces. He didn't think it would be effective to see it applied to lot size because lots with similar characteristics in similar subdivisions might be just outside that ratio, but where an ADU is very appropriate. He cautioned that the usefulness might be limited in Planned Unit Developments where ADUs are restricted.

Jess stated if the allowance is intended to encourage ADUs, it should be linked to ADUs.

Jay thought the commission members were leaning toward Option 2 with a supplemental allowance to encourage ADUs.

Jess asked if, ADUs aside, they could consider Option 2 now and then add an exception specific to ADUs.

Jared was comfortable stating it either way and that the driveway "bonus" could be cross-referenced between the impervious lot coverage and ADU sections. He was also comfortable figuring out an appropriate number when discussing ADUs. He thought most of the commission members thought the 10% exemption was reasonable if it was for ADU. He was willing to update old Subsection F to state how best to tie that to an ADU. He asked if the commission members would still like standards applied or not require the use of pervious pavers to be awarded the exemption.

Jess thought it was unnecessary to require pervious pavers for ADU parking because the driveway is part of the bonus and will add to the overall construction costs.

Jay agreed, noting that pervious paver systems are expensive and difficult to integrate into a regular driveway. He thought it best to simplify it and help lower those costs. He suggested Option 2 except with language added regarding ADUs.

Jess suggested a 10% bonus specifically for parking.

Jared suggested adding sidewalks and any other needed access points from the driveway to the ADU to the bonus.

Jay commented he preferred hard numbers instead of a percentage, especially on smaller lots.

Jared suggested tying it to the number of required ADU parking spaces. He summarized the discussion, noting that he would focus on Option 2, review Table 3.7.2, and add cross references with ADU exemptions tied to square footage instead of a lot percentage.

Move to continue the public hearing to November 9, 2023, for Amendments to the Unified Development Code related to Impervious Lot Coverage and Section 3.8.5.

*Moved by:* Jess Robison

*Seconded by:* Jeff Davlyn

**Carried**

**6. 8:45 PM - 8:55 PM: Staff Update**

Jared reminded the commission members that there would be a joint BOT and P & Z work session upcoming on Tuesday, October 17<sup>th</sup> with the agenda focusing on child care regulations beginning at 6:00 pm and an Artspace discussion from 6:30 to 7:30 pm.

Jared noted that there isn't currently anything scheduled for the Thursday, October 26<sup>th</sup> meeting, but he would communicate if something needed to be considered or the meeting is cancelled. He added that the Impervious Lot Coverage Public Hearing will continue at the November 9<sup>th</sup> meeting along with a review of the proposed 2024 meeting schedule.

Jared announced that Jeff was reappointed as a regular member of the Commission. He related that the BOT was complimentary of the other two applicants and encouraged them to apply for other boards or commissions.

**7. 8:55 PM - 9:00 PM: Commissioner Comments**

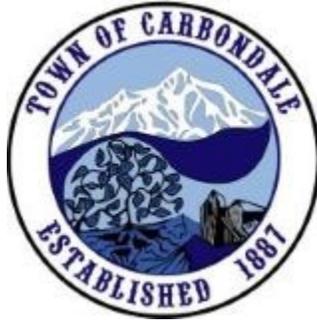
There were no Commissioner comments.

**8. 9:00 PM: Adjournment**

Motion to adjourn the October 12, 2023, Planning and Zoning Commission meeting.

*Moved by:* Jess Robison

*Seconded by:* Jarrett Mork



## Minutes

### Carbondale Planning & Zoning Commission Meeting

Room 1 at Town Hall and Virtual

Thursday, November 9, 2023

#### Commissioners Present:

Jay Engstrom	Chair
Jeff Davlyn	Member
Jess Robison	Alternate
Cindy Suplizio	Alternate

#### Commissioners Absent:

Nicholas DiFrank	Vice-Chair
Nick Miscione	Member
Kim Magee	Member
Jarrett Mork	Member
Kade Gianinetti	Member

#### Town Staff Present:

Jared Barnes	Planning Director
Kae McDonald	Planning Technician

#### 1. Call to Order

#### 2. Roll Call

#### 3. Consent Agenda

##### 3.1 Planning and Zoning Commission October 12, 2023, Meeting Minutes

Review and approval of the October 12, 2023, meeting minutes was deferred to the upcoming December 14, 2023, meeting.

#### **4. Public Comment for Persons Not on the Agenda**

There was no one present, not on the agenda, to address the Commission.

#### **5. Action Items**

Jay explained that due to unforeseen circumstances, the agenda will be minimized, and discussion of the 2024 Planning & Zoning Commission meeting schedule will be deferred to the December 14, 2023, meeting. He explained that the Impervious Lot Coverage public hearing will need to be opened to allow for a motion to continue it to the December 14, 2023, meeting.

Jared added that the same information for the public hearing will be provided in the December 14<sup>th</sup> meeting packet.

Jay opened the public hearing regarding the Impervious Lot Coverage Code Text Amendments.

Jeff moved to continue the public hearing to the December 14, 2023, meeting for amendments to the Unified Development Code related to Impervious Lot Coverage and Sections 3.7.2, 3.8.5, and 5.8.2. Cindy seconded the motion, and it was unanimously approved.

Aye: Jay, Jeff, Jess, and Cindy

#### **8. Adjournment**

The November 9, 2023, meeting of the Carbondale Planning and Zoning Commission adjourned at 7:05 p.m. The next regular meeting is scheduled for December 14, 2023, at 7:00 p.m.



## Planning and Zoning Commission Memorandum

**TITLE:** Impervious Lot Coverage Code Text Amendment

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** A: Existing UDC Impervious Lot Coverage Regulations  
B: DRAFT Redlines of UDC Sections 3.8.5  
C: P&Z Minute Excerpts – July 13, 2023, August 24, 2023, October 12, 2023  
D: Staff Memos from 8/24/23, 10/12/23

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### BACKGROUND

At the July 13, 2023 meeting, the Planning and Zoning Commission (P&Z) held a worksession to discuss regulations related to impervious lot coverage. The discussion arose from the Staff's identified issues when applying the Unified Development Code's (UDC) impervious lot coverage over the past year (Attachment C). At the meeting, the P&Z discussed a variety of topics related to impervious and pervious areas. Some of the topics that could be addressed in this code text amendment were:

1. Add language that prevents stormwater flows from leaving the property;
2. Modifying the definition of the term Principal Building;
3. Determining if overhangs should be included in impervious lot area;
4. Determining how decks should be considered; and,
5. Consideration of "green roofs" and "pedestal paver systems" as pervious spaces.

On August 24, 2023, the P&Z held a public hearing to discuss Code Text Amendments related to UDC §3.8.5, *Impervious Lot Coverage*. After hearing from the public and considering the code amendments, the P&Z continued the public hearing to September 14, 2023. The public hearing was continued again to the October 12, 2023 hearing, without any additional review of the proposed code amendments. On October 12, the P&Z held the continued public hearing and considered the aforementioned code amendments. The P&Z continued the public hearing to the November 9, 2023 meeting and again to the December 12, 2023 meeting.

### DISCUSSION

At the October 12, 2023 meeting, the P&Z considered the revised options for code amendments to impervious lot coverage. The P&Z appreciated the revised options and preferred the more simplistic approaches for calculating the areas. Ultimately, the P&Z felt Option 2, removing the permeable paver exemption, was the best path forward as it would require site access to be considered in development applications, especially for single-family dwellings. One concern the P&Z had was the potential negative impacts on Accessory Dwelling Units (ADUs) which may be limited by the parking requirements and its impact on impervious lot coverage. The P&Z recommended that required parking spaces for ADUs be exempt from Lot Coverage calculations to assist with expanding opportunities for ADUs.

### Lot Coverage Modification Option

The proposed option was updated to respond to P&Z's direction. The proposed language includes modifications to three sections of code related to impervious lot coverage.

First, Section 3.7.2, *Maximum Impervious Lot Coverage, Residential Districts*, sets forth the maximum impervious lot coverage permitted as a percentage of the total lot area. A footnote is proposed to cross-reference Section 3.8.5 as it relates to required parking for ADUs.

Second, Section 3.8.5, *Impervious Lot Coverage*, defines which improvements on a lot are included in the calculation of impervious lot coverage. The proposed code language overall simplifies and clarifies how impervious lot coverage is calculated, as follows:

1. Subsections A and B are modified to specify that all buildings are to be measured from the outside wall and do not include roof overhangs. This clarification aligns with the definition of Building Lot Coverage Area.
2. Subsections C and D remain unchanged for the currently adopted regulations.
3. A new Subsection E is proposed to better define what types of decks and patios are considered impervious. This subsection does specify that covered decks and patios are considered impervious as well as any uncovered deck which has an impervious material below.
4. Subsection F (formerly Subsection E) is clarified to tie the Deck/Patio exemption to those areas described in Subsection E. The overall exemption remains at 10% and is not modified.
5. The Pervious Paver exemption (former Subsection F) is removed from the proposed regulations. The result is that all driveways are considered impervious regardless of surface or materials.
6. A new Subsection G is proposed which allows the parking spaces for ADUs as required to meet the code to exceed the impervious lot coverage maximum up to 600 square feet. The maximum square footage was determined by allowing for two 10' x 20' parking spaces (200 square feet each, or 400 square feet total) and an additional 200 square feet to ensure that those parking spaces are functional.

Third, Section 5.8.3, *Off-Street Parking Requirements*, sets forth parking standards based on use for Carbondale. The existing regulations require that ADU parking spaces be included in the lot coverage calculation. The proposed code language modifies the requirement to state that these parking areas may be exempt from lot coverage calculations pursuant to Section 3.8.5. This cross-reference, along with that in Section 3.7.2, alerts applicants and staff of the potential exemption of ADU parking spaces from the impervious lot coverage area.

The result of this proposed regulation will simplify what areas are considered impervious and make the calculation easier for applicants and staff to understand. It will however have a limited impact on the total amount of developed areas a lot can contain, removing the permeable paver exemption, but allowing for ADU parking to be exempt. The proposed regulations will support the Town's goal of increasing opportunities for ADUs, by removing the ADU's parking impact on impervious lot coverage.

### **RECOMMENDATION**

Staff recommends the Planning and Zoning Commission (P&Z) discuss the draft regulation options and provide feedback to Town Staff. If the P&Z is supportive of the draft UDC amendments as presented, Staff would recommend the following motion be made:

**Move to recommend to the Board of Trustees approval of Amendments to the Unified Development Code related to Impervious Lot Coverage and Sections 3.7.2, 3.8.5., and 5.8.2 as presented in Attachment B to the November 9, 2023 P&Z memorandum.**

If the P&Z requires additional dialogue and further modifications to the draft regulations, Staff recommends the P&Z continue the public hearing and make the following motion:

**Move to continue the public hearing to January 11, 2024 for Amendments to the Unified Development Code related to Impervious Lot Coverage and Sections 3.7.2, 3.8.5., and 5.8.2.**

Prepared By: Jared Barnes, Planning Director

**CHAPTER 17.03: ZONING DISTRICTS**

**3.7.2. MAXIMUM IMPERVIOUS LOT COVERAGE, RESIDENTIAL DISTRICTS**

The maximum impervious lot coverage in each zoning district shall not exceed the percentages shown in Table 3.7-2 below. The remaining area of the lot shall be pervious surface and shall be landscaped as required in Section 5.4, *Landscaping and Screening*.

<b>Table 3.7-2: Maximum Impervious Lot Coverage – Residential Districts</b>					
<b>Zoning District</b>	<b>AG</b>	<b>OTR</b>	<b>R/LD</b>	<b>R/MD</b>	<b>R/HD</b>
<b>Net Lot Area</b>	<b>Maximum Impervious Lot Coverage Percentage (%)</b>				
400,000 sf or larger	5	1.5	5	60	60
200,000 – 399,999 sf	--	2	7	60	60
87,120 – 199,999 sf	--	4	15	60	60
43,560 – 87,119 sf	--	8	20	60	60
20,000 – 43,559 sf	--	16.5	25	60	60
15,000 – 19,999 sf	--	21	33	60	60
12,500 – 14,999 sf	--	24	35	60	60
10,000 – 12,499 sf	--	29	42	60	60
7,500 – 9,999 sf	--	34	45	60	60
6,000 – 7,499 sf	--	40	52	60	60
4,000 – 5,999 sf	--	42	52	60	60
Less than 4,000 sf	--	44	52	60	60

**3.7.3. COMMERCIAL AND MIXED-USE DISTRICTS DIMENSIONAL STANDARDS**

Table 3.7-3 summarizes the commercial and mixed-use district dimensional standards.

<b>Table 3.7-3: Summary of Commercial and Mixed-Use Districts Dimensional Standards</b>				
	<b>C/T</b>	<b>CRW</b>	<b>HCC</b>	<b>MU</b>
<b>Lot Standards</b>				
Lot area, minimum	3,000 sf	15,000 sf	2,500 sf	2,500 sf
Lot area per dwelling unit, minimum, multifamily dwellings [1]:				
Efficiency	1,050 sf			1,050 sf
1 bedroom	1,450 sf			1,450 sf
2 bedroom	1,650 sf			1,650 sf
3 bedroom	1,850 sf			1,850 sf
4 bedroom	2,050 sf			2,050 sf
Lot depth, minimum	100 feet	100 feet	100 feet	100 feet
Lot width, minimum	30 feet	100 feet	25 feet	25 feet
Impervious lot coverage, maximum	80 percent	80 percent	100 percent	90 percent
Landscaped area, minimum	20 percent [2]	20 percent	None	10 percent
<b>Setbacks, Minimum - Commercial Districts</b>				
<b>Front</b>				
Adjacent to Highway 133	5 feet	5 feet	n/a	
Adjacent to sub-arterial street	5 feet	5 feet	0 feet	
Adjacent to collector street	5 feet	5 feet	0 feet	
Adjacent to local street	5 feet	5 feet	0 feet	
<b>Side</b>				
Adjacent to alley	0 feet	0 feet	0 feet	
Adjacent to commercial or industrial district	0 feet	0 feet	0 feet	
Adjacent to residential district	[3]	[3]	5 feet	
<b>Rear</b>				
Adjacent to alley	0 feet	0 feet	0 feet	
Adjacent to commercial or industrial district	20 feet	20 feet	0 feet	
Adjacent to residential district	5 feet[3]	[3]	5 feet	
<b>Setbacks - Mixed-Use District</b>				
Front, minimum				0 feet
Front, maximum				10 feet
Side, minimum				0 feet
Side, adjacent to single-family residential district, minimum				5 feet
Rear, minimum				0 feet
Rear, adjacent to single-family residential district, minimum				5 feet
Adjacent to alley, minimum				5 feet
<b>Building Standards</b>				
Height, maximum, principal building	35 feet	35 feet	35 feet [4]	35 feet
Height, maximum, accessory buildings	25 feet	25 feet	25 feet	25 feet
<b>Notes:</b>				
[1] Minimum lot area for multifamily dwellings in the C/T and MU districts is calculated by summing the minimum per-unit square footage specified in this table; however, in all cases the minimum lot area shall be no smaller than 3,000 sf. For example, the minimum lot area for a three-unit multifamily development with two bedroom units would be 4,950 (1,650 x 3 units = 4,950 sf).				
[2] Forty percent minimum open space is required for residential-only projects in the C/T district.				
[3] See Section 3.7.5: <i>Transitions Between Different Land Use Areas</i> .				
[4] See Section 5.7.7 for additional height standards applicable to the HCC zoning district.				

