



*Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 81623*

**AGENDA  
PLANNING & ZONING COMMISSION  
THURSDAY, January 11, 2018  
7:00 P.M. TOWN HALL**

1. CALL TO ORDER
2. ROLL CALL
3. 7:00p.m. – 7:05 p.m.  
Minutes of the November 16, 2017 meeting.....Attachment A
4. 7:05 p.m. – 7:10 p.m.  
Public Comment – Persons present not on the agenda
5. 7:10 p.m. – 7:40 p.m.  
PUBLIC HEARING – PUD Amendment.....Attachment B  
Applicant: Big Sky Holdings (Drs. Verheul)  
Location: 1199 Village Road
6. 7:40 p.m. – 8:10 p.m.  
PUBLIC HEARING – Rezoning.....Attachment C  
Applicant: Peter Mueller/Cindy Suplizio  
Location: Northwest of the intersection of Cleveland Avenue and 7<sup>th</sup> Street
7. 8:10 p.m. – 8:50 p.m.  
UDC Discussion (If time available)  
Proposed OTR Standards.....Attachment D  
Proposed Mobile Home Park Amendments.....Attachment E
8. 8:50 p.m. – 8:55 p.m.  
Staff Update
9. 8:55 p.m. – 9:00 p.m.  
Commissioner Comments
10. 9:00 p.m. – ADJOURN

**\* Please note all times are approx.**

Upcoming P & Z Meetings:

- 1-25-18 – Assisted Living Parking Amendment (UDC)  
1-25-18 – Sopris Lodge – Comp Plan Amendment, Special Use Permit, Major Site Plan Review,  
Rezoning.  
2-8-18 – 689 Main Street - Rezoning

## **MINUTES**

### **CARBONDALE PLANNING AND ZONING COMMISSION**

Thursday November 16, 2017

#### **Commissioners Present:**

Michael Durant, Chair  
Marina Skiles  
Ken Harrington  
Jay Engstrom, 1<sup>st</sup> Alternate  
Jennifer Gee DiCuollo  
Nick Miscione, 2<sup>nd</sup> Alternate

#### **Staff Present:**

Janet Buck, Planning Director  
John Leybourne, Planner  
Mary Sikes, Planning Assistant

#### **Commissioners Absent:**

Yuani Ruiz, Chair Pro Tem  
Jeff Davlyn  
Gavin Brooke

#### **Other Persons Present**

Terry Classen, 650 Lariat Lane, Glenwood Springs  
Frank McSwain, 64096 Crystal Bridge Drive  
Eric Fisher, 3 Pine Ridge Road, Basalt  
Ed Queenan, 1752 County Road 109

The meeting was called to order at 7:04 p.m. by Michael Durant.

#### **October 12, 2017 Minutes:**

Ken made a motion to approve the October 12, 2017 minutes. Jay seconded the motion, and they were approved unanimously with Jen abstaining.

#### **Other Persons Present**

There was no public comment.

Marina arrived at 7:07 p.m. and Nick arrived at 7:08 p.m.

#### **PUBLIC HEARING – Rezoning, Special Use Permit, Major Site Plan Review**

**Applicant: Pacifica Senior Living RE Fund LLC**

**Location: 295 Rio Grande Avenue**

#### **BACKGROUND**

John said that this is an application for Rezoning, Major Site Plan Review and Special Use Permit for a 78-unit assisted living and memory care facility. He stated that the Planning Commission is required to hold a public hearing and make a recommendation

on the Rezoning and Major Site Plan review and to either approve or deny Special Use Permit. He said that the Commission may also continue the public hearing.

John outlined the following:

## **REZONING**

The current zone district for these properties is Residential Medium Density (R/MD) and PUD mini storage (Nieslanik Mini PUD). The proposed zone district is Residential/High Density (R/HD).

In order to approve a rezoning, the Town would need to find that the rezoning will promote public health, safety and welfare; is consistent with the Comprehensive Plan; is consistent with the purpose section of the UDC and the proposed zone district; does not have adverse impacts on the natural environment and adjacent or nearby properties; and that facilities are available to serve the development.

### **Comprehensive Plan**

Note that the R/MD parcel is split by the two designations Downtown North and the developed neighborhoods. The Nieslanik PUD is entirely within the Developed Neighborhoods designation.

Chapter 4 of the Comprehensive Plan describes both of these designations and is included in the staff report:

#### Staff Recommendation – Comprehensive Plan

One of the criteria which must be met in order to approve the rezoning is as follows:

“The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code.”

The “Developed Neighborhoods” designation calls for continuation of the uses allowed under the applicable zoning district. This would not fit with the proposed use.

Staff’s position is that the Comprehensive Plan would need to be amended in order to approve the rezoning. The application did not address the rezoning criteria or include a request to amend the Comprehensive Plan.

It seems appropriate to amend the Comprehensive Plan and Future Land Use Map so that both parcels are entirely within “Downtown North.” This change would more precisely reflect the proposed use. A public hearing would be required to amend the Comprehensive Plan.

Overall, Staff is supportive of the rezoning. The proposed development would provide a high-density project near the downtown and commercial areas as suggested in the purpose section of the R/HD zone district. Also, the rezoning would convert the

Nieslanik Mini-PUD to a zone district established in the UDC which is in line with the goals of PUD policy. However, as noted, the rezoning would not be in compliance with the Comprehensive Plan.

## **MAJOR SITE PLAN REVIEW**

### **Zoning District Parameters**

The following development standards have been met:

The development would meet the minimum lot area per dwelling unit required in the R/HD zone district as well as setbacks and building height standards and lighting plan.

### **Section 5.8.3 Parking**

Table 5.8-1 requires the following: 1 per 400 SF GFA, and 1 additional space, reserved for pickup and delivery of adults, per 800 SF GFA.

Two-hundred forty-seven (247) parking spaces are required and 61 have been provided.

The application did not include a request for a variance from the parking requirements nor did it propose a different parking formula. The applicant said that the use would not require the amount of parking required in the UDC because the residents would not drive. In addition, there is no area for overflow parking.

Staff said that the applicant could submit a parking demand study; however, time would be needed for Staff to review the proposed study. In addition, a variance from the parking requirements would need to be noticed

### **Site and Building Design**

Section 5.6 Residential Site and Building Design  
Section 5.6.5. Multifamily Building Design Standards

Section 5.6.3. requires that all development with ten or more units comply with the common open space requirements in Section 5.3 Open Space. It is not entirely clear how the application complies with this section, specifically 5.3.3.D, as a large portion of the proposed open space area is unusable slope located on the northern side of the parcels.

In Section 5.6.5., Private outdoor space is indicated for building B with patios located on the ground floor and balconies on the second floor. Private outdoor space is not in conformance for ground floor units. But is in conformance for the second floor units.

No private outdoor space is indicated for building A,

Bulk storage has been indicated as being provided in the basement of Building B.

### **5.7.3 B Transitions Between Different Land Use Areas**

The application has not demonstrated conformance with transitions between different land uses.

### **Section 5.11 Community Housing Inclusionary Requirements**

Staff has reached out to the Garfield County Housing Authority to see if other assisted living facilities have had to mitigate for affordable housing but have not yet received a response. Staff will also ask the Town Attorney for an opinion.

#### **Traffic**

Another concern that there will need to be street improvements along 2<sup>nd</sup> Street to accommodate the increased traffic a cost estimate was developed in 2015 for those improvements.

The Town had a cost estimate done by SGM in 2015 which showed two options for street improvements and a range of costs. The application does not include a proposal on how the street improvements would be accomplished.

*RFTA has submitted comments that are attached.* The applicant also applied for an access license to utilize the Rio Grande trail for access to the site. RFTA has informed Staff that the license has not been finalized at this time.

### **RECOMMENDATION**

Staff is supportive of the overall proposal and the rezoning. The project could provide valuable housing and services for seniors.

However, during the review of the application it was discovered that the application was not in compliance with the UDC. In addition, there are engineering issues which need to be addressed. Staff met with the applicant and discussed how to proceed with the project.

One of the options that was discussed was to bring the application to the Planning Commission and have the Commission provide input on the rezoning and Comprehensive Plan amendment. The public hearing would then be continued to allow time for the applicant to request a parking variance and provide time to allow for noticing for the Comprehensive Plan amendment and also for a request for a parking variance. Staff does not recommend this option.

Another option is to deny the application and ask the applicant to submit an application that is in compliance with the UDC. After some thought, Staff feels that this would be the most appropriate path. However, Staff would like to use this opportunity to solicit input from the Planning Commission on the Comprehensive Plan amendment, the requested rezoning to R/HD and the proposed development.

Two letters were handed out at the meeting one from Mark and Anna Maria Whalen and one from GJ Enterprises LLC.

Ken asked what is the neighboring property and do they own it, referencing open space?

John answered that a portion of the open space is in the County and they do not own it. He explained further the land swap that was completed with the Nieslanik's and how the open space was calculated. He said that a portion would not be usable as it is on a very steep slope.

Ken asked for clarification of the UDC requiring the open space to be useable.

John answered yes it does need to be usable for the common open space.

Janet noted that the common open space is only required to be fifteen percent.

Ken asked if they comply with the site area landscaping.

John answered no they do not.

Ken clarified that they are required to have 67,000 sq.ft. and they only have 55,000 sq. ft.?

John stated correct.

Marina asked when the P&Z approved the land swap were there any stipulations or restrictions on that property.

John answered that the only stipulation was that an easement for the ditch be placed on that parcel, which is down below at the base of the property.

Jay asked if we would consider the hillside unusable if it is being considered as a future access.

John stated that the applicant had been considering this for access but that it was cost prohibitive.

Michael asked if the new Glenwood Springs senior living facility had been contacted to talk about their geographical constraints near the river.

John said that we are planning on contacting them.

Jay said that he had concerns with access to the property as well as agreements with RFTA.

John said that the applicant has been working with RFTA for a long time.

The applicant, Terry, said that he is excited to be here. He said that he has worked with Staff for two years. He said that there has been some confusion with Staff, he said that we are aware that we had to file a variance for the parking and a complete plan. He apologized for not having a full application. Terry said that they have been working closely with Janet and John to resolve some of the issues of engineering and open space with the application, which he said were all achievable.

Terry said that the Glenwood Springs Assisted Living project opened last week and that his team got it entitled and then sold it to the current group. He said his role was as a consultant up to the end. He said that he would touch on the parking requirements and inclusionary housing for that project later.

Terry said that we have completed several projects with two under construction currently and others in the planning stage that are fully entitled. He said that they work with a third party company, the Highland Group, which is a Colorado based company that is involved with the designs of the projects. He said that the demand for the Carbondale project will draw from up valley.

Terry said that his team is all locally based, he outlined the various entities involved.

Terry said that their goal was to come before the P&Z to get full approvals tonight but if that is not possible then we would like to focus on the rezoning. He said that it is a very unique site to provide a quality assisted living facility for Carbondale. He said Carbondale has its own urban setting within a rural area of the county. He said that this facility would have access to all of the amenities that Carbondale has to offer and that the Glenwood Springs project lacks the same conveniences. He said that in Carbondale everything is within walking distance to create synergy between the town and the facility.

Terry said that regarding the Comprehensive Plan that this site is across from the Downtown core and that their three properties currently have complicated designations. He said that the zoning issues should be easy ones to get our arms around. He said that we originally went in as R/MD but that with the 78 units that it warrants R/HD. Terry continued by saying that at no stretch of the imagination that this is a high density project. He said that this is a two building project each with 15,000 square feet on almost four acres so he said to call it high density is a misnomer but that is the zoning we are being required to come in under.

Terry asked if anyone had any questions.

Terry asked if anyone has a relative who is in assisted living right now.

He said that everyone is facing this issue and that some are calling it the senior tsunami, which will be happening for the next thirty to forty years. He said virtually every community is undersupplied for accommodating the seniors. He said that prior to the new facility in Glenwood Springs that people had to go to Grand Junction or Denver. Nick asked how many beds per room and are they all single?

Terry answered yes.

Nick said that it looks like some are larger beds that could accommodate more people.

Terry said that there are some larger units in Building B.

Nick asked if they were intended for more than one person.

Terry answered possibly a couple.

Terry explained that assisted living applies to people with mild to moderate health problems. He said that it provides residents the comforts of home in a social setting and community that they may not have in their own home as well as opportunities to stay active. He continued to explain assisted living guidelines and definitions. He also noted that not all residents are necessarily seniors. Terry said that the average age of a resident is typically an 87 year old female. He said that 54% are over the age of 84 and 75% female. He said that this is a business rather than group housing in order to provide staffing and nursing support. Terry said that it is not skilled nursing.

Terry said that the memory care area would have a secure outdoor area.

Terry outlined the proposed layouts of the buildings and the numbers of units in each building. He said that there would be a senior pet facility for dogs and cats.

He showed the existing conditions of the site on the screen. He said that this was put together with SGM two years ago and that they had gotten pricing as well. He said that they can work with the Town if Second Street is in need of improvements and that we can make it happen.

Terry said that we built the roundabout in front of the facility in Glenwood Springs that the city paid for.

Terry said that there are very minimal traffic or parking impacts as per their studies. He said very few residents drive. He said that their traffic count at peak a.m. times was a count of 21 and p.m. times a total count of 30. He said that the current counts are probably similar with the storage units and existing uses.

Terry said that there would be garages alongside the Whalen property in order to minimize impact for them. He said that there would be a greenhouse for the residents to use. He continued to outline the proposed site of the facility.

Terry said that there is an easement agreement with the Nieslanik's for their cattle drives so they can continue to use this area even after this facility is constructed. He said that we will create a community event and BBQ around the cattle every year. He said that we have engineered a path to the dog path from the facility, which is incorporated into our open space plan.

Terry referenced a CDC study of senior living residents that still drive, which he said is roughly four percent.

Terry showed parking numbers of other facilities from Glenwood Springs to Fruita and Eagle.

Terry pointed out that the open space analysis has been revised from what was in the packet.

Terry said in closing that this is a desperately needed project in the midvalley. He said that according to their study all but twenty percent will be local residents. He said that this would free up a tremendous amount of local inventory here in the valley. Terry said that this is a community enhancing project that can be symbiotic with the whole area. He said that we like to bring the community into these projects as well as using CMC's nursing program for internships. He said that this was the only location in Carbondale offering an urban and outdoor setting with close proximity to town with the lowest impacts for parking and traffic.

Terry said that this facility is an important need in order to keep our seniors here and age gracefully instead of being forced to go somewhere else.

Michael asked how many full time employees would there be?

Terry answered 18-20 at peak times during the day.

Jay asked if the number of parking spaces includes the garages.

Terry explained that each unit in Building B could have a garage. He said to look at the parking study and that the parking spaces aren't used.

Ken asked what the breakdown of garage and non-garage spaces was.

Eric, the architect, replied 30 garages and 31 non-garage exterior parking spaces.

Terry said that the spaces will not get used and that there will be other transportation options such as a shuttle or a car. He said that there would be 3-4 holidays or events per year that overflow parking would be needed. He said that we would secure parking and shuttle people in for those events, which eliminates a giant parking lot that would just sit empty.

Ken asked Staff what was the basis for the parking requirement for group living in the UDC?

Janet explained that the footnote for Clarion said that they looked at best practices used throughout the industry.

Terry clarified that assisted living is not categorized with skilled nursing like Heritage Park. He said that assisted living should not be included in group housing as it is a business, which is why he said that is why we were not needing a zoning variance.

Marina asked why you don't need a variance.

Terry answered that we were not clear that assisted living was included as part of the group living, which would have required 261 parking spaces. He said that we based our parking count on the necessary number of spaces.

Marina asked Terry what zone district do you think you should be in.

Terry answered that we are asking for R/HD with a variance on the parking it seems.

Nick asked if the RFTA issue could be explained.

Terry said that they have been working with RFTA to nauseam. He said that there is an agreement that is ready to be signed but it is contingent on this application moving forward. He said that access to this property is in the RFTA right-of-way.

Nick asked if RFTA had intentions of using the right-of-way.

Terry explained that if RFTA ever used light rail that this project would be isolated so we would use the property out to Fourth Street for access.

Nick asked where was the closest bus stop to this facility is.

It was agreed the circulator bus at CMC was the closest location.

Terry said that a shuttle would be provided and that there was mass transit.

Ken asked if we deny this application would you come back with a revised application.

Terry said he would be coming back.

After further discussion Michael said let's open the public hearing.

**Ed Queenen**, 1752 County Road 109, Glenwood Springs, said that he is a financial advisor in assisted living facilities and that he has several clients here that are elderly women. He said that he was on the board of the largest assisted living facility in Rhode Island and that parking has never been an issue. He said that it was a 72 bed facility with twenty parking spaces. He said that he has several clients that are wanting to move from Aspen. He said that he has twenty years of experience with assisted living but he is not an expert.

**Ray Speaker**, 345 Colorado Avenue said that he moved here from Greeley five years ago. He said that his mom was in an assisted living and since then they have opened five others. He said that this is a great project and let's make some things happen.

**Frank McSwain**, 4096 Crystal Bridge Drive said that he has lived in the valley for eighteen years. He said that he took care of his parents twenty or thirty years ago in a facility similar to this one and what a benefit it really was. He said that he has known Terry for the last few years and that he is a realtor. He said that there are not a lot of options in this valley and we don't want to leave this valley.

**Motion to close the Public Hearing**

A motion was made by Ken to close the Public Hearing. Marina seconded the motion and it was approved unanimously.

Michael stated that we are being asked to do three things, rezoning, special use permit, and a major site plan review. He said that any one of these things could take up an entire public hearing. He said that the Commission feels that this is a great project. He said that procedurally that Staff's recommendation would be the best thing towards moving forward. He said that it doesn't mean no but that it means no for right now. Michael said that we would like to figure out the steps to keep this ball moving forward.

Janet added that the Commission should weigh in on the Comprehensive Plan amendment and rezoning.

Michael suggested that the Commission weigh in on the Comprehensive Plan amendment and on the rezoning to R/HD. He said that if we could tackle those two things that everything else would be manageable.

Michael explained procedure further and said that this recommendation of denial seems harsh but that this would be the best option in moving forward.

Terry asked why we can't just have a continuance.

Janet explained that the Town historically has previously redesigned projects during the land use process and that it didn't work very well. She gave the example of Crystal Village that had thirty-two public hearings. She explained that with the new code that denying it rather than continuing it would be the best avenue. She said that there would be deadlines for noticing the Comp Plan amendment as well as the parking plan to be looked at by the Town engineer. Janet said that there were many moving parts. She said that Second Street needs to be addressed, which is a problem area. She said therefore that is why the recommendation is for denial.

Marina commented that this is multifaceted application and that this is beyond a few public hearings.

Janet stated that the parking would be a big hurdle with regards to a variance.

Michael said that there are six criteria to grant the variance and that it is a pretty high bar. He said that we take variances very seriously.

Ken suggested looking at other communities and other assisted living facilities and to amend the UDC.

Michael said that finding there was a hardship would be difficult.

Jay, Ken, Jen, Marina said that they agree on amending the Comprehensive Plan and rezoning to R/HD. Marina applauded the applicant's efforts. Nick said he agreed as well with the parking being a condition.

Janet said that Staff would need to do their research to see what other communities are doing and contact Clarion to get their thoughts and then put together a zone text amendment for the UDC. She said that this would have to be pulled out of the overall UDC amendments that we are currently drafting so it didn't slow things down. She said that it would also have to go before the Board.

Janet said that the first steps procedurally would be to amend the Comp Plan and the UDC prior to moving forward with a revised application. She recommended that when the applicant revise their application that they request that the Comp Plan be amended to the Downtown North, which would probably work best. She said that we would notice the Comp Plan Amendment, Special Use Permit and the Major Site Plan Review. She said Staff would do the UDC amendment, which could be done at the same meeting.

Further discussion ensued as to the future public hearing, which could be divided into three separate public hearings in one meeting for the UDC amendment, the special use permit and major site plan review and the Comp Plan amendment. It was also determined that a date could not be set at this time.

Terry said that there would be some ditch timing needed when the ditch is off. He said that they need to add two manholes and new piping. He said that we would be in favor of setting a deadline.

### **Motion**

Marina made a motion to deny the Rezoning, Major Site Plan and Special Use Permit and to ask that the applicant if they so wish to resubmit an application that is in conformance with Chapter 17 of the Carbondale Municipal Code. Nick seconded the motion and it was denied unanimously.

### **Direction to Staff**

- Research other communities to see what other assisted living parking requirements are.
- Initiate a zone text amendment.
- Amend Comp Plan to Downtown North in late January/February 2018

### **Direction to Applicant**

- Dial in the engineering for Second Street, work on their site plan and special use permit.

Janet said that the utilities in the RFTA corridor would need to be reconfigured as well because they are not laid out in straight lines and that the Town would be left to maintain them.

John clarified that the applicant has received comments already from the engineer, the building official, public works etc. so they are aware of how to move forward as well as the Staff report.

Terry said that an easement with the Whalen's would be a needed component.

Further discussion ensued regarding deadlines and date setting. Janet stated that the applicant's deadline for their revised application will be December 15, 2017. She said that we can meet with the applicant outside of this forum as well and look at alternative compliance in the UDC.

**County Referral – New land use designation in Comp Plan (Residential Village)  
Change land use designation on a 41 acre site (kitty corner from Catherine Store  
across Hwy 82**

Janet stated that Planning Staff received a referral from Garfield County. She said that the application is two-fold:

1. Request for a Comprehensive Plan Text Amendment to create a new land use designation within the Comprehensive Plan of 2030. The new designation would be called "Residential Village" that may be applied to properties throughout the County.
2. Request to change the designation of the 41.64 acre properties currently identified as Residential Medium Density (6 to <10 acres/du) to the new Residential Village designation.

Janet explained that Staff received the referral on November 7, 2017 so there was no time to review this extensively prior to the packet deadline. She said that comments are due to the County by November 27, 2017. She stated that both items will be considered by the Garfield County Planning Commission on December 13, 2017.

Janet said that this referral appeared significant enough to warrant some discussion by the Planning Commission. She said attached are excerpts from the land use application.

**Points of Discussion**

- Draft a letter for Michael to sign.
- Is it another Willits?
- Schools and bus traffic on the 100 Road will be impacted.
- The Commission opposed, density is extreme.
- Review Cattle Creek comments.

### **Staff Update**

Janet said that the Board approved the Stein Lofts and that kudos were given to the P&Z. She said that Terry Kirk was in favor as well.

Janet said that City Market's earnest money has gone hard, in the amount of 250K. She said that it is moving forward and that the closing date is scheduled for the end of February 2018.

Janet said that the additional conditions for Laughing Dog were approved by the Board.

Janet said that there was a new group taking over Thompson Park and the design would be improved.

### **Commissioner Comments**

The Commission had no comments.

### **Motion**

A motion was made by Jen to adjourn. Marina seconded the motion and the meeting was adjourned at 9:05 p.m.



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

## **Planning and Zoning Commission Agenda Memorandum**

Meeting Date: 1-11-18

**TITLE:** Zone Text Amendment – Commercial/Retail/Wholesale Zone District  
Roaring Fork Village PUD

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** Redlined Zone Text – CRW  
Land Use Application  
Referral Comments  
Ordinance No. 10, Series of 1993  
Roaring Fork Village (RFV) PUD Zone Regulations

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### **BACKGROUND**

This is an application for an amendment to the Commercial/Retail/Wholesale (CRW) Zone District of the Roaring Fork Village PUD. The purpose of the amendment is to allow residential units above the ground floor within the CRW zone district of the Roaring Fork Village Planned Unit Development. The applicant is Big Sky Holdings LLC.

### **DISCUSSION**

The PUD was annexed in 1978 and development has progressed through today. The PUD consists of several zone districts that include the Residential Multiple Family (RMF), the Commercial Retail Wholesale (CRW) and the Commercial Industrial District (CI) zone districts.

The proposed amendment would only affect the CRW zone district. In 1993 the CI district was amended by Ordinance No. 10 of 1993 (attached) to allow one residential unit per building with the approval of a conditional use permit by the Town. The amendment also placed restrictions on the size of the units. The restrictions included a maximum size of 1,300 square feet to be located on the second or third story of a structure.

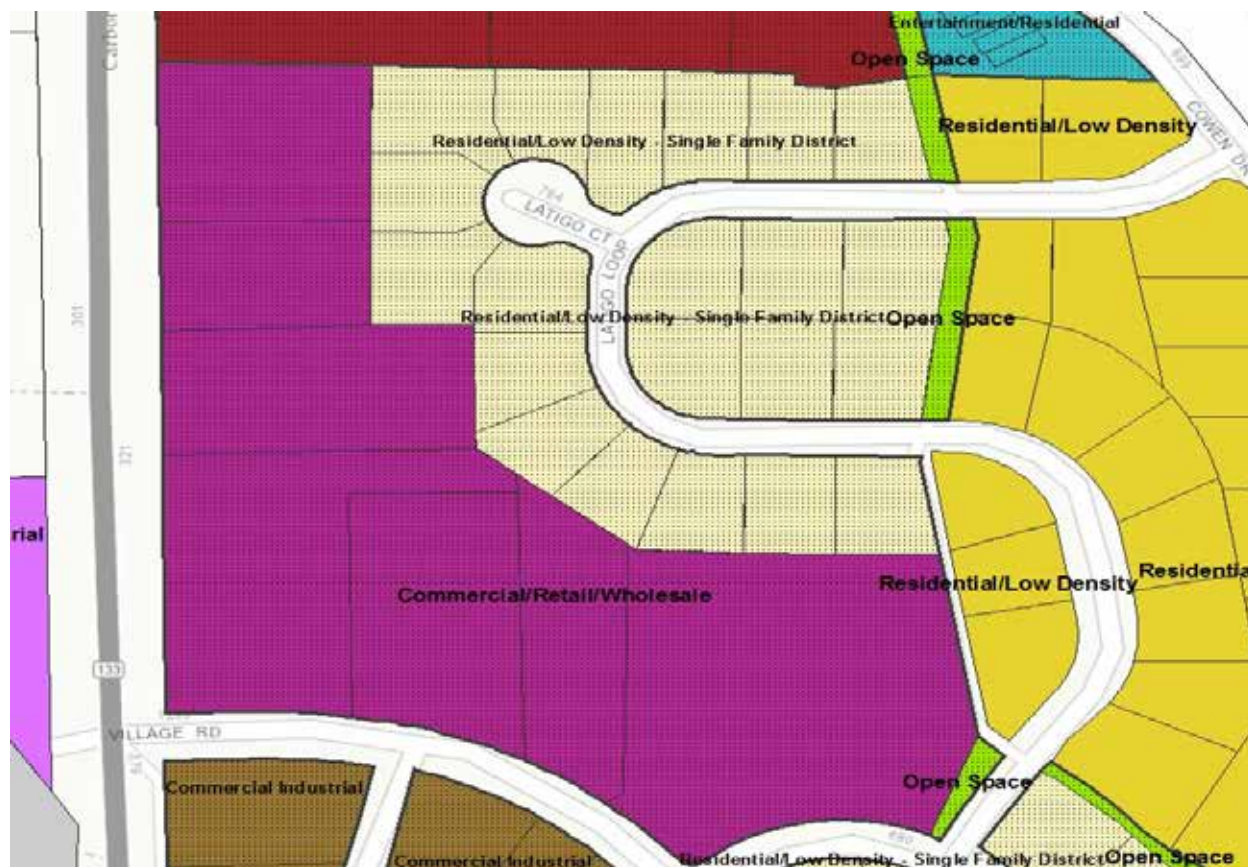
If the residential unit was to be located in a one story building, then the unit is to not be the focal point of the structure and an accessory to the commercial/industrial use of the structure. The request mirrors these requirements and are attached in more detail.

