

B. BUG Ratings by Lighting Zone

**Table 5.10-4:
BUG Ratings by Lighting Zone**

	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3
Allowed Backlight Rating ^[1]				
Greater than two mounting heights from property line	B1	B3	B4	B5
Between one and two mounting heights from property line, and ideally oriented ^[2]	B1	B2	B3	B4
Between 0.5 and 0.99 mounting heights from property line, and ideally oriented ^[2]	B0	B1	B2	B3
Less than 0.5 mounting heights from property line, and properly oriented ^[2]	B0	B0	B0	B1
Allowed Uplight Rating	U0	U1	U2	U3
Allowed percent light emission above 90 degrees for street or area lighting	0	0	0	0
Allowed Glare Rating	G0	G1	G2	G3
Any luminaire not ideally oriented with between one and two mounting heights to any property line of concern ^[3]	G0	G0	G1	G1
Any luminaire not ideally oriented with between 0.5 and 0.99 mounting heights to any property line of concern ^[3]	G0	G0	G0	G1
Any luminaire not ideally oriented with less than 0.5 mounting heights to any property line of concern ^[3]	G0	G0	G0	G0
Notes:				
[1] For property lines that abut public walkways, bikeways, plazas, and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purpose of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section. This adjustment is relative to backlight and glare only and shall not be used to increase the lighting area of the site.				
[2] To be considered "ideally oriented," the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.				
[3] Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2 times the mounting heights of the luminaire location shall meet the reduced Allowed Glare Rating in the table.				

5.11 COMMUNITY HOUSING INCLUSIONARY REQUIREMENTS

5.11.1. PURPOSE

The purpose of this Section is to mitigate the impact of market-rate housing construction on the limited supply of available land suitable for housing. This mitigation will prevent the Town zoning regulations applicable to residential development from having the effect of excluding housing that meets the needs of all economic groups within the Town. This is accomplished through the establishment of community housing requirements for such development, which requires a portion of all new residential development to be set aside for community housing purposes as a condition of approval for such development.

5.11.2. APPLICABILITY

Community housing shall be required as a condition of approval for all residential development, including: annexations, subdivisions, planned unit developments, subdivision exemptions, condominium subdivisions, condominium exemptions, common interest communities, planned communities, rezonings, special use permits, or site plan review applications, unless exempted by Section 5.11.3 below. In the case where no land use application is made, any building permit application with five or more dwelling units is also subject to these regulations.

5.11.3. EXEMPTIONS

The following development is exempt from the requirements of this Section:

- A. Community housing and designated employee dwelling units.
- B. Single-family and two-family dwellings on a single pre-existing lot.
- C. Three-family dwelling units on a single pre-existing lot.
- D. Four-family dwelling units on a single pre-existing lot.
- E. Vested land use approvals pre-dating October 9, 2001, and all future phases of River Valley Ranch if developed as set forth in the currently approved PUD plan for River Valley Ranch without change.

5.11.4. RESIDENTIAL DEVELOPMENT MITIGATION REQUIREMENTS

All new residential subdivisions and all new multi-family residential developments shall set aside lots or units for community housing as set forth in this Section.

A. Mitigation of New Development

- 1. Residential developments of greater than four units shall be required to provide 20 percent of the total units as Community Housing AMI Category units, which shall include 15 percent of the total bedrooms.
- 2. Twenty percent of the remaining units shall be Resident Owner Occupied (R.O.) units.
- 3. Commercial development will not be required to mitigate.

B. Fractional Remainders

The development's mitigation responsibility will be rounded to the nearest whole number: below 0.5 round down (= 0 unit), and round up from 0.5 and higher (= 1 unit).

C. Sequencing of Mitigation Units

The sequence of required mitigation units will be as follows:

- 1. First mitigation unit: Category 2 (100% AMI)
- 2. Second mitigation unit: Category 1 (80% AMI)
- 3. Third mitigation unit: Category 3 (120% AMI)
- 4. Fourth mitigation unit: Category 4 (150% AMI)
- 5. Repeat the cycle for additional mitigation units.

5.11.5. PRIORITIZATION OF PREFERENCE FOR COMMUNITY HOUSING LOCATION

The following is a prioritization of the preferred location of community housing:

- A. On-site housing.
- B. Off-site housing within the Town, including both "buy-downs" of existing units and/or construction of new units. Consideration shall be given to the proximity of the off-site units to schools, public transportation, and shopping.
- C. Off-site housing outside the Town limits, but within the Town's urban growth boundary.
- D. Fee in lieu of providing housing as provided for more fully in Subsection 6.3.1, *Incentives for Affordable Housing Projects*.