**Table 3.8-1:  
Authorized Exceptions to Setback Requirements**

<b>Storage sheds</b>	In all residential zoning districts, storage sheds less than 120 square feet in size may be placed up to, but no closer than, three feet from a rear or side property line if they are not placed on a permanent foundation. Storage sheds shall not be located over an easement.
<b>Front porches and stoops</b>	In all residential zoning districts, covered front porches and stoops may extend into the required front setback up to eight feet, provided the porch or stoop is unenclosed and the eaves are at least five feet from the front property line.
<b>Handicap ramps</b>	Handicap access ramps may be located within required front, side, and rear setbacks.
<b>Uncovered balconies</b>	In all residential zoning districts, balconies that are uncovered may extend into any side or rear setback provided these projections are at least five feet from the property line. Uncovered balconies may also extend into the required front setback up to six feet.
<b>Incidental architectural features</b>	Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, and other similar architectural features may project up to two feet into any required setback.

### 3.8.4. BUILDING HEIGHT

#### A. Measurement

Heights referred to in this Code shall be measured as stated in the definitions chapter under the term "building height."

#### B. Encroachments

Architectural features shall not exceed the maximum applicable building height within any zoning district, unless specifically authorized in the table below.

**Table 3.8-2:  
Authorized Exceptions to Maximum Height Standards**

<b>Church spires or belfries</b>	Church spires or belfries may be up to 25% greater than the maximum allowed height; provided they are designed without provision for occupancy and plans receive prior approval of the Town.
<b>Parapet walls</b>	Screening parapet walls may extend above the maximum height limit up to 30 inches for buildings containing two or more dwelling units.
<b>Rooftop mechanical equipment</b>	Cupolas, chimney ventilators, skylights, water tanks, elevator overrides, solar collection equipment, and all other mechanical equipment may extend up to five feet above the maximum height limit provided the equipment complies with screening requirements set forth in Section 5.4.5: <i>Screening</i>
<b>Transmitting antennae</b>	A transmitting antenna may exceed the maximum applicable building height; provided, the total height does not exceed five feet plus twice the distance to the nearest property line, but in no case shall an antenna exceed 60 feet in height.

### 3.8.5. IMPERVIOUS LOT COVERAGE

The area of the lot covered by the following shall be included in the calculation of impervious lot coverage in all districts:

- A. The principal building;
- B. All accessory buildings, parking garages, carports, utility and storage sheds;
- C. Porches, stairways and elevated walkways, paved areas or areas otherwise covered with materials impervious to water;
- D. Parking areas and driveways regardless of surface materials;
- E. In a residential zoning district, any impervious covered or uncovered deck and/or patio is allowed to be calculated as pervious surface; however, this allowance is

**CHAPTER 17.03: ZONING DISTRICTS**

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- limited to 10 percent of the square footage of the floor area of a dwelling unit, excluding the floor area of the basement and garage.
- F. Up to 10 percent of the pervious surface required in Section 3.7.2, *Maximum Impervious Lot Coverage, Residential Districts* may be used for improvements such as parking, driveways, and walkways if a manufactured pervious paving system is used. To qualify for this exception, specifications for the manufactured pervious paving system shall be submitted to and approved by the Director.

**3.8.6. FLOOR AREA AND SQUARE FOOTAGE**

- A. All areas within a structure including interior storage areas, closets, living areas and bathrooms, garages, and interior and exterior walls shall be included in the calculation of floor area of a structure. Private outdoor areas for multifamily structures shall be excluded from this calculation.
- B. Gross square footage of a structure shall be measured from the outside of the exterior walls and shall include the area of the walls.
- C. When there is more than one use within a structure the square footage of each use shall be determined by the gross square footage of the use plus a portion of any areas used in common pro-rated on the basis of the square footage of each use sharing such areas.

**CHAPTER 17.05: DEVELOPMENT STANDARDS**

Trustees shall file a notice of such lien in the office of the Garfield County Clerk and Recorder upon the properties affected and shall be such unpaid assessments to the County Commissioners and the Garfield County treasurer for collection, enforcement, and remittance in the manner provided for by law for the collection, enforcement, and remittance of general property taxes.

**5.4 LANDSCAPING AND SCREENING**

**5.4.1. PURPOSE**

This section is intended to ensure that new landscaping and the retention of existing vegetation are integral parts of all development and that they contribute added high quality to development, retain and increase property values, conserve water, and improve the environmental and aesthetic character of Carbondale. It is also the intent of this section to provide flexible requirements that encourage and allow for creativity in landscape design.

**5.4.2. APPLICABILITY**

This section establishes minimum standards for landscaping and screening. These requirements apply to all nonresidential uses and to multifamily projects containing three or more dwelling units.

**5.4.3. MINIMUM LANDSCAPING REQUIRED**

**A. Site Area Landscaping**

1. Any pervious area of a site not used for impervious surfaces such as buildings, parking, driveways, sidewalks, etc. shall be landscaped. All landscape material shall comply with landscaping as defined in Section 8.3.
2. All undeveloped building areas within partially developed residential, commercial, or industrial uses shall control dust and erosion by use of vegetative ground cover or other means.
3. Minimum site area landscaping may count towards a development’s common open space requirements, provided it meets the standards of Section 5.3: *Open Space*.

**B. Streetscape Landscaping**

1. Except in the HCC district and along local streets in the R/LD district, a landscape area shall be established along all streets between the public right-of-way and any buildings, parking lots, loading areas, storage areas, screening walls or fences, or other improvements in association with any use, in accordance with the following:

**Table 5.4-1:  
Minimum Width of Landscaped Area**

Adjacent To	Width (Feet)
Highway 133	10
Any other street	5

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**CHAPTER 17.05: DEVELOPMENT STANDARDS**

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- b. Adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants.

**C. Stormwater Runoff**

All paved walkways and bicycle paths provided pursuant to this section shall be designed to minimize stormwater runoff. **Materials and design of pervious and permeable pavement shall be approved by Town staff.** If a paved sidewalk or bicycle path is located in a low area where runoff will be problematic, a drywell or other form of stormwater management shall be incorporated into the design.

**D. Trails**

All new development shall construct on-site portions of trails and multi-use paths that are identified in plans adopted by the Board of Trustees or connected to the Carbondale trails system, provided that any such improvements are directly related to the impacts of the proposed use or development and are roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.

**CHAPTER 17.05: DEVELOPMENT STANDARDS**

1. The applicant provides the maximum amount of parking spaces possible without being required to remove or partially remove a structure;
2. If a structure or a portion of a structure is voluntarily removed, the resulting area shall be used to provide the additional parking spaces necessary towards fulfilling the requirements of Table 5.8-1: *Off-Street Parking Schedule A*; and
3. The amount of parking available for the new use is at least 80 percent of the parking required for the new use in Table 5.8-1: *Off-Street Parking Schedule A*.

**D. Minimum Standards**

The required parking standards in this section are minimum standards. It is the obligation of the owner of a use that generates the need for parking to provide sufficient quantities of off-street parking for the particular land use.

**5.8.3. OFF-STREET PARKING REQUIREMENTS**

**A. Schedule A**

Unless otherwise provided in this Code, off-street parking spaces shall be provided in accordance with Table 5.8-1: *Off-Street Parking Schedule A*.

<b>Table 5.8-1: Number of Off-Street Parking Spaces Required: Schedule A</b>		
<b>Use Category</b>	<b>Use</b>	<b>Number of Spaces Required</b>
<b>Residential Uses</b>		
<b>Household Living</b>	Dwelling, single family detached	1.25 per efficiency unit;
	Dwelling, duplex	1.5 per one-bedroom unit
	Dwelling, multifamily: Studio or 1 bedroom	1.5 per two-bedroom unit 800 SF or less
	Dwelling, multifamily: 2 or more bedrooms	1.75 per two-bedroom unit over 800 SF
	Mobile home park	1.75 per three-bedroom unit 900 SF or less 2.5 per three-bedroom unit over 900 SF
	Accessory dwelling unit	2 per ADU; may be reduced to 1 space only when there shall be reserved on the lot sufficient open space to accommodate the additional space should the Town, based on parking related complaints from nearby property owners, require said parking to be provided on the lot. <b>The area reserved for the reserved parking space shall be included in the lot coverage calculation.</b>
	Dwelling, live/work	1 per dwelling unit
<b>Group Living</b>	Group home, adult day care	1 per 400 SF GFA, and 1 additional space, reserved for pickup and delivery of adults, per 800 SF GFA
	Assisted living facility	1 per unit for independent living, plus 1 per 3 beds for memory care unit, plus 1 per employee on largest shift
	Nursing home	1 per 3 beds, plus 1 per employee on largest shift

**Table 5.8-3:  
Off-Street Loading Requirements**

Use size	Loading spaces required
Under 15,000 square feet	None
15,000–49,999 square feet	1
50,000+	2

### E. Maximum Parking Spaces Allowed

No commercial or industrial use shall provide off-street parking spaces in an amount that is more than 125 percent of the minimum requirements established in Table 5.8-1, *Off-Street Parking Schedule A*, unless mitigation is provided in the form of additional landscaping pursuant to subsection 5.8.3.E.3 below.

#### 1. Calculating Maximum Spaces

- a. For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement:
  - i. Accessible parking;
  - ii. Vanpool and carpool parking;
  - iii. On-street parking adjacent to the lot or lots on which the parking located; and
  - iv. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.
- b. For the purpose of calculating parking requirements, fleet vehicle parking spaces shall not count against either the minimum or maximum requirements.

#### 2. Exceptions to Maximum Parking Requirement

Exceptions to the maximum parking requirement may be allowed by the Director in situations that meet the following criteria:

- a. The proposed development has unique or unusual characteristics such as high sales volume per floor area or low turnover, that create a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;
- b. The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio;
- c. The request is the minimum necessary variation from the standards; or
- d. If application of the maximum parking standard would result in fewer than six parking spaces, the development shall be allowed six parking spaces.

#### 3. Enhanced Landscaping Required for Parking in Excess of Maximum

Parking that is provided in excess of the 125 percent of the maximum parking requirement shall be required to increase the internal landscaping requirements required in Section 5.4.3.C, *Parking Lot Landscaping*, and shall be required to

use pervious pavement for the number of spaces that exceed the maximum parking requirement and in the center rows between the wheel stops or curbs.

#### F. Computation of Parking and Loading Requirements

##### 1. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction exceeding 0.5 shall be rounded up to the next higher whole number.

##### 2. Multiple Uses

Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.

##### 3. Area Measurements

Unless otherwise specified, all square footage-based parking and loading standards shall be computed on the basis of gross floor area of the use in question. Structured parking within a building shall not be counted in such measurement.

##### 4. Computation of Off-Street Loading Spaces

Required off-street loading spaces shall not be included as off-street parking spaces in computation of required off-street parking space.

#### 5.8.4. PARKING ALTERNATIVES

The Director may approve alternatives to providing the number of off-street parking spaces required by this Code in accordance with the following standards.

##### A. Shared Parking

The Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards:

##### 1. Location

Shared parking spaces shall not be located farther than 600 feet of an entrance.

##### 2. Zoning Classification

Shared parking areas shall be located on a site with the same or a more intensive zoning classification than required for the primary uses served.

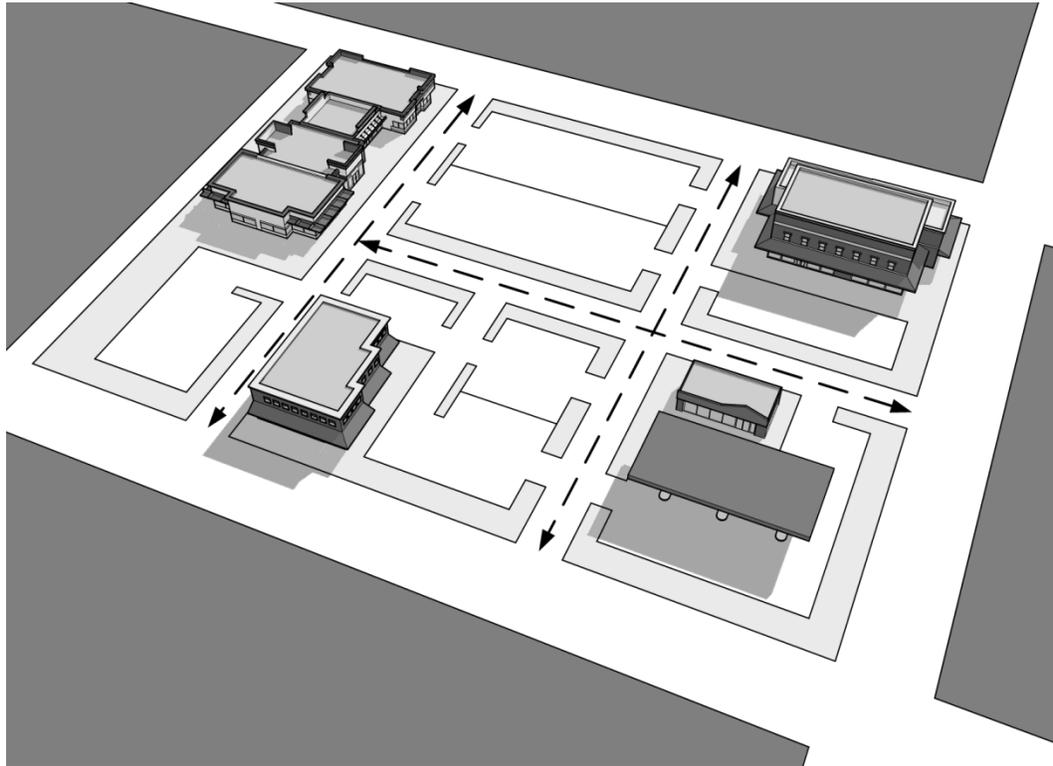
##### 3. Shared Parking Study

Those proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to staff that clearly demonstrates the feasibility of shared parking. The applicant shall also demonstrate that any parking reduction requested as part of the shared parking study will not result in the spillover of parking onto other properties or the public right-of-way.