Staff would recommend that the proposed revision to the PUD include that any accessory dwelling unit be reviewed under the Site Plan Review Process in Section 2.5.3. of the UDC. The text should not include the \$50 fee for the Conditional Use

Permit but still indicate that the applicant must receive a conditional use permit and pay the current fee for a Site Plan Review application.

In addition, Staff would recommend a new condition that any new development/redevelopment plan of any lot shall be subject to the process and criteria in Section 2.5.3 of the UDC. This would require that any new development or redevelopment would need to comply with the development and design standards in the UDC.

In addition, the appeal process in the proposed PUD should be removed. Instead, the standard appeal process set out in Section 2.7.2 UDC should apply.



The Commercial/Retail/Wholesale Zone District is located to the east of Highway 133 and north of Village Road.

### Uses

A zone district map is attached to this Staff report. The CRW zone district allows office and professional uses, person and small-scale services and retail, indoor entertainment/recreation, miscellaneous uses such as a dance studio, theater, pool room, bowling alley, as well as restaurants and art galleries. The residential use would be added as a conditional use if approved.

The purpose of the application is to revise the CRW zone district to allow one residential unit per building or per ownership of a lot. The dwelling unit must be on the second or third floor of any building. If a building has a garden level or is a one story building, the unit may be located on the first floor as long as it is not a focal point of the structure. Mixed-use buildings would be allowed and a second or third story may be commercial or residential or a mix of both. Specifically, the revised PUD would allow flat/apartment style units and live/work units as defined in the UDC.

### Zoning Parameters

The maximum unit size and location and allowed residential density would be reviewed and approved by the Town through the conditional use permit process that is a Staff level review.

There are no proposed changes to any of the district zoning parameters such as setbacks and building heights.

### Parking

As with the 1993 amendment, the applicant is proposing two parking spaces per residential unit. This standard not only mimics the PUD standard but would be similar to the UDC standards and may even exceed the standard based on unit size.

### Covenants

There are no condominium buildings within the proposed rezoning area so no covenants would need to be amended to prevent a conflict with the PUD standards and covenants.

### Comprehensive Plan

The Future Land Use Plan shows this area in both the “Auto Urban” and “Developed Neighborhoods” designation. The “Auto Urban” designation allows for a flexible mix of retail, restaurants, service commercial, offices and multiple story mixed-use buildings which may include residential upstairs. Uses should be transitioned appropriately to adjoining uses. The “Developed Neighborhoods” designation provides for neighborhood stability and infill projects. This designation only applies to the Heritage Park portion of the CRW zone district.

The proposed amendment seems to be in compliance with the uses section of the Comprehensive Plan. Staff had suggested that the applicant consider rezoning this area to the new Mixed-Use zone district in the UDC. However, the applicant and other property owners declined to apply for a rezoning to the Mixed-Use at this time.

### Rezoning Criteria

The Town may approve a PUD zone text amendment if the proposal meets all of the following criteria:

1. The amendment will promote the public health, safety, and general welfare;
2. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code;

3. The amendment is consistent with the stated purpose of the proposed zoning district(s);
4. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
5. The amendment is not likely to result in material adverse impacts to other property adjacent to or in the vicinity of the subject property; and
6. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.

## **FISCAL ANALYSIS**

The loss of commercial development within the CRW zone district may result in a loss of sales tax revenue to the Town. However, the proposal may also provide an option for employers to be able to provide housing to their employees.

## **RECOMMENDATION**

Overall, Staff supports allowing flexibility in the CRW zone district. There is demand for residential units and employee housing. Staff has redlined the proposed CRW zone district text to reflect the conditions outlined in this Staff report. The redlines are attached.

If the Planning Commission is supportive of the PUD amendment, Staff would recommend that the Planning Commission approve the following motion: **Move to recommend approval of the zone text amendment with the following conditions and findings:**

### **Conditions:**

1. The Roaring Fork Village PUD Section V Paragraph B shall be amended to reflect the following changes:
  - a. The conditional use permit language shall be revised to reflect that any application for an accessory dwelling unit be processed per Section 2.5.3. of the UDC (Site Plan Review). The \$50 fee shall be deleted.
  - b. The appeal language shall reflect that any appeal be processed under Section 2.7.2. (Appeals).
  - c. Any new development/redevelopment plan of any lot shall be subject to the process and criteria in Section 2.5.3. – Site Plan Review of the UDC as amended from time to time.

2. All representations of the Applicant and Applicant's representatives at the Public Hearing shall be considered conditions of approval.
3. Fees in lieu of water rights may be due at the time of building permit for an accessory dwelling unit.
4. The Applicant shall be responsible for all recording costs and shall pay all fees associated with this application to the Town, including any professional fees, as set forth in Section 1-8-10 of the Municipal Code.

**Findings:**

1. The amendment will promote the public health, safety, and general welfare as residential uses are compatible in the CRW PUD zone district and will provide additional residential housing units near commercial areas;
2. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code; specifically, the amendment allows for a flexible mix of commercial and multiple story mixed-use buildings (Comprehensive Plan-Auto Urban) and the amendment conserves the value of buildings and property and encourages the most appropriate use of land in this zone district (UDC);
3. The amendment is consistent with the stated purpose of the proposed zoning district as increased residential uses would be consistent with the existing standard in the CI zone district in the PUD;
4. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated by ensuring adequate parking and water rights are available if residential units are constructed rather than commercial units;
5. The amendment is not likely to result in material adverse impacts to other property adjacent to or in the vicinity of the subject property, and in fact, may have less impact than commercial uses; and
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.

Prepared by: John Leybourne, Planner (reviewed by Janet Buck, Planning Director)

Proposed language for application of Big Sky Holdings, LLC at address 1199 Village Road, Carbondale, CO 81623 for amending the Roaring Fork Village PUD Section V, Paragraph B shall be amended by the addition of the following:

B. Conditional Uses

     One residential dwelling unit per building or per ownership of lot.

~~Any application for a residential unit shall be processed Per Section 2.5.3. of the Unified Development Code (UDC) (Site Plan Review). Any appeal of a decision shall be processed under UDC Section 2.7.2. (Appeals). A conditional use permit shall be applied for concurrently with a building permit and the cost shall be \$50. Planning staff shall approve the conditional use permit if all of the criteria outlined in this Paragraph B and all other requirements of the Commercial/Retail & Wholesale district are Met. The applicant may appeal the decision of the Planner to the Carbondale Planning and Zoning Commission within seven (7) days of the Staff decision. The appeal must be in writing. The Planning and Zoning Commission will then consider the appeal at the next available meeting. At such a review, the Carbondale Planning and Zoning Commission may reaffirm the decision of the Planning Staff, amend the Planning Staff's decision, or deny the appeal of the Applicant. The Planning and Zoning Commission may place conditions on the approval of such an appeal for purposes of safety, health or welfare.~~

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The criteria of approval is as follows:

1. Density – one residential dwelling unit per building or per ownership of lot.
2. A residential dwelling unit may only be built as part of a structure, the primary use of which is Commercial/Retail/Wholesale purposes.
3. Site limitations – The maximum size for a residential unit shall be 1300 square feet. It shall be located on the second level of a two (2) story building, or if the building has a garden level or is a one story building, the residential unit may be located on the first level or garden level so long as it is not the focal point of the building, is an accessory to the Commercial/Retail/Wholesale use, and is not readily visible from the main street servicing the building. No residential unit may be physically separate from the building in which the Commercial/Retail/Wholesale uses exist.
- ~~4. Site Plan submittal – the site plan review procedure as contained in Section V, Paragraph H, shall be followed.~~
- ~~6.4. Maximum height – the height established in Section V, Paragraph E (35 feet).~~
- ~~7. Size requirements of residential unit – as per Uniform Building Code.~~
- ~~8.5. Parking – two (2) parking spaces per residential units.~~
- ~~9.6. All other requirements, such as setbacks and open space requirements, shall be the~~

Same as per other structures in the Commercial/Retail/Wholesale Zone district.

7. Fees in lieu of water rights may be required for a new residential dwelling unit.

Paragraph H shall be revised to delete the existing language and add the following language:

H. Site Plan Review

Any new development/redevelopment plan of any lot shall be subject to the process and criteria in Section 2.5.3. – Site Plan Review of the UDC as amended from time to time.

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Town of Carbondale  
511 Colorado Ave  
Carbondale, CO 81623  
(970)963-2733

LA17-000039

Pre-Application Meeting Date \_\_\_\_\_

Fees \_\_\_\_\_ Date Pd \_\_\_\_\_

### Land Use Application

#### PART 1 – APPLICANT INFORMATION

Applicant Name: BIG SKY HOLDINGS, LLC Phone: 970 319 7504

Applicant Address: 1199 VILLAGE ROAD, CARBONDALE CO 81623

E-mail: QUATTRODOC@COMCAST.NET

Owner Name: MATT & TAYLOR VERHEUL Phone: 970 319 7504

Address: 379 RIVER CANYON WAY

E-mail: QUATTRODOC@COMCAST.NET

Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:

1199 VILLAGE ROAD, CARBONDALE CO 81623

#### PART 2 – PROJECT DESCRIPTION

General project description:

AMEND ZONE DISTRICT FROM C/RW TO AMUD DWELLING  
UNIT ON NON-GROUND LEVEL FLOORS.

Size of Parcel: .91 ACRE # Dwelling Units: 1 Sq Ftg Comm: 73000

Type of Application(s): PUD AMENDMENT

Existing Zoning: C/RW Proposed Zoning: TO AMUD RESIDENTIAL

UNIT WITHIN THE C/RW DISTRICT

#### PART 3 – SIGNATURES

I declare that I have read the excerpt from the Town of Carbondale Municipal Code Article 8 Land Use Fees. I acknowledge that it is my responsibility to reimburse the Town for all fees incurred as a result of this application.

I declare that the above information is true and correct to the best of my knowledge.

[Signature] 10/12/17  
Applicant Signature Date

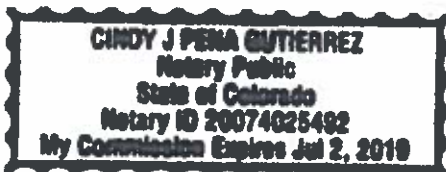
Signature of all owners of the property must appear before the application is accepted.

[Signature] 10/12/17 [Signature] 10/12/17  
Owner Signature Date Owner Signature Date

STATE OF COLORADO )  
COUNTY OF GARFIELD ) ss.

The above and foregoing document was acknowledged before me this 12th day of October 2017, by Matt & Taylor Verheul

Witness my hand and official  
My commission expires: 07/02/2019



[Signature]  
Notary Public

Property Address: 304 Highway 133, Carbondale CO 81623

Acct #: R341212

Parcel #: 239328400032

Owner Name: Porter G LLC

I approve of "Big Sky Holdings, LLC" to amend the Commercial/Retail zoning to allow residential uses to be approved by the town of Carbondale.

Printed Owner name:

Pam Broadhurst

Signature Owner:

Pam Broadhurst

Date:

7/21/17

Property Address: 290 Highway 133, Carbondale CO 81623


Acct #: R590037

Parcel #: 239328414023

Owner Name: Gebbs, LLC

I approve of "Big Sky Holdings, LLC" to amend the Commercial/Retail zoning to allow residential uses to be approved by the town of Carbondale.

Printed Owner name(s): GEBS LLC

Signature Owner(s): 

Date: 7/21/17

Property Address: 326 Highway 133, Carbondale CO 81623

Acct #: R590169

Parcel #: 239328400037

Owner Name: Alpine Center/Van D LLC

I approve of "Big Sky Holdings, LLC" to amend the Commercial/Retail zoning to allow residential uses to be approved by the town of Carbondale.

Printed Owner name: Alpine Center, LLC mark kavash, Member/Manager

Signature Owner: 

Date: 8-5-17

Property Address: 350 Highway 133, Carbondale CO 81623

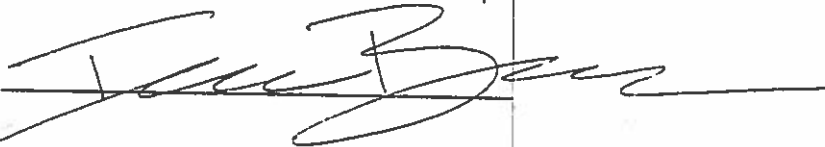
Acct #: R590303

Parcel #: 239333116006

Owner Name: Alpine Bank

I approve of "Big Sky Holdings, LLC" to amend the Commercial/Retail zoning to allow residential uses to be approved by the town of Carbondale.

Printed Owner name(s): Ian Bays

Signature Owner(s): 

Date: 7/31/2017

Dear Sir or Madam,

My wife and I own the building at 1199 Village Road which houses our dental practice, Verheul Family Dentistry, PC and Edward Jones currently. We (as Big Sky Holdings, LLC) are applying to change the PUD that our buildings are in so that we may put a residential unit on the second floor. As you know we are in need of more housing for our families and employees.

We are currently in a C/RW PUD District. We want to amend the PUD to allow residential uses on second or third floors that would be approved by the city. We are not looking to turn the area into a residential zone, rather allow a unit to be placed in the building.

This still has go through the Planning and Zoning, but we need your support via a signature so that we may continue the process.

If you have any questions about this, please feel free to email me at [drmatt@verheulfamilydentistry.com](mailto:drmatt@verheulfamilydentistry.com) or call my cell phone at 970-319-7504.

If you could please return this letter signed with your approval with the enclosed SASE within the next two weeks, it would be greatly appreciated.

Sincerely,

Matt Verheul

Proposed language for application of Big Sky Holdings, LLC at address 1199 Village Road, Carbondale, CO 81623 for amending the Roaring Fork Village PUD Section V, Paragraph B shall be amended by the addition of the following:

**B. Conditional Uses**

One residential dwelling unit per building or per ownership of lot. A conditional use permit shall be applied for concurrently with a building permit and the cost shall be \$50. Planning staff shall approve the conditional use permit if all of the criteria outlined in this Paragraph B and all other requirements of the Commercial/Retail & Wholesale district are met. The applicant may appeal the decision of the Planner to the Carbondale Planning and Zoning Commission within seven (7) days of the Staff decision. The appeal must be in writing. The Planning and Zoning Commission will then consider the appeal at the next available meeting. At such a review, the Carbondale Planning and Zoning Commission may reaffirm the decision of the Planning Staff, amend the Planning Staff's decision, or deny the appeal of the Applicant. The Planning and Zoning Commission may place conditions on the approval of such an appeal for purposes of safety, health or welfare.

The criteria of approval is as follows:

1. Density – one residential dwelling unit per building or per ownership of lot.
2. A residential dwelling unit may only be built as part of a structure, the primary use of which is commercial/Retail/Wholesale purposes.
3. Site limitations – The maximum size for a residential unit shall be 1300 square feet. It shall be located on the second level of a two (2) story building, or if the building has a garden level or is a one story building, the residential unit may be located on the first level or garden level so long as it is not the focal point of the building, is an accessory to the commercial/retail/wholesale use, and is not readily visible from the main street servicing the building. No residential unit may be physically separate from the building in which the commercial/retail/wholesale uses exist.
4. Site Plan submittal – the site plan review procedure as contained in Section V, Paragraph H, shall be followed.
5. Maximum height – the height established in Section V, Paragraph E (35 feet).
6. Size requirements of residential unit – as per Uniform Building Code
7. Parking – two (2) parking spaces per residential unit
8. All other requirements, such as setbacks and open space requirements, shall be the same as per other structures in the Commercial/Retail/Wholesale Zone district.



December 28, 2017

Ms. Mary Sykes  
Building & Planning Technician  
Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 81623

Re. 1199 Village Road Zone District Amendment

Dear Ms. Sykes:

This letter is in response to your request for comments regarding an amendment to the zone district for 1199 Village Road to allow residential units above the ground floor.

RFSD has no comments other than that we would request that the Town require payment of a fee-in-lieu of land dedication to the school district based on the number and type of residential units added in accordance with the town's formula for such dedication.

Please don't hesitate to contact me if you have any questions.

Sincerely,

Shannon Pelland  
Asst. Superintendent

RECORDED AT 310  
REC # **447131**

O'CLOCK P.M. MAY 7 1993  
MILDRED ALSDORF, COUNTY CLERK  
ORDINANCE NO. 10  
SERIES OF 1993

BOOK **861** PAGE **812**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, AMENDING ORDINANCE NO. 15, SERIES OF 1978, REGARDING THE ZONING FOR ROARING FORK VILLAGE PLANNED UNIT DEVELOPMENT**

WHEREAS, pursuant to the provisions of Section 18.88.020 of the Carbondale Municipal Code, the owners of at least fifty percent (50%) of the area of real property in the Commercial/Industrial Zone District of Roaring Fork Village PUD, Carbondale, Colorado, have requested an amendment of the uses in said zone district to allow residential dwelling units as a conditional use; and

WHEREAS, Carbondale Planning & Zoning Commission reviewed the proposed amendment at a meeting held on April 6, 1993, and heard input from the applicants, Town staff, and the general public, and recommended approval of the PUD amendment with certain conditions; and

WHEREAS, after proper notice the Board of Trustees held a public hearing on April 13, 1993, and heard input from the public, Town staff, and the applicants regarding said request to amend the PUD; and

WHEREAS, the Board of Trustees has determined that the proposed amendment should be approved with certain conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, that the zoning regulations for Roaring Fork Village Commercial/Industrial Zone District shall be amended by the inclusion of a new Paragraph I as part of Section V of the Zone District regulations as set forth more fully in Exhibit A attached hereto and incorporated herein by this reference.

INTRODUCED, READ, AND PASSED THIS 27th day of April, 1993.

THE TOWN OF CARBONDALE

By:

James H. Luttrell, Mayor

ATTEST:

Suzanne Cerise  
Suzanne Cerise, Town Clerk

## EXHIBIT A

Section V, C/1 Commercial/Industrial District, Roaring Fork Village PUD, shall be amended by the addition of the following:

**I. Conditional Uses**

One residential dwelling unit per building or per ownership of lot(s), whichever results in the lowest number of residential units, is allowed by conditional use. A conditional use permit shall be applied for concurrently with a building permit and the cost shall be \$50.00. Planning Staff shall approve the conditional use permit if all of the criteria outlined in this Paragraph I and all other requirements of the Commercial/Industrial Zone District are met. The Applicant may appeal the decision of the Planner to the Carbondale Planning and Zoning Commission within seven (7) days of the Staff decision. The appeal must be in writing. The Planning and Zoning Commission will then consider the appeal at the next available meeting. At such a review, the Carbondale Planning and Zoning Commission may reaffirm the decision of Planning Staff, amend the Planning Staff's decision, or deny the appeal of the Applicant. The Planning and Zoning Commission may place conditions on the approval of such appeal for purposes of safety, health and welfare.

The criteria of approval is as follows:

1. Density - one residential dwelling unit per building or per ownership of lot(s), whichever results in the lowest number of residential units.
2. A residential dwelling unit may only be built as part of a structure, the primary use of which is commercial/industrial purposes.
3. Site limitations - The maximum size for a residential unit shall be thirteen hundred (1,300) square feet. It shall be located on the second level of a two (2) story building, or if the building has a garden level or is a one story building, the residential unit may be located on the first level or garden level so long as it is not the focal point of the building, is an accessory to the commercial/industrial use, and is not readily visible from the main street servicing the building. No residential unit may be physically separate from the building in which the commercial/industrial uses exist.

4. Site plan submittal - the site plan review procedure as contained in Section V, Paragraph H, shall be followed.
5. Maximum height - the height established in Section V, Paragraph E (35 feet).
6. Size requirements of residential unit - as per Uniform Building Code.
7. Parking - two (2) parking spaces per residential unit.
8. All other requirements, such as setbacks and open space requirements, shall be the same as per other structures in the Commercial/Industrial Zone District.

Section I.

- A. To carry out the purposes and provisions of the Zoning Ordinance of the Town of Carbondale, Colorado and, particularly, Chapter 18.52 of that title, as amended, the Planned Unit Development is further divided into the following Zone District classifications:

R/M.H. - Residential/Mobile Home District  
R/M.H.P. - Residential/Mobile Home Park District  
R/M.F. - Residential/Multiple Family District  
C/R.W. - Commercial/Retail & Wholesale District  
C/I - Commercial/Industrial District

- B. The boundaries of these Districts shall be located as shown on the P.U.D. Plan.

Section II. R/M.H. - Residential/Mobile Home District

A. Permitted Uses.

Mobile Home and Mobile Home Park and customary accessory structures including garage, storage building, fences, hedges, garden and similar landscape features.

Park and Playground

B. Conditional Uses.

None

C. Minimum Lot Area.

4,500 square feet

D. Area Ratios.

1. Building lot coverage inclusive of mobile home unit, garage and storage structures to total ground area; one to 2.5, maximum
2. Mobile home unit lot coverage to total ground area: one to 2.9, maximum

E. Minimum Yards.

1. Front yard set-back: 15 feet
2. Rear yard set-back: 10 feet

3. Rear yard set-back  
along east and north  
boundary of the R/M.H.  
District: 15 feet

4. Side yard set-back: 5 feet

5. Fences:		Side Yard & Rear Yard	Collector Stre
	<u>Front Yard</u>		<u>R.O.W.</u>
6' fence	20'	0	15'
4' fence	7.5'	0	0

F. Maximum Building Height.

20 feet

G. Off-Street Parking.

Two off-street parking spaces on the same lot for each dwelling unit.

H. Area Requirements of Structures.

Mobile homes shall be not less than 600 square feet.  
Mobile homes located within a mobile home park licensed by the Town of Carbondale shall be exempt from this requirement.

J. Conditions of Mixed Use.

Individually owned lots may coexist with a mobile home park in the R/M.H. District under the following conditions:

1. Lots offered for individual ownership shall be in an area containing a minimum of six contiguous lots. Two copies of the recorded final plat designating the lots to be offered for sale, shall be filed with the Town of Carbondale. Subsequent phases of lot sales shall be in multiples of no less than 6, and shall be located adjacent to a previously designated lot sales area. Lot sales areas separated by a public right-of-way shall be considered to be adjacent. In no case shall mobile home park rental spaces exist between designated lot sales areas.
2. Mobile home park rental units located in designated lot sales areas shall be vacated within eighteen (18) months of the closing date of the first property transfer within that lot sales area.

Section III. - R/M.H.P. - Residential Mobile Home Park District.

A. Permitted Uses.

Mobile Home and Mobile Home Park

Gardening

Park and Playground

B. Conditional Uses.

None

C. Minimum Lot Area.

None

D. Minimum Yards.

Set-back from the R/M.H.P. District boundary; 15 feet, except along the Park boundary where a 10 foot set-back shall be observed.

E. Maximum Building Height.

20 feet

F. Off-Street Parking.

Two off-street parking spaces for each dwelling unit.

Section IV. R/M.F. - Residential/Multiple Family District

1. Permitted Uses.

Single Family (conventional construction or modular units)

Two Family or Class I, II or III Multiple Family Dwelling, as defined by Section 18.08.110 of the Zoning Ordinance of the Town of Carbondale, Colorado.

Gardening

Park and Playground

Day nursery, church, nursing or convalescent home

B. Conditional Uses.

None

C. Area Ratios.

The ratio of total R/M.F. District area, (inclusive of open space easements), to the building lot coverage area and for other use of ground shall be limited as follows:

1. Building lot coverage to total ground area: one to four, maximum.
2. Parking, drives and other paving (exclusive of sidewalks and patios) to total ground area: one to four, maximum.
3. Remaining open space (inclusive of sidewalks and patios) to total lot area: one to two, minimum.

D. Minimum Lot Area.

None

E. Minimum Yards.

1. Set-back from R/M.F. Zone District boundary and from public right-of-way: 20 feet.
2. Provided, however, the R/M.F. District maybe subdivided for purposes of accommodating contemporary building types whereby single-family dwelling units share common walls, combined service facilities and similar architectural innovations whether or not providing for separate ownership of land and buildings.

F. Maximum Building Height.

35 feet

G. Off-Street Parking.

Two off-street parking spaces for each dwelling unit.

H. Area Requirement For Structures.

Area requirements for structures shall be as provided by the Uniform Building Code.

Section V. C/R.W. - Commercial/Retail & Wholesale District

A. Permitted Uses.

1. Wholesale and Retail: sale of food, beverages, dry goods, furniture, appliances, automotive and vehicular equipment and parts, hardware, clothing and crafts including the production of artisan products.
2. Personal Services: barbershop, beauty salon, laundromat, dry cleaning plant serving individuals, shoe repair, photo studio, tailor shop, bank with drive-in teller and real estate office.

3. Recreational services: restaurant (with or without a bar), pool room, bowling alley, theater, private club, and/or commercial recreation use.
4. Medical or dental clinic, office for the conduct of a business or profession, art gallery or studio, museum, library, auditorium and public building.
5. Motel, hotel and lodge.
6. Special Requirements: the uses listed above are permitted, provided the following requirements are observed:
  1. All service, fabrication and repair operations are conducted within the building.
  - b. All outdoor storage of materials is enclosed, and obscured by a fence.
  - c. No offensive or objectionable odor, fumes, dust, glare, noise or mechanical vibration is projected beyond the site.
7. Uses not itemized: See Section VIII 3.

B. Conditional Uses.

None

C. Minimum Yards.

1. Set-back from State Highway 133: 30 feet
2. Set-back from other public right-of-ways: 20 feet
3. Minimum set-back from the P.U.D. Zone District boundary where boundary is not contiguous with a public R.O.W.: 20 feet

D. Unpaved Area.

A minimum of five percent (5%) of the gross area of the C/R.W. District shall remain uncovered by structures, roadways, sidewalks or any other hardsurfaced paving material.

E. Maximum Building Height.

35 feet.

F. Off-Street Parking.

One parking space for each 200 square feet of commercial space, exclusive of utility and storage area, provided, however, this requirement maybe increased to a maximum of

one parking space for each 150 square feet of commercial space, exclusive of utility storage area, at the time of subdivision of the C/R.W. District based upon the needs of the proposed user.

G. Access.

In addition to the main collector street bisecting the P.U.D., there shall be two points of access from Colorado State Highway 133, both occurring in the C/R.W. District.

H. Site Plan Review.

Three sets of plans drafted in a scale suitable for definitive review shall be submitted as part of the building permit application for any building or phase of the C/R.W. District in addition to the normally required information. The plans shall clearly indicate:

- a. The site location, dimensions and topography, including present drainage.
- b. The immediately adjoining properties and their associated uses.
- c. The proposed location of buildings, parking areas, sidewalks, fences and other structures to be built on the site.
- d. Calculations indicating the total commercial floor area, the number of parking spaces, and total unpaved area.
- e. A final plan of the topography as proposed, which shall show drainage, location of utilities, streets, provisions for solid waste container and pick-up and snow removal.
- f. A landscape plan showing the location and name of all ground cover, shrubs and trees.