5.11.6. MINIMUM REQUIREMENTS**A. Deed Restrictions**

Any community housing required by this Section shall be deed-restricted in accordance with a form of deed restriction enforceable in the State, as approved by the Town Attorney, to rental or ownership and occupancy by the project developer or to persons who live or work in the Town. Deed restrictions shall be prepared in accordance with the community housing guidelines.

B. Housing Guidelines

The units shall be developed and shall comply with the size, design and occupancy standards established within the community housing guidelines.

C. Timing of Occupancy

The units shall be ready for occupancy no later than the occupancy of free market units within the project. If the free market units are to be developed in phases, then the community housing units can be developed in proportion to the phasing of the free market units.

5.11.7. HOMEOWNERS' ASSOCIATION DUES AND ASSESSMENTS

If any community housing unit is developed as part of a mixed free-market and community housing development project for sales purposes, then any documents creating the condominium association or homeowners' association shall state that community housing units shall be only assessed monthly dues and other shared assessments based on whichever of the following two formulas results in the lower cost for the community housing unit:

- A. The size of the employee dwelling unit in square feet as compared to the total size of the other units in the development; or
- B. The size of the lot on which the employee dwelling unit is located as compared to the total size of the other lots in the development.

5.11.8. HOUSING MITIGATION PLAN

- A. Housing mitigation plan required. An applicant submitting any application that is subject to Section 5.11.2 shall submit a housing mitigation plan with the applicant's development plan to the Planning Department.

CHAPTER 17.05: DEVELOPMENT STANDARDS

- B. All requests for variances shall be submitted with the housing mitigation plan as required in Section 5.11.9 below.

5.11.9. VARIANCES

- A. The Board of Trustees shall have the authority to grant variances from this Section when it is deemed to be in the best interest of the community and when it furthers the overall goal of promoting affordable housing to the citizens of the Town. Variances may be granted, but are not limited to the following instances:
1. Where a developer provides incentives which further the purposes of this Article.
 2. Where a developer proposes voluntary restrictions on housing units being constructed which further the purposes of this Article.
- B. The Board of Trustees shall have the sole authority to grant variances to this Article. In doing so, the Board of Trustees shall approve variances only in these instances where, in the Board of Trustees' opinion, the overall outcome will advance the goal of obtaining affordable housing in a manner which meets or exceeds the requirements herein.
- C. All requests for variances shall be submitted with the housing mitigation plan as required in Section 5.11.8 above.

5.11.10. GUIDELINES FOR IMPLEMENTATION

- A. This Section has been implemented in accordance with guidelines adopted by the Board of Trustees, which guidelines shall be titled "Town of Carbondale Community Housing Guidelines." The guidelines may be amended from time to time and shall include the following components:
1. Guidelines for the type, size and price for community housing units;
 2. Guidelines for qualifications to purchase and occupy community housing units; and
 3. Guidelines for the purchase or sale of community housing units.
- B. The guidelines will provide all general information necessary for the implementation and administration of this Section.

5.11.11. ADMINISTRATION

- A. The Planning Director shall be responsible for the administration of these regulations, and he or she shall have the authority and duty to:
1. Exercise administration of this Section or any guidelines thereof pertaining to all building and developments where applicable.
 2. Enforce all terms of this Section or any guidelines thereof.
 3. Review and recommend approval or denial of all housing mitigation plans submitted in accordance with this Section or any guidelines thereof.
 4. Review and recommend approval or denial of all variance requests submitted pursuant to the provisions of this Section or any guidelines thereof, subject to the approval of the Board of Trustees.

CHAPTER 17.05: DEVELOPMENT STANDARDS

- B. The Planning Director may also enter into contracts with other agencies, including regional housing authorities, to administer this Section or any guidelines thereof, subject to approval of the Board of Trustees.

5.11.12. APPLICABILITY OF OTHER PROVISIONS OF CODE

The provisions of this Section are in addition to all other provisions and requirements of this Code pertaining to development of real property, including those contained in other sections of this chapter, the subdivision regulations, and the zoning regulations.

5.12 SOLAR ACCESS**5.12.1. INTENT**

The purpose of these solar access standards is to provide adequate light and air, to promote energy conservation, to encourage solar energy usage, and to encourage the most appropriate use of land throughout the Town.

5.12.2. APPLICABILITY

- A. This section shall apply to all development that requires a building permit.
- B. This section shall apply to all subdivisions for which a preliminary plat approval has not been obtained pursuant to Section 2.6, *Procedures and Approval Criteria: Subdivisions*, prior to the effective date of this Code.