##### 4. Agreement for Shared Parking

The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the Director as to form and content. The Director may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas

Figure 5.8.6-G: Commercial Development Circulation



4. No residential use should be allowed to access directly onto a major arterial street. Residential uses should use a hierarchy of streets providing access to major streets via a local or collector street.
5. Access to service areas, bay doors, and loading ramps shall be accommodated by maneuvering areas on-site, allowing ingress and egress to and from the lot by forward motion of the vehicles.

#### F. Surfacing

1. In single-family residential districts, off-street parking spaces shall have a minimum of three inches of  $\frac{3}{4}$ -inch road base gravel, asphalt or cement strips at least 18 inches wide or shall be fully surfaced with acceptable pervious surfaces as approved by the Director.
2. In multifamily residential, commercial, mixed-use, industrial, and other nonresidential uses, off-street parking areas, driveways, and maneuvering areas shall be surfaced with pavers, concrete, asphalt mat, chip and seal over road base, or other type of material impervious to water. A pervious surface system may be allowed if approved by the Director. In all nonresidential uses required parking spaces shall be adequately marked to show the dimension and location of each parking space.
3. Parking lots over 1,000 square feet in size shall incorporate Low Impact Development (LID) techniques to protect water quality and reduce run-off. Low impact development techniques may include infiltration pervious pavers, grass

**Building Height**

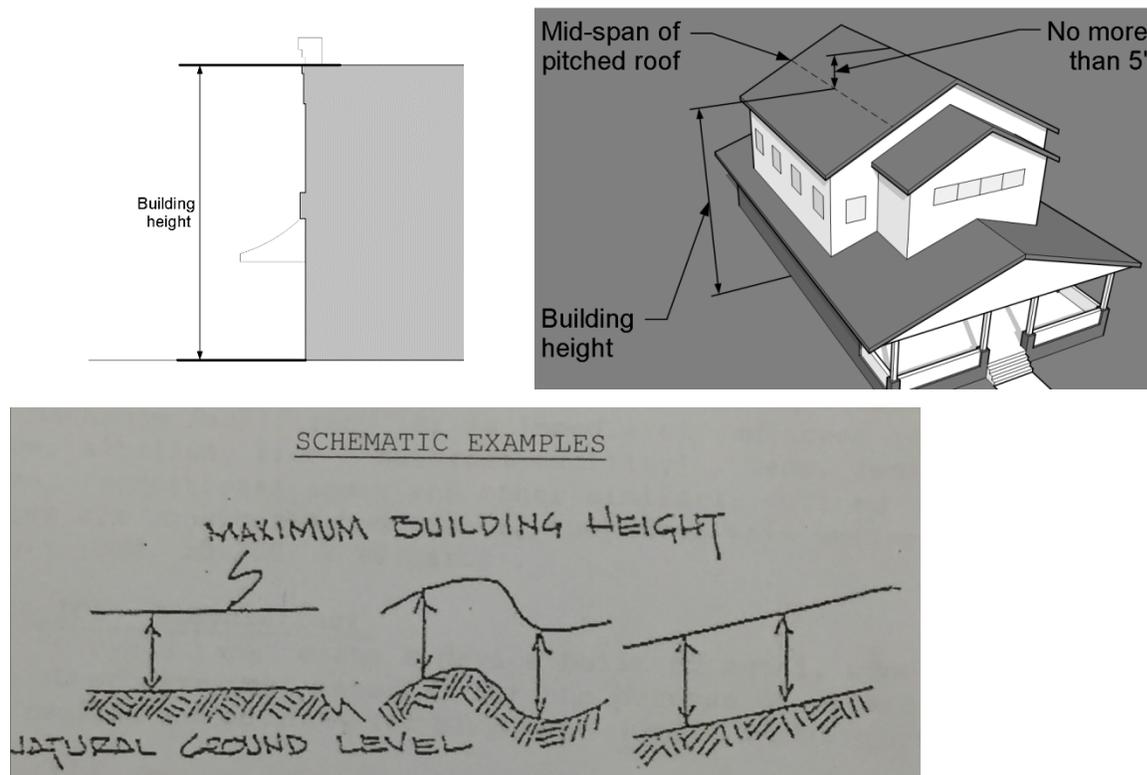
The height of a building is measured as the vertical distance above the preconstruction grade or undisturbed natural ground level above which no part of any building may extend except as provided within this definition or as provided in Section 3.7.5 of this Code. The height of a building shall be measured to the top of a flat roof, deck line of a mansard roof, or to mid-span of the highest gable of a pitched roof or hip roof with the provision that a peak may only extend up to five feet above the specified maximum building height for any zoning district.

Undisturbed natural ground is the preconstruction grade for any lot prior to application for a building permit. For new subdivisions, undisturbed natural ground level or grade will be considered after provision of utilities and infrastructure when there is an approved grading plan for the subdivision.

The schematic examples below are meant to provide guidance for interpreting this definition.

**SCHEMATIC EXAMPLES**

**Figure 8.2.4-A: Building Height Examples**

**RELATIONSHIP OF NATURAL GRADE TO BUILDING HEIGHT**

A topographic map will be required when the average grade across the lot is more than 10 percent and is suggested when grade is greater than seven percent. The topographic map shall be of a quality that is acceptable to Town staff and does not necessarily need to be drawn by a registered land surveyor.

**Building Lot Coverage Area**

The ground area encompassed by the perimeter of the vertical projection of the walls of a structure from ground level, excluding roof overhang, but including cantilevered functional space.

**Building Materials, Feed, Supply Store**

An establishment engaged in the storage, distribution, and sale of building materials such as lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Feed and supply stores include commercial sale of feed and supplies related to the agricultural industry. Accessory uses may include repair or delivery services and outside sale of equipment, plants, and gardening supplies.

**Building Official**

See Section 2.8.5.C.

**Building, Principal**

A building or buildings in which the primary use of the lot is conducted or is intended to be conducted.

**Building, Public**

Any building held, used, or controlled for public purposes by any government, whether state, county, or municipal, without reference to the ownership of the building or of the land on which it is situated.

**Building Setback**

The minimum horizontal distance required between the front, side, or rear lot lines and the wall of any building as specified by the regulations of a particular zoning district.

**Bulk Storage of Liquefied Petroleum Gas (LPG) - 2,000 Gallons or More**

A permanent facility for the storage of gasoline, propane, butane, or other petroleum products offered for wholesale distribution (not for direct sale to the general public).

**Business Research and Development**

A facility including research, synthesis, analysis, development and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment and components incidental or convenient or necessary to the conduct of such activities.

**C****Caliper**

Diameter measurement of a tree-trunk taken at six inches above ground level for trees up to and including four inches in caliper. For trees larger greater than four inches in caliper, measurement of caliper shall be taken at 12 inches above ground level.

**Campground and RV Park**

An outdoor facility designed for overnight accommodation of human beings in tents, motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation purposes. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

**Centerline**

For purposes of the sign regulations of this Code, the centerline of the adjoining right-of-way closest to the sign.

**Certificate of Occupancy**

The final permit or authorization issued by the Town allowing occupancy or use of a building, and certifying that the building has been constructed in accordance with all applicable requirements.

**Impervious Lot Coverage**

Portions of a lot or parcel covered by buildings, parking areas, carports, driveways, accessory structures, covered porches, sidewalks, cantilevered portions of building, and other areas covered by water-impervious surfaces.

**Improvements**

For the purposes of this Code, the community public works and facilities determined to be necessary in relation to proposed development, including, but not limited to; access drives, landscaping, parking facilities, sanitary sewers, site and street lighting, storm drainage facilities, street facilities, traffic control facilities, and water facilities. All required improvements shall conform to current requirements and standards as established in this Unified Development Code and other applicable sections of the Carbondale Municipal Code.

**Incandescent or Halogen Light Source**

The emission of light (visible electromagnetic radiation) from a hot body due to its temperature. Incandescence occurs in incandescent light bulbs because the filament resists the flow of electrons. This resistance heats the filament to a temperature where part of the radiation falls in the visible spectrum.

**Indoor Recreational Facility**

Commercial recreation conducted entirely within an enclosed structure for amusement or sport, and which is operated for financial gain; including but not limited to bowling alleys, skating rinks, pool halls, video and pinball parlors, and private gymnasiums.

**Infill Development**

New development that is sited on vacant, undeveloped, or underutilized land within an existing community, and that is surrounded by previously developed areas. Infill is further defined to include development as indicated in Chapter 4 of the Town's Comprehensive Plan.

**Infiltration**

The process of water percolation or movement into the soil subsurface.

**Instructional or Performing Arts Studio**

An enclosed space used by anyone engaged in artistic employment or instruction in painting, sculpture, photography, music, dancing, dramatics, literature, or similar activities.

**Invasive Plant Species**

Botanical species included on the Town's invasive species list that is maintained and updated by the planning department, as provided under this Code.

**J**

reserved

**K****Kennel**

Any establishment where dogs and/or cats are bred or raised for sale, or boarded, cared for, and/or groomed commercially, exclusive of veterinary care.

**L****Landscaped Area, Minimum**

The pervious area of a site which must be improved with landscaping.

**Permit, Conditional Use**

See conditional use permit.

**Permit, Special Use**

See special use permit.

**Person**

Any individual, lessee, firm, partnership, association, joint venture, corporation, or agent of the aforementioned groups, or the State of Colorado or any agency or political subdivision thereof.

**Personal Service, General**

An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include beauty and barbershops, nail salons, shoe repair shops, tailor shops, and tanning salons.

**Pervious Surface**

The sum of areas of a lot or parcel that are landscaped with vegetative material and other areas not covered by buildings, parking areas, carports, driveways, accessory structures, sidewalks, or other areas covered by impervious surfaces.

**Planned Unit Development**

A development designed to accommodate varied types of residential or non-residential development including single, two-family, and multiple-family housing, commercial, or industrial uses, and related accessory uses and special uses commonly found in similar developments, in patterns or layouts not otherwise permissible in other zoning districts of this Code. Planned unit developments are designed to provide substantial additional public amenities or benefits to the Town in return for flexibility in the design, layout, and dimensions of the development.

**Planning and Zoning Commission**

See 2.8.3.

**Plat**

A map or diagram and other writing(s) containing all the required descriptions, locations, specifications, dedications, provisions and information required by state law and prepared for the purpose of dividing property through subdivision or partition.

**Plat, Preliminary**

A plat showing the proposed land subdivision including the character and proposed layout of land in conformance with the requirements of this Code.

**Point Light Source**

The exact place from which illumination is produced (i.e., a light bulb filament or discharge capsule).

**Porch**

A projection from an outside wall of a dwelling covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached).

**Pre-application Meeting**

A meeting between an applicant, the Director, and other municipal staff or entities as deemed necessary. A pre-application meeting is intended to familiarize all parties with conceptual plans or proposals and the necessary regulations and requirements applicable to a proposed application.

**Rain Garden**

A planted depression or a hole that allows rainwater runoff from impervious areas such as roofs, driveways, walkways, parking lots, and compacted lawn areas the opportunity to be absorbed.

**Real Estate Sign**

Any on-premise sign pertaining to the sale, rental, development, or lease of a lot, tract of land, one or more structures, or a portion thereof, to which the sign is located.

**Recycling of Metals, Paper, Plastic, or Automotive Oil**

A facility, excluding salvage yards, where recyclable materials are collected, separated, and processed for shipment to a recycling plant or other facility for eventual reuse into new products.

**Redevelopment**

Any development of previously-developed land.

**Regularly Operated Open Air and/or Farmer's Market**

An occasional or periodic market held in an open area or structure where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

**Religious Use**

Uses primarily engaged in providing meeting areas for religious activities. Examples of religious uses include churches, chapels, mosques, temples, and synagogues. Affiliated preschools are classified as day care uses. Affiliated schools are classified as schools.

**Repair**

The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

**Repair Establishment, Major**

Maintenance or repair of larger household or business-related items including washers/dryers, dishwashers, refrigerators, copy machines, or other large appliances or mechanical items.

**Repair Establishment, Minor**

Maintenance and repair of smaller household or business-related items including watches, musical instruments, vacuums, computers, televisions, furniture, or other similar items.

**Restaurant**

An eating establishment where customers are primarily served at tables or self-served and food is consumed primarily on the premises, and that does not have a drive-in or drive-through facility to serve patrons food while seated in their vehicles.

**Restaurant, with Outdoor Dining Facility**

Any restaurant with an outdoor eating and drinking area that is associated with and incidental and subordinate to a primary use of that parcel or lot. This use may include removable tables, chairs, planters, or similar features and equipment.

**Retail, General, 10,000 sf or less**

Retail sales containing not more than 10,000 sf of gross floor area.

**Retail, General, over 10,000 sf**

Retail sales containing more than 10,000 sf of gross floor area.