Section VI. C/I - Commercial/Industrial District

A. Permitted Uses.

1. Any permitted use of the C/R.W. District, subject to the provisions listed thereunder.
2. Service and repair of automotive and vehicular equipment, mobile home sales yard, automobile service station, paint and body shop, vehicular rental, service and repair of appliances and building components, blacksmith shop, cabinet shop, plumbing shop, sheet metal shop, welding shop, drive-in retail or service establishment other than those listed in the C/R.W. District.

3. General Service establishments. Contractor yards, cold storage plant, dry cleaning or laundry, lumber yard, motor freight depot, petroleum products storage and warehouse.
4. Manufacturing establishments. Bottling plant, fabrication of apparel, building components, concrete products, electronic devices, mobile homes, sporting goods, vehicles and accessories, production of ceramics, fabric, glass and plastic products, and food processing.
5. Special requirements: All permitted uses shall be subject to the following:
  - a. All services, fabrication, construction, and repair operations shall be conducted completely within a building or enclosed yard.
  - b. All outdoor storage shall be enclosed and hidden from off-the-premises view by a fence at least six feet in height constructed of opaque material.
  - c. All loading and unloading of material shall take place on private property, and loading berths shall be provided so that motor vehicles and vehicles during loading and unloading operations may be located wholly on private property.
  - d. No odor, fumes, dust, glare, or vibration shall project beyond or emanate from the lot on which the principal use is located, except as may be allowed by applicable state or county law, regulation, or resolution, or otherwise in this Code.
6. Uses not itemized: See Section VIII 3.

B. Special Use.

Any manufacturing, fabrication or other permitted use which requires state or federal pollution permits of any kind. A special use may be denied for any reason related to the public health, safety, and general welfare. In order to obtain a special use permit as described herein, the applicant shall:

1. Submit all plans and documents required to receive state or federal permits to the Town Manager at least ten days prior to a regularly scheduled meeting of the Planning and Zoning Commission;
2. The Planning and Zoning Commission shall review the application and make its recommendations to approve or deny the application, and may recommend the imposition of such conditions as may be necessary to protect the public health, safety, and general welfare;

3. Thereafter, the Board of Trustees shall conduct a public hearing with notice as required by Chapter 1.20 of the Carbondale Municipal Code. At the hearing, the Board of Trustees may approve or deny the application, and may impose such conditions as may be necessary to protect the public health, safety, and general welfare.

C. Minimum Yards.

1. Building set-back from State Highway 133: 30 feet.
2. Set-back from other streets and from the C/I Zone Districts southeasterly boundary: 20 feet.
3. Set-back from the C/I Zone District boundary where it is contiguous with the railroad right-of-way: 7.5 feet.

D. Unpaved Area.

A minimum of five percent (5%) of the gross area of the C/I District shall remain uncovered by structures, roadways, sidewalks or any other hardsurfaced paving material.

E. Maximum Building Height.

35 feet.

F. Off-Street Parking.

1. Nonretail. One off-street parking space for each 3 employees as determined by the maximum projected employment level provided, however, if the actual employment level exceeds the projected employment level, the Town may require additional off-street parking.
2. Retail. One off-street parking space for each 200 square feet of commercial space, exclusive of storage and utility areas, provided, however, this requirement may be decreased or increased to a maximum of one parking space for each 150 square feet of commercial space, exclusive of utility and storage areas, at the time of subdivision of the C/I Zone District based upon the parking needs of the proposed user.
3. Joint utilization of the same parking spaces by two or more owners or users may be allowed when the hours of use do not overlap and satisfactory evidence is presented to establish joint use.

## H. Site Plan Review.

Three sets of plans drafted in a scale suitable for definitive review shall be submitted as part of the building permit application for any building or phase of the C/I District in addition to the normally required information. The plans shall clearly indicate:

- a. The site location, dimensions and topography, including present drainage.
- b. The immediately adjoining properties and their associated uses.
- c. The proposed location of buildings, parking area, sidewalks, fences and other structures to be built on the site.
- d. Calculations indicating the total commercial floor area, the number of parking spaces and the total unpaved area.
- e. A final plan of the topography as proposed, which shall show drainage, location of utilities, streets, provisions for solid waste containers and pick-up and snow removal.
- f. A landscape plan showing the location and name of all ground cover, shrubs and trees.

## Section VII Street Graphics

Each individual establishment within the Roaring Fork Village P.U.D. will be subject to Chapter 18.48 of the Zoning Ordinance of the Town of Carbondale, Colorado, except for Sections 18.48.070, 18.48.090 and 18.48.140 which shall not be applicable to the C/R.W. Zone District. The C/R.W. Zone District will be further subject to the following:

1. There shall be allowed two graphics per business or establishment except that not more than one graphic may appear on any one side of the establishment. All overhanging or ground-supported graphics having two identical faces so as to permit identification from two directions shall be considered as one graphic for the purposes of this section. \*Individual graphics within the C/R.W. District are subject to the following limitations:

	Maximum Graphic Size	Maximum Letter Size	Logo Size
First Graphic	50 sq. ft.	12"	50% larger Letter Size
Second Graphic	20 sq. ft.	6"	50% larger Letter Size

2. In exception to the above, two major establishments in the C/R.W. District will be each allowed one graphic with a maximum letter size of 30". The graphics shall be limited to the name of the business. The structure on which such a graphic is placed must contain a minimum of 10,000 square feet and must be located a minimum of three hundred and fifty feet from the centerline of Colorado State Highway 133. The business displaying the 30" letter size graphic shall not be allowed to additionally display a First and/or Second Graphic as described above. All graphics shall be limited to two items of information; first, the name of the corporation, business or individual, and second, along with or without a brief, general description of the service or product sold or provided. No other writing or graphics shall be permitted.
3. In addition to the individual graphics authorized herein, the following graphics may be installed in the C/R.W. District.

	Maximum Graphic Size	Maximum Letter Size	Logo Size
*One Graphic identifying the shopping complex	160 sq. ft.	18"	50% larger letter size
*One Graphic identifying the shopping complex	50 sq. ft.	12"	50% larger letter size
**Two shopping com- plex directory graphics listing establishments with a location map	35 sq. ft.	4"	no logo

The names of two businesses within the shopping complex may appear on the graphic.

\*\*The directory graphics shall be so located so as not to interfere with the safe and continuous movement of traffic.

4. All existing street graphics associated with the Roaring Fork Bank and the Roaring Fork Real Estate office shall be allowed to remain and be maintained in good condition.

#### Section VIII - General

1. A modular unit means any new building transported in a state of partial fabrication to a site for final erection on a permanent foundation, provided that it shall satisfy all requirements of the Uniform Building Code.

2. A mobile home unit means any new building transported in a state of complete or partial fabrication to a site provided it carries the Colorado Department of Housing "Mh" designation.
3. All set-backs shall be measured from the lot or boundary lines.
4. Upon application or on its own initiative, the Town Council may, by ordinance, add to the uses listed for the C/R.W. and C/I Districts any other similar uses which conform to the conditions set forth in the following special findings:
  - a. Such uses are appropriate to the physiographic and general environmental character of the District to which it is added.
  - b. Such uses do not create any more hazard to or alteration of the natural environment than the minimum amount normally resulting from the other uses permitted in the District to which it is added.
  - c. Such uses do not create any more offensive noise, vibration, dust, heat, smoke, odor, fumes, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses permitted in the District to which it is added.

When any use has been added to the list of permitted uses in any District in accordance with this Section, such use shall be deemed to be listed in the appropriate section of those District regulations.

## Section IX

Except as hereinabove provided, and except for the following Sections of the Zoning Ordinance of the Town of Carbondale, Colorado, as dated May 18, 1978, all other provisions of the Zoning Ordinance of the Town of Carbondale, Colorado, as dated May 18, 1978, shall be applicable to the Roaring Fork Village P.U.D. Zone Districts. The Sections of the said Zoning Ordinance which shall have no applicability are as follows:

Section 18.16.010  
 Section 18.20.010 through 18.20.050  
 Section 18.24.010 through 18.24.050  
 Section 18.28.010 through 18.28.060  
 Section 18.32.010 through 18.32.060  
 Section 18.34.010 through 18.34.030  
 Section 18.36.040  
 Section 18.44.010  
 Section 18.44.020  
 Section 18.60.010

Roaring Fork Village  
Subdivision Design and Improvement Standards

Section I. Lot and block design.

Each lot shall be designed to provide an adequate, accessible building site for a structure devoted to the intended use of the land. All lots shall have a minimum fifteen foot frontage on a public right-of-way or access to a public right-of-way via easement. Blocks whose lengths exceed one thousand feet shall be provided with pedestrian crosswalk easements to facilitate circulation.

Section II. Easements.

Easements for utility purposes shall be shown on the final plat. Designated side lot easements shall measure a minimum of five feet in width on each lot and designated rear lot easements shall measure a minimum of seven and one-half feet in width on each lot. Easements for drainage purposes shall be designed to accommodate expected runoff. Designated pedestrain easements shall measure a minimum of ten feet.

Section III. Street Improvements.

All streets and alleys proposed for dedication to the public shall be alid out, graded, a base course of gravel installed and an asphalt wearing course installed the full width of the travelway, all to the specifications of the town council, through its designated representative. Curb and gutter shall be installed in all streets except the main collector street bisecting the Roaring Fork Village where the subdivider may choose the option of no gutter and a curb which is flush with the asphalt wearing course. Curb, gutter and open channel drainage will be installed to the specifications of the town council through its designated representative. All street improvements described herein shall be the financial responsibility of the subdivider, subject to the provisions under Chapter 17.20 and 17.24 of the Subdivision Ordinance of the Town of Carbondale, Colorado.

## Section IV.

Except as hereinabove provided, and except for the following Sections of the Subdivision Ordinance of the Town of Carbondale, Colorado, as dated May 18, 1978, all other provisions of the Subdivision Ordinance of the Town of Carbondale, Colorado, as dated May 18, 1978, shall be applicable to the Roaring Fork Village P.U.D. The Sections of the said Subdivision Ordinance which shall have no applicability are as follows:

Section 17.16.040

Section 17.16.070

Section 17.16.080

Roaring Fork Village  
Mobile Home Park Regulations

Section I. Density

The maximum gross density for a mobile home park shall not be more than nine mobile home spaces per acre.

Section II. Setback requirements

- A. All mobile homes shall be parked in such spaces so that there is a minimum of fifteen feet between mobile homes. No mobile home shall be less than fifteen feet from the exterior boundary of the mobile home park except where said boundary adjoins the railroad right of way or the neighborhood park. Mobile homes parked end-to-end may have an end-to-end clearance less than fifteen feet but it shall be no less than ten feet. Enclosed additions shall be considered a part of the mobile home in measuring required yard distance. All mobile home spaces shall be large enough to allow compliance with the above.
- B. Except as provided in Sections 16.08.030 and 16.08.040 of the Mobile Home Parks code of the Town of Carbondale, Colorado, a mobile home shall not be parked less than fifteen feet from any public street right-of-way or so that any part of such mobile home will obstruct any roadway or walkway in a mobile home park.
- C. No person shall occupy any mobile home in a mobile home park unless the mobile home is situated on a mobile home space.

Section III. Access roads

- A. The site shall have access to a public street by a roadway at least thirty feet in width. Access roads shall be provided to the parking area for each mobile home space. Each access road shall provide for continuous forward movement.
- B. All street designs shall be reviewed by the planning commission for conformity to acceptable safety standards.
- C. Access to mobile home spaces in the R/M.H. District may be provided by streets located in dedicated public right-of-ways. Direct access to individual mobile home spaces will not be allowed from the main collector road bisecting the Roaring Fork Village.

Roaring Fork Village  
Mobile Home Park Regulations  
Page two

Section IV. Sidewalks and walkways - width, paving and lighting requirements

Walkways not less than three feet wide shall be provided along at least one side of all streets within the park and shall connect to the service building. All access roads and walkways within the park shall be hard surfaced (minimum chip seal surface) and lighted at night with a minimum illumination of at least six-tenths foot candles. Twenty-five watt lamps spaced at intervals of not more than one hundred feet shall be deemed to meet these requirements.

Section V. Snow removal requirements

- A. Every mobile home park shall be equiped with snow removal equipment, including by way of example, motor vehicles in good working order, as may be necessary to provide prompt and efficient snow removal from access ways, roadways, streets and walkways within the mobile home park. The mobile home park owner shall remove or cause the removal of all snow as soon as practical after a snowfall and he shall provide for safe and sanitary disposition of such snow.
- B. A mobile home park located in the R/M.H. District whose mobile home spaces are provided access by a dedicated public right-of-way shall be exempted from the provisions for snow removal from access ways, roadways and streets as described in A. above.

Section VI.

Except as hereinabove provided, and except for the following Sections of the Mobile Home Park Code (Title 16) of the Town of Carbondale, Colorado, all other provisions of the Mobile Home Park Code (Title 16) of the Town of Carbondale, Colorado shall be applicable to the Roaring Fork Village P.U.D. The Sections of the said Mobile Home Code which shall have no applicability are as follows:

16.16.020  
16.16.040  
16.16.050  
16.16.060  
16.16.080  
16.16.100

Park Development Phasing

In lieu of providing additional acres of open space, the P.U.D. owners will develop the park in accordance with the park site plan included as a part of the Roaring Fork Village P.U.D. Plan. Construction of the park will occur in phases which are reflective of the development of the residential districts in the P.U.D.

## Phase I

The following elements will be completed within eighteen months of the issuance of thirty residential water taps in the P.U.D.:

1. Rough and finish grading including the spreading of topsoil where necessary.
2. Underground irrigation system.
3. Fertilization and seeding of lawn areas.

Provided, however, that if thirty water taps have been issued by March 1, 1979, then all grading, sprinkling system installation and seeding will be accomplished no later than June 1, 1979.

## Phase II

The following elements will be completed within eighteen months of the issuance of sixty residential water taps in the P.U.D.:

1. Installation of trees and shrubs (Plantings which may interfere with later construction will be delayed to later phases).
2. Childrens play equipment.

## Phase III

The following elements will be completed within eighteen months of the issuance of one hundred residential water taps in the P.U.D.:

1. Installation of fencing, Bar-B-Que grills, picnic tables and horseshoe pits.
2. Walkways and multi-use court
3. Benches

## Phase IV

The following elements will be completed within eighteen months of the issuance of one hundred thirty residential water taps in the P.U.D.:

1. Toilet facility
2. Picnic shelter

ACREAGE AND DWELLING UNIT SUMMARY

	ACRES	Maximum UNITS
Residential/Mobile Home District	13.4	75*
District density 5.6 units/acre		
Residential/Mobile Home Park District	6.6	59
District density 9.0 units/acre		
Resident/Multiple Family District	1.8	30
District density 16.6 units/acre		
Commercial/Retail, Wholesale District	12.3	
Commercial/Industrial District	7.4	
Open Space		
Park <u>3.2</u>	3.5	
Open Space <u>.3</u>		
Public R.O.W. (as shown on P.U.D. Plan)	3.9	
	<hr/>	
TOTAL ACREAGE	<u>48.9</u>	

TOTAL DWELLING UNITS 164Composite residential districts density 7.6 units/acreGross project density 3.4 units/acre

\* A mobile home park in this district and licensed by the Town of Carbondale may exceed this maximum unit limit.

COVENANTS

Covenants will be submitted at the time of subdivision of the various zone districts. In the case of a mobile home park, the rules and regulations governing the park will be submitted with the construction permit application to the Town.

PHASING

The First Phase of the Roaring Fork Village will develop the main collector street and the first phase of the mobile home park. The initiation of this phase is expected within one year of the approval of the P.U.D.

Construction during the Second Phase will expand the mobile home housing and potentially develop portions of the C/R.W. and R/M.F. Districts. Facility construction in the park will occur in stages beginning during the Village's Second Phase. Later phases will complete the mobile home housing and both commercial areas, and the multiple family area.

SCHOOLS/PARKS DEDICATION

In accordance with Section 17.24.020 of the Subdivision Regulations of the Town of Carbondale, as amended, the Roaring Fork Village P.U.D. owners will cooperate with the Town Board to appropriately compensate the community for the reasonably necessary public facilities (schools/parks) required by the future residents of the P.U.D.

AREA PROPERTY OWNERS AND LEGAL BOUNDARY DESCRIPTION

A list of owners of properties located within three hundred feet of the boundaries of the P.U.D. along with their addresses and a legal description of the area to be included in the P.U.D. have been submitted under separate cover to the Town of Carbondale.

SUBSURFACE SOILS INVESTIGATION

A subsurface soils investigation prepared by Lincoln-DeVore Testing Laboratory has been submitted to the Town under separate cover.



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

## Planning Commission Agenda Memorandum

Meeting Date: 1-11-18

**TITLE:** Suplizio Mueller Rezoning

**SUBMITTING DEPARTMENT:** Planning Department

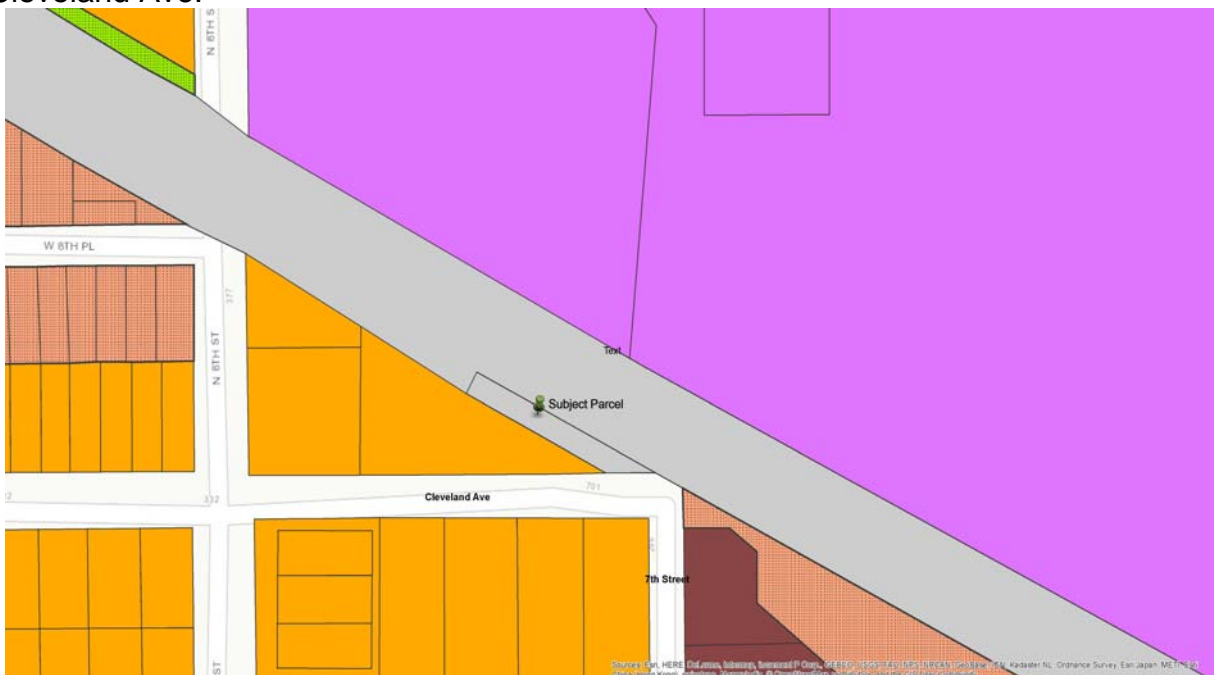
**ATTACHMENTS:** Land Use Application  
Referral Agency Comments  
1999 Rezoning meeting minutes and Ordinance's

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### BACKGROUND

This is an application for a rezoning. The Planning Commission is required to hold a public hearing and make a recommendation to the Board to approve the request, approve the application with conditions, or deny it. The Planning Commission may also continue the public hearing.

The site is a vacant 3,778 square foot parcel located at the corner of 7<sup>th</sup> Street and Cleveland Ave.



The request is to rezone the property from the Transit (T) zone district to the Residential Medium Density (R/MD) zone district.

The owner/applicants are Peter Mueller and Cindy Suplizio. The applicants propose to construct a single-family home on the parcel if it is rezoned. A conceptual site plan has been included in the application.

The property shown on the conceptual plan is Lot I of the Resubdivision of Lot C of the Lincoln Avenue East PUD but is not part of the actual PUD. The subject Property has been the subject of several land use applications ranging from the creation of the lot in 1998 and a rezoning application that requested Lot I be rezoned from Open Space/Transit (O/T) to Residential High Density (R/HD), but at that time in 1999 the request for rezoning was denied. The minutes and ordinances of the 1999 P&Z and BOT meetings are attached. It should also be noted that since that time a new a new comprehensive plan and land use code have been adopted.

A conceptual site plan has been included with the rezoning application. If the rezoning is approved, the applicant would be required to submit a building permit application for the construction of the single-family home. At that time, the details of the site and building design would be reviewed by the Town.

## **DISCUSSION**

The conceptual plan shows a single-family home to be located on the lot with two parking spaces and a building envelope that is in compliance with the setback standards for the R/MD district.

## **REZONING**

### **Surrounding Uses and Zoning**

North	I and T	Mixed uses, daycare and industrial uses, RFTA Trail
South	R/MD	Residential
East	R/HD and PUD	Residential
West	R/MD	Residential

### **Comprehensive Plan**

The property is designated as “Downtown-Old Town Periphery” on the Future Land Use Plan in the 2013 Comprehensive Plan. This designation allows for a mix of multifamily and single family uses. Infill /redevelopment projects would be determined by the size of the lot. Uses should be transitioned appropriately to adjoining uses.

## **Residential Medium Density (R/MD) Zone District**

Below is the purpose section of the R/MD zone district:

The purpose of the Residential/Medium-Density district is to provide for neighborhoods comprised of a mixture of single-family detached homes and small-scale multifamily dwellings such as duplexes, townhomes, or patio homes in a comfortable, healthy, safe, and pleasant environment, together with schools, parks, trails and other public facilities. This district may serve as a transition between higher-density residential districts and the low-density residential district.

## **Transit (T) Zone District**

Below is the purpose section of the T zone district:

The purpose of the Transit district is to help provide for the public ownership of the 100-foot-wide main line of the Denver and Rio Grande Western Railroad right-of-way. The district allows for land uses that further the Town's goals for multimodal connectivity and mobility and are compatible with the Roaring Fork Transportation Authority corridor that extends through the Town and throughout the Roaring Fork Valley.

## **Rezoning – Approval Criteria**

Amendments to the zoning map may be approved if the Town finds that all of the following approval criteria have been met:

1. The amendment will promote the public health, safety, and general welfare;
2. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code;
3. The amendment is consistent with the stated purpose of the proposed zoning district(s);
4. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
5. The amendment is not likely to result in material adverse impacts to other property adjacent to or in the vicinity of the subject property; and
6. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.

## **Staff Comments On Rezoning**

Staff is supportive of the rezoning application. The 2013 Comprehensive Plan designates this property as Downtown-Old Town Periphery.

## **SITE PLAN COMPLIANCE WITH UDC**

As noted, this section of the report goes over the site plan and generally outlines compliance with the UDC. This is not intended to be a complete or detailed analysis of the proposed development. Instead, it is intended to provide enough information to offer any comments or suggestions to the applicant.

### **Lot Area**

The development site is 3,778 sq. ft. and is compliant with the District standard of 3,000 sq. ft. per unit.

### **Setbacks**

The required setbacks are as follows:

Front	10 ft.
Side	5 ft.
Rear	5 ft.

Because of the location of the Ditch on the eastern portion of the lot, Staff would like to see a ditch easement be in place, Public Works and Utilities have also noted this in their comments.

### **Lot Area per Dwelling Unit**

The UDC requires a certain amount of lot area per dwelling unit. The calculation is as follows:

3,000 Sq. ft.	Lot area per unit required
3,778 sq. ft.	Lot actual size

The lot is in compliance.

### **Allowed Uses**

A single-family home is an allowed use.

### **Lot Coverage**

The UDC allows a maximum of 60% lot coverage, or in this case, 2266.8 sq. ft. The site plan is indicating 59.6% or 2,253 sq. ft.

#### **Parking (UDC Section 5.8)**

There are two required parking spaces indicated.

#### **Solar Access (Section 5.12)**

A solar access plan must be submitted with the building permit.

#### **FISCAL ANALYSIS**

The rezoning and development of this property will provide housing and an infill opportunity.

#### **RECOMMENDATION**

Staff is supportive of the rezoning application. The 2013 Comprehensive Plan designates this property as Downtown-Old Town Periphery.

There is a need for housing in Town. The rezoning would provide an infill opportunity to provide a needed housing unit.

#### **Rezoning – Approval Criteria**

Staff is of the opinion that criteria 1 through 4 have been met. Staff would note that criteria number 5 may have temporary impacts during construction and that the applicant may need to acquire permission from the Roaring Fork Transportation Authority for access to work on the lot via the Rio Grande Trail. Also, some staging may need to occur in the Town ROW. Staff believes that once construction is complete then criteria number 4 would be met.

As Public Works and Utilities noted in their comments, there is no sewer service in the vicinity of the lot. The applicant will need to run a sewer line a long distance to the lot and this line will remain private. Once this line is run then criteria number 6 will be met.

The Transit zone district does not appear to be appropriate for this property as it is not under the ownership of RFTA.

Staff recommends that the following motion be approved: **Move to recommend approval of the rezoning with the following conditions and findings:**

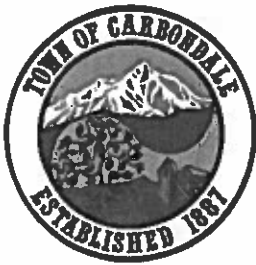
#### **Conditions:**

1. The applicant shall be required to submit a Building Permit prior to development of any portion of the parcel.
2. All other representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
3. The Applicant shall also pay and reimburse the town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.
4. The applicant shall dedicate a ditch easement to be located above the Weaver Ditch on the eastern portion of the lot above the ditch before a building permit is issued. The size and location of the easement shall be subject to approval by Town Staff.

**Findings:**

1. The rezoning will promote the public health, safety, and general welfare.
2. The amendment is consistent with the Comprehensive Plan as the area is designated Downtown-Old Town Periphery which provides for single family homes and infill projects.
3. The amendment is consistent with the stated purpose of the proposed zoning district, specifically, the rezoning will provide a single-family infill project. There would be multimodal access to and from Downtown.
4. The rezoning will not result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.
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.

Prepared By: John Leybourne, Planner



Town of Carbondale  
511 Colorado Ave  
Carbondale, CO 81623  
(970)963-2733

LA 17-000040

Pre-Application Meeting Date \_\_\_\_\_

Fees \_\_\_\_\_ Date Pd \_\_\_\_\_

### Land Use Application

#### PART 1 – APPLICANT INFORMATION

Applicant Name: Peter Mueller and Cindy Sapliz Phone: 970 708-1368

Applicant Address: 2938 South Frontage Rd West Vail CO 81657

E-mail: pmueller@rfschools.com

Owner Name: P. Mueller and C. Sapliz Phone: 970 708 1368

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:

Lot I Resubdivision Pct of Lot C Lincoln Avenue East P.U.D. and portion

#### PART 2 – PROJECT DESCRIPTION

General project description:

Rezoning of existing property

Size of Parcel: 3,778 sq. ft # Dwelling Units: 1 Sq Ftg Comm: 0

Type of Application(s): Rezoning

Existing Zoning: T (transit) Proposed Zoning: R-MD

#### PART 3 – SIGNATURES

I declare that I have read the excerpt from the Town of Carbondale Municipal Code Article 8 Land Use Fees. I acknowledge that it is my responsibility to reimburse the Town for all fees incurred as a result of this application.