5.12.3. SOLAR ACCESS ZONES ESTABLISHED

- A. Three solar access zones are established: SA zone I, SA zone II and SA zone III.
1. SA zone I includes all property in the OTR, R/LD, and R/MD zone districts.
 2. SA zone II includes all property in the R/HD zone district.
 3. SA zone III includes all property in the MT, CRW, HCC, and MU zone districts.
- B. Based on a computation of dwelling unit density, areas within PUDs shall be placed in that solar access zone that would have been applicable if the area were located within base zoning districts as described in Chapter 17.03: *Zoning Districts*.

5.12.4. SHADING ANALYSIS

A shading analysis shall be performed for all development subject to this section. A topographical map of the property and adjoining properties may be required by the Director.

5.12.5. SHADE PROHIBITIONS

- A. In SA zone I, no person shall erect a structure or object or allow vegetation that would shade any higher than a theoretical 16-foot high solar fence on the building envelope of the adjoining property during the solar use period, except as set forth in Sections 5.12.6, *Inconsequential Shade*, and 5.12.8, *Variances*. See example in Figure 5.12.5-A below.

6.3. Fee Exemptions for Qualified Developers of Affordable Housing

6.3.1. Incentives for Affordable Housing Projects

6.3.1.A Qualified Developer

CHAPTER 17.06: SUBDIVISION

5. Conservation subdivisions shall meet all requirements for a subdivision, street development, and all other applicable Town ordinances, except in lot size, which is defined in this section.

E. Provision and Maintenance of Common Open Space and Facilities

1. An open space shall be marked in the field with appropriate permanent signage markers in order to distinguish these areas from private property.
2. The open space shall be shown on the development plan, with a notation to indicate that the common space shall not be used for future structures.
3. The open space shall be permanently maintained and protected as:
 - a. Open space lots with deed restrictions; or
 - b. Land dedicated to the Town; or
 - c. Protected through a conservation easement.
4. For any land not dedicated to the Town, the developer shall establish and incorporate a property owners association, which shall have the responsibility for maintaining the open space and associated facilities at its own expense. As an alternative to a property owners association, a private, non-profit organization, whose primary purpose is open space conservation or preservation, can own and manage the open space within a cluster housing development.

F. Use of Open Space

The reserved open space shall be used for low-intensity recreation, agriculture, buffers, high quality forests, critical wildlife habitat, or other passive outdoor living purposes. Limited access to the open space may be allowed for the purpose of maintenance and recreation. Such uses shall not include rights-of-ways for roads or parking areas, tennis courts, swimming pools, or similar recreational development. The use of open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties.

G. Characteristics of Open Space to be Reserved

The following characteristics should be considered general guidelines to ensure that the land to be set aside is suitable as open space: 5.3.3.G: *Design*.

6.3 FEE EXEMPTIONS FOR QUALIFIED DEVELOPERS OF AFFORDABLE HOUSING**6.3.1. INCENTIVES FOR AFFORDABLE HOUSING PROJECTS****A. Qualified Developer**

For the purpose of this section, the following shall be considered a qualified developer:

1. A person/entity who is constructing new residential housing within the Town that meets the definition of "deed-restricted housing;" and
2. A person/entity who is contractually bound, through financing arrangements approved by the Town or otherwise pursuant to any annexation agreement, subdivision improvements agreement, or development agreement, to provide restricted resale prices or establish an appreciation cap by deed restriction

6.3. Fee Exemptions for Qualified Developers of Affordable Housing

6.3.1. Incentives for Affordable Housing Projects

6.3.1.E Exemption from Additional Fees

CHAPTER 17.06: SUBDIVISION

acceptable to the Town for affordable housing units for a period of at least 50 years.

B. Exemption from Fees

1. Qualified developers of affordable housing shall be eligible for exemption from a portion of the following fees to the extent these fees would otherwise be applied to the developer based on the scale of the percentage of fee exemption set forth below. The fees eligible for partial exemption are:
 - a. Land use application fee
 - b. Professional fees
 - c. Special study/added fee
 - d. Building permit and plan check fees
 - e. The park development fee and the fee in lieu of park dedication fee as set forth in Section 2.6.5.C.
2. The percentage of the fee exemption based on the purchase price of affordable housing units is set forth below:
 - a. One-bedroom unit with a purchase price up to 80 percent of the annual median income is eligible for an exemption of 100 percent of fees;
 - b. Two-bedroom unit with a purchase price up to 100 percent of the annual median income is eligible for an exemption of 80 percent of fees;
 - c. Two- or three-bedroom unit with a purchase price up to 120 percent of the annual median income is eligible for an exemption of 60 percent of fees.