**Retail Marijuana Cultivation Facility**

"Retail marijuana cultivation facility" shall have the same meaning as set forth in subsection 16(2) of article XVIII of the Colorado Constitution under "marijuana cultivation facility" (an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana

## DRAFT UDC Impervious Lot Coverage Code Amendments

### 3.7.2. MAXIMUM IMPERVIOUS LOT COVERAGE, RESIDENTIAL DISTRICTS

The maximum impervious lot coverage in each zoning district shall not exceed the percentages shown in Table 3.7-2 below. The remaining area of the lot shall be pervious surface and shall be landscaped as required in Section 5.4, <i>Landscaping and Screening</i> .					
Zoning District	AG	OTR	R/LD	R/MD	R/HD
Net Lot Area	Maximum Impervious Lot Coverage Percentage (%) <sup>[1]</sup>				
400,000 sf or larger	5	1.5	5	60	60
200,000 – 399,999 sf	--	2	7	60	60
87,120 – 199,999 sf	--	4	15	60	60
43,560 – 87,119 sf	--	8	20	60	60
20,000 – 43,559 sf	--	16.5	25	60	60
15,000 – 19,999 sf	--	21	33	60	60
12,500 – 14,999 sf	--	24	35	60	60
10,000 – 12,499 sf	--	29	42	60	60
7,500 – 9,999 sf	--	34	45	60	60
6,000 – 7,499 sf	--	40	52	60	60
4,000 – 5,999 sf	--	42	52	60	60
Less than 4,000 sf	--	44	52	60	60
<u>[1] Parking spaces for accessory dwelling units required to meet code requirements may exceed the Impervious Lot Coverage percentages pursuant to Section 3.8.5, <i>Impervious Lot Coverage</i>.</u>					

### 3.8.5. IMPERVIOUS LOT COVERAGE

The area of the lot covered by the following shall be included in the calculation of impervious lot coverage in all districts:

- A. The principal building, as measured from the outside walls;
- B. All accessory buildings, parking garages, carports, utility and storage sheds, as measured from the outside walls;
- C. Porches, stairways and elevated walkways, paved areas or areas otherwise covered with materials impervious to water;
- D. Parking areas and driveways regardless of surface materials;
- E. Covered decks and patios, uncovered decks extending over an impervious surface, and decks and patios which are solid and/or use impervious materials.
- ~~FE.~~ In a residential zoning district, any ~~impervious covered or uncovered~~ deck and/or patio, as described in subsection E, above, is allowed to be calculated as pervious surface; however, this allowance is limited to 10 percent of the square footage of the floor area of a dwelling unit, excluding the floor area of the basement and garage.
- ~~F.~~ Up to 10 percent of the pervious surface required in Section 3.7.2, *Maximum Impervious Lot Coverage, Residential Districts* may be used for improvements such as parking, driveways, and walkways if a manufactured pervious paving system is used. To qualify

~~for this exception, specifications for the manufactured pervious paving system shall be submitted to and approved by the Director.~~

G. Parking spaces for accessory dwelling units required to meet code requirements can exceed the impervious lot coverage maximum up to 600 square feet.

5.8.3. OFF-STREET PARKING REQUIREMENTS

A. Schedule A

Unless otherwise provided in this Code, off-street parking spaces shall be provided in accordance with Table 5.8-1: *Off-Street Parking Schedule A*.

Table 5.8-1: Number of Off-Street Parking Spaces Required: Schedule A		
Use Category	Use	Number of Spaces Required
Residential Uses		
Household Living	Dwelling, single family detached	1.25 per efficiency unit; 1.5 per one-bedroom unit 1.5 per two-bedroom unit 800 SF or less 1.75 per two-bedroom unit over 800 SF 1.75 per three-bedroom unit 900 SF or less 2.5 per three-bedroom unit over 900 SF
	Dwelling, duplex	
	Dwelling, multifamily: Studio or 1 bedroom	
	Dwelling, multifamily: 2 or more bedrooms	
	Mobile home park	
	Accessory dwelling unit	2 per ADU; may be reduced to 1 space only when there shall be reserved on the lot sufficient open space to accommodate the additional space should the Town, based on parking related complaints from nearby property owners, require said parking to be provided on the lot. <del>The area reserved for the reserved parking space shall be included in the lot coverage calculation.</del> <u>The area reserved for ADU parking as required above, may be exempt from lot coverage calculations pursuant to Section 3.8.5, <i>Impervious Lot Coverage</i></u>
	Dwelling, live/work	1 per dwelling unit

**MINUTES**  
CARBONDALE PLANNING AND ZONING COMMISSION  
Thursday July 13, 2023

**Commissioners Present:**

Jay Engstrom, Chair  
Kim Magee  
Jeff Davlyn  
Kade Gianinetti  
Cindy Suplizio (Alternate)

**Staff Present:**

Jared Barnes, Planning Director  
Kelley Amdur, Planner  
Kae McDonald, Planning Technician

**Commissioners Absent:**

Nicholas DiFrank, Vice-Chair  
Nick Miscione  
Jerrett Mork  
Jess Robision (Alternate)

The meeting was called to order at 7:03 p.m. by Jay Engstrom.

**June 8, 2023 Minutes:**

Kade ***moved*** to approve the June 22, 2023, meeting minutes. Cindy ***seconded the motion***, and it was ***approved with Jeff abstaining***.

Yes: Jay, Kim, Kade, Cindy

No: none

Abstaining: Jeff

**Public Comment – Persons Present Not on the Agenda**

There were no persons present to speak on a non-agenda item.

**“Clean Up” Code Amendments Worksession**

Kelley explained that there was a table included as part of the packet that lists items Staff is proposing as “Clean Up” to address typographical and minor errors in the Unified Development Code. She noted that most of the errors relate to the same table. Kelley stated that Staff recommends that the Commission make a motion to initiate an Amendment and schedule a public hearing.

Jeff commented that the changes don’t seem substantive.

Jared explained that most of the corrections have to do with a cross reference that is referenced incorrectly in each table. He noted that these errors are straightforward and not controversial and would be a good initial public hearing.

Jared noted that the reference to Section 5.1.3.F in the table should read “Correct ‘Chapter 16-1-20’ to read ‘Chapter 16-1-20’.”

**Motion Passed:** Kade **moved** to initiate an Amendment to the Unified Development Code pursuant to Section 2.4.1 of the UDC for the purpose of reviewing proposed “Clean Up” UDC Text Amendments and direct Staff to schedule a public hearing on August 10, 2023. Jeff **seconded the motion**, and it was **unanimously approved**.

Yes: Jay, Cindy, Kade, Jeff, and Kim  
No: None

Jared noted that the public hearing will be noticed for August 10<sup>th</sup>.

### **Impervious Lot Coverage Worksession**

Jared explained that his approach to code amendments is to conduct work sessions to have informal conversations to understand the issues prior to a public hearing because it helps the public stay engaged in the process without having to endure iterative meetings. He noted that as he and Kelley are learning the UDC and how to apply it they have found that the impervious lot coverage section is clunky in how it is written and how it is applied, and it leaves a lot of room for interpretation at all levels. He added that it is difficult for everyone to read it and understand how to comply with it. Jared pointed out that that the intent of the UDC is to present requirements in a straightforward manner, unfortunately, by the time a project is reviewed for zoning compliance the building permit has already been applied for, and a lot of invested time and money can be wasted if it doesn't meet the impervious lot coverage requirements. Jared pointed out that while much of tonight's conversation will be centered on Section 3.8.5, he also included other sections of the UDC where impervious lot coverage is mentioned such as Tables 3.7.2 and 3.7.3, landscaping, stormwater run-off, and definitions of driveways and parking lots. Jared identified specific challenges that arise when completing zoning compliance code checks:

- UDC Section 3.8.5.A states that the principal building is considered part of the impervious area but doesn't well define how that measurement is made. One question staff has is should this area be inclusive of roof overhangs or only the area within the outside walls? Jared pointed out that if this level of ambiguity can be removed, it would be a beneficial code clean up.
- UDC Sections 3.8.5.E and UDC 3.8.5.F grant two exemptions – one for decks and/or patios and the other for pervious pavers – and these two exemptions comprise the bulk of the confusion because the exemptions are applied for differently and the design elements that are being highlighted for the exemptions don't always qualify. Jared noted that Staff has developed an Impervious Lot Coverage Sample Data Table and an accompanying plan sheet and while that has helped, it hasn't always eliminated the confusion.

Jared listed some topics to guide the discussion:

- The deck/patio exemption is only applicable to residential zone districts. As written this section allows certain decks and/or patios to be considered pervious area even if finished with impervious materials “In a residential zoning district,

any impervious covered or uncovered deck and/or patio is allowed to be calculated as pervious surface; however, this allowance is limited to 10 percent of the square footage of the floor area of a dwelling unit, excluding the floor area of the basement and garage.”

- Generally, should decks be considered impervious or pervious?
- Should the categorization be dependent upon the ground treatment underneath?
- Should a deck only be considered impervious if covered?
- The pervious paver exemption is also only applicable to residential zone districts; other sections of the UDC clearly categorize all driveway and parking areas as impervious regardless of surface area.
  - Applicants want to know what systems are approved. The town doesn't keep a list, but in the past had indicated that GrassPave2 was the only approved system.
  - Many pervious paving systems are only pervious with specific types of subsurface. Historically any system that used road base would be ineligible for the exemption. This is challenging to ensure compliance during construction as no driveway inspections are done.
  - After construction, pervious driveways are often changed and modified without any permits and put existing properties into non-compliance.
- The overarching question is whether the Commission considers the exemption important and, if so, is it better served by increasing the lot coverage percentage.

Jeff asked what the main purpose of limiting impervious surface was.

Jared responded that there are three primary reasons for limiting impervious surfaces:

1. Stormwater management;
2. Lot coverage – controlling the mass of built forms; and,
3. Aesthetics – providing open space and separation between design elements.

Jay commented that he was excited to discuss this topic. He noted that while he considers this topic a weak spot in the code, he also appreciates the simplicity of the UDC. Jay explained that, unlike many other residential codes, the UDC doesn't state that projects must have an engineered design that prevents stormwater flows from leaving a property. He acknowledged that for the larger commercial projects, stormwater retention is addressed, but there isn't such a requirement for smaller residential projects.

Jared agreed that this would be a good opportunity to add that language.

Kelley added that most of the residential applications that Staff reviews are at their maximum lot coverage and applying the exemptions can be challenging – for example, simple decks often put applications over the maximum lot coverage percentage and must be denied.

Jared agreed and noted that it is even an issue with multi-family – duplexes, triplexes, etc. – lots.

Jeff wondered how often the term “principal building” is found in the UDC.

Jared replied that it isn’t a defined term, but he didn’t look to see how widely it is used in the UDC.

Jeff asked if overhangs – similar to decks – are serving the purpose of stormwater retention.

Jay replied if one is following the definition of an impervious surface, any overhang would be impervious.

Jared suggested a standard two-foot overhang would be acceptable, but anything that exceeds that length would not.

Kade asked what a realistic percentage shift would be.

Jared replied that those calculations haven’t yet been considered but thought it could be researched. He noted that there is a dichotomy in that new single-family residences in River Valley Ranch are being designed to the maximum lot coverage requirement while in the older residential neighborhoods the lots exceed the maximum because of structures and improvements added piecemeal. He pointed out that no matter how much that percentage is increased, there will be a desire to design to that standard.

Jay commented that much of that is stating what percent is the actual structure versus what percent is softscape.

Cindy agreed, noting that there are new technologies being introduced as a rapid rate.

Jared replied that it would consume Staff time to study each new product and thought that developing a standard matrix for the pervious paver exemption could provide clarity.

Jay pointed out that the City of Aspen has a 12% gap requirement for pavers and that would achieve such a standard. He noted that the underlayment must have retention capacity for a 100-year storm event and that could be satisfied by requiring a four-inches of gravel beneath it along with a non-compacted subgrade and native fill.

Jared noted that that would add another inspection and then what recourse does the Town have when there is noncompliance because Carbondale residents may not have the same financial ability that Aspen residents do to tear something out and start over.

Jay pointed out that this would be an exemption to go over the lot’s impervious cover, so there should be an expectation of performance.

Kade suggested allowing a roof overhang of two feet and getting rid of the patio/deck exemption.

Kelley replied that allowing decks to be considered permeable would be a big shift because except for the 10% allowance, decks are currently counted as impervious surfaces.

Jay noted that it should be demonstrated that water is flowing through the deck and there isn't sheet flow off the end of the deck.

Jared stated that he would rather have a deck exemption than a driveway exemption. He added that he spoke with Jess prior to this evening's meeting, and she relayed that she liked the simplicity of the code and didn't want to see it overcomplicated.

Jay asked how Jared felt about the current lot ratios and commented that he thought it was a good compromise.

Jared replied that the percentages seem fair given the existing density – for example, the Residential/Low Density ratios are scaled based on the size of the lot.

Kelley commented that the scale is appropriate and achieves a consistent building size appropriate for the neighborhood.

Cindy asked if the deck exemption is eliminated, would the lot coverage ratio still be adjusted.

Kade commented that they also need to be forward-thinking for increased density as the population grows.

Jeff pointed out that there are other code regulations that still limit the size of the building.

Jared suggested presenting a simplified version along with a version that accounts for the use of innovative products for the public hearing, or the work session can continue at the next meeting.

Jay asked for clarification on how the pervious paver exemption relates to driveways if the percentage is increased.

Jared replied that the 10% exemption tied to driveways is not 10% of the total lot size, but 10% of the pervious lot coverage. He pointed out that the 10% exemption could be limited to the driveway specifically, but the challenge is those River Valley Ranch lots with long driveways to access the buildable space would end up with a large amount of pervious pavers.

Jeff asked how the pervious paver exemption is being met.

Jared replied that typically the garage apron and the side parking is permeable, but it isn't overly clear.

Kade suggested reconsidering the parking requirement for accessory dwelling units to regain pervious surface in those lots.

Jay commented that that could be an incentive for more impervious lot coverage if there is an ADU. He added that there are pros and cons to simplification, but it seems that the some of the issues are geared towards River Valley Ranch and he doesn't want to see small lots being denied for putting stepping stones to their front door.

Jeff thought some caution should be used because it could be a concrete walkway or a flagstone walkway and would those be considered in the same way.

Jared replied that currently walkways are considered impervious, but they could consider parking areas categorized as impervious along with concrete patios and sidewalks and flagstone/tile/pavers sidewalks with a 12% separation are categorized as pervious.

Cindy thought it would be easier to classify what was impervious surfaces.

Jared replied that the challenge is the application of pavers or tiles with a tight gap.

Kelley suggested identifying a width dimension because that would be easy to enforce.

Kim appreciated the points discussed and suggested moving forward with the public hearing.

Cindy asked if RVR had a design review committee that approved building plans.

Jared replied that RVR building plans are subjected to a high level of review, but the RVR zoning code states that approvals are conditioned upon meeting the UDC's building height, setbacks, and lot coverage requirements. He thought it might be helpful to share a simplified code to the RVR design review board.