I declare that the above information is true and correct to the best of my knowledge.

[Signature]  
Applicant Signature

November 15 2017  
Date

Signature of all owners of the property must appear before the application is accepted.

[Signature]  
Owner Signature

Date

[Signature]  
Owner Signature

Date

STATE OF COLORADO )

COUNTY OF GARFIELD )

ss.

The above and foregoing document was acknowledged before me this

15<sup>th</sup>

day of NOVEMBER 2017



## Town of Carbondale Rezoning Checklist

(970) 963-2733

Project Name:	Mueller Suptizio rezoning
Applicant:	Peter Mueller
Applicant Address:	2938 South Frontage Rd West Vail, CO 81657
Location:	
Date:	November 15, 2017
Staff Member:	

Section 2.3 of the UDC requires a pre-application meeting with planning staff prior to submittal of a land use application.

Per Section 2.3.2.B of the UDC, the Planning Director shall determine the form and number of application materials required.

### Required Attachments

- ☐ Filing Fee of \$600 and Land Use Application (separate attachment)
- ☐ a. The application for a rezoning shall include:
  - i. A site plan showing the footprint of all buildings, parking configuration, location of all utilities and easements, and other details demonstrating conformance with all regulations and development standards applicable to the proposed zoning district;
  - ii. A written statement justifying why the proposed zoning fits in with the surrounding neighborhood and why the proposed zoning is more appropriate for the property than the existing zoning; ✓
  - iii. A list of all property owners within 300 feet;
  - iv. A map showing adjoining zoning districts within 300 feet; and
  - v. Proof of ownership.
- b. The applicant shall submit to the Director any other information required in the appropriate application as provided by the Director along with any information identified in the pre-application meeting and all required information stated elsewhere in this Code for an amendment to the zoning map. ✓
- c. If a proposal requires a permit or approval from any county, state, or federal agency, the applicant shall submit to the Director a duplicate of any required application at the same time that it is submitted to the other agency or a minimum of 14 days prior to any hearing related to such county, state, or federal permit, whichever occurs first.
- ☐ Additional information requested at the pre-application meeting:



**A4 ARCHITECTS LLC**  
242 NORTH SEVENTH STREET  
CARBONDALE CO 81623  
970.963.6760

Olivia Emery, RA  
Michael Hassig, RA, LEED AP  
Brad Zeigel, AIA

[www.a4arc.com](http://www.a4arc.com)

## Memorandum

To: Town of Carbondale  
Date: 10.31.17  
Project: Proposed rezoning of Lot I, Lincoln Avenue East P.U.D.

Legal Description: Lot I, Resubdivision Plat Of Lot C, Lincoln Avenue East P.U.D. And A Portion Of The Union Pacific Railroad R-O-W, Town Of Carbondale, Garfield County, Colorado. (See also Boundary Survey prepared by Lines in Space dated 6/22/2017.)

### History

On 10/12/1998 Cindy Suplizio and Peter Mueller purchased a tract of land of approximately 35,686 square feet from the Union Pacific Railroad Company.  
Town of Carbondale Ordinance No. 36, Series of 1998 resubdivided Lot C of the Lincoln Avenue East P.U.D. and created Lots G, H and I. Lots H and I were zoned Open Space/Transit.  
Town of Carbondale Ordinance No. 30, Series of 1999 approved the rezoning of Lot H to Residential/Medium Density but denied rezoning of Lot I.

### Proposed Rezoning of Lot I

Lot I is an extant lot, zoned Open Space/Transit under the previous Carbondale Land Use Ordinance. We assume that an application for rezoning will be governed by UDC Section 2.4.2 "General Rezoning (Amendments To The Zoning Map)," quoted below:

#### *A. Purpose*

- The boundaries of any zoning district may be changed or the zoning classification of any parcel of land may be changed pursuant to this section. The purpose is to make adjustments to the official zoning map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the Town. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person. Rezoning should not be used when a conditional use permit, variance, or administrative adjustment could be used to achieve the same result.*

#### *B. Applicability*

- A request for an amendment to the zoning map may be initiated by person(s) owning at least 50 percent of the area of real property within the area affected by a proposed amendment.*

### *C. Procedure*

#### *1. Step 2 – Application Submittal*

- a. The application for a rezoning shall include:*
  - i. A site plan showing the footprint of all buildings, parking configuration, location of all utilities and easements, and other details demonstrating conformance with all regulations and development standards applicable to the proposed zoning district;*
  - ii. A written statement justifying why the proposed zoning fits in with the surrounding neighborhood and why the proposed zoning is more appropriate for the property than the existing zoning;*
  - iii. A list of all property owners within 300 feet;*
  - iv. A map showing adjoining zoning districts within 300 feet; and*
  - v. Proof of ownership.*
- b. The applicant shall submit to the Director any other information required in the appropriate application as provided by the Director along with any information identified in the pre-application meeting and all required information stated elsewhere in this Code for an amendment to the zoning map.*

#### Application Contents

“Request for an Amendment to the Town of Carbondale Zoning Map,” specifically, the rezoning of Lot I, Lincoln Avenue P.U.D. from Open Space/Transit to Residential Medium Density (R/MD).

Exhibit 1a: Boundary Survey prepared by Lines in Space.

Exhibit 1b: Survey Overlay on Aerial Photo of Site Vicinity.

Exhibit 1c: A1.1 Site Plan and First Floor Plan prepared by A4 Architects, LLC, illustrating how a single-family dwelling unit can be built on the site and meet all of the applicable dimensional standards of the UDC Residential/Medium Density (R/MD) zone district.

Exhibit 2: Written statement justifying why the proposed zoning fits within the surrounding neighborhood and why the proposed zoning is more appropriate for the property than the existing zoning.

Exhibit 3a: Map showing adjacent properties within 300 feet.

Exhibit 3b: List of all property owners within 300 feet (per Garfield County Assessor’s Office).

Exhibit 4: Map showing adjoining zoning districts within 300 feet (per Town of Carbondale Zoning Map).

Exhibit 5: Proof of Ownership. Quitclaim Deed from Union Pacific Railroad Company to Cindy Suplizio and Peter Mueller, dated October 12, 1998.

Lot I Rezoning  
10/31/17

## Exhibit 2

In 1998 Cindy Suplizio and Peter Mueller purchased approximately 0.82 acres of land from the Union Pacific Railroad. This land was east and north of their home on Lot C of the Lincoln Avenue East P.U.D. This original railroad parcel has been subject to both resubdivision and lot line adjustment since its purchase. With the exception of Lot I (the subject of this application), and a parcel dedicated to the Town to allow for the connection of the Seventh Street ROW to the Rio Grand Trail, all of that land has subsequently been zoned either Lincoln Avenue East P.U.D. or Residential/High Density.

Lot I is bounded on the north and west by the Rio Grand Trail Right-of Way, which is zoned Transit. North of the Trail is the MidContinent property, which is zoned General Industrial (I). On the south it is bounded by the Cleveland Avenue ROW and a triangular parcel zoned R/MD. The properties east of the parcel, across Seventh St., are zoned R/HD or Lincoln Avenue East P.U.D. The properties on the south side of Cleveland Avenue are all zoned R/MD, as are those across Eighth Street on Cleveland Place.

The neighborhood surrounding Lot I is a mix of small scale single-family and two-family dwelling units that may fairly be characterized as "eclectic" in character and style. There is a mix of owner-occupied and rental units. Seventh Street is a popular and convenient pedestrian and bike access point for the Rio Grand Trail. Since 1998 redevelopment has occurred from Seventh Street east to Second Street. All of those properties, including the northeast end of Seventh St., Town Hall Park, the Colorado Place condominiums and the True Nature Gardens have a north property line in exactly the same relationship to the Rio Grande Trail and ROW as Lot I.

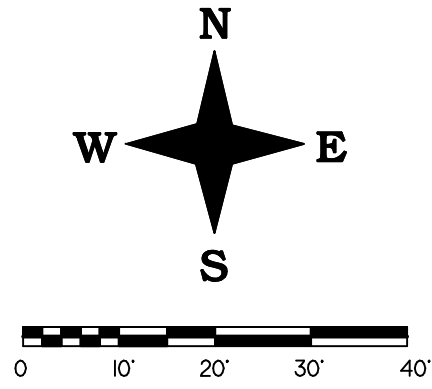
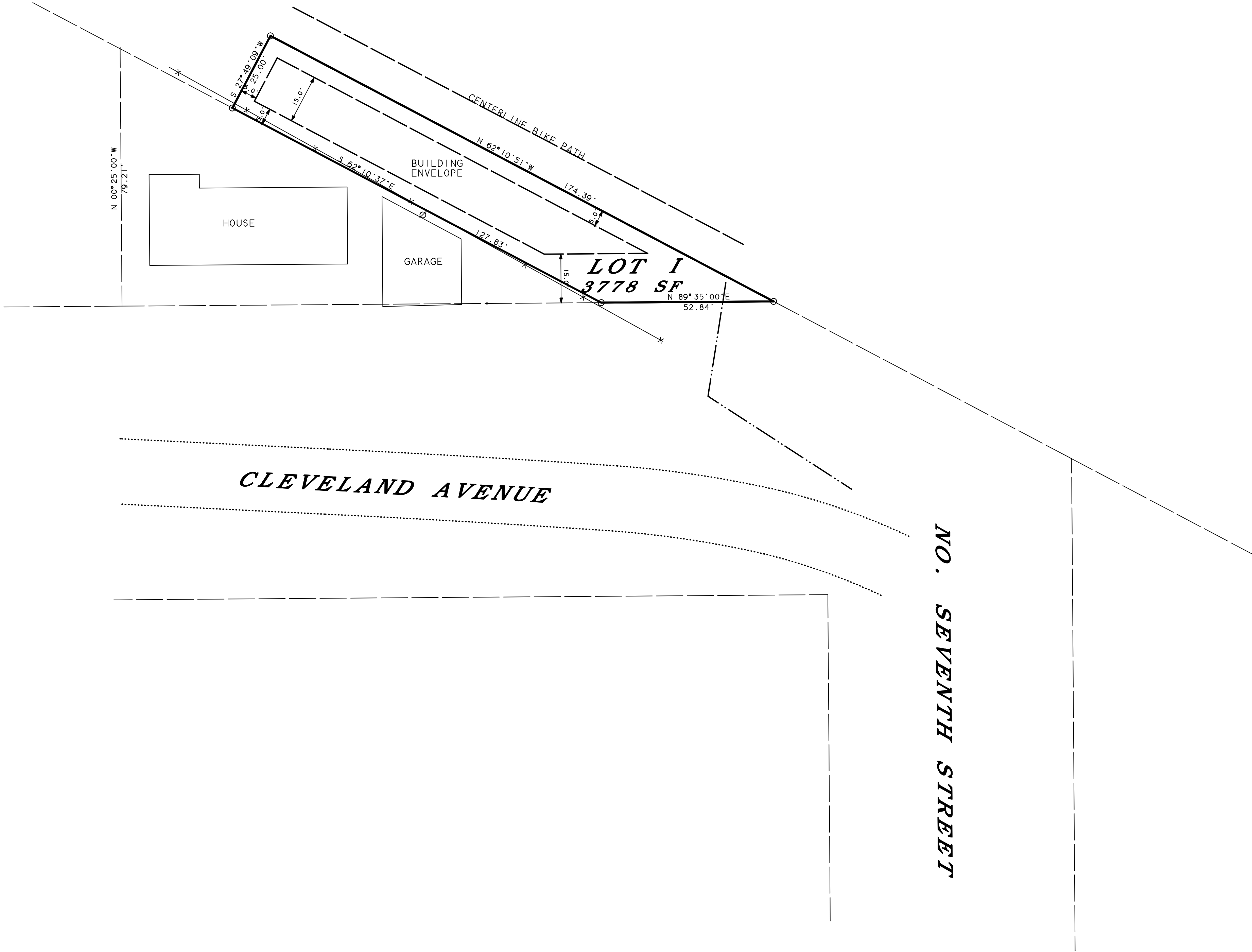
The R/MD zoning is appropriate for Lot I for the following reasons:

1. The neighborhood south of the Rio Grand Trail is entirely residential in use, being zoned either R/MD, R/HD or various residential PUDs.
2. The size of Lot I and the dimensional requirements of the R/MD zoning will result in a small house that is entirely in character with the neighborhood.
3. The lot enfronts an existing town street and all necessary utilities are immediately adjacent.
4. Transit and other services are close and walkable.
5. There are no neighbors to the north whose views or solar access would be impacted by construction on this site.

The existing Transit zoning is now inappropriate for the following reasons:

1. Since the 1999 denial of rezoning for Lot I, studies of the Rio Grand Trail and the transit corridor have been completed and the trail has been built.
2. The Rio Grand corridor is a fixed width from this parcel east to the end of town and there are no future transit-related uses that would depend on this property remaining as Transit zoning.
3. On the other side of the existing trail from this property a soft-surface bike path has been completed. This further proves that no trails-related uses could reasonably be envisioned for this lot.

ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT WILL ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.



SCALE: 1"=20'

### LEGAL DESCRIPTION

LOT 1, RESUBDIVISION PLAT OF LOT C, LINCOLN ACENUE EAST P.U.D., AND A PORTION OF THE UNION PACIFIC RAILROAD R-O-W, TOWN OF CARBONDALE, GARFIELD COUNTY, COLORADO

### CERTIFICATE

I, SYDNEY LINCICOME, HEREBY CERTIFY THAT THIS SURVEY WAS PLOTTED FROM FIELD NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS            DAY OF            , 1995.

SYDNEY LINCICOME P.L.S. 14111

### LEGEND AND NOTES

- SET REBAR & CAP MARKED PLS 14111
- ∅ POWER POLE
- ..... NORTHERLY EDGE OF ASPHALT ROAD
- DITCH CENTERLINE
- X— FENCE LINE



BOUNDARY SURVEY		
LOT 1, RESUBD. OF LOT C, LINCOLN AVE. EAST PUD, CARBONDALE, CO.		
BY: <b>LINES IN SPACE</b>		
SYDNEY LINCICOME (L.S. 14111)		
67 GLENWOOD AVE. CARBONDALE, CO.	970-963-3852	
DATE: 06/22/2017	SCALE: 1" = 20'	JOB NO: 98027

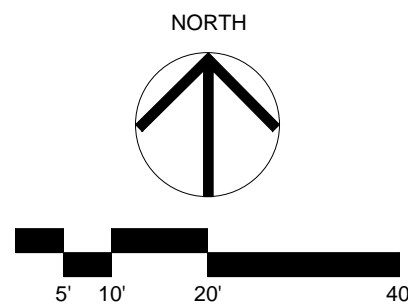


A4

A4 ARCHITECTS LLC  
242 NORTH SEVENTH STREET  
CARBONDALE COLORADO 81623  
970.963.6760  
FAX 970.963.6761  
mail@a4arc.com

Consultant

Stamp



Owner

Suplizio/Mueller  
Residence

Cleveland Avenue  
Carbondale, CO 81623

Project

Date	Issued For
8.7.17	FOR CONSTRUCTION

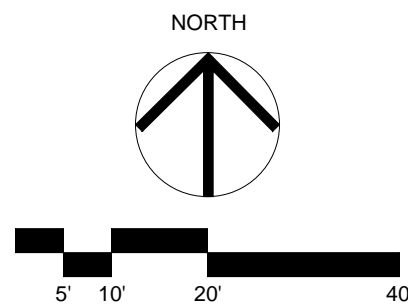
Project No: 1703

Site Survey +  
Satellite Image

A 1.1

Consultant

Stamp



Cindy Suplizio and Peter Mueller  
2938 South Frontage Rd. West  
Vail, CO 81657

Owner

Suplizio/Mueller  
Residence

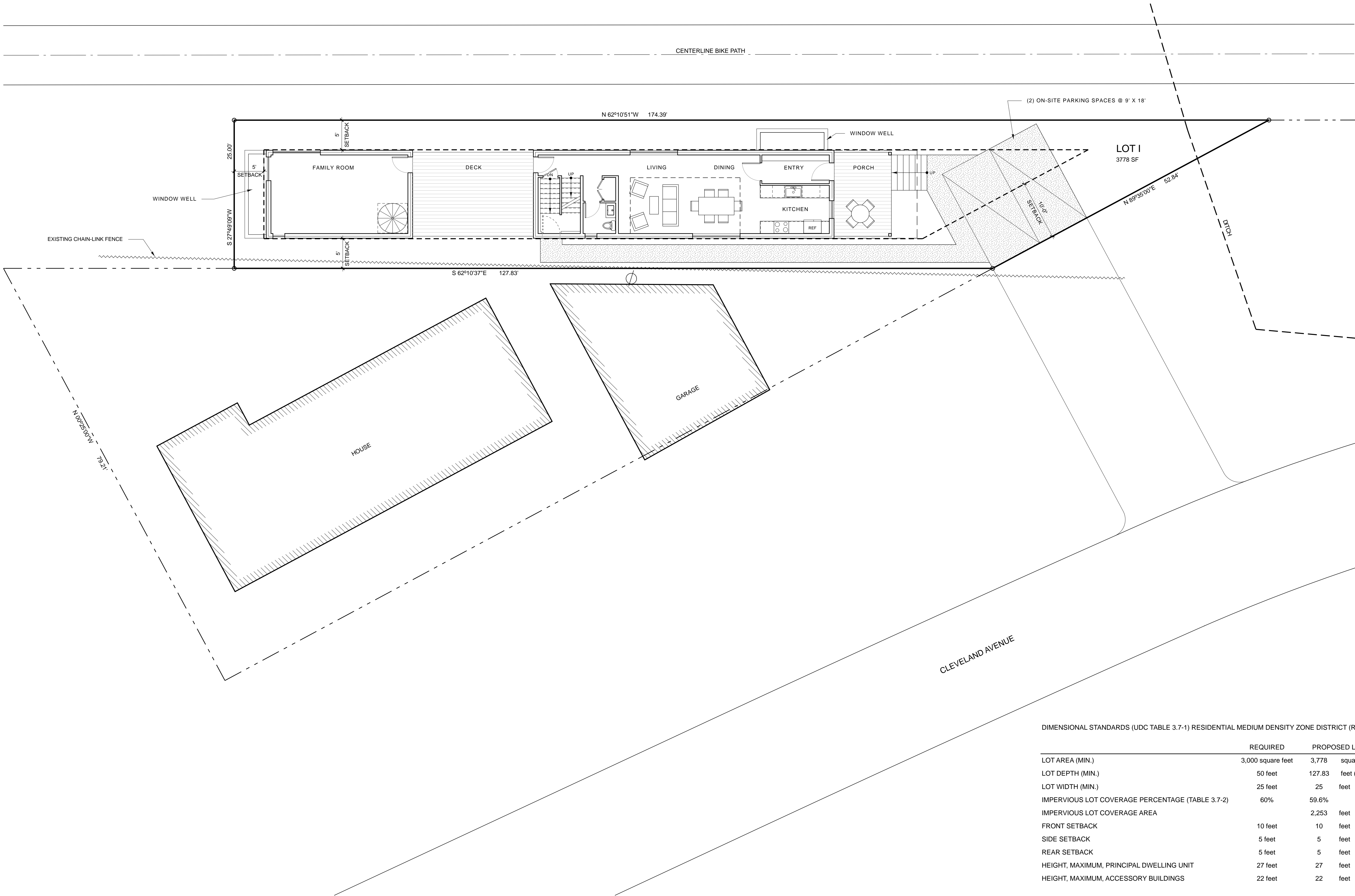
Cleveland Avenue  
Carbondale, CO 81623

Project

Date Issued For

Project No: 1708

Site Plan &  
First Floor Plan



DIMENSIONAL STANDARDS (UDC TABLE 3.7-1) RESIDENTIAL MEDIUM DENSITY ZONE DISTRICT (R/MD)

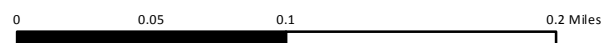
	REQUIRED	PROPOSED Lot I
LOT AREA (MIN.)	3,000 square feet	3,778 square feet
LOT DEPTH (MIN.)	50 feet	127.83 feet (min.)
LOT WIDTH (MIN.)	25 feet	25 feet
IMPERVIOUS LOT COVERAGE PERCENTAGE (TABLE 3.7-2)	60%	59.6%
IMPERVIOUS LOT COVERAGE AREA		2,253 feet
FRONT SETBACK	10 feet	10 feet
SIDE SETBACK	5 feet	5 feet
REAR SETBACK	5 feet	5 feet
HEIGHT, MAXIMUM, PRINCIPAL DWELLING UNIT	27 feet	27 feet
HEIGHT, MAXIMUM, ACCESSORY BUILDINGS	22 feet	22 feet



**Garfield County Land Explorer**

Printed by Web User

1 inch = 376 feet  
1 inch = 0.07 miles



Garfield County

**Garfield County Colorado**  
[www.garfield-county.com](http://www.garfield-county.com)

Colorado

**Disclaimer**

This is a compilation of records as they appear in the Garfield County Offices affecting the area shown. This drawing is to be used only for reference purposes and the County is not responsible for any inaccuracies herein contained.

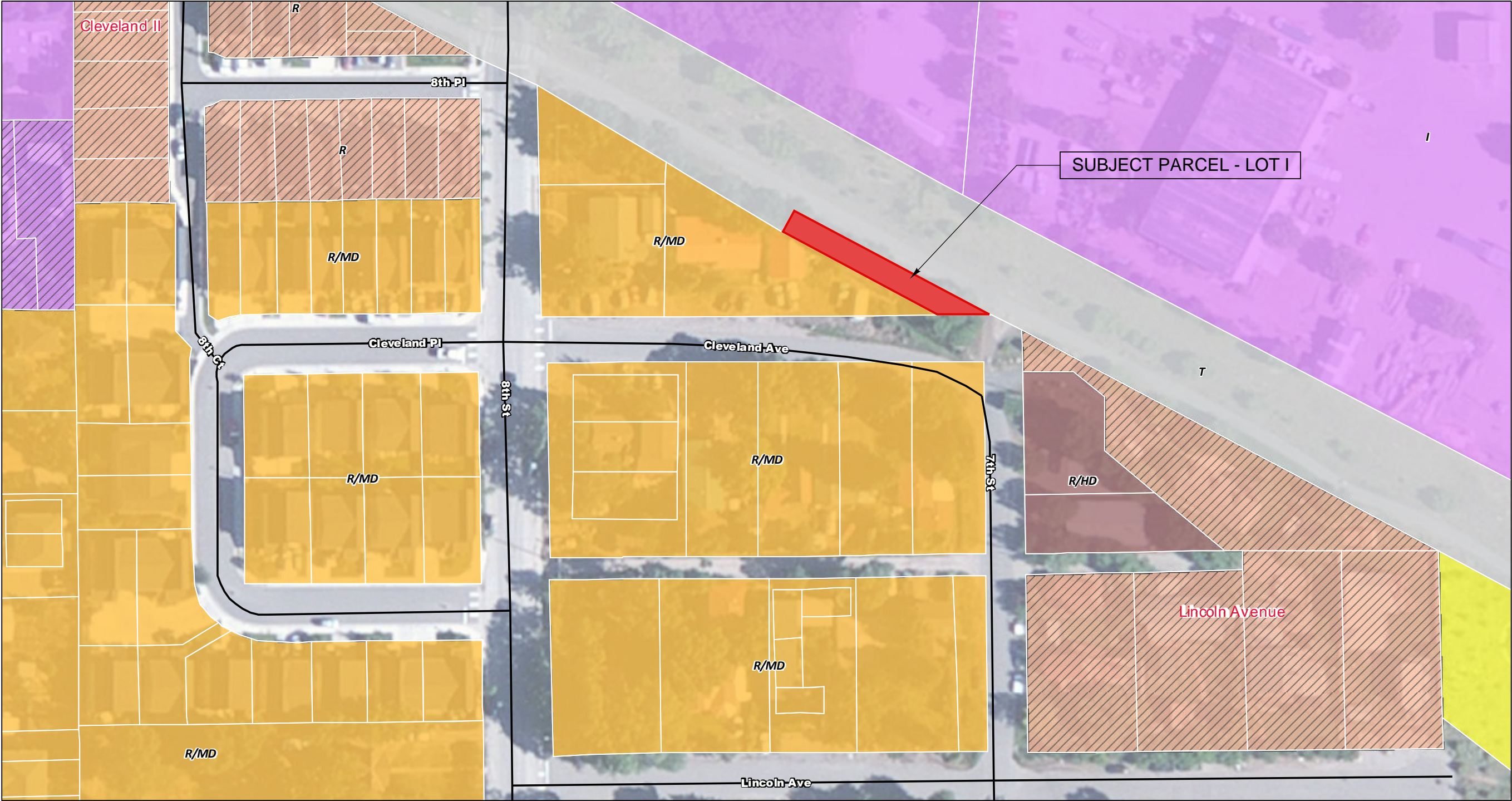


## Garfield County Land Explorer

Parcel	Physical Address	Owner	Account Num	Mailing Address
239333100037	RAILROAD R.O.W. CARBONDALE	ROARING FORK TRANSPORTATION AUTHORITY	R590335	530 E MAIN STREET ASPEN, CO 81611
239334200005	690 MERRILL AVE CARBONDALE	690 MERRILL, LLC	R340350	PO BOX 11912 ASPEN, CO 81612
239334200027	788 MERRILL AVE CARBONDALE	ROBERTS LAND & CATTLE LLC	R340858	PO BOX 1000 CARBONDALE, CO 81623
239334207002	777 CLEVELAND AVE CARBONDALE	Jaquez, Abigael Jose & Arcelia	R340176	777 CLEVELAND CARBONDALE, CO 81623
239334209001	760 CLEVELAND AVE CARBONDALE	DONNELLY, QUINN L & MARGARET A	R340620	760 CLEVELAND AVENUE CARBONDALE, CO 81623
239334209002	750 CLEVELAND AVE CARBONDALE	DRIES, EUGENIE MARY	R340621	750 CLEVELAND AVE CARBONDALE, CO 81623-1714
23933420Q002	286 7TH ST CARBONDALE	NEU, JAMES S & HEINRICH, VICTORIA E	R082844	1021 PITKIN AVENUE GLENWOOD SPRINGS, CO 81601
239334210001	296 8TH ST CARBONDALE	ANDREWS, GEORGE TODD	R340692	296 N 8TH ST CARBONDALE, CO 81623-1706
239334210002	780 CLEVELAND AVE CARBONDALE	WILLIAMS, ROBERT T & ZENTMYER, PAMELA F	R340694	PO BOX 23 CARBONDALE, CO 81623
239334210003	782 CLEVELAND AVE CARBONDALE	FUSARO, SUZANNE & STEPHENS, JEFFERY J	R340693	782 CLEVELAND AVENUE CARBONDALE, CO 81623
239334210004	Not available CARBONDALE	DARIEN, LARRY VAUGHN	R340930	2880 COUNTY ROAD 3 CARBONDALE, CO 81623-9350
239334239001	Not available CARBONDALE	C'DALE LLC	R008960	PO BOX 1911 CARBONDALE, CO 81623-4911
239334266008	296 N 7TH ST CARBONDALE	HEINRICH, VICTORIA E & NEU, JAMES S	R580533	1021 PITKIN AVENUE GLENWOOD SPRINGS, CO 81601
239334266010	Not available CARBONDALE	MUELLER, PETER & SUPLIZIO, CINDY	R580535	1493 COUNTY ROAD 106 CARBONDALE, CO 81623-2357
239334267001	Not available CARBONDALE	BLACKSHACK LOGISTICS LLC	R041647	PO BOX 7609 ASPEN, CO 81612
239334267002	310 N 8TH ST CARBONDALE	NORTH EIGHTH STREET LLC	R041648	PO BOX 7609 ASPEN, CO 81612
239334269001	345 CLEVELAND PL CARBONDALE	Dunn, Thae	R042540	7025 HIGHWAY 82 BLDG A GLENWOOD SPRINGS, CO 81601
239334269002	343 CLEVELAND PL CARBONDALE	UNITARIAN UNIVERSALIST CONGREGATION OF GLENWOOD SPRINGS	R042539	520 SOUTH THIRD STREET SUITE 23 CARBONDALE, CO 81623
239334269003	341 CLEVELAND PL CARBONDALE	DRAIN, BONNIE & HECK, MATTHEW D	R042541	341 CLEVELAND PLACE CARBONDALE, CO 81623
239334269030	342 CLEVELAND PL CARBONDALE	SMITH, CHARLES W & ALISON H	R042568	342 CLEVELAND PLACE CARBONDALE, CO 81623
239334269031	344 CLEVELAND PL CARBONDALE	RED HOUSE TOO LLC	R042569	281 NORTH STAR DRIVE ASPEN, CO 81611
239334270001	301 W EIGHTH	IRONSIDE, BRIGITTE	R044030	210 TRAILVIEW DRIVE

