

**ORDINANCE NO. 8
SERIES OF 2020**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING THE APPLICATION TO REZONE
35 N. 7th STREET
AS PART OF THE COMMERCIAL/TRANSITIONAL (C/T) ZONE DISTRICT**

WHEREAS, Bryan W. Welker and Jennifer W. Welker (“Owners”) submitted an application to rezone 35 N. Seventh (the “Property”) from the 711 Main Street Planned Unit Development (PUD) to Commercial/Transitional (C/T); the Property is legally described as Lot A, 711 Main Street Planned Unit Development Subdivision Exemption-a Resubdivision of Lots 22, 23 and 24, Block 21, Town of Carbondale according to the plat recorded June 23, 2006 under Reception No. 700697; and

WHEREAS, after all required notices, the Planning and Zoning Commission (P&Z) conducted a public hearing on July 16, 2020, at which time the P&Z heard and considered the statements of town staff and the public, and reviewed and considered all relevant documents and information presented at such hearing, all as required by law; and

WHEREAS, the P&Z subsequently recommended to the Town’s Board of Trustees that the request be approved; and

WHEREAS, after all required notices, the Town’s Board of Trustees conducted a public hearing on August 11, 2020, at which time the Board heard and considered the statements of town staff and the public and reviewed and considered all relevant documents and information presented at such hearing, all as required by law; and

WHEREAS, with regard to the requested zoning change, the Board of Trustees finds and determines that it is appropriate to accept the recommendation of the P&Z and to rezone the Property, as the requested rezoning is consistent with the overall purpose statements described in Chapter 17.01, Section 1.3, of the Municipal Code and the 2013 Comprehensive Plan, and that the application also complies with the specific rezoning criteria set forth in Chapter 17.02, sub-sections 2.4.2.C.3.b.i through –vi, inclusive, of the Municipal Code, as follows:

1. The rezoning will promote the public health, safety, and general welfare.
2. The amendment is consistent with the Comprehensive Plan as the Future Land Use Plan shows this property in the “Downtown” area. The “Downtown” designation provides suggests mixed use including shopping, restaurants, entertainment, lodging, offices, and employment generating facilities essential to the daily life of residents and housing. The uses in the C/T zone district will allow uses that would accommodate the uses outlined in the “Downtown”

designation in the Comprehensive Plan. The purposes stated in this Unified Development Code have been met.

3. The amendment is consistent with the stated purpose of the proposed zoning district, specifically, the purpose of the C/T district is to accommodate the transition of neighborhoods from residential to mixed-use, commercial, and other non-residential use;
4. The rezoning will not result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, and in fact will enhance the natural environment due to the preservation of the historic lawn area and significant spruce trees.
5. The rezoning will not result in material adverse impacts to other property adjacent to or in the vicinity of the subject property.
6. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are available to serve the subject property while maintaining adequate levels of service to existing development; and

WHEREAS, although the existing structure on the property does not presently meet the required rear yard setback within the C/T zone district (the existing structure is only 10 ft. from the rear property line, and a 20 ft. rear yard setback is required within the C/T zone district at the present time), and the Property likewise does not presently have the required minimum lot depth within the C/T zone district (the lot is 75 ft. deep, and the required minimum lot depth within the C/T zone district at this time is 100 ft.), these conditions may continue after the Property is re-zoned to C/T to the extent allowed by, and subject to all terms and conditions of, Chapter 17.07, Sections 7.4 (non-conforming structure) and -7.5 (non-conforming sites or lots), of the Municipal Code, as amended from time to time.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Carbondale as follows:

1. The Property is hereby removed from the 711 Main Street P.U.D. and rezoned as part of the C/T zone district, subject to all terms and conditions of this Ordinance.
2. All representations of the Owners in written submittals or during public hearings concerning this project shall be considered additional conditions of approval.
3. The Owners shall pay and reimburse the town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code.

4. A copy of this Ordinance shall be recorded in the Garfield County real property records at the expense of the Applicant.

This Ordinance shall not be effective until posting and publication in accordance with the Town's Home Rule Charter. Upon this Ordinance becoming effective, the Town's Zone District Map shall be amended in accordance with Chapter 17.03, Section 3.1.2, of the Municipal Code.

INTRODUCED, READ AND PASSED this 11th day of August, 2020.

THE TOWN OF CARBONDALE

By: [Signature]
Dan Richardson, Mayor

ATTEST:
[Signature]
Cathy Derby, Town Clerk