Jeff wondered if there would be an opportunity to talk to RVR DRC.

Jared replied that they could be invited to comment. He thought architects would also appreciate a simplification of the impervious lot coverage requirements.

Kelley asked the commission members if they would like to hear from professionals and applicants.

Jeff replied that any "real world" examples would be appreciated.

Kade added that in all goes back to why this requirement is important and thought that groundwater retention was a good place to start.

Jeff suggested that it would be helpful to present the overlapping regulations that limit building mass.

Jared pointed out that most of what is being discussed is on the fringes of design and won't materially change the type of development being reviewed.

Jay didn't think that engineers would consider this requirement as the best stormwater management, and if all the RVR lots were to go up to 60% impervious, the entire basin would be limited in its water retention. He pointed out that in those big storm events, the sheetflow would cross over most surfaces and would end up going in the river. He noted that every other every jurisdiction requires stormwater retention on individual lots, and it can be expensive, but creative solutions would be helpful. He also pointed out that most of the stormwater flows into the public right-of-way and Carbondale doesn't have any stormwater provisions.

Jared replied that although this requirement isn't addressing stormwater to best management practices, most RVR lots fall under 30% lot coverage, but he thought the lot coverage helped create a predictable built form environment.

Jay suggested two other items to consider for pervious spaces:

1. "Green" roofs; and,
2. Pedestal paver systems.

**Motion Passed:** Jeff **moved** to initiate an Amendment to the Unified Development Code pursuant to Section 2.4.1 of the UDC for the purpose of reviewing changes to Section 3.8.5, Impervious Lot Coverage. Kade **seconded the motion**, and it was **unanimously approved**.

Yes: Jay, Cindy, Kade, Jeff, and Kim

No: None

### **Staff Update**

~~Kelley noted that on the agenda under "Upcoming P & Z Meetings," the ANB Bank public hearing listed for August 24<sup>th</sup> will be delayed until September 14<sup>th</sup>. She explained that the application proposes to rezone from P/C to M/U with a mixed-use building of approximately 10,000 square feet for the bank, approximately 10,000 square feet of retail and restaurant space, 16 dwelling units and 74 parking spaces.~~

~~Kelley also noted that the Little Blue Preschool Expansion Rezoning and Site Plan application will be heard by the Board of Trustees at their July 25<sup>th</sup> meeting. She added that a Conditional Use Permit and Minor Site Plan Review for 326 S. 3<sup>rd</sup> Street will be heard at the August 10<sup>th</sup> Planning & Zoning Commission meeting.~~

~~Jared informed the commission members that the MAP Carbondale project is underway, and an online commenting tool is live under "Carbondale Connect." He noted that public outreach events have included the July First Friday and Wednesday's Farmers Market and they anticipate being present at additional Town events as well as posting on various community boards. Jared added that Age Friendly Carbondale is~~



**Minutes**  
**Planning & Zoning Commission**  
**Carbondale Town Hall and Via Zoom**  
**Thursday, August 24, 2023**

**Commissioners Present:**

Nicholas DiFrank	Vice-Chair
Jeff Davlyn	Member
Kim Magee	Member
Jess Robison	Alternate
Cindy Suplizio	Alternate

**Commissioners Absent:**

Jay Engstrom	Chair
Nick Miscione	Member
Jarrett Mork	Member
Kade Gianinetti	Member

**Town Staff Present:**

Jared Barnes	Planning Director
Kae McDonald	Planning Technician

**Guest and Attendees:**

Bob Schulz	345 Fawn Drive, Carbondale
Ross Kribbs	799 Garfield Avenue, Carbondale
Patty Lecht	2500 Highway 133, Carbondale
Candace Hart	1460 Main Street, Carbondale
John Williams	778 Sopris Avenue, Carbondale

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**Call to Order**

Nicholas DiFrank called the August 24, 2023, meeting of the Carbondale Planning and Zoning Commission to order at 7:01 in Room 1 at Town Hall.

**Roll Call**

**Consent Agenda**

**Minutes of the August 10, 2023, Meeting**

Motion to approve the Planning and Zoning Commission August 10, 2023, meeting minutes.

*Moved by:* Jess Robison

*Seconded by:* Kim Magee

**Aye** Jeff Davlyn, Nicholas DiFrank, Kim Magee, Jess Robison, and Cindy Suplizio

**Absent** Jay Engstrom, Nick Miscione, Kade Gianinetti, Jarrett Mork

**Carried 5-0**

**Public Comment for Persons Not on the Agenda**

Ross Kabbas, 799 Garfield Avenue, noted the large turnout at Tuesday's Board of Trustee meeting regarding the Forest Service, stating that while everyone in Carbondale loves having the Forest Service, three years ago after no public interaction, they unveiled the 90% proposed site plan and building design. He explained that he gave a letter to the Acting Supervisor at that time and summarize the letter's content:

- Poor design with the primary entrance on Main Street.
- To keep the Blue Spruce at the corner of 4<sup>th</sup> and Main Streets, the visitor entrance is located on Weant Boulevard, and requires visitors to park and walk around the building to the entrance.
- The other two Blue Spruce along Main Street will not be saved.
- Requesting that the Planning and Zoning Commission look at the proposed plans and offer guidance to the Board of Trustees.

Patty Lecht, 2500 Highway 133, asked that the Planning and Zoning Commission review the "enhanced" plan she provided that proposes the new building is rotated on a north/south axis along the western edge of the lot. She explained that by moving the building, the existing buildings would not need to be demolished and could be repurposed at the Forest Service's leisure and by keeping the existing building basement "as is" it would protect the root balls of the trees. She suggested coordinating utility and demolition work with the adjacent pool project as a way for both projects to reduce construction costs and noted a suggestion by another citizen that a heat pump system to serve the pool be installed under the parking lot.

Candace Hart, 1460 Main Street, noted her bewilderment at the process and questioned why Town Staff and Officials aren't working harder to have a stake in the process. She added that they have well over 1,000 signatures petitioning to change the design and the trees. She stated that while they understand the Forest Service doesn't have to follow the Town's codes, their goal is to have the Forest Service slow down and work more closely with the Town, so it is a win-win for everyone. She

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noted that, in her opinion, the public outreach wasn't adequate, considering it was a single open house on a First Friday right before Covid.

Jared responded that the Town doesn't have a Location, Character, Extent process, which is the typical avenue to accept and review other jurisdiction's plans. He noted that the Forest Service began the planning process more than ten years ago and previous Town Staff did have the opportunity to review and comment on the design as recently as 2017. He pointed out that based upon that review, the Forest Service altered their design as reflected in the final document, including bringing the building up to Main Street, adding additional glazing along Main Street to encourage streetside interaction, and possibly flip the interior spaces so the community-activated space fronts along Main Street. He added that the Forest Service has been transparent about the necessity of removing trees. Jared suggested that like several other boards and commissions, the Planning and Zoning Commission could forward a letter to the BOT but reminded them that at Tuesday's meeting the BOT made it abundantly clear that it was a listening session, and they wouldn't take formal action or have a definitive stance on the application.

Jeff asked if the Forest Service would be required to apply for a building permit through the Town. Jared surmised that, like the school district, the federal government has their own set of standards and inspections for building projects.

### **326 S. 3rd Approval Documents**

Jared explained that at the August 10<sup>th</sup> meeting, the Planning and Zoning Commission approved a Minor Site Plan Review for 326 S. 3<sup>rd</sup> Street to build an attached garage with an ADU above it. He stated that Resolution No. 3, Series of 2023, brings forth the conditions and findings of approval; to formalize the resolution the Commission needs to move to approve the resolution and included in the meeting packet are the findings of fact and the granting of the Conditional Use Permit will be approved in conjunction with the Minor Site Plan Review.

Move to approve Resolution No 3, Series of 2023 for an Accessory Dwelling Unit to be located at 326 S. 3rd Street.

*Moved by:* Jess Robison

*Seconded by:* Cindy Suplizio

**Aye** Jeff Davlyn, Nicholas DiFrank, Kim Magee, Jess Robison, and Cindy Suplizio

**Absent** Jay Engstrom, Nick Miscione, Kade Gianinetti, Jarrett Mork

**Carried 5-1**

## **PUBLIC HEARING: Impervious Lot Coverage Code Text Amendments**

### Staff Presentation

Jared noted that this was a noticed public hearing, referring to the July 13<sup>th</sup> work session where the following topics were discussed:

- Add language that prevents stormwater flows from leaving the property;
- Modifying the definition of the term Principal Building;
- Determining if overhangs should be included in impervious lot area;
- Determining how decks should be considered; and,
- Consideration of "green roofs" and "pedestal paver systems" as pervious spaces.

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Jared explained that at that meeting, the Commission directed staff to consider a simplified version of the code and one that provided additional requirements for pervious paving systems and, ultimately, the Commission moved to initiate a Code Text Amendment to the UDC for the purpose of reviewing changes to Section 3.8.5, Impervious Lot Coverage. Jared pointed out that to facilitate this discussion, several attachments were included in the meeting packet such as Unified Development Code Zoning regulations, a draft redline version of UDC Section 3.8.5, examples of other jurisdiction's interpretation of impervious lot coverage, the City of Aspen's Urban Runoff Management Plan, and the minutes from the July 13<sup>th</sup> meeting.

Jared addressed UDC §3.8.5, noting this section largely defines how impervious lot coverage is calculated including categorizing improvements into various buckets of impervious improvements and works in tandem with UDC Tables 3.7-2 and 3.7-3 which list the maximum impervious lot coverage requirement as a percentage of the total lot area. He explained that in all the residential districts, the percentage increase as the lot size decreases ranging from 1.5% to 60% while in commercial zone districts it is a flat percentage ranging from 80%-100%. Jared identified those regulations that Staff has identified as needing clarity:

- Subsections 3.8.5.A and B don't define how roof overhangs are addressed. For example, some buildings are designed with large roof overhangs for improved outdoor living which impact overall site permeability and should be considered in relation to impervious lot coverage.
- Subsection 3.8.5.E sets forth the patio exemption which only pertains to "any impervious covered or uncovered deck and/or patio" and limited to 10% of the floor area of a dwelling units excluding the basement and garage. This language is confusing as it implies that an uncovered deck should be counted as impervious area, but decks are not included in subsections A-D.
- Subsection 3.8.5.F sets forth the pervious paver exemption which applies to "parking, driveways, and walkways" if a pervious paving system is used. This exemption is limited to 10% of the pervious surface required (the inverse of the maximum impervious lot coverage) and although the Director is required to approved manufactured pervious paving systems, there is no guidance provided on the minimum acceptable standard.

Jared pointed out that zoning reviews don't take place until after a building permit application is submitted, potentially requiring a resubmittal that could range from simply omitting a planned patio to redesigning the entire house. He noted that his goal would be to create a more predictable outcome for the applicant while also streamlining staff review.

Jared highlighted how other jurisdictions regulate lot coverage:

- The City of Glenwood Springs does not have an impervious surface calculation and only applies a maximum lot coverage requirement to infill residential development. Infill residential development is defined as residential development on a parcel that shares a common lot line with at least two existing single-family homes. Given that definition the maximum lot coverage standards are relatively limited in their applicability in Glenwood.
- The Town of Avon regulates maximum lot coverage as the area rendered impermeable by buildings compared to the total area of the site, less those rendered undevelopable. Driveways and patios are excluded for the maximum allowed area. Avon's zoning code includes a maximum lot coverage percentage for each zone district and type of residential use.
- The Town of Eagle also regulates development through a maximum lot coverage requirement. In certain residential zone districts, Eagle's codes include both a maximum lot

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coverage for buildings and a separate maximum for all other impervious surfaces. Eagle defines lot coverage to mean the portion of a lot or site covered by materials forming any unbroken surface impervious to water, including: (A) Buildings, decks, patios, structures; (B) Streets, driveways, parking lots, and other impervious materials. In addition, Eagle's codes limit the maximum floor area in certain residential zone districts.

- The Town of Basalt uses a combination of maximum lot coverage and FAR for residential developments. In most residential zone districts either a maximum lot coverage or FAR is used, but in some districts, both are used to govern development. Although not defined well, building footprints, decks, and patios are included in the maximum area, while driveways are not included.
- The Town of Crested Butte uses a combination of FAR and required open space rather than a maximum lot coverage. These regulations serve the same purpose as maximum lot coverage as a required open space of 50% would limit the structures lot coverage to 50%. Open space is defined by all unoccupied land which does not include any structure above grade. However, decks 18" or higher above grade do count as "structure area". The regulations do not include driveways and other miscellaneous impervious improvements "structure area".
- The City of Aspen uses a combination of FAR, floor area maximums, and maximum site coverage to regulate lot coverage in zone districts. The specific combination of regulations varies depending on the zone district. For example, the Medium-Density Residential district contains a maximum site coverage and FAR with square foot caps based on the size of the lot. The Low-Density Residential district only uses FAR with a maximum square foot cap to regulate lot coverage. City of Aspen also uses a complex and prescriptive policy to regulate permeable pavers. Section 8.5.1.4 of the Urban Runoff Management Plan (Attachment D) describes three categories of pervious pavement solutions: modular block pavement (MBP), cobblestone block pavement (CBP), and reinforced grass pavement (RGP). The regulations contain numerous regulations and design and construction considerations for installing the various systems to ensure permeability, including but not limited to minimum void spaces, fill material, sub-grade material and size. MBPs require a minimum void space of 20%, while CBPs require a minimum of 8% and RGP do not require any void space. A minimum of 12 inches of sub-grade material is recommended to resist freeze-thaw damage.

Jared explained that he developed three options for the Commission to discuss:

- The first option proposes code language to simplify how impervious lot coverage is calculated. Subsections A and B are modified to include any roof overhang more than 2 feet. The intent is to include larger roof forms as impervious area. A new subsection E is included to better define what types of decks and patios are considered impervious. Both exemptions (subsections E and F) are removed from the regulations. The result of this proposed regulation will simplify what areas are considered impervious and make the calculation easier for applicant and staff to understand. It will however have an impact on the total amount of developed areas a lot can contain, by including more portions of the development as impervious (decks, patios, large roof overhangs). It will also remove both exemptions which have been widely used to allow for more development on a site, thus further restricting the gross amount of development.
- The second option proposes code language which provides additional clarity for the calculation of impervious lot coverage is calculated, while keeping the patio exemption. Like Option 1, Subsections A and B are modified to include any roof overhang more than 2 feet, while a new subsection E is included to better define what types of decks and patios are considered impervious. In Option 2, the pervious paver exemption is removed from the

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regulations, while the deck and patio exemption is clarified to reference the new definition of which decks and patios are considered impervious. This proposed regulation will still provide the clarity of Option 1, while keeping the patio exemption largely as implemented today. It will still have an impact on the magnitude of development on a lot by increasing the impervious portions of the development (decks, patios, large roof overhangs), but the impact will be less than Option 1 given the continuation of the patio exemption.