Parcel	Physical Address	Owner	Account Num	Mailing Address
	PLACE CARBONDALE			CARY, NC 27513-1621
239334270002	303 W EIGHTH PLACE CARBONDALE	EMENS, BRADY E & ADAMS, CAMERON L	R044031	PO BOX 8737 ASPEN, CO 81612
239334270003	305 W EIGHTH PLACE CARBONDALE	RIVER BEND HOLDINGS LLC	R044032	1246 RIVER BEND WAY GLENWOOD SPRINGS, CO 81601
239334270020	Not available CARBONDALE	CARBONDALE, TOWN OF	R044049	511 COLORADO AVENUE CARBONDALE, CO 81623
239334302001	702 CLEVELAND AVE CARBONDALE	ZUCCO, JESSE & PATRICIA A	R340482	702 CLEVELAND CARBONDALE, CO 81623
239334302002	734 CLEVELAND AVE CARBONDALE	MCLEAN, SHELLE D	R340394	2221 FORECASTLE DRIVE FORT COLLINS, CO 80524
239334302005	789 LINCOLN AVE CARBONDALE	HIGHTOWER, BRIAN & EMILY	R340046	789 LINCOLN AVENUE CARBONDALE, CO 81623
239334302006	759 LINCOLN AVE CARBONDALE	OLSEN, LISA	R340487	759 LINCOLN AVENUE CARBONDALE, CO 81623-1719
239334302014	717 LINCOLN AVE CARBONDALE	MATRANGA, JOAN	R580444	711 LINCOLN AVENUE CARBONDALE, CO 81623
239334302015	711 LINCOLN AVE CARBONDALE	MATRANGA, JOAN	R580445	711 LINCOLN AVENUE CARBONDALE, CO 81623
23933430A001	727 LINCOLN AVE CARBONDALE	KRAKOW, AMY B	R044226	727 LINCOLN AVENUE CARBONDALE, CO 81623-1719
23933430A002	725 LINCOLN AVE CARBONDALE	KOERNER, CHIN & JOHN E	R044231	14724 PEBBLE HILL LANE NORTH POTOMAC, MD 20878
23933430A003	723 LINCOLN ST CARBONDALE	SAFFORD, BETSEY	R044232	723 LINCOLN AVENUE CARBONDALE, CO 81623-2800
23933430A004	721 LINCOLN AVE CARBONDALE	LEE, CHRISTOPHER M A & MILADA A	R044233	721 LINCOLN AVENUE CARBONDALE, CO 81623-1719
23933430A005	Not available CARBONDALE	LINCOLN STREET CONDOMINIUMS HOA	R044230	727 LINCOLN AVENUE CARBONDALE, CO 81623-1719
23933430Q001	282 7TH ST CARBONDALE	BROGDON, TIMOTHY DANIEL & KAREN ANN	R082843	311 DELL AVENUE PITTSBURGH, PA 15216
239334366001	689 LINCOLN AVE CARBONDALE	HASSIG, MICHAEL & EMERY, OLIVIA	R580137	689 LINCOLN AVENUE CARBONDALE, CO 81623-1726
239334366002	659 LINCOLN AVE CARBONDALE	BEAULIEU, LEONARD & LARA	R580138	659 LINCOLN AVENUE CARBONDALE, CO 81623
239334366006	627-000629 LINCOLN AVE CARBONDALE	STONE, DANNY & HANLEY, ANGELA	R580531	629 LINCOLN AVENUE CARBONDALE, CO 81623
239334396024	302 CLEVELAND PL CARBONDALE	PERKINS, REGINA MARIE	R042562	302 CLEVELAND PLACE CARBONDALE, CO 81623
ROW	Not available null			

# Town of Carbondale Zoning



November 6, 2017

**Roads**

- Road
- Parcels (Garfield County)
- Town Boundary
- ▨ Planned Unit Development (PUD)

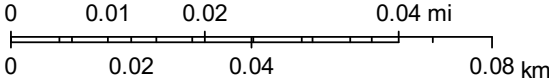
**Straight Zoning District**

- General Industrial (I)
- Historic Commercial Core (HCC)
- Residential/High Density (R/HD)
- Residential/Medium Density (R/MD)
- Transit (T)

**PUD Only Zoning Districts**

- Residential (R)

1:1,128



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Original  
558

1652-97

QUITCLAIM DEED

Doc Fee 8.04

UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, Grantor, (formerly known as Southern Pacific Transportation Company, a Delaware corporation) in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto CINDY SUPLIZIO and PETER MUELLER, Grantees, whose address is 1493 CR 106, Carbondale, Colorado 81623 and unto their heirs and assigns forever, all of Grantor's right, title, interest, estate, claim and demand, both at law and in equity, of, in, and to the real estate (hereinafter the "Property") situated in Carbondale, Garfield County, State of Colorado, as more particularly described in Exhibit A, hereto attached and hereby made a part hereof, together with all after acquired title of the Grantor therein.

EXCEPTING from this quitclaim and RESERVING unto Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereto, together with the sole, exclusive and perpetual right to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantees, their heirs and assigns.

It is expressly understood that the subjacent support of the Property may have been impaired by mining operations heretofore carried on beneath the surface thereof, and the quitclaiming of the Property is upon the condition that Grantor, its successors and assigns, shall not be liable for damages resulting therefrom.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging; TO HAVE AND TO HOLD, subject to the aforesaid provisions, the Property unto the said Grantees and unto their heirs and assigns.

319  
26  
9.04

Q:\LAWADM\PAR\MIL\1652-97.CCD

CINDY SUPLIZIO AND PETER MUELLER  
1493 COUNTY ROAD 106  
CARBONDALE, CO 81623



SN 225150



539375 01/26/1999 03:40P B1111 P559 M ALSDORF  
2 of 5 R 26.00 D 8.04 GARFIELD COUNTY CO

Grantor, Federal ID No. 94-6001323, is not a foreign corporation and withholding of Federal Income Tax from the amount realized will not be made by Grantees. A Certification prepared in conformance with IRS regulations under Section 1445 of the Internal Revenue Code is attached as Exhibit B.

IN WITNESS WHEREOF, the Grantor has caused this deed to be duly executed as of the 12<sup>th</sup> day of October, 19 98.

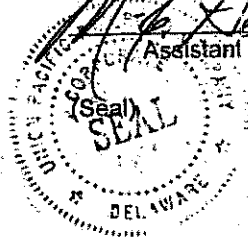
Attest:

  
Assistant Secretary

UNION PACIFIC RAILROAD COMPANY

By 

Title: Assistant Vice President



ACKNOWLEDGMENT

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

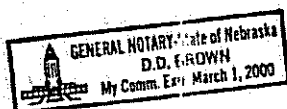
On October 12, 1998, before me, a Notary Public in and  
for said County and State, personally appeared R. D. Ubrich  
and M. E. Heenen who are the Assistant Vice President  
and the Assistant Secretary, respectively, of Union Pacific Railroad Company, a  
Delaware corporation, and who are personally known to me (or proved to me on the  
basis of satisfactory evidence) to be the persons whose names are subscribed to in the  
within instrument, and acknowledged to me that they executed the same in their  
authorized capacities, and that by their signatures on the instrument the persons, or the  
entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

*D. D. Brown*

Notary Public

(Seal)





539375 01/26/1999 03:40P B1111 P561 M ALSDORF  
4 of 5 R 25.00 D 8.04 GARFIELD COUNTY CO

UNION PACIFIC RAILROAD COMPANY  
Carbondale, Garfield County, Colorado

EXHIBIT "A"

Real property in the City of Carbondale, County of Garfield, State of Colorado, being a portion of that land described in deeds from Philip E. Weaver to the Denver and Rio Grande Railroad Company, as recorded February 21, 1888, in Deed Book 19 Page 40 and recorded September 14, 1891, in Deed Book 26 Page 399, Official Records, also being a portion of that land described in deeds from the Denver and Rio Grande Western Railroad Company to Southern Pacific Transportation Company recorded December 29, 1993 in Book 888 Page 38 and recorded December 29, 1993 in Book 888 Page 30 Official Records, situated in Lots 5 and 12 of Section 34 Township 7 South Range 88 West of the 6<sup>th</sup> Principal Meridian, described as follows:

Beginning at a point on the Southwesterly right of way line of said Union Pacific Railroad Company (formerly Southern Pacific Transportation Company) right of way, also being a point on the westerly right of way line of Sixth Street extended northerly in said Town of Carbondale, whence the street centerline monument located at the intersection of Eighth Street and Main Street in said Town of Carbondale bears S 41° 00' 21" W 1068.46 feet: Thence N 53° 00' 37" W 528.52 feet along said southwesterly right of way line of said railroad: Thence N 62° 10' 51" W 154.86 feet along said southwesterly right of way line of said railroad: Thence N 27° 49' 09" E 25.00 feet to a point on line which lies 25.00 feet southwesterly of and parallel to the centerline of the Main Track of the Union Pacific Railroad Company (formerly Southern Pacific Transportation): Thence S 62° 10' 15" E along said parallel line for a distance of 617.96 feet to a point on the westerly right of way line of said Sixth Street extended northerly: Thence S 00° 25' 00" E 123.99 feet along said westerly right of way line extended northerly, to the Point of Beginning.

Containing 35,686 Sq. Ft. more or less

Office of Real Estate  
Omaha, Nebraska  
May 7, 1998

Written by: JCO  
165297.leg

EXHIBIT B

CERTIFICATION OF NON-FOREIGN STATUS


Under Section 1445(e) of the Internal Revenue Code, a corporation, partnership, trust, or estate must withhold tax with respect to certain transfers of property if a holder of an interest in the entity is a foreign person. To inform the transferee that no withholding is required with respect to UNION PACIFIC RAILROAD COMPANY's interest in it, the undersigned hereby certifies the following on behalf of UNION PACIFIC RAILROAD COMPANY (hereinafter the "COMPANY"):

1. The COMPANY is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations);
2. The COMPANY's U.S. employer identification number is 94-6001323; and
3. The COMPANY's office address is 1416 Dodge Street, Omaha, Nebraska 68179, and state of incorporation is Delaware.

The COMPANY agrees to inform the transferee if it becomes a foreign person at any time during the three year period immediately following the date of this notice.

The COMPANY understands that this certification may be disclosed to the Internal Revenue Service by the transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury, I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct, and complete, and I further declare that I have authority to sign this document on behalf of the COMPANY.



Title: Assistant Vice President

Date: October 12, 1998

**TOWN OF CARBONDALE**

**PLANNING DEPARTMENT**  
**REVIEWING AGENCY FORM**

PLANNING ITEM #: LU17-000040

DATE SENT: 12/21/17

COMMENTS DUE: 12/29/17

TO: Public Works/Utilities

To assist the Town in its review of this project, your review and written comments are requested. Please notify the Planning Department if you will not be able to respond by the date listed above. Questions regarding this project should be directed to the Planning Department, 963-2733.

APPLICANT: Mueller/Suplizio

OWNERS: Mueller/Suplizio

LOCATION: Lincoln Ave. And Cleveland Ave.

ZONE: Transportation

PROJECT DESCRIPTION: Applicant is proposing to rezone a 3778 sq. ft. lot from Transportation to Residential Medium Density to construct a single family structure on the lot. The Lot in question is adjacent to the RFTA ROW along the Rio Grande Trail.

PLANNING STAFF CONTACT: John Leybourne

The following are conditions or comments I would offer regarding this item: (Attach separate sheet if necessary)

The following comments/requirements do not necessarily relate to the proposed rezoning, but would apply should construction on the lot move forward:

- A ditch easement should be required at the east end of the lot where the ditch crosses east of the driveway.
- Water main is located on the south side of Cleveland therefore a street cut and necessary securities would be required.
- There is no sanitary sewer main in Cleveland Avenue or 7<sup>th</sup> Street near this lot. 777 Cleveland is serviced from the sanitary sewer main on 8<sup>th</sup> Street and 286 & 282 7<sup>th</sup> Street are serviced from the sanitary sewer main that runs E/W down the alley between Cleveland and Lincoln.
- Due to the unusually long sanitary sewer service line that will be required to serve this lot, the owner/engineer should take care to research the depths and grades to ensure that a proper depth can be achieved on the service line to prevent freezing.
- Tracer wire will be required on the service line in the right-of-way, but the Town will not be responsible for locating it in the future.

---

Please return comments to both: [jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)  
[msikes@carbondaleco.net](mailto:msikes@carbondaleco.net)

Planning Department  
Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 81623

**TOWN OF CARBONDALE**

**PLANNING DEPARTMENT**  
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PLANNING STAFF CONTACT: John Leybourne

The following are conditions or comments I would offer regarding this item: (Attach separate sheet if necessary)

After Review Xcel Energy has no objection

Completion of this City/County review approval process does not constitute an application with Xcel Energy for utility installation. Applicant will need to contact Xcel Energy's Builder's Call Line/Engineering Department to request a formal design for the project. A full set of plans, contractor, and legal owner information is required prior to starting any part of the construction. Failure to provide required information prior to construction start will result in delays providing utility services to your project. Acceptable meter and/or equipment locations will be determined by Xcel Energy as a part of the design process. Additional easements may be required depending on final utility design and layout. Engineering and Construction lead times will vary depending on workloads and material availability. Installation, relocation, upgrade of existing facilities due to increased load and/or removal of existing facilities will be made at the applicant's expense and are also subject to lead times referred to above. All Current and future Xcel Energy facilities' must be granted easement.

Please return comments to both:

[jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)  
[msikes@carbondaleco.net](mailto:msikes@carbondaleco.net)

Planning Department  
Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 81623

**CONSIDERATION OF ACCEPTANCE OF FOX RUN SUBDIVISION  
IMPROVEMENTS:**

Doug Short, Director of Utilities & Public Works, reported that for the last two months the water, wastewater and street improvements at Fox Run have been under construction. Town staff, along with the engineer and the contractor have performed a walk through of the project and a test of the surface drainage system. During the visual observation and testing, nine items were tagged that need to be corrected.

**Recommendation** - Contingent upon the corrections of the nine minor items on the punch list to Town staff satisfaction, staff is recommending the acceptance of the infrastructure improvements to Fox Run subdivision. The warranty period will commence once all of the punch list items have been completed to staff's satisfaction.

Doug reported that all of the items on the punch list has been completed except the entry light which needs to be installed. He would recommend withholding \$1,500.00 from the letter of credit to insure that the light is installed.

Mark Whalen made a motion to approve the acceptance of the infrastructure improvements to Fox Run Subdivision but retaining \$1,500.00 to insure the entry light installation. The motion was seconded and passed with:

5 yes votes: Hendricks, Paradise, Vanderhurst, Whalen, Paradise  
1 not voting: Rippe  
1 absent: Darrow

**CONTINUED PUBLIC HEARING - LOT SPLIT, REZONING &  
RESUBDIVISION**

**LOCATION: 7<sup>TH</sup> & LINCOLN & SOUTH OF RAILROAD R.O.W.**

**APPLICANTS: SUPLIZIO/MUELLER:**

The public hearing that was continued from the October 13, 1998, Board of Trustees meeting opened at 8:10 P.M. Town Planner Mark Chain reviewed the application with the Trustees. He reported that at the October 13<sup>th</sup> meeting a motion was made to continue the public hearings with the direction to the applicants to come back with a new plan which incorporated the following:

- A new plan which does not include the 25 feet from the railroad corridor.
- Deletes lot G
- Does not open up 6<sup>th</sup> Street as an alley
- Does not enlarge the alley
- Combines lot H with another lot (probably lot C)

***Applicants Proposal:***

The applicants resubmitted an application which differs slightly. The main differences are that they have extended the alley to 6<sup>th</sup> Street and have incorporated lot G with lot H (less the 25' strip adjacent to the railroad corridor).

***Staff Comments:***

After the Board meeting of October 13<sup>th</sup> Mark Chain met with Cindy Suplizio regarding the application and suggested that in combining lot H with lot C that perhaps an additional dwelling unit could be built. He also recommended that lot G be combined with the 25 foot strip along the railroad and included in the Open Space/Transit Zone District until it was finally determined what would happen with the corridor. He also felt it unwise to define the building envelop for lot G now when the entire lot may be able to be expanded (assuming the 25 ft. strip is not needed for transit)when the corridor study is finished. It is not his intention to take development potential away from lot G - but rather to insure that nothing sloppy or unusable was built on it until it is determined what will happen in this area.

Mark included a draft proposal in the packet. He is proposing that that portion of lot G which could be included in the Open Space/Transit Zone District have a condition in the approval documents which would state that the town can and should reconsider re-platting and rezoning of the area after the corridor study is completed in June 1999 (if appropriate). He would recommend that this be inserted into the Ordinance in order to protect the applicant. He noted that lot G as proposed, violates Section 18.15.030B of the Municipal Code. This clause states "except where otherwise indicated district boundaries shall follow municipal corporation limits, section lines, lot lines or right-of-way lines, or extensions thereof". In other words, when you subdivide a new area you should not split a lot along zone district boundaries. That is what is being done with the present proposal.

***Staff Recommendation:***

Staff recommends that this re-platting proposal be denied. Staff would recommend that the applicants come back with the plat as essentially indicated by the Board at the October 13<sup>th</sup> meeting.

***Note*** – Trustee Susan Darrow arrived.

Cindy Suplizio and Peter Mueller were in attendance to discuss their application. Peter felt they had followed the directions of the Trustees as outlined at the October 13<sup>th</sup> meeting. Until the time that the Union Pacific train study is complete they would like to square up their existing lot, (lot C), and create a similar rectangular lot to the east named lot F. They would like Board approval for the lot line adjustment and the inclusion of Lot F into the Lincoln Avenue PUD. They would also like to create a second lot, lot G, out of the land between 6<sup>th</sup> and 7<sup>th</sup> Avenues which lies immediately to the north of their and Mr. Black's property. Street access would be off of Cleveland and Seventh. This land is currently zoned high density and open space, transportation. Peter noted that Mark Chain would like to avoid the creation of a lot with two different zones (based on current planning guidelines), their intent is only to create a buildable lot separate from the twenty-five foot wide section. He said that whether these two different zoning districts are included in the same lot or are separate is immaterial to them until the study is complete. They will wait for the railroad study to be completed until they take any action to develop the lot. But in the mean time, by creating this lot is their insurance that they are not just buying open space for the Roaring Fork Railroad Holding Authority.

D. Jan Black, of 282 N. 7<sup>th</sup> Street, was present to object to more use of the alley, which is a dead end. He reported that there are 6 residential units that use the alley on a regular basis. Under the build-out plan for the proposed Lincoln Avenue PUD an additional 3 units would be built. The alley is 8 feet from the main living quarter of 282 N. 7<sup>th</sup> Street and presents an intrusion.

Several of the Trustees agreed with Mr. Black that main access should not be off of the alley. Town Attorney Bob Emerson noted that a dead end alley for access is not good for emergency access and the Fire Department would probably not approve.

Note – 9:10 P.M. Brad Hendricks made a motion to close the public hearing and approve the lot split with the following conditions:

1. Approve Lot C & F, with the alley not going through to 6<sup>th</sup> street. Lot F will access off of Lincoln Street – not off the alley. Lot C will be able to use the alley to get to their garage, other access will be off Lincoln Street.
2. Lot G will have a southwest setback of 7.5 feet.
3. Lot G is restricted to one residence.
4. Lot G access will be from Cleveland and 7<sup>th</sup> Street.
5. The 25ft. NE of Lot G is to be noted as a separate Lot and zoned Open Space/Transit.
6. Street improvement will be made in accordance to the standards and acceptance of the Public Works Department.
7. Lot H will be dedicated to the Town of Carbondale.
8. Lot I will be zoned open space/transit.

The motion was seconded and passed with:

7 yes votes: Williams, Rippe, Paradise, Vanderhurst, Darrow, Whalen, Hendricks

#### **REPORT ON SMART GROWTH GRANT:**

Town Manager John Hier reported that he would like to send out RFP's to solicit for a person to assist the administration of the project. It was the consensus of the Trustees to have John proceed with the RFP's.

#### **PLANNER'S REPORT:**

Town Planner Mark Chain announced that the RFRHA Corridor Study is coming to some key decision making points in the near future.. He noted dates of upcoming meetings that will be held. There will be a meetings on November 30<sup>th</sup>, December 9<sup>th</sup>, and December 18, 1998.

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1 of 2 R 10.00 D 0.00 GARFIELD COUNTY CO

ORDINANCE NO. 30  
SERIES OF 1999

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
CARBONDALE, COLORADO, REZONING PROPERTY OWNED BY  
CINDY SUPLIZIO AND PETER MUELLER**

WHEREAS, the Board of Trustees of the Town of Carbondale, Colorado adopted Ordinance No. 36, Series of 1998, approving the zoning for certain real property now owned by Cindy Suplizio and Peter Mueller; and

WHEREAS, said Ordinance continued to maintain the zoning for Lots H and I, Resubdivision of Lot C, Lincoln Avenue East P.U.D., as Open Space/Transit Zone District; and

WHEREAS, the Applicant seeks to rezone Lot H to Lincoln Avenue East P.U.D. ( to be combined with Lot G through a lot line adjustment) and Lot I as Residential/Medium Density; and

WHEREAS, the Planning and Zoning Commission of the Town of Carbondale reviewed this application on October 28, 1999, and recommended that the rezoning of Lot H be approved with conditions but that the rezoning for Lot I be denied; and

WHEREAS, the Board of Trustees of the Town of Carbondale at a public hearing held on November 9, 1999, during which public hearing the Board of Trustees heard and considered the statements of Town staff, the Applicant, members of the public, and reviewed and considered all other relevant documents and information presented at such hearing, all as required by law; and

WHEREAS, the Board of Trustees of the Town of Carbondale finds that it is appropriate to approve the rezoning application for Lot H with conditions but to deny the rezoning application for Lot I.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, that the application for rezoning Lot H is hereby approved and that upon the effective date of this ordinance, said property shall be zoned Lincoln Avenue East P.U.D. and that Lot H shall be combined with Lot G to make one lot which will hereafter be described as Lot G, subject to the following conditions:

1. A lot line adjustment plat consistent with this ordinance shall be submitted to the Town and recorded with the Garfield County Clerk & Recorder. The lot line adjustment plat shall contain a setback of ten feet along the railroad right-of-way. Said plat shall be approved by Town staff prior to recording.

TOWN OF CARBONDALE  
511 Colorado Ave.  
Carbondale, CO 81623

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2. The Applicant shall submit an amended P.U.D. zone map of the Lincoln Avenue East P.U.D. which, once approved by Town staff, shall be recorded with the Garfield County Clerk & Recorder.

3. The terms and conditions of Ordinance No. 35, Series of 1998, recorded as Reception No. 541227 of the records of the Garfield County Clerk & Recorder, shall continue to apply to the subject property.

4. The new Lot G shall not be eligible for subdivision in the future and access to Lot G shall only be from the intersection of Seventh Street and Cleveland Avenue.

5. The Applicant shall be required to pay and reimburse the Town for professional and staff fees pursuant to Sections 13.16.180 and 1.30.030 of the Carbondale Municipal Code and shall pay all recording costs.

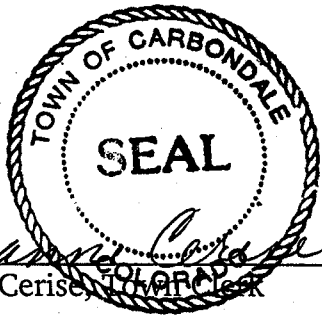
BE IT FURTHER ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE that the rezoning application for Lot I is hereby denied.

INTRODUCED, READ, AND PASSED THIS 23rd day of November, 1999.

THE TOWN OF CARBONDALE

ATTEST:

  
Suzanne Cerise, Town Clerk



By:

  
S. Randall Vanderhurst, Mayor



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

## **Agenda Memorandum**

Meeting Date: 1-11-18

**TITLE:** UDC Amendments – Old Town Residential (OTR) District

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** Redlined Supplemental Standards: OTR District  
Excerpt from Infill Guidelines

### **BACKGROUND**

Over the past months, the Planning Commission discussed a number of possible UDC amendments. One of the potential amendments was to refine building design standards in the OTR zone district. This is located in Section 5.6.6 of the UDC (page 205).

Here was staff's discussion in italics with the Planning Commission response in the red type:

*The Town adopted Infill Guidelines in 2000 for developments in residential zone districts. Some of the guidelines addressed building mass. For example, they state larger projects should be divided into a series of smaller masses consistent with other structures in the neighborhood. It also discusses architectural elements and materials, i.e., use of porches, prominent doors, dormers and rooflines. The Commission may want to consider incorporating some of these when fine-tuning the OTR building standards. These infill standards are attached.*

**Fine tune Infill guidelines and include in Section 5.6.6. for OTR with the following additions:**

- Ø Regulate against pure boxes with a soft touch.**
- Ø Add sentence: Design guidelines in OTR are intended to allow architectural freedom but not to allow a box, as it will be denied.**

Staff has revised Section 5.6.6. The redline is attached.

When the UDC was developed, it was a goal that the standards in the UDC be tangible or measurable. All of the "shoulds" were taken out and everything became a "shall." This was to allow property owners and/or developers to read the standards and

understand what is expected. Because of this, Staff did not include the sentence suggested by the Commission as it is more of a goal than a standard. Instead, Staff simply revised the text to prohibit box-like structures.

Staff went through the rest of the Infill Guidelines. Many of the guidelines are already covered in other sections of the UDC. In addition, Staff's understanding is that the Commission wants to keep a light touch on building design. Because of this, the only change was to add the language that large structures be divided into a series of smaller masses.

## **FISCAL IMPACTS**

There do not appear to be any fiscal impacts related to this discussion.

## **RECOMMENDATION**

I would recommend that the Commission discuss the draft Supplemental Standards for the Old Town Residential District regulations and provide direction to Staff. These revised standards will then be incorporated into the overall UDC amendments.