C. Application for Exemptions-Contract Required

1. A qualified developer may request exemption from any or all of the fees set forth above by submitting a written application to the Town in conjunction with an application for annexation, development, subdivision, or condominium review for the project. The developer shall submit written proof of eligibility demonstrating to the satisfaction of the Town that the developer and the development meet the requirements of this section.
2. In the case of developments in which some, but not all, of the residential units are proposed as affordable housing, the Town shall prorate the exemption provided herein based upon the units of the development devoted to affordable housing.

D. Compliance with Other Code Requirements

Any exemption granted by the Town pursuant to this section shall not be construed to excuse the developer from the performance of any other duty or obligation as required by this Code. Except as specifically provided in this section, affordable housing projects shall comply with all provisions of this Code.

E. Exemption from Additional Fees

1. The Board of Trustees may grant fee waivers in addition to those provided for above in the event a qualified developer can construct affordable housing units that:

6.3. Fee Exemptions for Qualified Developers of Affordable Housing

6.3.1. Incentives for Affordable Housing Projects

6.3.1.F Board of Trustees Discretion to Decline Exemption

CHAPTER 17.06: SUBDIVISION

- a. Meet the low- to moderate-income guidelines for Garfield County as established from time to time and published in the latest edition of the U.S. Department of Housing and Urban Development Community Development Block Grant Program Guidelines; and
 - b. Utilize governmental subsidies from governmental entities other than the Town.
2. Developers are encouraged to provide a mix of housing sizes and types to meet the criteria set forth in this subsection.

F. Board of Trustees Discretion to Decline Exemption

If the Board of Trustees determines that it is not in the best interest of the Town to grant fee exemptions due to financial considerations, the Board may by ordinance decline to grant any fee exemptions for a particular project or for a particular period of time.

8.3 OTHER TERMS DEFINED

For the purposes of this Code, the following words and terms are defined as indicated in this chapter.

95th-Percentile Rainfall Event

The event whose precipitation total is greater than or equal to 95 percent of all 24-hour storms on an annual basis.

A

Access

Bicycle, pedestrian, or vehicular entry to or exit from a lot or parcel.

Accessory Building

A detached subordinate building located on the same lot as the principal building, the use of which is incidental to the principal building or use of the lot; such building shall not be used for living or sleeping quarters in a residential district and shall not contain plumbing capable of facilitating a bathroom or a kitchen, with the exception of detached accessory dwelling units specifically approved under Section 4.4.4.A.

Accessory Dwelling Unit

A subordinate dwelling unit added to, created within, or detached from a single-family residence, but located on the same lot or parcel as a primary residential structure, that provides basic requirements for living, sleeping, cooking, and sanitation.

Accessory Use

A use incidental and subordinate to the principal use of the lot, building, or another structure on the same lot.

Addition

An extension or increase in floor area or height of a building or structure.

Administrative, Laboratory, and Storage Use Related to Public Utility Uses

Typical clerical or office duties, basic laboratories, and storage of materials inherent to, but subordinate to, a public utility use.

Adult Day Care

A facility, whether in a private home or institutional setting, providing temporary care and supervision for persons 18 years of age or older. Care is provided for periods of less than 24 hours a day.

Adult Entertainment Establishment

Adult entertainment establishments include: adult book stores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult theaters, adult artist-body painting studios, adult modeling studios, adult sexual encounter centers, adult cabaret and all other adult entertainment establishments.

Affordable

For purposes of the Community Housing Inclusionary Requirements: a housing price that will be calculated based upon principal, interest rate, taxes, insurance, homeowners' dues and private mortgage insurance, not to exceed 30 percent of gross household income, assuming a 95 percent loan-to-value ratio and 30-year mortgage.

Alley

A public right-of-way within a block upon which the rear of the building lots generally abut; its use is for secondary access to the lot and for service purposes.

Alteration

Any construction or renovation to an existing structure other than a repair or addition.

Amendment

A change in the wording, context, or substance of this Code, an addition or deletion or a change in the district boundaries or classification upon the district map that imposes any regulation not heretofore imposed or removed, or modifies any such regulations heretofore imposed.

AMI

For purposes of the Community Housing Inclusionary Requirements: the Area Median Income as determined by the U.S. Department of Housing and Urban Development (HUD) and published annually for the County.

Anchor Tenant

The major or prime tenant of a shopping center.

Annexation

To bring land into the territorial jurisdiction of the Town of Carbondale and to establish zoning for the property.

Arcade

A series of arches supported by columns, piers, or pillars, either freestanding or attached to a wall to form a gallery.

Architectural Feature

A part, portion, or projection of a building or structure that contributes to its character or style, exclusive of signs, that is not necessary for the structural integrity of the building or to make a building habitable.