- The third option proposes code language which provides clarity for impervious lot coverage while keeping in place both existing exemptions. The proposal is the same as Option 2, with the exception that the pervious paver exemption remains with additional requirements. This option includes minimum design standards for three types of pervious pavement systems: modular block pavement (MBP); cobblestone block pavement (CBP), and reinforced grass pavement (RGP). The minimum standards are borrowed from the City of Aspen's Urban Management Runoff Plan and intend to set standards related to minimum surface voids, void fill materials, and base course depth and materials, among others. This proposed regulation will still provide the clarity of Options 1 and 2 while keeping both exemptions. The additional minimum standard for pervious pavers is intended to provide direction to applicant, improve the ease of review for Staff, and create more predictable outcomes during the building permit review. It will still have a minor impact on the magnitude of development on a lot by increasing the impervious portions of the development (decks, patios, large roof overhangs), but the retention of the exemptions will help keep development magnitude largely at what is seen today.

### Public Comment

Bob Schulz, 345 Fawn Drive, commented that the Code historically interpreted impervious lot coverage as a measurement denoting a building's outside wall measurements and it was only a few years ago that one of Carbondale's Building Official added the stipulation that driveways of any composition be considered impervious. He noted that regarding roof overhangs, he often designs a larger overhang on the south or west side of the building for passive protection from the sun. He pointed out that the construction of an accessory dwelling unit on a property will also shrink the buildable space and the recently approved project at 326 S. 3<sup>rd</sup> Street couldn't happen under the three proposed options. He added that he agreed with the deck exception if there is a demonstrated pervious surface underneath it. Bob explained that he advises his clients not to use pervious pavers because they don't function well in this climate because of the temperature fluctuations.

Motion to close the Public Hearing.

*Moved by:* Jess Robison

*Seconded by:* Kim Magee

**Aye** Jeff Davlyn, Nicholas DiFrank, Kim Magee, Jess Robison, and Cindy Suplizio

**Absent** Jay Engstrom, Nick Miscione, Kade Gianinetti, Jarrett Mork

**Carried 5-0**

### Commission Discussion

Jeff asked for clarification on the interpretation of "Option 1" and "Option 2" with reference to decks and patios of pervious materials be exempt from the impervious lot coverage calculation. He also asked for clarification on where overhangs greater than two feet would be measured.

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Jared replied in the affirmative, noting that the intent of Subsection E is that if the deck is truly impervious or the deck is situated over an impervious surface, the entire area needs to be calculated as such.

Jess questioned why decks over a pervious surface would be exempt when a gravel driveway is not. Jared replied that the current regulations reflect interpretations from previous Town staff, adding that driveways are typically used a lot which compacts the surface and moisture sheetflows off it rather than soaking in.

Cindy preferred Option 1 or 2, recommending a simpler approach.

Nicholas asked if Jared knew about permeable concrete. He suggested an option that uses the building's outside walls as the primary metric while acknowledging surfaces intended to receive versus repel water. He also suggested clarifying the definition of a deck (traditionally a wooden material) and a patio (hardscape element).

Jared replied that technology is constantly changing, pointing out that not only does that make it difficult for Staff to keep up but that not every system is created equal.

Kim agreed with Jess regarding the distinction between in pervious surface between a deck and driveway.

Cindy asked how driveways are counted in Options 1 and 2.

Jared replied that driveways are counted as impervious in both Options 1 and 2. He pointed out the simplicity in Avon and Crested Butte's lot coverage definitions as a comparison.

Nicholas suggested requiring a "heat" map that identifies the various lot coverage elements according to their permeability while using a gray shading to highlight those areas that might require additional discussion.

Jess stated her preference for calculating impervious surface as a building's outside walls, pointing out the need for balance between zoning regulations and more housing.

Jeff questioned the wisdom in excluding driveways, pointing out the potential for a driveway to be a massive element in some neighborhoods.

Jared noted that in Avon's hillside zoning, a driveway had to be able to connect with the buildable space on the lot regardless of length but added that the trend is to build to the maximum allowable lot coverage. He emphasized the function of an impervious lot coverage calculation is two-fold: 1) accommodate water retention, and 2) control the size of the structures being built.

Jess suggested creating a table that calculates lot coverage based on lot size and the differentiation of driveway material.

Nicholas suggested a table that differentiates between lots accommodating water within the boundaries versus a percent of allowable lot coverage.

Bob pointed out the small size of Carbondale's planning staff and reiterated the need for simpler regulations.

Jared agreed, noting that exemptions making interpretation difficult for both sides.

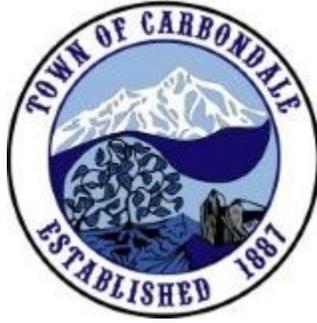
Motion to continue the public hearing to September 14, 2023 for Amendments to the Unified Development Code related to Impervious Lot Coverage and Section 3.8.5.

*Moved by:* Jeff Davlyn

*Seconded by:* Cindy Suplizio

**Aye** Jeff Davlyn, Nicholas DiFrank, Kim Magee, Jess Robison, and Cindy Suplizio

**Absent** Jay Engstrom, Nick Miscione, Kade Gianinetti, Jarrett Mork



**Minutes**  
**Planning & Zoning Commission**  
**Carbondale Town Hall and Via Zoom**  
**Thursday, September 14, 2023**

**Commissioners Present:**

Nicholas DiFrank	Vice-Chair
Jarrett Mork	Member
Nick Miscione	Member
Kim Magee	Member
Jess Robison	Alternate
Cindy Suplizio	Alternate

**Commissioners Absent:**

Jay Engstrom	Chair
Kade Gianinetti	Member

**Town Staff Present:**

Jared Barnes	Planning Director
Kae McDonald	Planning Technician

**Guests and Attendees:**

Tony Spires	ANB Bank
Will Coffield	Alder Real Estate
Roman Gershkovich	Open Studio Architecture
Julie Pratte	The Land Studio Inc.
Doug Pratte	The Land Studio Inc.
Kyle Sanderson	Sopris Engineering, LLC
Chad Lee	JVAM
Michelle Tang	Stok

## Attachment C

Nick cautioned that the Commission needed to proceed with caution because it has already been determined that the application meets the requirements of the UDC and if they vote to deny approval, the commission members need to be clear on what grounds it is denied.

Nicholas countered that they also have the Comprehensive Plan guidelines, so they have both quantitative and qualitative standards.

Nick asked if there had been any qualitative comments about the design.

Jess noted that she had suggested re-working the roofline design, so it has more breaks.

Nick suggested adding a condition to reevaluate the roofline and to reevaluate the play area and dog park.

Jared replied that if the commission members want additional specifications on the play area, those details could be brought back for review by the Commission for future evaluation as a condition, but because the roofline is integral to the building design it would be challenging to move the application forward to the BOT and it would be best to continue the hearing to re-review the design.

Nicholas suggested a 14<sup>th</sup> Condition of Approval: A re-review of the playground/dogpark to find a solution that is appropriate for the Highway 23 corridor.

Move to recommend to the Board of Trustees approval of the combined application for Rezoning, Conditional Use for ground floor residential use, Major Site Plan Review and Alternative Compliance for the maximum front setback with the following conditions of approval and findings of fact, to rezone Parcel #239333400006 from Planned Community Commercial (PC) to Mixed Use (MU) and to allow the construction of a 2-story mixed-use building with approximately 27,000sf of retail, restaurant and office space and 16 dwelling units with the stated 13 conditions of approval and a 14th condition: Because the Planning and Zoning Commission has expressed concerns about the safety and appropriateness of the dog park and play area, those plans shall be reviewed and approved by said Commission.

*Moved by:* Nick Miscione

*Seconded by:* Kim Magee

**Aye** Nicholas DiFrank, Kim Magee, Nick Miscione, Jarrett Mork, Jess Robison, and Cindy Suplizio

**Carried 6-0**

## 5.2 **8:45 p.m. - 8:50 p.m. CONTINUED PUBLIC HEARING: Impervious Lot Coverage Code Text Amendments**

Move to continue the public hearing to October 12, 2023, for Amendments to the Unified Development Code related to Impervious Lot Coverage and Section 3.8.5.

*Moved by:* Nick Miscione

*Seconded by:* Cindy Suplizio

**Aye** Nicholas DiFrank, Kim Magee, Nick Miscione, Jarrett Mork, Jess Robison, and Cindy Suplizio

**Carried 6-0**

## 6. **8:50 p.m. - 9:00 p.m.: Staff Update**



**Minutes**  
**Planning & Zoning Commission**  
**Carbondale Town Hall and Via Zoom**  
**Thursday, October 12, 2023**

**Commissioners Present:**

Jay Engstrom	Chair
Jeff Davlyn	Member
Jarrett Mork	Member
Jess Robison	Alternate
Cindy Suplizio	Alternate

**Commissioners Absent:**

Nicholas DiFrank	Vice-Chair
Nick Miscione	Member
Kim Magee	Member
Kade Gianinetti	Member

**Town Staff Present:**

Jared Barnes	Planning Director
Kae McDonald	Planning Technician

**Guest and Attendees:**

Doug Pratte	The LandStudio Inc.
Julie Pratte	The LandStudio Inc.
Will Coffield	Alder Real Estate
Tony Spires	ANB Bank
Kyle Sanderson	Sopris Engineering, LLC
Roman Gershkovich	Open Studio Architecture

will thought that if a shorter low-water mix is available, it would be a pleasant area for people to walk their dogs.

Jay asked if there were evergreens on the planting list. Julie replied that there are two tannenbaums that will grow up to six feet tall that will be planted along the east side of the play area. She noted that there are other evergreens planted elsewhere on the property, as well.

Motion to approve the revised play area and pocket park plan to address condition #14 of the Planning & Zoning recommendation to the Board of Trustees for the ANB Bank Mixed-Use Project.

*Moved by:* Jarrett Mork

*Seconded by:* Jess Robison

**Aye** Jeff Davlyn, Jay Engstrom, Jarrett Mork, Jess Robison, and Cindy Supina

**Carried**

## 5.2 Impervious Lot Coverage CTA Public Hearing

Jared reminded the commission members that at the August 24<sup>th</sup> public hearing, options for impervious lot coverage code text amendments were discussed in earnest with some divergent thinking – specifically simplicity versus more regulations – but the overarching theme seemed to be that the commission members don't want anything as involved as Aspen's regulations but rather something that is easier to implement. Jared acknowledged that a key takeaway was the roof overhangs should not be counted towards impervious lot cover unless it is a noticeably significant overhang. Jared described each of the three options, noting significant changes including:

- 1) Impervious lot coverage will be measured from the outside walls.
- 2) There is an edited Subsection E.
- 3) Option 2 adds clarity to the deck/patio exemption.
- 4) In addition to the clarified deck/patio exemption, Option 3 adds clarity to pervious paver exemption.

Jared pointed out that if the Commission feels strongly about one of the three options, they could take action to move it forward, but if they prefer to continue to work on the language, they can continue the noticed public hearing to a later meeting.

### Questions for Staff

Jarrett asked if the numbered options represent the Staff's preferred hierarchy.

Jared replied that it is for the Commission to determine, and Staff is comfortable implementing any of the actions, adding that they all provide more clarity compared to the current regulations. He pointed out that while the options progress from the most simplistic to the most complex, they will have the inverse effect upon what can be built on a lot today because it will limit allowed exemptions.

### Public Comments

Jay opened the meeting up to public comment.

There was no one from the public to comment, so the public comment was closed.

### Commission Discussion

Jess stated she preferred Option 1 or Option 2.

## Attachment C

Cindy stated that while she liked Option 3, she thought the minimum void space of 20% could be interpreted in a variety of ways. She added that she liked Option 2 the most.

Jarrett stated that he liked Option 2 or Option 3 and appreciated limiting the driveway. He thought Option 3 was strict, but liked the clarifications, but thought there might be potential added cost.

Jeff appreciated the work on Option 3.

Jay thought Options 1 and 2 were so simple they might lead to more questions. He thought clarifying what is pervious versus impervious would be valuable for Option 3 and suggested creating a table to illustrate the distinctions. He stated that he preferred Option 3 because of the added explanations. Jay agreed with Cindy that the 20% void space could be interpreted several ways and didn't think that percentage needed to be mentioned.

Jared clarified that the percentage was intended to describe the space between pavers.

Jay asked for clarification on the Option 3 exemption – the 10% is an increase over the stated impervious lot coverage.

Jared replied that that is the tricky way the exemptions work, so the true lot coverage would net out once the two allowances were leveraged.

Jay wanted to push for this because to add an ADU, parking still needs to be considered, and this exemption would allow an ADU to park its obligation. He was comfortable not having the exemption if there was some added verbiage about adding impervious area if it is for an ADU.

Jarrett pointed out that in Aspen if you have a duplex, there is more garage space allowed and asked if that was Jay's intent with allowing added impervious lot coverage for an ADU. He suggested adding definitions or clarifications to provide a clearer understanding of what people can do.

Jeff thought including descriptive language would be helpful. He asked for clarification regarding when the 10% exemption would be applied, noting his presumption was that the exemption would only apply if property owners met their impervious lot coverage ratio regardless of driveway materials.

Jared answered in the affirmative, noting that as it is currently implemented is that every driveway is impervious regardless of surfacing and then, if needed, request the 10% exemption and a portion could be considered pervious if it meets the criteria of Subsection G. He explained that the intent is to prevent property owners from building massive driveways using pervious pavers. He added that recent experience is that buildings are being designed to max out the impervious lot coverage, leaving landscape architects to figure out how to meet their requirements, as well.