Prepared By: Janet Buck, Planning Director

#### 5.6.6. SUPPLEMENTAL STANDARDS: OLD TOWN RESIDENTIAL DISTRICT

A.      Applicability Any development in the OTR district shall comply with the general standards of Section 5.6.3, General Standards for All Residential Development, plus the standards of this section.

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B.      Public Streetscape Adjacent to Residential Lots in the OTR District

1. A minimum of one deciduous canopy tree (street tree) with a minimum of a 2.5-inch caliper and of a species that meets Town standards for street trees shall be provided in the public right-of-way immediately adjacent to the front yard of a property for each 25 feet of lot width, or fraction thereof. The property owner shall be responsible for the irrigation and maintenance of the trees, as approved by the Public Works Director.
2. A landscape plan shall be required that identifies, at minimum, a five-foot planting strip and any existing or planned utilities above- or below-ground.
3. When possible, street trees shall be located between the edge of the paved street and the property line. If placement of street trees within the right-of-way immediately adjacent to the property will interfere with utility lines or on-street parking spaces, trees shall be planted in the front yard setback adjacent to the sidewalk or elsewhere in the public right-of-way as close to the property as possible.

C.      Building Design Standards

41. Larger structures shall be divided into a series of smaller masses consistent with other structures in the neighborhood. Box-like structures shall not be allowed.

2. The roof line of any structures adjacent to an alley shall step down in scale as the structure approaches the alley.

35. A vertical wall of the principal structure that is both parallel to and within five feet of a side yard setback shall not exceed 20 feet in height (see Figure 5.6.6-A).

46. The facade of a dwelling facing the street shall be broken up with dormers, porches, offset gables, or other features such that the facade does not present an unbroken face to the street.

- Visual and noise impacts of on-site site parking;
- Traffic impacts on streets and alleys;
- Impacts on adjacent properties, e.g. outdoor lighting, loss of light and air due to structure mass and location, increased noise and activity, loss of open space;
- Poorly designed and/or managed trash collection and removal;
- Proliferation and impacts of storage;
- Visual and character impacts of large structures on neighborhood.

## Intended Use of the Guidelines

These guidelines are intended to be used to evaluate infill projects during the review process and are to be considered in addition to the Multi-Family Design Standards and Guidelines currently included in the Land Use Code (Sections 18.50.075 and 18.50.077). In addition, all other development standards and provisions contained within the Land Use Code, which would otherwise be applicable to a development proposal, including setbacks, on-site parking, lighting, solar access, landscaping and noise must be considered in conjunction with these guidelines. The guidelines should be viewed as general and flexible, not cast in stone. Their administration must be done with care and compromise. The guidelines should also be considered in total, not placing excessive emphasis on one or the other of the recommended standards.

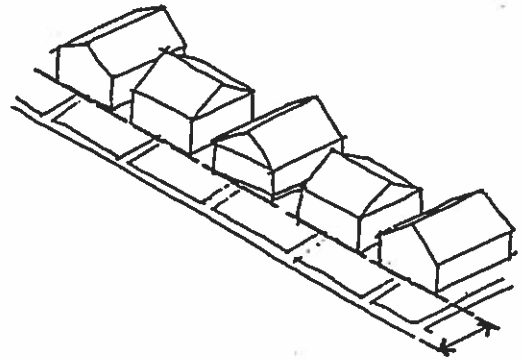
## Guidelines

### Lot Layout/Open Space

Goal: The arrangement of structures and uses on a lot shall be done in a way that results in minimal impacts on adjacent properties while

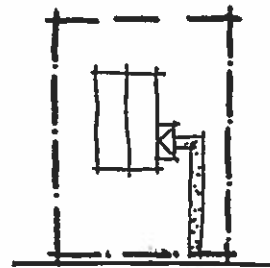
creating a high quality living environment for the intended residents of the property and preserving and strengthening the character of the neighborhood.

- 1) Maintain front yard as open space and primary orientation of architectural elements on the property.
- 2) Locate largest structures toward the front of the lot and smaller or accessory units in the rear where possible.
- 3) Set buildings in line with others on block where existing setbacks are uniform.



*Set buildings in line with others on block.*

- 4) Avoid locating entryways in side yard areas especially when such entryways would be directly across from existing entryways, primary living areas or other windows on adjacent properties. If it is determined that a side yard entry is the best solution, adequate landscaping or screening methods shall be provided if the entry is located across from primary living areas of adjacent properties.



*Avoid Side Entry*

Note: Safety lighting associated with entryways shall be located away from existing, adjacent residences. In no case shall an exterior safety light on a proposed new structure or addition be located directly across from an existing entry door or window on an adjacent property.

- 5) Open space shall be provided in an amount equal to or greater than that which is required under the development standards of each zone district.
- 6) Residents should have access to open space without having to cross vehicular circulation or parking areas.
- 7) Open space should be utilized as a central organizing element in the site design.
- 8) Each site should preserve a "useable open space" area where possible. Useable open space is an open area that is generally rectangular in shape, is unencumbered by structures or landscaping and is not located solely within a side yard setback. Desired landscaping should be located around the perimeter of the useable open space area. Where possible, useable open space should be located near dwelling unit entry doors. Useable open space should also be designed to serve as an amenity for the property. The Town may allow open space to be divided among individual lots instead of being provided in common use areas when the proposal is for townhouse units or other unit types the ownership of which is typically fee simple.
- 9) Private outdoor space shall also be provided for each unit in a multi-family project in accordance with the provisions of the Multi-Family Design Standards and Guidelines.

### Circulation and Parking

Goal: Minimize visual appearance of driveways, parking surface and parked vehicles on adjacent properties and public streets.

- 1) On-site parking should be accommodated in rear yards where possible.
- 2) Access to on-site parking areas should utilize alleys where available unless, for reasons identified by the Applicant, Town Staff or

through the review process, another alternative is deemed preferable. Examples where alley use may be restricted or not allowed are dead-end alleys, alleys that are overutilized in terms of parking, circulation, etc., where existing utility encroachments make circulation and normal maintenance problematic, and/or if safety is being compromised in the opinion of the Town's Traffic Engineer.

- 3) On-site parking areas shall be screened from adjacent properties and public streets to the greatest extent possible.
- 4) Avoid creating head-in parking along entire front of property.
- 5) Where possible, on-site parking areas shall be located adjacent to on-site parking areas on adjacent properties.
- 6) All parking shall occur on the subject property. Applicants may apply for Planned Unit Development (PUD) approval if they wish to pursue utilizing a Town right-of-way for a portion of their parking requirements. The number and dimension of all parking spaces shall comply with Section 18.50.050 of the Carbondale Municipal Code.

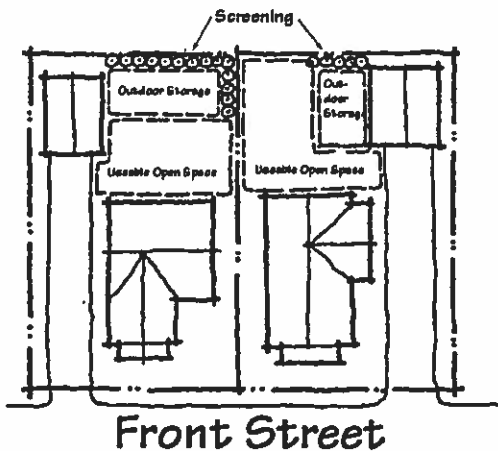
### Service Areas/Trash Collection and Storage

Goal: Minimize visual impacts of service areas, trash collection and storage while providing necessary facilities for residents of the subject property.

- 1) Where sites include three or more dwelling units the site shall include designated areas for trash collection in addition to the "open space" and "yard" requirements identified in the Land Use Code.
- 2) Storage areas shall be delineated on the site plan or floor plan. Storage for any infill application shall be provided as per Section 18.50.075 E.2. of the Municipal Code. A minimum of one cubic foot of storage for

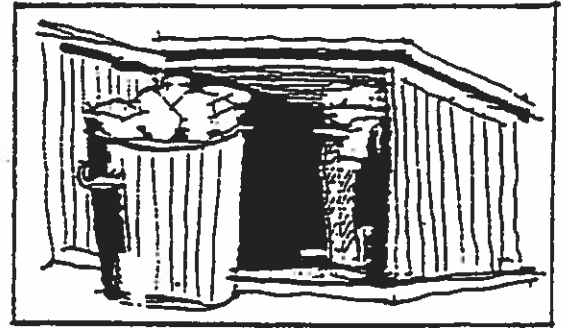
each 3 square feet of gross floor area of the dwelling unit shall be provided. Storage areas may be located within the primary structure.

- 3) Sheds and other enclosures (other than a garage providing parking in accordance with the on-site parking requirements of the Land Use Code) may qualify as storage.



*Preferred location and screening for outdoor storage.*

- 4) Structures or enclosures used to accommodate storage shall be designed as an integral part of the project and should be integrated with the architectural character of the other structures on the site.
- 5) Locate service areas, trash collection and storage areas, if applicable, in rear yards where possible.
- 6) Where sites include three or more dwelling units, trash collection receptacles shall be screened from view from adjacent properties and public streets. Screening can be in the form of fencing, walls, landscaping or any combination of these elements, provided the materials used to are similar to those used elsewhere on the site.

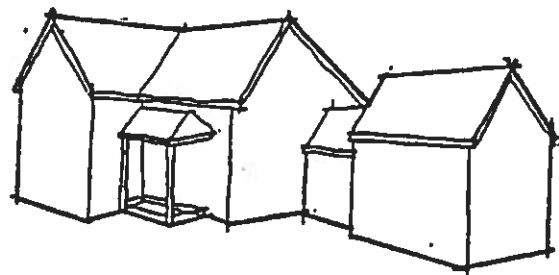


*Trash collection areas shall be screened from view.*

### Building Mass and Separation

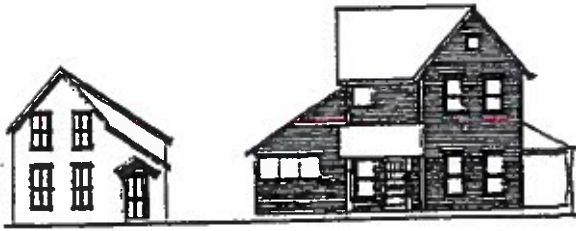
**Goal:** Building mass and location should be sensitive to existing structures on adjacent lots and should appear similar in scale to other structures within the surrounding neighborhood.

- 1) The design and location of structures should attempt to preserve solar access for adjacent properties.
- 2) Larger projects should be divided into a series of smaller masses consistent with other structures in the neighborhood.



*Break up larger structures into a series of smaller elements.*

- 3) Step buildings down in scale as they approach alleys and smaller structures on adjacent lots.



- 4) Where there are multiple residential structures on a single lot, there shall be a minimum of 10 feet between structures (see also spacing provision in Section 18.50.075(D)).

#### **Architectural Elements and Materials**

**Goal:** Through the use of architecture and site design, strengthen neighborhood character and promote a sense of architectural integration within the neighborhood balanced with variety.

- 1) Entryways should be clearly defined. Use of elements such as porches, porticos, emphasizing roof forms and prominent doors is strongly encouraged.

**Note:** Use of shared entry for multiple units should be considered.

- 2) Buildings should have a simple form as the primary shape. Character of buildings should be created primarily by the use of architectural detailing and strong elements such as porches, dormers, windows and rooflines. Cues can be taken from other prominent structures within the neighborhood.
- 3) Where existing structures are being remodeled or redeveloped, additions should respect the architectural character, detailing, lines and proportions of the existing structure.

- 4) While use of a variety of building materials is encouraged, materials should be selected for qualities such as demonstrated durability, indigenous use, architectural interest and environmental efficiency.

### **Review Process Criteria & Findings**

The review of infill projects will be conducted under the Site Plan Review Process provisions of the Land Use Code. Compliance with these guidelines will be considered as part of this evaluation. The quality of life within a project site and the impact on adjacent properties and surrounding neighborhood will be carefully evaluated. The following general concepts should be considered:

- a) Compliance with these guidelines.
- b) Compliance with other applicable provisions of the Land Use Code including the applicable multi-family design guidelines, development standards and review criteria for Site Plan Review.
- c) Impacts of the proposed infill project on the adjacent properties and the surrounding neighborhood, including traffic impacts on roads and alleys (where applicable), on-site parking and the potential for increased parking on adjacent streets and alleys, loss of access to air and light on adjacent properties by increasing building mass, outdoor lighting and other impacts specific to the project and/or site.
- d) Whether the project is designed so that its impacts are borne more by the owners and residents of the subject property than by adjacent properties or the surrounding neighborhood.

In considering an infill project, the Town may require one or more of the following mitigation measures in an effort to reduce the impacts of the project and achieve compliance with these



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

## **Agenda Memorandum**

Meeting Date: 1-11-18

**TITLE:** UDC Amendments – Mobile Home Parks

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** Carbondale's Mobile Home Park Regulations (Title 16)  
Glenwood Springs Draft Mobile Home Park Regulations (Clarion)  
Montrose Mobile Home Regulations  
Durango Mobile Home Park Regulations  
DOLA Paper - "Tiny Houses"  
Memo from Building Official re: Tiny Homes 3-16-17  
Paper - "Manufactured/Factory Built Home Requirements"

### **BACKGROUND**

Over the past months, the Planning Commission has discussed a number of possible UDC amendments. One of the potential amendments was regarding mobile home parks.

It had been the intention during the development of the UDC to incorporate Title 16-Mobile Home Parks from the former Municipal Code into the UDC; however, it was not done.

This code section regulates mobile home parks and includes definitions, construction, design standards, criteria for existing mobile home parks, nonconforming uses and variances. This will require amendments in multiple parts of the UDC, i.e., definitions, use standards, development standards, etc.

It appears that the existing language was last amended in 1996. It is worth going through to see if it needs to be updated.

The Planning Commission discussed this amendment in general terms and this was the direction given to Staff:

Integrate into UDC along with design standards.  
Use Durango and Montrose regulations as template.  
Mobile home regulations should not exclude tiny homes.  
Carve out definitions for with and without wheels.

IRC – regular zone districts ok.

HUD homes go into mobile home parks. There are HUD compliant tiny homes.

I have attached regulations from several different communities as requested. I have also reviewed the Town's existing mobile home park regulations with the Building Official. Some of our regulations are still valid and could provide the basis for the use standards. Portions of the Montrose and Durango code are interesting and could be blended into Carbondale's regulations.

## **DISCUSSION**

I attached Title 16 Mobile Home Parks from the old code. I went through and redlined different portions of it to show how some items were deleted because they weren't necessary. Others are already covered in different areas of the UDC, i.e., Site Plan Review submittal requirements, process, etc. Also, some of the items are covered under the Town's building code.

I have drafted some initial regulations as follows:

### **UDC SECTION 8.3 DEFINITIONS:**

Mobile Home: A single family home substantially or entirely manufactured in a factory which is moved on site in substantial component parts, including homes commonly known as mobile homes, modular homes, factory built homes, manufactured homes. Travel homes shall not be considered a mobile home. (Montrose)

Travel Home: Vehicles and structures commonly used for temporary dwellings during travel or recreation activities including, but not limited to, those registered or required to be registered and licensed as a vehicle, such as campers, motor homes, RV's, pick-up truck campers, trailers and trailer coaches. (Montrose)

Replacement Mobile Home: Any conforming mobile home that is brought into an existing mobile home park and placed on an existing mobile home space.

Mobile Home Space: A plot of ground within a mobile home park designated for the placement of one mobile home and permitted storage structures.

### **Conforming Mobile Homes:**

"MH" designation mobile homes which were constructed to meet the American National Standards Institute Section 119-1 and which display a Colorado Division of Housing MH label;

"HUD" mobile homes built in accordance with the specifications of the HUD manufactured home construction and safety standards. These mobile homes must

display a “HUD” label and a data compliance sheet as required by the HUD MHCSS verifying compliance with Colorado standards;

Any future type of mobile home unit which meets approved standards adopted or established by the Colorado Division of Housing.

#### 4.3. USE-SPECIFIC STANDARDS

##### 4.3.2. RESIDENTIAL USES

##### 4.3.2.G. Mobile Home Park

##### New Mobile Home Parks

1. Mobile home parks shall not be constructed within the 100-year floodplain.
2. Mobile home parks shall be located in areas not subject to flooding, fire or safety hazards, or environment hazards such as sinkholes.
3. New Mobile Home Parks or enlargement of existing Mobile Home Parks are required to go through Site Plan Review.
4. There is no minimum size established for the construction of a new mobile home park.
5. Permitted density shall be 8-1/2 units per net acre, exclusive of areas dedicated for rights-of-way and open space.
6. Storage structures may be placed on individual mobile home space lots or as a central storage facility within the park.
7. No mobile home shall be located less than 10 ft. side to side, 10 feet end to side, or 10 feet end to end horizontally from an adjacent mobile home.
8. Carports, awnings, ramadas, open or screened porches, storage facilities or other accessory structures shall be located no less than six feet from adjacent mobile homes or structures unless constructed of one-hour fire resistive construction or noncombustible materials, in which case the setback may be reduced to 44 inches.
9. No mobile home shall be located less than 10 feet from the perimeter boundary of the mobile home park.
10. No mobile home shall be located less than 25 ft. from the edge of the driving land surface within a mobile home park or within 10 ft. of the edge of the dedicated public right-of-way within the park.

11. Each interior road shall provide two 10-foot travel lanes and two 8-foot parking lanes. The driving lanes shall be hard surface. The parking lanes may be gravel.
12. Sidewalk are/are not required?
13. Each mobile home shall have direct access to an interior road.
14. Each interior road shall provide for continuous forward movement.
15. Recreational vehicles shall not be allowed to occupy an approved mobile home space.
16. All placement of mobile homes shall follow the Manufacturer's Installation Instructions and/or Colorado Division of Housing Guidelines.
17. Public park dedication?
18. Common open space?
19. School dedication fees?

#### Existing Mobile Home Parks

A conforming mobile home may replace an existing mobile home. This requires a building permit. A site plan which shows the following:

The mobile home space in which the mobile home is to be placed  
All immediately adjoining mobile home spaces with the existing mobile homes  
Distances to each adjoining mobile home.

Any replacement mobile home shall meet the setbacks from other mobile homes, storage structures, and other structures or boundaries including perimeter setbacks. If the mobile home cannot meet the setbacks, a conditional use permit may be requested.

#### OTHER INFORMATION

The Commission has discussed allowing tiny homes in mobile home parks in the past. I added a new definition called "Travel Home" which was from the Montrose code. This seems to cover tiny homes.

The Durango code allows a separate or optional area for recreation vehicles (RVs) in a mobile home park. The area cannot exceed 10 percent of the land area of the mobile home park. Occupancy per overnight camper shall not exceed 30 consecutive days. Streets within this optional area shall be designed and constructed to the standards required for new mobile home parks.

In the area designed for RV's, the following additional minimum design standards shall be met:

1. The minimum area for each RV space shall not be less than 3,500 sq. ft. with a minimum width and frontage of 35 feet.
2. The minimum depth of each RV space shall be 100 feet.
3. All RVs parked in the option RV area shall be in good repair. Motorized camper vehicles shall have a valid motor vehicle inspection sticker with proof of insurance.

I also included the following documents in the packet:

- Ø Paper prepared by DOLA which discusses "Tiny Houses"
- Ø Memo from Building Official dated March 16, 2017 re: Tiny Homes
- Ø Building Department paper on "Manufactured/Factory Built Home Requirements"

In the past, the discussions cover various types of homes, i.e., manufactured, HUD, etc. I hoped that this information would help in the conversation.

## **FISCAL IMPACTS**

There do not appear to be any fiscal impacts related to this discussion.

## **RECOMMENDATION**

I would recommend that the Commission discuss the draft mobile home park regulations and provide direction to Staff.

Prepared By: Janet Buck, Planning Director

Title 16MOBILE HOME PARKS\*Chapters:

- 16.04 Definitions
- 16.08 General Provisions
- 16.12 Construction
- 16.16 Design Standards
- 16.18 Criteria for Existing Mobile Home Parks
- 16.24 Nonconforming Uses
- 16.32 Variances

Chapter 16.04DEFINITIONSSections:

- 16.04.010 Definitions generally.
- 16.04.020 Mobile home.
- 16.04.030 Mobile home owner.
- 16.04.040 Mobile home park.
- 16.04.050 Mobile home park owner.
- 16.04.060 Enlargement.
- 16.04.070 Alteration.
- 16.04.080 Replacement mobile home.
- 16.04.090 Mobile home space.
- 16.04.100 Direct access connection.
- 16.04.110 Interior right-of-way.

16.04.010 Definitions generally. For the purpose of this title, the words and phrases in Sections 16.04.020 through 16.04.110 shall have the meaning ascribed to them by this chapter. (Ord. 23-1995 (part)).

16.04.020 Mobile home. "Mobile home" means any vehicle, relocatable unit, or structure designed for sleeping or dwelling purposes at temporary or permanent locations, capable of being transported upon a highway or roadway on its own fixed or removable running gear with or without its own motive power. (Ord. 23-1995 (part)).

\* For further provisions concerning mobile home parks, see Title 18.

*Put in  
8.3  
Definitions  
(Use mon trosé)*

16.04.030 Mobile home owner. "Mobile home owner" means any person as defined in Section 1.04.010(R), who owns, controls, leases, occupies or manages a mobile home. (Ord. 23-1995 (part)).

*Have  
"owner"  
in  
UDC*

16.04.040 Mobile home park. "Mobile home park" means any tract of land or series of contiguous tracts under common control or ownership upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. (Ord. 23-1995 (part)).

*Already  
in  
UDC*

16.04.050 Mobile home park owner. "Mobile home park owner" means any person as defined in Section 1.04.010(R), who owns, controls, manages, leases or supervises a mobile home park. (Ord. 23-1995 (part)).

*Duplicate*

16.04.060 Enlargement. "Enlargement" of an existing mobile home park means the addition of new mobile home spaces within or adjacent to an existing park which area is presently not occupied or licensed to be occupied by mobile home spaces according to this chapter. (Ord. 23-1995 (part)).

*Not  
needed*

16.04.070 Alteration. "Alteration" of an existing mobile home park shall include any of the following: increase in the overall size of the park, addition of mobile home spaces, reconfiguration of parking or rights-of-way, realignment of existing mobile homes, and any changes or additions to water or sewer service main lines. Any changes, relocations or increases in size to accessory buildings will be considered as alterations to an existing mobile home park. (Ord. 23-1995 (part)).

*Not  
needed*

16.04.080 Replacement mobile home. "Replacement mobile home" means any conforming mobile home that is brought into an existing mobile home park and placed on an existing mobile home space. (Ord. 23-1995 (part)).

*Put in  
8.3*

16.04.090 Mobile home space. "Mobile home space" means a plot of ground within a mobile home park designated for the placement of one mobile home and permitted storage structures. (Ord. 23-1995 (part)).

*Put in  
8.3*

16.04.100 Direct access connection. "Direct access connection" means a main entry or exit roadway that connects the interior of the mobile home park to a public road or highway. (Ord. 23-1995 (part)).

*In UDC  
5.5.2.0*

16.04.110 Interior right-of-Way. "Interior right-of-way" means a roadway inside the mobile home park which is

*In  
new  
use specific  
standard*

not necessarily a direct access connection. (Ord. 23-1995 (part)).

# Chapter 16.08

## GENERAL PROVISIONS

### Sections:

- 16.08.010 Purpose.
- 16.08.020 Compliance with zoning regulations.
- 16.08.030 Mobile homes on public rights-of-way.
- 16.08.040 Conforming mobile homes.
- 16.08.050 Construction, maintenance, operation and alteration--Unlawful when.

16.08.010 Purpose. This title establishes a mobile home park licensing procedure, minimum standards governing the construction of new mobile home parks, and minimum standards governing the operation and maintenance of mobile home parks in existence as of the passage of these regulations. (Ord. 23-1995 (part)).

16.08.020 Compliance with zoning regulations. The site for a mobile home park shall be located only in a zone district where it is allowed pursuant to Title 18 of this code (as a special use in the R/MD zone district or as a use by right in the R/HD zone district), as part of an approved planned unit development, or as part of an annexation agreement for a newly annexed parcel. (Ord. 23-1995 (part)).

16.08.030 Mobile homes on public rights-of-way. No mobile home shall be parked or be permitted to stand upon any public street, highway, road, alley, or other such right-of-way for more than a twenty-four-hour period. If so parked for less than a twenty-four-hour period, it shall be parallel to the edge of the right-of-way out of the flow of moving traffic. (Ord. 23-1995 (part)).

16.08.040 Conforming mobile homes. It is the intent of this section to provide for a minimum standard of housing quality in new mobile home parks, existing mobile home parks, and on private lots upon which individual mobile homes are located. The following types of mobile homes shall be considered "conforming mobile homes" and only the following types of units may be moved onto private lots, existing mobile home parks, or moved into new mobile home parks:

*Not needed*

*Added to 8.3 Definitions*

A. "MH" designation mobile homes which were constructed to meet the American National Standards Institute Section 119-1 and which display a Colorado Division of Housing MH label;

B. "HUD" mobile homes built in accordance with the specifications of the HUD manufactured mobile home construction and safety standards. These mobile homes must display a "HUD" label and a data compliance sheet as required by the HUD MHCSS verifying compliance with Colorado standards;

C. Any future type of mobile home unit which meets approved standards adopted or established by the Colorado Division of Housing. (Ord. 23-1995 (part)).

16.08.050 Construction, maintenance, operation and alteration--Unlawful when. It is unlawful for any person to construct, maintain, operate or alter any mobile home park within the town in violation of any provision of this title. (Ord. 23-1995 (part)).

*No +  
needed*

## Chapter 16.12

### CONSTRUCTION

#### Sections:

- 16.12.010 Construction or alteration permit--  
Application issued when.
- 16.12.020 Regulation compliance--Permits required.
- 16.12.030 Performance bond.
- 16.12.040 Plans--Information to be submitted.
- 16.12.050 Review procedures.
- 16.12.060 Simultaneous hearings.

*In  
Building  
code*

16.12.010 Construction or alteration permit--Application issued when. A. No person shall construct, alter or change a mobile home park without first obtaining a permit from the building inspector in the name of such person for the specific mobile home park. All applications for permits shall be made to the building inspector who shall issue a permit upon compliance by the applicant with provisions of this title, regulations adopted pursuant thereto, and any other applicable legal requirements. No mobile home shall be allowed on any mobile home space or inhabited in a mobile home park until all improvements have been made as set forth in the approved plan.

B. A permit shall be obtained from the building inspector prior to installation of any mobile home. No mobile home shall be occupied until a certificate of occupancy is issued. (Ord. 23-1995 (part)).

16.12.020 Regulation compliance--Permits required.

Office areas, buildings and utilities which are used or existing, or which are to be constructed, altered or repaired at a mobile home park, shall comply with all applicable laws and ordinances, and the construction, alteration or repair of such buildings, facilities or utilities shall require the issuance of a building permit or any other applicable permit. The applicant shall supply such information as is necessary to enable the building inspector to determine the propriety of issuing the involved permit. If excavation work is proposed, excavation, grading, and encroachment permits, as may be necessary, shall be obtained from the building inspector. (Ord. 23-1995 (part)).