Art Gallery

A room or series of rooms where works of art are exhibited for display or sale.

Asphalt and Concrete Batch Plant Operation

A facility where asphalt or concrete, or its ingredients or products, are ground up, mixed, or otherwise prepared for use on-site or for transportation to another site.

Assembly, Fabrication, or Manufacturing

Establishments engaged in the transformation of materials by hand, by machine, or by chemical means into new products including the assembly of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

Assisted Living Facility

A multi-family dwelling licensed by the State of Colorado where accessory services primarily for older adults or others with special needs are provided to help with normal daily activities as an integral part of the dwelling. Assisted living facilities may also be known as assistive living, continuing care community, senior independent living, senior living community, senior housing and care, and housing with services establishment, or other similar marketing term.

Automatic Teller Machine (ATM)

A mechanized device that provides banking and other electronic services (e.g., postage stamp sales), that is operated by a financial institution or retailer for the convenience of its customers.

custodians or persons in charge of the property; installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, central air conditioning, and incinerating; the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all apparatus and installations existing for common uses; such community and commercial facilities as may be provided for in the declaration; and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

Common Elements, Limited

Those common elements designated in the declaration as reserved for use by fewer than all the owners of the individual units.

Common Open Space

Land and/or water within or related to a residential development that is designed and intended for the common use or enjoyment of the residents, occupants, and owners of the development. Types of common open space allowed under this Code are in Section 5.3.3.D: *Areas Counted as Common Open Space*.

Community Center

Public or quasi-public facilities used for recreational, social, educational, and cultural activities of a neighborhood or community. This definition includes facilities designed for the conduct of sport and leisure time activities and other customary and usual recreational activities such as athletic clubs; auditoriums; assembly halls; community, multi-service, neighborhood, or senior citizens' centers, swimming pools, and game courts.

Community Garden

A public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Community Housing

For purposes of the Community Housing Inclusionary Requirements: a residential dwelling unit that is deed-restricted for resale price and/or occupancy in accordance with a form of deed restriction approved by the Board of Trustees.

Comprehensive Plan

An officially-adopted policy document that establishes the Town's goals for the future and provides direction for decision affecting the use and development of land, preservation of open space, transportation systems, partnerships with other organizations, economic growth, the expansion and maintenance of public facilities and services, and the relationship between land use patterns and fiscal policies.

Conceptual Plan

A conceptual plan shall consist of a freehand drawing of the proposed subdivision depicting the topography of the band to be developed, the proposed street system with the approximate right-of-way widths, the block and lot pattern with approximate lot areas noted, existing buildings or structures on the land, and the location of existing and proposed utilities. See requirements in Section 2.6.3.

Condominium

A common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Dwelling, Manufactured/Factory-Built Home or Modular Structure

A transportable, factory-built structure that is manufactured in accordance with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401) and that is designed to be used for permanent dwelling units. This definition does not include recreational vehicles or structures with a floor area of less than 400 sq. ft. not intended to be used as year-round housing.

Dwelling, Multi-Family

Three or more residential dwelling units, other than mobile homes, within a single building and under a single roof, including apartments, houses and attached multi-family dwellings.

Dwelling, Single-Family Attached

Three or more single-family dwellings attached side-by-side, with each dwelling located on its own separate lot. This use includes triplexes, fourplexes, townhomes, and row-homes. A duplex is not considered a single-family attached dwelling.

Dwelling, Single-Family Detached

A dwelling unit (IBC, IRC or HUD standard) located on a separate lot or tract that has no physical connection to a building located on any other lot or tract.

Dwelling Unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This term shall be used interchangeably with the term "residential unit."

E**Easement**

A conveyance or reservation of the use of land for a specialized purpose.

Effective Date

The date on which the ordinance codified in this Unified Development Code becomes effective after its passage, and as to territory annexed after such date, "effective date" shall mean the effective date of the ordinance adding such newly annexed territory to a zoning district in Town.

Elevation

The front, side, or rear of a structure

Employee Dwelling Unit

For purposes of the Community Housing Inclusionary Requirements: a separate community housing unit that meets the following criteria:

- (1) Located within or attached to a nonresidential development, but with a separate entrance from the nonresidential portion of the development;
- (2) Not accessed from another residential dwelling;
- (3) Detached from the nonresidential development but located on the same lot, parcel or subdivision; and
- (4) Located at an approved site location different than the site of the employment generation.

Environmentally Sensitive Areas

Lands containing specimen trees, steep slopes, wetlands, watercourses, floodplains, other riparian areas, habitat of endangered or threatened species, hillcrests, geologic hazards, and similar natural features.