Jeff asked if any changes will be made to Table 3.7.2.

Jared didn't think any changes needed to be made to that table. He thought it might be worthwhile if considering Option 1 or 2.

Jay noted that there are two disparate situations – smaller lots in the downtown area versus more expansive lots in River Valley Ranch.

Jared thought one option might be to only allow a driveway exemption in specific zone districts or lot size.

Jess wondered if there was a way to include an increase in impervious lot coverage for ADUs while still controlling other variables.

## Attachment C

Jared thought one potential threat might be property owners pursuing the ADU allowance for the lot coverage allowance and then abandoning it or having a subsequent owner abandon the ADU, thereby granting them a larger driveway and parking area for personal use. He noted that further clarification could be worked out when ADU code text amendments are being discussed.

Jarrett asked if ADUs had separate addresses.

Jared replied that ADUs can't be legally separated, and Garfield County's addressing preferences have been to assign them as "Unit A" or "Unit 1." Jared noted that ADU regulations will be discussed at an upcoming meeting for code text amendments and that would be a good time to consider these issues, as well.

Jeff asked if the driveway exemptions are being applied to lots that are greater than 10,000 sq ft.

Jared replied that while the majority have been on larger lots that are assigned a lower ratio, there are recent examples in the greater downtown area that have impervious surfaces building up over time.

Jeff wondered if a column could be added to Table 3.7.2 that could be used for infill purposes.

Jared replied that if it is tied specifically to ADUs it would align with the Board of Trustees efforts in encouraging ADUs and part of that conversation is the appropriate number of parking spaces. He didn't think it would be effective to see it applied to lot size because lots with similar characteristics in similar subdivisions might be just outside that ratio, but where an ADU is very appropriate. He cautioned that the usefulness might be limited in Planned Unit Developments where ADUs are restricted.

Jess stated if the allowance is intended to encourage ADUs, it should be linked to ADUs.

Jay thought the commission members were leaning toward Option 2 with a supplemental allowance to encourage ADUs.

Jess asked if, ADUs aside, they could consider Option 2 now and then add an exception specific to ADUs.

Jared was comfortable stating it either way and that the driveway "bonus" could be cross-referenced between the impervious lot coverage and ADU sections. He was also comfortable figuring out an appropriate number when discussing ADUs. He thought most of the commission members thought the 10% exemption was reasonable if it was for ADU. He was willing to update old Subsection F to state how best to tie that to an ADU. He asked if the commission members would still like standards applied or not require the use of pervious pavers to be awarded the exemption.

Jess thought it was unnecessary to require pervious pavers for ADU parking because the driveway is part of the bonus and will add to the overall construction costs.

Jay agreed, noting that pervious paver systems are expensive and difficult to integrate into a regular driveway. He thought it best to simplify it and help lower those costs. He suggested Option 2 except with language added regarding ADUs.

Jess suggested a 10% bonus specifically for parking.

Jared suggested adding sidewalks and any other needed access points from the driveway to the ADU to the bonus.

Jay commented he preferred hard numbers instead of a percentage, especially on smaller lots.

Jared suggested tying it to the number of required ADU parking spaces. He summarized the discussion, noting that he would focus on Option 2, review Table 3.7.2, and add cross references with ADU exemptions tied to square footage instead of a lot percentage.

Move to continue the public hearing to November 9, 2023, for Amendments to the Unified Development Code related to Impervious Lot Coverage and Section 3.8.5.

*Moved by:* Jess Robison

*Seconded by:* Jeff Davlyn

**Carried**

**6. 7:45 PM - 8:55 PM: Staff Update**

Jared reminded the commission members that there would be a joint BOT and P & Z work session upcoming on Tuesday, October 17<sup>th</sup> with the agenda focusing on child care regulations beginning at 6:00 pm and an Artspace discussion from 6:30 to 7:30 pm.

Jared noted that there isn't currently anything scheduled for the Thursday, October 26<sup>th</sup> meeting, but he would communicate if something needed to be considered or the meeting is cancelled. He added that the Impervious Lot Coverage Public Hearing will continue at the November 9<sup>th</sup> meeting along with a review of the proposed 2024 meeting schedule.

Jared announced that Jeff was reappointed as a regular member of the Commission. He related that the BOT was complimentary of the other two applicants and encouraged them to apply for other boards or commissions.

**7. 8:55 PM - 9:00 PM: Commissioner Comments**

There were no Commissioner comments.

**8. 9:00 PM: Adjournment**

Motion to adjourn the October 12, 2023, Planning and Zoning Commission meeting.

*Moved by:* Jess Robison

*Seconded by:* Jarrett Mork



TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623

## Planning and Zoning Commission Memorandum

**TITLE:** Impervious Lot Coverage Code Text Amendment

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** A: Existing UDC Impervious Lot Coverage Regulations  
B: DRAFT Redlines of UDC Sections 3.8.5  
C: Other Jurisdictions Regulations  
D: Aspen Urban Runoff Management Plan, Section 8.5.1.4  
E: P&Z Minutes – July 13, 2023

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### BACKGROUND

At the July 13, 2023 meeting, the Planning and Zoning Commission (P&Z) held a worksession to discuss regulations related to impervious lot coverage. The discussion arose from Staff's identified issues when applying the Unified Development Code's (UDC) impervious lot coverage over the past year (Attachment E). Some issues identified are related to:

1. How applicants prepare and present lot coverage information;
2. Staff interpretation of what areas count towards impervious lot coverage; and,
3. Application of impervious lot coverage exemptions.

At the meeting, the P&Z discussed a variety of topics related to impervious and pervious area. Some of the topics which could be addressed in this code text amendment were:

1. Add language that prevents stormwater flows from leaving the property;
2. Modifying the definition of the term Principal Building;
3. Determining if overhangs should be included in impervious lot area;
4. Determining how decks should be considered; and,
5. Consideration of "green roofs" and "pedestal paver systems" as pervious spaces.

The P&Z directed staff to consider a simplified version of the code and one that provided additional requirements for pervious paving systems. Ultimately, the P&Z moved to initiate a Code Text Amendment to the UDC for the purpose of reviewing changes to Section 3.8.5, *Impervious Lot Coverage*.

### DISCUSSION

Attached to this memorandum are Existing UDC sections related to Impervious Lot Coverage regulations (Attachment A). UDC §3.8.5 largely defines how impervious lot coverage is calculated including categorizing improvements into various buckets of impervious improvements. In addition, each zone district includes a maximum impervious lot coverage requirement as a percentage of the total lot area as summarized in Tables 3.7-2 and 3.7-3. In all residential districts, the percentage increase as the lot size decreases ranging from 1.5% to 60%. The commercial zone districts all include a flat percentage which range from 80%-100%. UDC §3.8.6 defines floor area and gross square footage and generally includes all areas from the outside of the exterior wall. When reviewing and applying these regulations, staff identified

areas of confusion or difficulty where additional clarity would be beneficial. Subsections 3.8.5.A and B discuss various structure types but don't define how roof overhangs are addressed. Some buildings are designed with large roof overhangs for improved outdoor living which impact overall site permeability and should be considered in relation to impervious lot coverage.

UDC §3.8.5 includes two exemptions from impervious lot coverage: patio exemption; and, pervious paver exemption, both of which are only applicable to residential zone districts. Subsection E sets forth the patio exemption which only pertains to "any impervious covered or uncovered deck and/or patio" and limited to 10% of the floor area of a dwelling units excluding the basement and garage. This language is confusing as it implies that an uncovered deck should be counted as impervious area, but decks are not included in subsections A-D. Staff believes that subsections A-D could be further clarified with respect to how decks and patios are calculated as impervious lot coverage.

Subsection F sets for the pervious paver exemption which applies to "parking, driveways, and walkways" if a pervious paving system is used. This exemption is limited to 10% of the pervious surface required (the inverse of the maximum impervious lot coverage). The Director is required to approved manufactured pervious paving systems, but no guidance is provided on the minimum acceptable standard. The pervious paving market is rapidly changing with more systems being sold as pervious, but upon further inspection the system is only pervious in certain applications, some of which are prohibited in cold weather climate installations. Additional standards would prove beneficial to ensure installed systems are truly permeable.

Most of the time compliance with the maximum impervious lot coverage requirements are reviewed after a building permit has been submitted during the Planning Department's zoning review. The lack of clarity of the regulations, especially with the exemptions application, increases the difficulty of an applicant's preparation of a code compliant building permit. Changes at this point in the process can be costly and time consuming especially if redesigning the primary structure is required. Additional clarity would help with staff review, applicant submission, and reduce conflicts that arise over compliance discrepancies.

#### Other Jurisdiction's Regulations

Staff reviewed multiple other jurisdictions regulations to determine if and how lot coverage is regulated (Attachment C). The regulations varied widely from extremely simple to extremely detailed, while utilizing lot coverage maximum, floor area ratios (FAR), and definitions of terms to set forth standards and provide guidance. The following code summaries are arranged in order of complexity for most simplistic to most complex.

The City of Glenwood Springs does not have an impervious surface calculation and only applies a maximum lot coverage requirement to infill residential development. Infill residential development is defined as residential development on a parcel that shares a common lot line with at least two existing single-family homes. Given that definition the maximum lot coverage standards are relatively limited in their applicability in Glenwood.

The Town of Avon regulates maximum lot coverage as the area rendered impermeable by buildings compared to the total area of the site, less those rendered undevelopable. Driveways and patios are excluded for the maximum allowed area. Avon's zoning code includes a maximum lot coverage percentage for each zone district and type of residential use.

The Town of Eagle also regulates development through a maximum lot coverage requirement. In certain residential zone districts, Eagle's codes include both a maximum lot coverage for

buildings and a separate maximum for all other impervious surfaces. Eagle defines lot coverage to mean the portion of a lot or site covered by materials forming any unbroken surface impervious to water, including: (A) Buildings, decks, patios, structures; (B) Streets, driveways, parking lots, and other impervious materials. In addition, Eagle's codes limit the maximum floor area in certain residential zone districts.

The Town of Basalt uses a combination of maximum lot coverage and FAR for residential developments. In most residential zone districts either a maximum lot coverage or FAR is used, but in some districts both are used to govern development. Although not defined well, building footprints, decks, and patios are included in the maximum area, while driveways are not included.

The Town of Crested Butte uses a combination of FAR and required open space rather than a maximum lot coverage. These regulations serve the same purpose as maximum lot coverage as a required open space of 50% would limit the structures lot coverage to 50%. Open space is defined by all unoccupied land which does not include any structure above grade. However, decks 18" or higher above grade do count as "structure area". The regulations do not include driveways and other miscellaneous impervious improvements "structure area".

The City of Aspen uses a combination of FAR, floor area maximums, and maximum site coverage to regulate lot coverage in zone districts. The specific combination of regulations varies depending on the zone district. For example, the Medium-Density Residential district contains a maximum site coverage and FAR with square foot caps based on the size of the lot. The Low-Density Residential district only uses FAR with a maximum square foot cap to regulate lot coverage. City of Aspen also uses a complex and prescriptive policy to regulate permeable pavers. Section 8.5.1.4 of the Urban Runoff Management Plan (Attachment D) describes three categories of pervious pavement solutions: modular block pavement (MBP), cobblestone block pavement (CBP), and reinforced grass pavement (RGP). The regulations contain numerous regulations and design and construction considerations for installing the various systems to ensure permeability, including but not limited to minimum void spaces, fill material, sub-grade material and size. MBPs require a minimum void space of 20%, while CBPs require a minimum of 8% and RGP do not require any void space. A minimum of 12 inches of sub-grade material is recommended to resist freeze-thaw damage.

As demonstrated above regulations for lot coverage vary widely. When lot coverage is regulations, one commonality is that all structures and above grade decks area considered lot coverage.

#### Lot Coverage Modification Options

Based on prior conversations staff prepared three options for modifications to the UDC (Attachment B). The purpose of each option is to determine which direction is most appropriate for the Town of Carbondale.

##### *Option 1:*

The first option proposes code language to simplify how impervious lot coverage is calculated. Subsections A and B are modified to include any roof overhang more than 2 feet. The intent is to include larger roof forms as impervious area. A new subsection E is included to better define what types of decks and patios are considered impervious. Both exemptions (subsections E and F) are removed from the regulations.

The result of this proposed regulation will simplify what areas are considered impervious and make the calculation easier for applicant and staff to understand. It will however have an impact on the total amount of developed areas a lot can contain, by including more portions of the development as impervious (decks, patios, large roof overhangs). It will also remove both exemptions which have been widely used to allow for more development on a site, thus further restricting the gross amount of development.

*Option 2:*

The second option proposes code language which provides additional clarity for the calculation of impervious lot coverage is calculated, while keeping the patio exemption. Similar to Option 1, Subsections A and B are modified to include any roof overhang more than 2 feet, while a new subsection E is included to better define what types of decks and patios are considered impervious. In Option 2, the pervious paver exemption is removed from the regulations, while the deck and patio exemption is clarified to reference the new definition of which decks and patios are considered impervious.

This proposed regulation will still provide the clarity of Option 1, while keeping the patio exemption largely as implemented today. It will still have an impact on the magnitude of development on a lot by increasing the impervious portions of the development (decks, patios, large roof overhangs), but the impact will be less than Option 1 given the continuation of the patio exemption.

*Option 3:*

The third option proposes code language which provides clarity for impervious lot coverage while keeping in place both existing exemptions. The proposal is the same as Option 2, with the exception that the pervious paver exemption remains with additional requirements. This option includes minimum design standards for three types of pervious pavement systems: modular block pavement (MBP); cobblestone block pavement (CBP), and reinforced grass pavement (RGP). The minimum standards are borrowed from the City of Aspen's Urban Management Runoff Plan and intend to set standards related to minimum surface voids, void fill materials, and base course depth and materials, among others.

This proposed regulation will still provide the clarity of Options 1 and 2 while keeping both exemptions. The additional minimum standards for pervious pavers is intended to provide direction to applicant, improve the ease of review for Staff, and create more predictable outcomes during the building permit review. It will still have a minor impact on the magnitude of development on a lot by increasing the impervious portions of the development (decks, patios, large roof overhangs), but the retention of the exemptions will help keep development magnitude largely at what is seen today.