*In  
Building  
Code*

16.12.030 Performance bond.

The applicant shall be required to post a letter of credit, performance bond, cash, or other collateral acceptable to the board of trustees in the amount of one hundred ten percent of the estimated cost of all improvements required of the applicant before approval of the final site plan or plat. The estimate of the cost of improvements shall be made by a registered, professional engineer. (Ord. 23-1995 (part)).

*Not  
added.*

16.12.040 Plans--Information to be submitted.

An applicant for a permit to construct, enlarge or alter a mobile home park shall submit to the planning commission for approval the following items:

- A. Completed application form (special use permit);
- B. A site plan drawn at a scale of one inch equals ten feet showing the following items:
  1. Footprint and location of all buildings,
  2. Proposed parking spaces,
  3. Location of all utilities and easements and other details demonstrating conformance with all regulations and development standards,
  4. The number, location and size of all mobile homes spaces,
  5. The location and width of all roadways and parking areas within the mobile home park. A typical detail/cross section of the road and parking areas shall also be submitted,
  6. Location of any service buildings and other proposed structures,
  7. Location of dumpsters, screening fences, and other necessary details for the refuse disposal area,
  8. Location and size of any open space or recreational areas, including specifications of any play equipment,
  9. Type and size of all screening and/or fencing materials,
  10. Details of any interior roadway or pedestrian lighting. All lighting fixtures shall comply with ninety

*Process +  
submittal  
require-  
ments  
under UPC  
2.5.3  
Site Plan  
Review*

degree cutoff luminaries as specified in Section 18.50.085 (A) (4),

11. Location, number and size of all plantings such as trees, shrubs and grass areas, together with provisions for irrigation,

12. Documentation to show that the proposed mobile home park will meet all fire protection and snow removal criteria,

13. Grading and drainage plan drawn up by a qualified licensed engineer,

14. A typical plot plan for an individual mobile home space along with adjacent parking area,

15. Further information as may be required by the building inspector to demonstrate compliance with this title or with any specific conditions of approval applicable to this site or the project,

16. Estimate of the cost of improvements (excluding the mobile homes) shall be submitted by a registered, professional engineer,

17. After construction, an improvement survey plat by a registered surveyor or professional engineer shall be required to insure that the proposed mobile home park was built in conformance with approved plans. (Ord. 23-1995 (part)).

16.12.050 Review procedures. The planning commission at a public hearing shall review all applications for a mobile home park permit. The commission shall make its recommendation to the board of trustees within sixty days of the submission of the application. The planning and zoning commission shall recommend approval as submitted, approval with conditions, or denial of the permit application. The board of trustees shall render a final decision on the mobile home park permit within thirty days of the planning and zoning commission's recommendation. Notice for public hearings shall be as set forth in Chapter 1.20. The board of trustees may impose any conditions to ensure compliance with the terms and intent of this title. The mobile home park permit shall be required in addition to all other licenses, approvals and permits required by the town. The mobile home park permit shall be a permit to construct, alter or enlarge a mobile home park and the fees for a mobile home park permit shall be in addition to the mobile home park annual license fee. The mobile home park permit fee shall be twenty-five dollars per mobile home space. (Ord. 23-1995 (part)).

16.12.060 Simultaneous hearings. If a permit is required for the construction, enlargement or alteration of a mobile home park which comprises all or part of a planned unit development, hearings on the mobile home park permit may be held simultaneously with hearings required by Sec-

tion 18.55.025. An application for a mobile home park which is to be subdivided may be considered at a simultaneous hearing for the preliminary plat (Section 17.20.040) and for mobile home park review (Section 16.12.050). (Ord. 23-1995 (part)).

## Chapter 16.16

### DESIGN STANDARDS

#### Sections:

- 16.16.010 Generally.
- 16.16.020 Applicability.
- 16.16.030 Size and density.
- 16.16.040 Mobile home space specifications.
- 16.16.050 Setback requirements.
- 16.16.060 Access/circulation/parking.
- 16.16.070 Lighting.
- 16.16.080 Parking requirements.
- 16.16.090 Public open space and school dedication fees.
- 16.16.100 Fire protection.
- 16.16.110 Snow removal.
- 16.16.120 Units without sanitary facilities.
- 16.16.130 Drainage.
- 16.16.140 Refuse disposal.
- 16.16.150 Utilities.

*Not  
needed*

16.16.010 Generally. The mobile home park shall be on a well-drained site located so that its drainage will not cause adverse effect on surrounding areas. Mobile home parks shall not be constructed within the one-hundred-year flood plain. Mobile home parks shall be located in areas not subject to flooding, fire or safety hazards, or environmental hazards such as sink holes. (Ord. 23-1995 (part)).

16.16.020 Applicability. These design standards shall apply to the construction of new mobile home parks and for that area of existing mobile home parks subject to a permit for alteration or enlargement as defined by Section 16.12.010. Existing mobile home parks shall be subject to the criteria outlined in Chapter 16.18. (Ord. 23-1995 (part)).

16.16.030 Size and density. There is no minimum size established for the construction of a new mobile home park. Permitted density shall be eight and one-half units per net

*Put in  
4.3.2.6  
Use specific  
standards*

acre, exclusive of areas dedicated for rights-of-way and open space. (Ord. 23-1995 (part)).

16.16.040 Mobile home space specifications. A.

Mobile homes shall be installed on a foundation constructed in accordance with Carbondale building codes and in compliance with the manufacturer's installation instructions and specifications. Minimum requirements for foundations shall include reinforced concrete runners perpendicular to the length of the mobile home, spaced eight feet apart at a maximum or as otherwise required by the manufacturer's specifications. Runners shall extend a minimum of twelve inches below undisturbed soil and be a minimum of twenty-four inches wide. Cinder block piers shall not be shimmed with wood more than one and one-half inches. Piers shall be two 8 x 8 x 16 blocks stacked in alternating directions installed eight feet on center under all support structural members.

B. Each mobile home shall have provisions for support and anchoring systems which, when properly designed and installed, prevent tipping, overturning and lateral movements of the mobile home. At a minimum, two ties shall be installed at each end of each mobile home and along the length of each side of the unit thirty feet on center or in accordance with the manufacturer's specifications.

*In  
Building  
Code*

C. Tie down anchors shall be embedded seven inches into concrete at each end and at thirty-foot intervals on center for each side of each unit. Anchors shall be approved by the building official. Anchoring equipment exposed to weathering shall have a resistance to other deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated. The following apply to anchors:

1. Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated.

2. Type 1, finish B, grade 1 steel strapping, one and a quarter inches wide and 0.035 inches thick, conforming with federal specification QQ-S-781H-1974, as amended, is approved.

3. Cables shall be capable of withstanding the superimposed loads and be resistant to deterioration from weather, and shall be approved by the building inspector.

D. Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or siding by the cable or strap.

E. Spaces shall average four thousand square feet in size and shall be a minimum of forty feet in width.

F. Storage structures may be placed on individual mobile home space lots or as a central storage facility within the park. Such structures shall meet the require-

ments of Carbondale building codes and setback requirements as defined below. (Ord. 23-1995 (part)).

16.16.050 Setback requirements. A. All mobile homes, storage structures and any service/utility buildings shall meet the standards set forth below:

1. No mobile homes shall be located less than ten feet side to side, eight feet end to side, or six feet end to end horizontally from an adjacent mobile home.

2. Carports, awnings, ramadas, open or screened porches, storage facilities and other accessory structures shall be located not less than six feet from adjacent mobile homes or structures unless constructed of one-hour fire resistive construction or noncombustible materials, in which case the setback may be reduced to forty-four inches. Construction of such structures shall comply with the Carbondale building codes, and if required, a building permit shall be secured from the building inspector. *In use specific standards*

3. No mobile home shall be located less than ten feet from the perimeter boundary of a new mobile home park.

4. No mobile home unit shall be located less than twenty-five feet from the edge of the driving lane surface within a mobile home park or within ten feet of the edge of the dedicated public right-of-way within such park. (Ord. 23-1995 (part)).

16.16.060 Access/circulation/parking. (Each mobile home park shall have at least two direct access connections to a public street or highway by right-of-way at least forty-two feet in width.) Each interior right-of-way shall provide two ten-foot travel lanes and two eight-foot parking lanes. Each mobile home space shall have direct access to an interior right-of-way. Each interior right-of-way shall provide for continuous forward movement and shall connect with a direct access connection. At a minimum, the two ten-foot travel lanes of an interior right-of-way shall be hard surfaced. Chip and seal pavement is an acceptable surface type. Other impervious surfaces, such as asphalt mat, are also acceptable. The eight-foot-wide parking lanes do not have to be hard surfaced. Sidewalks along the access roads are not required. (Ord. 23-1995 (part)). *In use - specific standards*

16.16.070 Lighting. All interior access roads and walkways to any service or utility buildings shall be lighted at night. Lighting specifications are those outlined in the Town of Carbondale Specifications and Standards, or if such standards do not exist, shall be those approved by the planning and zoning commission. (Ord. 23-1995 (part)). *Have lighting in use*

16.16.080 Parking requirements. Each mobile home space shall provide parking for two vehicles. At least one on-site parking space (i.e., carport next to the mobile *UDC has mobile home parking standards*

home unit) shall be provided for each mobile home space. The additional parking space may be provided in the parking lane. Parking for all mobile home spaces shall be provided within the boundaries of the mobile home park. (Ord. 23-1995 (part)).

16.16.090 Public open space and school dedication fees. A. The developer of a mobile home park shall pay school dedication fees as required by Section 17.24.020.

B. The developer shall dedicate to the public lands for open space and recreation or make a payment in lieu of dedication according to the procedures outlined in Section 17.24.020(E) through (H). At its option, the board of trustees may require construction of recreational facilities but allow these facilities to be used for the enjoyment of residents within the park itself and not be dedicated to the town for public use.

C. The amount of open space within the mobile home park shall be the minimum required in the specific zone district (R/MD or R/HD) or as provided in a PUD or annexation agreement. The open space required pursuant to Section 17.24.020 may be applied to satisfy this requirement. (Ord. 23-1995 (part)).

*Put in use specific standards as question*

16.16.100 Fire protection. Fire protection shall comply with the requirements of this code and shall be subject to the review and recommendations of the Carbondale and rural fire protection district fire chief or fire marshal. (Ord. 23-1995 (part)).

16.16.110 Snow removal. Each mobile home park shall be equipped with adequate snow removal equipment or have snow removal service that is being provided by a snow removal contractor. Snow shall be removed from accessways, roadways and streets as soon as practicable after a snow fall in a prompt and safe manner. The town may require snow storage easements to be located within the mobile home park if deemed necessary by the town public works director. (Ord. 23-1995 (part)).

16.16.120 Units without sanitary facilities. All mobile homes located within a mobile home park shall conform to the provisions of Section 16.08.040. Trailer units without toilet and wash facilities hooked up to the town sewer system shall not be allowed to be located within a mobile home park. Recreational vehicles shall not be allowed to occupy an approved mobile home space. (Ord. 23-1995 (part)).

*Discussed Durango. Added Travel Home Definition*

16.16.130 Drainage. Drainage plan shall be subject to the approval of the town engineer or the town public works department. The design of the drainage facilities

shall conform to town specifications. (Ord. 23-1995 (part)).

16.16.140 Refuse disposal. One or more centralized areas for refuse collection shall be designated on the site plan. A two cubic yard dumpster shall be required for every four mobile home space units. Any centralized refuse collection area shall be screened by a wood or other approved type of fence. Location of dumpsters shall be subject to the approval of the town public works director. (Ord. 23-1995 (part)).

*In  
VOC  
5.4.5.  
B.2  
Screening*

16.16.150 Utilities. The following utilities shall conform to town specifications for design and construction:

- A. Water system;
- B. Sewage collection system;
- C. Interior lighting;
- D. Natural gas;
- E. Electricity;
- F. Cable television;
- G. Telephone. (Ord. 23-1995 (part)).

#### Chapter 16.18

#### CRITERIA FOR EXISTING MOBILE HOME PARKS

##### Sections:

- 16.18.010 Number of permitted spaces.
- 16.18.015 Replacement mobile homes.
- 16.18.020 Setback standards.
- 16.18.030 Fire protection.
- 16.18.040 Snow removal.
- 16.18.050 Smoke alarm and egress windows.
- 16.18.060 Fees.
- 16.18.070 Site map of existing mobile home park.
- 16.18.080 Annual inspections and license renewal.

*Not  
needed*

16.18.010 Number of permitted spaces. Any existing mobile home park is licensed for a specific number of spaces. Each mobile home shall be located in an approved mobile home space. A request to increase the number of allowed mobile home spaces shall be subject to the procedures set forth in Chapter 16.12 and to the criteria contained in Chapter 16.16. (Ord. 23-1995 (part)).

16.18.015 Replacement mobile homes. A. All replacement mobile homes shall comply with the foundation and anchorage requirements as contained in Section 16.16.040.

B. In order to obtain a building permit for the replacement of a mobile home in an existing park, the following shall be submitted to the building inspector:

1. Mobile home specifications indicating compliance with the requirements of Section 16.08.040;

2. A site plan of the mobile home space in which the mobile home is to be placed, and all immediately adjoining mobile home spaces with the existing mobile homes depicted with distances to the lot lines. (Ord. 23-1995 (part)).

*Put in use specific standards*

~~16.18.020 Setback standards.~~ Any replacement mobile home to be placed in an existing mobile home park shall meet the setback requirements of Section 16.16.050(A) for setbacks from other mobile homes, storage structures, and other structures or boundaries. Perimeter setbacks shall be ten feet or the perimeter setback of the previous mobile home being replaced if the setback of that mobile home is nonconforming. (Ord. 23-1995 (part)).

~~16.18.030 Fire protection.~~ Fire protection shall conform to the criteria in Section 16.16.100. (Ord. 23-1995 (part)).

~~16.18.040 Snow removal.~~ Snow removal shall conform to the criteria in Section 16.16.110. (Ord. 23-1995 (part)).

~~16.18.050 Smoke alarm and egress windows.~~ All replacement mobile homes shall have smoke alarms and egress windows in compliance with the Carbondale building code. (Ord. 23-1995 (part)).

~~16.18.060 Fees.~~ The following fees shall be required for the placement of mobile homes in existing mobile home parks:

A. Permit fee and plan check fee for the installation of a replacement mobile home--two hundred dollars;

B. Reinspection fee or investigation fee--based on the hourly rate as set forth in Carbondale building code with a one-hour minimum;

C. Annual license renewal fee--fifty dollars per unit. (Ord. 20-2002 (part); Ord. 23-1995 (part)).

*Need to put in Appendix A - Fees*

~~16.18.070 Site map of existing mobile home park.~~ In the absence of an existing improvement survey plat drawn up by a licensed registered engineer, the town building inspector may require that the owner submit a site plat drawn at the scale of one inch equals ten feet which shows the boundary of the property, the location of all mobile home units and other structures, interior roadways and parking areas, and the distance between existing structures

*In Building Code*

to the property line as well as to each other. (Ord. 23-1995 (part)).

16.18.080 Annual inspections and license renewal. A.

Annual inspections will be conducted during the month of October. All required corrections shall be completed by November 30th. Each park owner or operator will be notified of the day of the inspection and will be given in writing the results of the inspection with any required corrections noted.

*Do not  
Do.  
on as  
needed  
basis.*

B. During the period between October 1 and November 30, all mobile home park owners or operators shall obtain at Town Hall an application for license renewal. This application shall be returned to Town Hall by November 30th for approval by the building inspector. Approval will be contingent upon correction of any deficiencies observed during the park inspection and payment of the required fees. Operating licenses will be issued by December 31st. The license will be good for a one-year period and will be effective on January 1st following the renewal period. (Ord. 23-1995 (part)).

Chapter 16.20

EASEMENTS AND PUBLIC LANDS

Sections:

16.20.010 Conveyance and dedication.

16.20.010 Conveyance and dedication. The developer must convey all public lands to the town by general warranty deed. All lands conveyed to the town shall be free of all liens and encumbrances as evidenced by a current title insurance policy to be provided by the developer. (Ord. 23-1995 (part)).

*Not  
needed*

Chapter 16.24

NONCONFORMING USES

Sections:

16.24.010 Alteration, restoration or repair permitted when.

16.24.020 Abandonment.

*Use  
Chapter  
17.07*

*Non-  
conformities*

16.24.010 Alteration, restoration or repair permitted when. All mobile home parks in existence as of the enactment of this title shall be considered pre-existing, nonconforming mobile home parks. Such pre-existing, nonconforming mobile home parks may be:

A. Altered or enlarged only if such alterations or enlargement comply with the criteria contained in Chapter 16.16. Replacement mobile homes in existing mobile home parks shall comply with the criteria set forth in Section 16.18;

B. Restored or repaired after substantial destruction from fire or other casualty if the proposed reconstructed park meets all perimeter setback requirements, Section 16.16.050(C), and interior setbacks between units and other structures, Section 16.16.050(A) and (B). The developer or owner may request a variance from other provisions of this title upon submittal of a development plan to reconstruct the park.

C. Maintained or repaired only to the extent that such work is performed on that portion of the mobile home park in existence at the effective date of this title and only to the extent that such work preserves but does not constitute an alteration, improvement or upgrading of the portion on which work is performed. (Ord. 23-1995 (part)).

16.24.020 Abandonment. A mobile home park is considered abandoned if the use ceases for more than one year. Any future use thereafter shall conform to all requirements of this title and any other applicable provisions of this code. (Ord. 23-1995 (part)).

## Chapter 16.32

### VARIANCES

#### Sections:

16.32.010 Variances.

16.32.010 Variances. Whenever the strict application of this title results in substantial hardship not caused by the applicant requesting the variance due to unusual physical characteristics of the land, or the unusual character of the development of the mobile home park or of adjacent lands, the planning commission may recommend a variance to any requirement of this title and its findings shall be made in writing to the board of trustees. All variances shall be subject to the final approval of the board of trustees. The board of trustees may impose any conditions of approval of a variance it deems necessary to carry out

USE  
U D C  
2.7.1  
Variances

the intent of this title. Hearings before the planning and zoning commission and the board of trustees shall be held as required by Chapter 1.20 of this code. (Ord. 23-1995 (part)).

**Article 070.030: Use Regulations**  
**070.030.020 Table of Allowed Uses**  
(e) Table of Allowed Uses

**Table 03.1: Table of Allowed Uses**

P = permitted by right S = special use permit required Blank = use prohibited

Current Districts → <i>This row to be removed prior to adoption</i>		R/1/40	R/1/20	R/1/6 + 7.5	R/2	R/3	R/4	C/1	C/2	--	C/3	C/4	I/L	I/2	--	HP+HPOZ		
Proposed Districts →		RR	RL	RM1	RM2	RH	RT	M1	M2	M3 (NEW)	CO	RE	I1	I2	IN (NEW)	HP	Use-Specific Standards	Required Parking <sup>134</sup>
Use Category	Use Type																	
<b>Residential Uses</b>																		
<b>Household Living</b>	Dwelling, live-work (new)					P	P	P	P	P	P	P	P	P			070.030.030(c)(2)	
	Dwelling, multifamily					P	P	P	P	P	P	P					070.030.030(c)(1)	
	Dwelling, single-family attached <sup>135</sup>				S	P	P	P	P	P	P	P				S	070.030.030(c)(1)	
	Dwelling, single-family detached	P	P	P	P	P	P	P	P		P	P				S	070.030.030(c)(1)	
	Dwelling, two-family <sup>136</sup>		S	S	P	P	P	P	P		P					S	070.030.030(c)(1)	
<b>Group Living</b>	Mobile home park					S	S	S			P						070.030.030(c)(3)	
	Convalescent or nursing home							P	P		P	P			P			
	Personal care boarding home	S	S	S	S	S	S	S	S		S	S			S	S	070.030.030(c)(4)	
<b>Public, Institutional, and Civic Uses</b>																		
<b>Community and Cultural Facilities</b>	Assembly <sup>137</sup>	S	S	S	S	S	S	P	P		P	P	P		P	S	070.030.030(d)(1)	
	Civic building <sup>138</sup>		S	S	S	S	S	P	P	P	P	P	P	P			070.030.030(d)(1)	
	Club or lodge <sup>139</sup>					S	P	P	P	P	P						070.030.030(d)(1)	
	Community centered board facility						P										070.030.030(d)(1)	
<b>Adult and Child Care Facilities</b>	Adult day care (new)				S	S	S	P	P	P	P	P			P	S		
	Child care center <sup>140</sup>	S	S	S	S	S	S	P	P	P	P	P			S		070.030.030(d)(2)	
	Child day care home, large	S	S	S	S	S	S	P	P		P	P					070.030.030(d)(3)	
<b>Educational Facilities</b>	Child day care home, small <sup>141</sup>	P	P	P	P	P	P	P	P		P	P	S			P		
	School	S	S	S	S	S	S	P	P	P	P	P	S		P	S		

<sup>134</sup> Parking requirements will be added to the table with Module 3, *Development Standards*.

<sup>135</sup> New use combines "three-family" and "four-family dwellings."

<sup>136</sup> Previously not permitted in R/1/6 district.

<sup>137</sup> Currently "church."

<sup>138</sup> Combines current "public building" and "community building." Previously not permitted in R/1/6 district.

<sup>139</sup> Currently "private club."

<sup>140</sup> Includes "day nursery."

<sup>141</sup> Includes "infant-toddler home." Child care home not currently allowed in the R/1/40, but large child care homes are permitted in the R/1/40.

**Article 070.030: Use Regulations**  
**070.030.030 Use-Specific Standards**  
(c) Residential Uses

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**(8) Evidence of Compliance**

The Director shall require such evidence of ability to comply with appropriate performance standards and mitigation measures as deemed necessary by the Director prior to issuance of a building permit and certificate of occupancy.

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**(c) Residential Uses<sup>183</sup>**

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**(1) Household Living, Generally<sup>184</sup>**

Except for single-family detached dwellings, each dwelling unit shall have a separate entrance facing a street frontage.

**(2) Dwelling, Live-Work<sup>185</sup>**

- a. Residential areas shall be located on upper floors above non-residential areas, or in the rear of the building behind non-residential areas.
- b. The non-residential use shall be owned and operated by a resident of the live-work dwelling unit.

**(3) Mobile Home Park<sup>186</sup>**

**a. Size of a Mobile Home Park**

The area of a mobile home park shall be large enough to accommodate the designated number of mobile home spaces, necessary streets and roadways, and parking areas for motor vehicles.

**b. Size and Placement of Mobile Home Spaces**

- 1. Each independent mobile home space shall contain a minimum area of 2,500 square feet and shall be at least 40 feet wide.
- 2. Each dependent mobile home space shall contain a minimum area of 1,000 square feet and shall be at least 25 feet wide.
- 3. Where angular or modular spaces are provided in a mobile home park, each such space shall contain a minimum area of 3,000 square feet and shall be at least 45 feet wide.
- 4. Each mobile home space shall abut on a driveway or other access with unobstructed access to a street.
- 5. Each mobile home shall be placed upon a space in the mobile home park so that:
  - i. It is completely within the designated mobile home space;
  - ii. There is a minimum of 15 feet between mobile homes;
  - iii. It is not located within 10 feet of an exterior boundary of the mobile home park;
  - iv. It is not located within 25 feet of a public right-of-way;<sup>187</sup>
  - v. It does not obstruct any roadway, walkway, or easement;
  - vi. It is not located within five feet from any roadway in the mobile home park; and

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<sup>183</sup> We did not carry forward inclusionary residential requirements for community housing. If these standards remain, they will be addressed in the development standards with Module 3.

<sup>184</sup> New standard applies to the household living category.

<sup>185</sup> New standards for a new use.

<sup>186</sup> From 070.080, mobile homes and mobile home parks.

<sup>187</sup> Revised from street or highway to reference public right-of-way.

**Article 070.030: Use Regulations**  
**070.030.030 Use-Specific Standards**  
(d) Public, Institutional, and Civic Uses

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vii. No independent mobile home is located on a dependent mobile home space.

**c. Access**

Access roads within the mobile home park shall be provided for each mobile home space. Each access road shall provide for continuous forward movement, shall connect with a street or highway, and shall have a minimum width of 25 feet when mobile home spaces are on one side only. When mobile home spaces are on both sides of the access road, such road shall have a minimum width of 40 feet.

**d. Provisions for Dependent Mobile Homes<sup>188</sup>**

Mobile home parks with dependent mobile homes shall accommodate such mobile homes by providing service buildings, sanitary facilities, and laundry facilities per the Municipal Code.

**(4) Personal Care Boarding Home<sup>189</sup>**

Prior to issuing a special use permit for a personal care boarding home, the following conditions shall be met:

- a. The applicant shall provide evidence of preliminary approval by the State of Colorado, Department of Public Health & Environment;
- b. No structural or exterior decorative additions shall be allowed that will alter the residential character of the home or be otherwise incompatible with surrounding residences, except for those necessary to provide accessibility meeting ADA requirements;
- c. The personal care boarding home shall not be located within 750 feet of another personal care boarding home or other similar use, including but not exclusive of child or adult day care home, group home, transitional housing, as measured by the shortest distance between the primary structures;
- d. No other similar home-based use shall be allowed on the property including child or adult day care and boarding homes;
- e. Residents, exclusive of employed caregivers, shall not have their own personal vehicles on site, including the public street;
- f. The home shall have one kitchen and there shall be no provision for cooking in any other room, other than providing an alternative area for minimal food preparation such as heating or reheating food and beverages;
- g. There shall be the appropriate number of licensed caregivers on site on a 24-hour basis to properly care for residents, per State of Colorado licensing requirements; and
- h. The home shall comply with all other city, state, and federal laws and regulations.

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**(d) Public, Institutional, and Civic Uses**

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**(1) Community and Cultural Facilities, Generally**

A decision-making authority may grant modifications of the standards applicable to a community and cultural facilities use on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the federal Religious Land Use and

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<sup>188</sup> Current code has several standards related to plumbing, electricity, and other building code issues related to mobile homes. Those should be relocated elsewhere in the municipal code.

<sup>189</sup> From 070.040.040(13), revised for clarity. Several standards not carried forward because they apply broadly to several uses (e.g., weeds, parking, open space, building code).

## Janet Buck

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**From:** Ty Johnson <tjohnson@ci.montrose.co.us>  
**Sent:** Wednesday, December 06, 2017 5:20 PM  
**To:** Janet Buck  
**Subject:** City of Montrose Mobile Home Regulations  
**Attachments:** Mobile & Travel Home Park Regulations.pdf

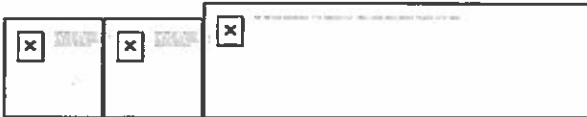
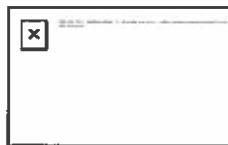
Hi Janet,

Please find attached our mobile home and travel park regulations. I would recommend you reach out to our Senior Planner, Garry Baker if you have any questions about those reg's as he has been with the city a long time and will know that back story. Garry can be reached at 970-240-1475 or at [gbaker@ci.montrose.co.us](mailto:gbaker@ci.montrose.co.us) Hope this helps!