**RECOMMENDATION**

Staff recommends the Planning and Zoning Commission (P&Z) discuss the draft regulation options and provide feedback to Town Staff. In addition, Staff recommends the P&Z continue the public hearing and make the following motion:

**Move to continue the public hearing to September 14, 2023 for Amendments to the Unified Development Code related to Impervious Lot Coverage and Section 3.8.5.**

Prepared By: Jared Barnes, Planning Director



## Planning and Zoning Commission Memorandum

**TITLE:** Impervious Lot Coverage Code Text Amendment

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** A: Existing UDC Impervious Lot Coverage Regulations  
B: DRAFT Redlines of UDC Sections 3.8.5  
C: P&Z Minutes – July 13, 2023, August 24, 2023  
D: Staff Memo from 8/24/23

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### BACKGROUND

At the July 13, 2023 meeting, the Planning and Zoning Commission (P&Z) held a worksession to discuss regulations related to impervious lot coverage. The discussion arose from the Staff's identified issues when applying the Unified Development Code's (UDC) impervious lot coverage over the past year (Attachment E). At the meeting, the P&Z discussed a variety of topics related to impervious and pervious areas. Some of the topics that could be addressed in this code text amendment were:

1. Add language that prevents stormwater flows from leaving the property;
2. Modifying the definition of the term Principal Building;
3. Determining if overhangs should be included in impervious lot area;
4. Determining how decks should be considered; and,
5. Consideration of "green roofs" and "pedestal paver systems" as pervious spaces.

On August 24, 2023, the P&Z held a public hearing to discuss Code Text Amendments related to UDC §3.8.5, *Impervious Lot Coverage*. After hearing from the public and considering the code amendments, the P&Z continued the public hearing to September 14, 2023. The public hearing was continued again to the October 12, 2023 hearing, without any additional review of the proposed code amendments.

### DISCUSSION

At the August 24, 2023 meeting, the P&Z considered the proposed options for code amendments to impervious lot coverage. Public input was received which supported using the outside walls for a building's impervious lot coverage calculation and the deck exemption if a pervious surface is utilized underneath the deck. Lastly, concern was raised about the functionality of pervious pavers in Carbondale given the temperature fluctuations.

The P&Z conversations brought forth the following comments, concerns, and recommendations:

1. A simple approach could improve implementation given staff limitations.
2. Clarification of the terms deck and patio.
3. Requiring impervious lot coverage plans to demonstrate how all areas are calculated.
4. Consider requiring grading plans that demonstrate how all is accommodated on-site.

### Lot Coverage Modification Options

The proposed options were updated to respond to P&Z's direction. Based on prior conversations staff prepared three options for modifications to the UDC (Attachment B). The purpose of each option is to determine which direction is most appropriate for the Town of Carbondale.

#### *Option 1:*

The first option proposes code language to simplify how impervious lot coverage is calculated. Subsections A and B are modified to specify that all buildings are to be measured from the outside wall and do not include roof overhangs. However, a new subsection E is included to better define what types of decks and patios are considered impervious. This subsection does specify that covered decks and patios are considered impervious as well as any uncovered deck which has an impervious material below. Both the deck/patio and pervious paver exemptions (subsections E and F) are removed from the regulations.

The result of this proposed regulation will simplify what areas are considered impervious and make the calculation easier for applicants and staff to understand. It will however have an impact on the total amount of developed areas a lot can contain, by including more portions of the development as impervious (decks, patios, large roof overhangs). It will also remove both exemptions which have been widely used to allow for more development on a site, thus further restricting the gross amount of development.

#### *Option 2:*

The second option is very similar to the first. The only variation is retaining the patio exemption with a minor modification referencing the new definition of which decks and patios are considered impervious. The pervious paver exemption is removed from the regulations.

This proposed regulation will still provide the clarity of Option 1, while keeping the patio exemption largely as implemented today. It will have a lesser impact than Option 1 on the magnitude of development on a lot by increasing the impervious portions of the development (decks, patios, large roof overhangs), but retaining the patio exemption.

#### *Option 3:*

The third option proposes code language which provides clarity for impervious lot coverage while keeping in place both existing exemptions. The proposal includes the recommendations of Options 1 and 2, and modifies the pervious paver exemption to include minimum standards related to surface void space, underlayment materials, and the retention capacity of the system.

This proposed regulation will still provide the clarity of Options 1 and 2 and will have a negligible impact on the magnitude of development. The additional standards for pervious pavers are intended to provide direction to applicants, expedite the review for Staff, and create more predictable outcomes during the building permit review.

### **RECOMMENDATION**

Staff recommends the Planning and Zoning Commission (P&Z) discuss the draft regulation options and provide feedback to Town Staff. If the P&Z is supportive of one of the options presented, Staff would recommend the following motion be made:

**Move to recommend to the Board of Trustees approval of Amendments to the Unified Development Code related to Impervious Lot Coverage and Section 3.8.5., specifically Option \_\_ of Attachment B to the October 12, 2023 P&Z memorandum.**

If the P&Z requires additional dialogue and further modifications to the draft regulations, Staff recommends the P&Z continue the public hearing and make the following motion:

**Move to continue the public hearing to October 26, 2023 for Amendments to the Unified Development Code related to Impervious Lot Coverage and Section 3.8.5.**

Prepared By: Jared Barnes, Planning Director



December 7, 2023

Board of Trustees & Planning and Zoning Commission  
511 Colorado Avenue  
Carbondale, CO 81623

**Re: Town of Carbondale CLG Grant Letter of Support**

Dear Board of Trustees, Planning & Zoning Commission, and Community Members:

We, the Carbondale Historic Preservation Commission (CHPC), are writing this letter to ask for your support in our grant application to the History Colorado's Certified Local Government Grant for the development of Residential Historic Design Guidelines to be incorporated into the Town of Carbondale's Historic Preservation Design Guidelines.

Currently, the Historic Preservation Design Guidelines provide for courtesy, non-binding reviews for any development in the Historic Commercial Core (HCC). Among other things, these guidelines assist owners by recommending appropriate development in the historic core, while preserving the owners' right to suitable use of their property. The recent renovation of the historic Dinkel building stands as a successful collaboration with the owner/design team and the Town to preserve a part of Carbondale's heritage.

The Unified Development Code (UDC) establishes the Old Town Residential (OTR) zone district's purpose as: *"to allow residential uses and densities which are consistent with the historic character of Old Town Carbondale ... Special emphasis shall be placed on the quality and character of the built environment in this district, and the unique lot and home sizes characteristic of the original Townsite"*<sup>1</sup>. While the UDC provides quantitative standards (e.g. setbacks, heights, lot coverages) that need to be met, it does not provide any qualitative standards (e.g. design guidelines) to achieve the goals mentioned in the purpose statement.

Carbondale has experienced significant new development and property value growth in recent years. In addition, the Town has a well-documented housing shortage and affordability gap. These elements combine to add pressure on properties throughout town to be remodeled, added to, or redeveloped. The OTR zone district houses many of the Town's older buildings and underdeveloped lots which exacerbates the redevelopment pressures and threatens historic structures.

By creating new Historic Preservation Design Guidelines for residential structures in the OTR zone district, the CHPC hopes to develop resources for the historic residential district as a complement to the historic commercial core. The design guidelines will assist designers and property owners with development that is more responsive to and complementary of historic structures, site layout, and development patterns while incentivizing infill development and increasing housing options. The design guidelines will continue to serve as a courtesy, non-binding review in the same manner as the HCC.

Thank you for your consideration of and support in our efforts to raise historical awareness and provide design guidance for projects within the Old Town Residential zone district.

Sincerely,

Historic Preservation Commission

<sup>1</sup> UDC, § 3.2.3.A Purpose



## TOWN OF CARBONDALE

511 Colorado Avenue  
Carbondale, CO 81623  
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December 14, 2023

Lindsey Flewelling  
Preservation Planner, Certified Local Government (CLG) Coordinator  
History Colorado  
1200 Broadway, Denver, CO 80203

Re: Town of Carbondale CLG Grant Letter of Support

Dear Ms. Flewelling:

Thank you for the opportunity to apply for History Colorado's Certified Local Government Grant. Since 2007 when our Historic Preservation ordinance was adopted, Carbondale has worked to better protect our historic building stock which dates back to 1882. In 2011, Carbondale adopted design guidelines for the Historic Commercial Core (HCC), based on the 2006 and 2010 Structure of Merit Surveys, to help guide property owners on best practices for maintaining and renovating their historic buildings.

In 2022, Carbondale updated our Comprehensive Plan after a year of public outreach and involvement. One of the goals of this plan is to "continue to expand historic preservation opportunities and cultural resources and maintain the historic scale of Downtown Carbondale". Some of the identified strategies include updating the historic design guidelines and ensuring new development is compatible with adjacent historic, residential, and neighborhood contexts. Our grant request helps the Town achieve these identified community goals by creating a new set of design guidelines focused on residential development which add qualitative standards to the Town's existing quantitative standards listed in our Unified Development Code.

The current economic growth and development pressure in Carbondale has brought additional threats to structures in our Old Town Residential (OTR) neighborhood which is adjacent to our historic downtown. The guidance provided by new design guidelines will assist property owners, designers, and town decision-makers in ensuring that our growth is responsive to and compatible with Carbondale's historic building stock.

Thank you for your consideration of Carbondale's grant request and we hope that you view it favorably.

Sincerely,

Jay Engstrom  
Planning and Zoning Commission Chairperson  
Town of Carbondale



**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

## Memorandum

**TO:** Planning and Zoning Commission  
**FROM:** Kae McDonald, Planning Technician  
**DATE:** December 14, 2023  
**RE:** Planning & Zoning Commission 2024 Meeting Calendar  
**ATTACHMENTS:** 2024 Draft Meeting Calendar

### **Background**

The Planning and Zoning Commission traditionally meets on the second and fourth Thursday of every month and the 2024 Calendar reflects this cadence. The goal in presenting this calendar for consideration is to preemptively cancel meetings when anticipated member attendance will not achieve a quorum; for example, March 28<sup>th</sup> falls during the Roaring Fork School District spring break, July 25<sup>th</sup> is the day before Mountain Fair begins, Thanksgiving Day is November 28<sup>th</sup> and December 26<sup>th</sup> falls during the Roaring Fork School District holiday break.

A second consideration is how best to streamline meeting notification to ensure timely responses and increase attendance. For example, has extending an Outlook invitation instituted in 2023 served the intended purpose well? Is there a way staff can support the transition to and use of the Diligent Community meeting platform?

**PLANNING & ZONING COMMISSION**

**January-June 2024**

**CALENDAR**

<b>Meeting Date</b>	<b>Completed Application Submitted*</b>	<b>Notice Posting &amp; Mailing Deadline</b>	<b>Public Notice Published</b>	<b>Public Hearing Notice to Sopris Sun</b>	<b>Affidavit and Mail List to Planning Department</b>
<b>January 11</b>	12/4/2023	12/27/2023	12/21/2023	12/15/2023	1/3/2024
<b>January 25</b>	12/18/2023	1/10/2024	1/4/2024	12/29/2023	1/17/2024
<b>February 8</b>	<b>1/1/2024</b>	1/24/2024	1/18/2024	1/12/2024	1/31/2024
<b>February 22</b>	<b>1/15/2024</b>	2/7/2024	2/1/2024	1/26/2024	2/14/2024
<b>March 14</b>	2/5/2024	2/28/2024	2/22/2024	2/16/2024	3/6/2024
<b>March 28**</b>	<b>2/19/2024</b>	3/13/2024	3/7/2024	3/1/2024	3/20/2024
<b>April 11</b>	3/4/2024	3/27/2024	3/21/2024	3/15/2024	4/3/2024
<b>April 25</b>	3/18/2024	4/10/2024	4/4/2024	3/29/2024	4/17/2024
<b>May 9</b>	4/1/2024	4/24/2024	4/18/2024	4/12/2024	5/1/2024
<b>May 23</b>	4/15/2024	5/8/2024	5/2/2024	4/26/2024	5/15/2024
<b>June 13</b>	5/6/2024	5/29/2024	5/23/24	5/17/2024	6/5/2024
<b>June 27</b>	5/20/2024	6/12/2024	6/6/2024	5/31/2024	6/19/2024

\* Does not guarantee Public Hearing date, due to busy agendas.

\*\* Roaring Fork School District RE-1 Spring Break: March 25<sup>th</sup> - 29<sup>th</sup>

**PLANNING & ZONING COMMISSION**

**July-December 2024**

**CALENDAR**

<b>Meeting Date</b>	<b>Completed Application Submitted*</b>	<b>Notice Posting &amp; Mailing Deadline</b>	<b>Public Notice Published</b>	<b>Public Hearing Notice to Sopris Sun</b>	<b>Affidavit and Mail List to Planning Department</b>
<b>July 11</b>	6/3/2024	6/26/2024	6/20/2024	6/14/2024	7/3/2024
<b>July 25**</b>	6/17/2024	7/10/2024	<b>7/4/2024</b>	6/28/2024	7/17/2024
<b>August 8</b>	7/1/2024	7/24/2024	7/18/2024	7/12/2024	7/31/2024
<b>August 22</b>	7/15/2024	8/7/2024	8/1/2024	7/26/2024	8/14/2024
<b>September 12</b>	8/5/2024	8/28/2024	8/22/2024	8/16/2024	9/4/2024
<b>September 26</b>	8/19/2024	9/11/2024	9/5/2024	8/30/2024	9/18/2024
<b>October 10</b>	<b>9/2/2024</b>	9/25/2024	9/19/2024	9/13/2024	10/2/2024
<b>October 24</b>	9/16/2024	10/9/2024	10/3/2024	9/27/2024	10/16/2024
<b>November 14</b>	10/7/2024	10/30/2024	10/24/2024	10/18/2024	11/6/2024
<b>November 28**</b>	CANCELLED				
<b>December 12</b>	11/4/2024	11/27/2024	11/21/2024	11/15/2024	12/4/2024

**December 26\*\***

CANCELLED

\* Does not guarantee Public Hearing date, due to busy agendas.

\*\* Mountain Fair: July 26<sup>th</sup> - 28<sup>th</sup>

\*\* Thanksgiving Day: November 28<sup>th</sup>

\*\* Christmas Day/1<sup>st</sup> Day of Hanukkah: December 25<sup>th</sup>, Kwanzaa: December 26<sup>th</sup>