Thanks,

--

**TY JOHNSON, MURP**  
Planning Services  
Planner I  
970.240.1478 Office



## Chapter 4-12

### MOBILE HOME AND TRAVEL HOME REGULATIONS

#### Sections:

- 4-12-1      **DEFINITIONS**
- 4-12-2      **USE AND LOCATION OF MOBILE HOMES**
- 4-12-3      **USE AND LOCATION OF TRAVEL HOMES**
- 4-12-4      **PERMITS FOR TEMPORARY LOCATION OR OCCUPANCY OF TRAVEL HOMES**
- 4-12-5      **MOBILE HOME PARK PERMITS**
- 4-12-6      **MOBILE HOME PARK DESIGN REQUIREMENTS**
- 4-12-7      **TRAVEL HOME PARK PERMITS**
- 4-12-8      **TRAVEL HOME PARK DESIGN REQUIREMENTS**
- 4-12-9      **MAINTENANCE OF MOBILE HOME AND TRAVEL HOME PARKS**
- 4-12-10     **VIOLATIONS**
- 4-12-11     **CONSTRUCTION AND SET UP REQUIREMENTS**

#### 4-12-1:      **DEFINITIONS**

**MOBILE HOME:**      A single family home substantially or entirely manufactured in a factory which is moved on site in substantial component parts, including homes commonly known as mobile homes, modular homes, factory built homes, manufactured homes, and those manufactured and certified pursuant to 42 USC 540 *et seq.* or manufactured pursuant to other construction standards. Travel homes as defined below shall not be considered a mobile home, as defined herein. (Ord. 1670, 9-3-98)

**DEPENDENT  
MOBILE HOME:**      A mobile home without toilet, lavatory or bathing facilities. (Ord. 1670, 9-3-98)

**MOBILE HOME  
PARK:**      Any single or contiguous lots, tracts, or premises upon which is located two or more mobile homes intended for use or used as residences typically, but not necessarily, held and operated under undivided ownership with rental of spaces or units. (Ord. 1670, 9-3-98)

*Montrose*

**TRAVEL HOME:** Vehicles and structures commonly used for temporary dwelling during travel or recreation activities including, but not limited to, those registered or required to be registered and licensed as a vehicle, such as campers, motor homes, RV's, pick-up truck campers, trailers and trailer coaches. (Ord. 1670, 9-3-98) *↓ TRAIL HOMES*

#### **4-12-2: USE AND LOCATION OF MOBILE HOMES**

Mobile homes maybe used, occupied or located only in the following places:

- (A) Upon property lawfully used for a mobile home sales business, provided that such use or occupation thereof shall be restricted to the office usage associated with the mobile home sales business, and no residential occupation shall be allowed. (Ord 1766, 04-06-2000)
- (B) Occupied as a dwelling within a mobile home park for which an occupancy permit has been issued or which park lawfully existed at the date this Chapter became effective.
- (C) Occupied as a dwelling within a mobile home subdivision, or a zoning district, which allows mobile homes on individually owned lots.
- (D) Upon property for which a permit has been issued by the City for temporary use pursuant to Subsection 4-1-3(N) of the Official Code of the City of Montrose, Colorado.
- (E) At a location where a mobile home is lawfully located, occupied or used at the effective date of this Chapter, or date of annexation to the City, and continuously located, occupied or used thereafter; subject to the Non-Conforming Use Regulations of the City's Zoning Regulations. (Ord. 1029, 7-5-79)
- (F) Repealed by Ordinance 1475.

#### **4-12-3: USE AND LOCATION OF TRAVEL HOMES**

- (A) Travel homes may be occupied as temporary dwellings only in the following circumstances:

- (1) Within a travel home park for which an occupancy permit has been issued or within a travel home park which lawfully existed at the effective date of this Chapter.
- (2) Upon private property for temporary occupancy by out-of-town guests, for a period not to exceed thirty (30) days in any year for any tract of property.
- (3) Upon property for which a permit has been issued by the City pursuant to Section 4-12-4.

**(B)** Travel homes may be parked, if unoccupied, upon private property, or temporarily upon public streets, if registered under State law and lawfully parked, as set forth in Chapter 10-1 herein, and in the Model Traffic Code as adopted by Chapter 10-1 herein; provided, however, travel homes may not be parked to create a traffic hazard. (Ord 2223, 07-02-2009)

**4-12-4: PERMITS FOR TEMPORARY LOCATION OR OCCUPANCY OF TRAVEL HOMES**

**(A)** An application for a permit for the temporary location or use of a travel home upon private property shall be made upon forms supplied by the City and appropriate fees paid as set forth in Section 3-1 of the City of Montrose Regulations Manual. (Ord. 1999, 04-15-2004)

**(B)** A permit (for a period of up to one year) may be issued under the following circumstances by the City Manager:

- (1) For fire protection or security purposes in Industrial Districts.
- (2) At a construction site during the construction period for non-residential purposes.
- (3) Travel homes may be used as a temporary residence, on property owned by the occupants, for which a building permit for a single family residence has been issued, and water and sewer taps purchased which meet the following criteria:
  - (a) The permit shall be in effect only as long as actual construction of the permanent residence is being pursued with due diligence.

- (b) The owners of all abutting property must approve the use in writing.
- (c) The lot size of the premises upon which the travel home is located must have an area of at least twice the minimum lot size specified in City Zoning Regulations.
- (d) The travel home must be properly connected to the water and sewer system and be subject to monthly water, sewer and trash collection charges.

(C) The Planning Commission may issue a permit for the temporary location of Travel Homes, irrespective of the proposed use, on private property only, under the following circumstances:

- (1) Permits shall be issued only upon the Planning Commission's determination that the criteria set forth in § 4-4-24 of the Official Code of the City of Montrose applicable to Conditional Uses have been met.
  - (a) The permit may be granted upon conditions or limitations which the Planning Commission determines are necessary in order to ensure that the applicable criteria are met.
  - (b) Notice of the hearing shall be provided in accordance with the requirements set forth in § 4-4-29 of the Official Code of the City of Montrose for Conditional Use permit applications.
  - (c) An appeal *de novo* from the Planning Commission's decision may be had in accordance with § 4-4-29 (G) of the Official Code of the City of Montrose for Conditional Use permit applications.
- (2) The Planning Commission shall determine the maximum permit period, but in no case shall the permit period exceed twelve (12) months.
  - (a) No more than one (1) permit for the same property may be issued in any twelve (12) month period.
  - (b) Six (6) months must elapse between successive permits applicable to the same property.

- (3) These provisions are not intended to allow temporary commercial Travel Home parks. No payments shall be collected from the Travel Home occupants by the owner or operator of the permitted site.
- (4) All Travel Home units shall be connected to a potable water and sanitary sewer system.
  - (a) The City shall determine the appropriate utility rate structure, when City utilities are utilized by the Travel Home units. Tap and system investment fees shall apply, when new taps are purchased. Unit Charges may apply, at the City's sole discretion.
  - (b) Monthly water, sewer, and trash collection charges shall apply, when City utilities or services are utilized by the Travel Home units.
  - (c) Water, sewer, and other utility connections shall meet all applicable requirements of the utility providers.
  - (d) Backflow prevention device(s) shall be required in accordance with Chapter 3-8 of the Official Code of the City of Montrose.
- (5) Access points and access drives shall feature all-weather surfaces, and meet all applicable City and Fire District requirements.
- (6) Travel Homes shall be set back a minimum of twenty-five (25) feet from the nearest property line, regardless of the underlying zoning district.
- (7) Fire hydrant(s) may be required as set forth in the International Fire Code, as adopted by the City.
- (8) All Travel Homes and utility facilities shall be promptly removed from the permitted site at the end of the permit period.
- (9) All applicable Federal, State and local storm water regulations shall be met.
  - (a) The permitted site shall comply with any other applicable Federal, State, or local regulations.

(Ord. 2272, 04-19-2011)

- (D) The City shall not issue any temporary Travel Home location permit, except for a use or location which complies with the criteria of this Section. Such permit may be revoked by the City Council after a hearing upon reasonable notice to the applicant for a violation of any of the provisions of this Section, or any other applicable laws, ordinances or regulations of the City, State or Federal governments.  
(Ord. 2272, 04-19-2011)

**4-12-5: MOBILE HOME PARK PERMITS**

- (A) It shall be unlawful to commence the construction of any mobile home park or the enlargement of an existing mobile home park until a mobile home park construction permit has been approved by the City Planning Commission and City Council as meeting the criteria and requirements of this Chapter and other applicable City and State regulations.
- (B) Application for a mobile home park construction permit shall be made by submitting a site plan of the proposed mobile home park, accompanied by any supporting documents, plans or drawings as necessary to show that the design requirements of Section 4-12-6 will be complied with.
- (C) The site plan and all supporting plans must be submitted to the City no later than thirty (30) days before the date at which the Planning Commission is to review the application. Following review of the application, the Planning Commission shall approve or disapprove the application. If disapproved, the reasons for disapproval shall be included in the Planning Commission minutes and provided to the applicant upon request. If the application is approved, it shall be submitted to the City Council for review and action. The Council may approve the application, or disapprove the application if it finds that the requirements of these regulations have not been met.
- (D) It shall be unlawful to locate any mobile home within any mobile home park prior to the time that an occupancy permit for the mobile home park, or applicable portion thereof, has been issued by the City Manager following an inspection to determine if the mobile home park, or the applicable portion thereof, has been developed in substantial conformity with the site plan as approved by the City Council.
- (E) An application fee as set forth in Section 3-1 of the City of Montrose Regulations Manual shall accompany the application for a mobile home park construction permit. (Ord. 1999, 04-15-2004)

**4-12-6: MOBILE HOME PARK DESIGN REQUIREMENTS**

**(A) Size and Location:** Mobile Home Parks must meet the following criteria:

- (1) They may be located only where allowed by City zoning regulations.
- (2) The park must have a minimum size of 5 acres.
- (3) The maximum size of the mobile home park shall be 20 acres except for mobile home parks in existence, or parks developed on property held in single undivided ownership and zoned "MHR", as of July 1, 1998.
- (4) No part of any mobile home park may be located within 1,320 feet of any part of any other mobile home park located either within or without the City limits. (Ord. 1670, 9-3-98)

**(B) All mobile home parks shall, as a minimum, comply with the Regulations for Mobile Home Parks issued by the State of Colorado, and the requirements of this Chapter. In the event of any conflict between the State regulations and the requirements of this Chapter, or other ordinances and regulations of the City, those regulations which are more stringent shall apply. (Ord. 1029, 7-5-79)**

**(C) Dimensional Requirements:**

- (1) Each mobile home space shall be shown on the site plan and may have only one mobile home located on it.
- (2) Each space shall be a minimum area of 6,250 square feet. (Ord. 1670, 9-3-98)
- (3) Front set-backs shall be a minimum of twelve feet (12'); the rear set-backs a minimum of ten feet (10'); set-backs for the front and street side of a corner space shall be twelve feet (12'); the side set-backs shall be a minimum of five feet (5'); and either the front set-back or one of the side set-backs shall be a minimum of twenty feet (20').
- (4) A minimum of two (2) off-street parking spaces per space shall be provided.
- (5) Accessory structures which are not attached to the mobile home are not subject to rear and side yard set-backs.

The provisions of this subsection shall apply to all mobile home parks constructed after the effective date of this Ordinance. (Ord. 1136, 12-3-81)  
See Chapter 4 of this Title.

- (D)** The mobile home park developer shall provide the following improvements:
- (1) City water systems, including fire hydrants and fire mains.
  - (2) City sanitary sewer system.
  - (3) Paved streets with a minimum paved width of forty feet (40'), including the width of valley pans or sidewalks.
  - (4) Storm drainage system.
  - (5) Street signs, street lights. (Ord. 1029, 7-5-79)
  - (6) Concrete valley pans, three feet (3') in width or curbs, gutters, or sidewalks, shall be installed on each side of each street. (Ord.1040, 7-19-79)
  - (7) Landscaping of each space to include a minimum of 40% of the space in irrigated lawn, and the remainder of the area not occupied by improvements shall be landscaped in a reasonable fashion; (Ord. 1670, 9-3-98)
  - (8) A minimum of 8% of the mobile home park must be developed as park and open space and located to provide a buffer to adjoining streets or property. (Ord. 1670, 9-3-98)
- (E)** Arrangements to provide public utilities including, if available, gas, electricity, telephone and cable television shall be made with the utility companies.
- (F)** Plans for all improvements shall be submitted with the site plan and shall be approved by the City Manager and City Engineer. prior to the approval of any permit by the City Council. All required improvements shall comply with standard City design and construction standards and specifications.
- (G)** Easements: The City may require reasonable utility easements to be dedicated to the public for the purpose of public and City utilities. The City may require the over sizing of any water and sewer lines, in which event the City shall pay for the cost of over sizing.

- (H)** No dependent mobile home shall be allowed in any mobile home park unless the park provides sanitary facilities and a service building meeting the requirements contained in the State Mobile Home Park Regulations.

**4-12-7: TRAVEL HOME PARK PERMITS**

- (A)** It shall be unlawful to commence construction of any travel home park until a travel home park construction permit has been approved by the City Planning Commission and City Council as meeting the criteria and requirements of this Chapter and other applicable City and State regulations.
- (B)** Application for a travel home park construction permit shall be made by submitting a site plan of the travel home park, accompanied by any supporting documents, plans or drawings as necessary to show that the design requirements of Section 4-12-8 have been complied with.
- (C)** The site plan and all supporting plans must be submitted to the City no later than thirty (30) days before the date at which the Planning Commission is to review the application. Following review of the application, the Planning Commission shall approve or disapprove the application. If disapproved the reasons for disapproval shall be included in the Planning Commission minutes and provided to the applicant upon request. If the application is approved it shall be submitted to the City Council for review and action. The Council may approve the application, or disapprove the application, if it finds that the requirements of these regulations have not been met.
- (D)** It shall be unlawful to occupy any travel home within any travel home park prior to the time that an occupancy permit for the travel home park, or applicable portion thereof, has been issued by the City Manager following an inspection to determine if the travel home park, or the applicable portion thereof, has been developed in substantial conformity with the site plan as approved by the City Council.
- (E)** An application fee as set forth in Section 3-1 of the City of Montrose Regulations Manual shall accompany the application for a travel home park construction permit. (Ord. 1999, 04-15-2004)

**4-12-8: TRAVEL HOME PARK DESIGN REQUIREMENTS**

- (A) Size and Location: Travel home parks may be located only where allowed by City Zoning Regulations and shall be a minimum of two (2) acres in area.
- (B) All travel home parks shall, as a minimum, comply with applicable State of Colorado regulations for campgrounds and recreation areas, and the requirements of this Chapter. In the event of any conflict between State regulations and the requirements of this Chapter, or other City ordinances or regulations, those regulations which are more stringent shall apply.
- (C) Dimensional Requirements:
- (1) All travel homes and any accessory structures shall be at least ten feet (10') from any other travel home and accessory structure.
  - (2) The number of travel homes in the park shall not exceed twenty five (25) travel homes per acre.
- (D) Eight percent (8%) of the gross area of the travel home park, or two thousand five hundred (2,500) square feet, whichever is greater, shall be developed and maintained as a park or playground.
- (E) The travel home park developer shall provide the following improvements:
- (1) A water system, including fire hydrants and fire mains.
  - (2) A sanitary sewer system.
  - (3) Paved streets with a minimum width as follows:
    - (a) One-way/no parking - 11 feet;
    - (b) One-way/parking on one side - 18 feet;
    - (c) Two-way/no parking - 24 feet;
    - (d) Two-way/parking on one side - 27 feet; and
    - (e) Two-way/parking on both sides - 34 feet.

- (4) A storm drainage system.
  - (5) Street signs and security lights.
  - (6) A service building meeting the requirements of applicable State and City regulations.
- (F) Plans for all improvements shall be submitted with the site plan and shall be approved by the City Manager and the City Engineer prior to the approval of any permit by the City Council. All required improvements shall comply with standard City design and construction standards and specifications.
- (G) Easements: The City may require reasonable utility easements to be dedicated to the public for the purpose of public and City utilities. The City may require the over sizing of water and sewer lines in which event the City shall pay the cost for over sizing.

#### **4-12-9: MAINTENANCE OF MOBILE HOME AND TRAVEL HOME PARKS**

- (A) All mobile home parks and travel home parks shall be maintained in accordance with the requirements of this Chapter, applicable State of Colorado Department of Health regulations, and other applicable regulations of the City of Montrose, Colorado.
- (B) The City Building Official, or his designated representative, shall have the right to enter upon any mobile home park or travel home park at any reasonable time for the purpose of inspecting the premises to determine compliance with this Chapter or other applicable ordinances and City and State regulations.
- (C) The mobile home park owner and operator shall insure that all landscaping and irrigated lawn is maintained in good and healthy condition. (Ord. 1670, 9-3-98)

#### **4-12-10 VIOLATIONS**

- (A) It shall be unlawful for any person to violate any provision of this Chapter. Any person convicted of such a violation may be sentenced to a fine not to exceed one thousand dollars (\$1,000.00), or by a term of imprisonment not to exceed one (1) year, or by both such fine and imprisonment; provided,

however, no person under the age of eighteen (18) years may be sentenced to any term of imprisonment. (Ord. 1614, 12-19-96)

- (B) The City may maintain an action in a court of competent jurisdiction to enjoin any violation of any provision of this Chapter.
- (C) Continuing violations of this Chapter are hereby declared to be a nuisance which may be abated in any lawful manner. (Ord. 1670, 9-3-98)

#### **4-12-11: CONSTRUCTION AND SET UP REQUIREMENTS**

- (A) It shall be unlawful to set up any mobile home on any space, lot or site until a siting permit has been obtained from the City. The fee for such permit shall be as set forth in Section 3-1 of the City of Montrose Regulations Manual. (Ord. 1999, 04-15-2004)
- (B) Unless located within a mobile home park, a mobile home shall be either placed on a permanent foundation meeting City Building Code requirements or shall be set up as follows:
  - (1) The mobile home shall be set up so that there is a minimum eighteen inches (18") high area for access to the water and sewer connections measured from the bottom of the wood frame to the ground or pad.
  - (2) The support areas shall consist of a poured concrete or leveled gravel base.
  - (3) The mobile home shall be set upon supports along both sides no more than eight feet (8') apart, center to center, or as per manufacturer's specifications. Each support shall consist of two four inch by eight inch by sixteen inch (4" x 8" x 16") concrete pad blocks, topped by additional concrete blocks placed with their long dimensions running perpendicular to the long dimensions of the pad blocks. Pad blocks are not required if the supports rest upon a concrete slab. The top of each support shall be capped by a two inch by eight inch by sixteen inch (2" x 8" x 16") wood block, and wedges shall be used to insure a tight set up. Alternate supports may be approved pursuant to Section 106 of the Uniform Building Code.
  - (4) The sewer connection shall be grouted and sealed. All plumbing, electrical or gas connections and work shall meet applicable Code requirements.

- (5) The site shall be graded to direct drainage away from the mobile home.
- (6) That portion of the water supply line subject to flexing shall be copper or polybutylene. That portion subject to freezing shall be wrapped with heat tape or otherwise frost proofed.
- (7) All applicable requirements of this Chapter, City zoning regulations, Flood Plain Management regulations and other City ordinances and regulations shall be met.
- (8) Fire resistant skirting meeting City standards shall be installed within 90 days of set up around the lower perimeter of the mobile home, between the ground and the mobile home.
- (9) The mobile home must have over 500 square feet of floor space.

(C) No siting permit for use of a mobile home or other factory built structure as a residence shall be issued unless the following criteria are met:

- (1)
  - (a) It bears a Certification of HUD Approval or UBC Approval; or
  - (b) It meets or exceeds City Building Codes; or
  - (c) Mobile homes manufactured after June 15, 1976, comply with the requirements of the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC 1501, et seq.) and all rules and regulations promulgated thereunder; or
  - (d) Mobile homes manufactured prior to June 15, 1976, and subsequent to the effective date of the Colorado Housing Act of 1970 (C.R.S. 24-32-701, et seq.), comply with the requirements of said Act and all rules and regulations promulgated thereunder; or
  - (e) Mobile homes manufactured prior to the effective date of the Colorado Housing Act of 1970 (C.R.S. 24-32-701, et seq.) are certified by a registered professional engineer, or architect, to meet or exceed, on an equivalent engineering performance basis, the standards established pursuant to the Colorado

Housing Act of 1970 or the National Mobile Home  
Construction Act of 1974.

- (2) The mobile home or other structure is in good condition, safe and fit for residential use, and the utility connections are set up are safe, conform to plumbing and electrical code requirements and pose no safety or fire hazard.
- (D) (Repealed by Ord. 1669, 7-2-1998)
- (E) Additions to manufactured structures must meet the requirements of City Building Codes. All such additions must have a foundation capable of supporting that addition without dependence upon the manufactured structure frame for support of any kind.
- (F) It shall be unlawful to occupy any mobile home or manufactured structure until an occupancy permit is obtained following an inspection by the City to determine that it was installed in accordance with all applicable requirements.
- (G) Any mobile home or other factory built housing or structure which at the effective date of this Section or at the time of annexation, if annexed subsequent to the effective date of this Section, was lawfully existing and maintained in accordance with previously applicable state, county or city regulations and ordinances, but which does not conform or comply with all of the regulations provided for in this Section, may be continued to be maintained or used at its existing site, but shall not be enlarged, moved or replaced except in a conformity with this Section. Provided however, mobile homes lawfully located within the City on the effective date of this Section or the date of annexation subsequent thereto, which doesn't comply with Subsection (C) (1) above, may be moved and occupied at another site with the City subject to compliance with other applicable provisions of this Section, other City ordinances and regulations, and with applicable natural gas and electrical inspection and other requirements. If any such a mobile home is removed from the City, it may not be thereafter relocated within the City unless it also complies with Subsection (C) (1) above. Provided further, spaces in an existing mobile home park lawfully used or designated for travel homes on the effective date of this Section, may continue to be so used. Any mobile home or other factory built housing or structure which was previously unlawful or illegal under previously applicable regulations shall remain unlawful or illegal and subject to abatement or other enforcement action.

## CHAPTER 2 ZONES, USES, AND DEVELOPMENT YIELD

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### ARTICLE 2-2 SPECIAL, LIMITED, AND CONDITIONAL USE STANDARDS

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#### Division 2-2-3 Specific Standards for Special, Limited, and Conditional Uses

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##### Sec. 2-2-3-1 Standards for Residential Neighborhoods

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- A. **Generally.** The standards of this Section apply to residential neighborhood types which are enumerated in Table 2-1-3-2, *Neighborhood Types*, under the subheading "Residential Neighborhoods," in those cases where the neighborhood type is shown as a special use ("S"), a limited use ("L"), or a conditional use ("C"). Note that other standards may also apply. See Sec. 2-2-1-2, *Application of Article*.
- B. **Townhome and Multiplex.** Townhome and / or Multiplex neighborhoods are allowed as a special use in the RL or RM zones if it is demonstrated that:
1. The parcel proposed for development does not abut an RL or RM-zoned property, or the abutting RL or RM-zoned property is under common ownership with the parcel proposed for development; or
  2. A 30 percent opacity bufferyard is installed between the townhomes and / or multiplex buildings and abutting property that is zoned RL or RM; or
  3. The townhome or multiplex buildings, as applicable, are set back 50 feet from interior side and rear property lines of the parcel proposed for development.
- C. **Multifamily.** Multifamily neighborhoods are allowed as a special use in the RL, RM and BP zones if it is demonstrated that:
1. **RL or RM Zones.**
    - a. Abutting property that is not under common ownership with the parcel proposed for development is not zoned RL or RM; or
    - b. The multifamily buildings are either:
      1. Set back 50 feet from the interior side and rear property lines of the parcel proposed for development; or
      2. Buffered from the abutting RL or RM-zoned property with a 30 percent opacity bufferyard.
  2. **BP Zone.** In the BP zone, multifamily neighborhoods shall meet the same requirements that apply to individual multifamily buildings in the BP Zone. (See Sec. 2-2-3-3, *Standards for Residential Land Uses*, Subsection F.)
- D. **Manufactured Home Park.** Manufactured home parks are allowed as a special use in the RL and RM zones, and may be allowed as a limited use in the RH zone if it is demonstrated that:
1. The site layout standards of Section 4-1-3-4, *Site Layout for Manufactured Home Parks and Subdivisions*, are met; or
  2. The proposed manufactured home park is an expansion of an existing manufactured home park into abutting property, the design of the area proposed for the expansion complies with Section 4-1-3-4, *Manufactured Home*

*Parks and Subdivisions*, and the density of the expanded area does not exceed the density that is allowed in the underlying zoning district.

- E. **Manufactured Home Subdivision.** Manufactured home subdivisions are allowed as a special use in the RL and RM zones and may be allowed as a limited use in the RH zone if it is demonstrated that the site layout standards of Section 4-1-3-4, *Manufactured Home Parks and Subdivisions*, are met.
- F. **Mixed-Housing.** Mixed-housing neighborhoods are allowed as a special use in the RM, MU-A, and MU-N zones if it is demonstrated that the site layout standards of Section 4-1-3-6, *Mixed-Housing Neighborhoods*, are met.
- G. **Mixed-Housing Cluster.** Mixed-housing clusters are allowed as a special use in the RL and RM zones if it is demonstrated that the site layout standards of Section 4-1-3-5, *Cluster Development*, are met.

Effective on: 7/1/2014

## CHAPTER 3 LOTS, BUILDINGS, AND STRUCTURES

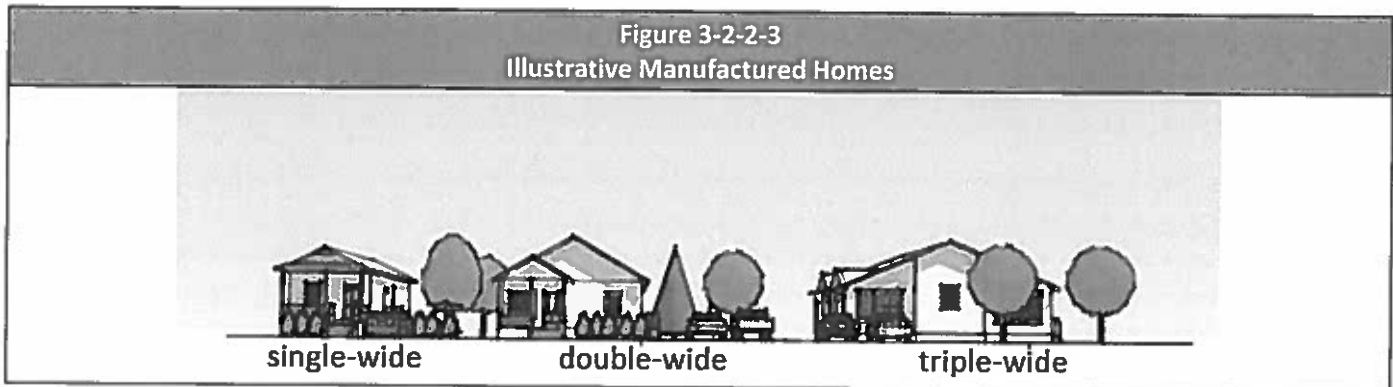
### ARTICLE 3-2 LOT AND YARD STANDARDS; BUILDING HEIGHT AND DISPOSITION

#### Division 3-2-2 Housing Palette

##### Sec. 3-2-2-3 Manufactured Homes

- A. **Generally.** Manufactured homes are a special type of single-family detached home, in that they are constructed in factories and are designed to be moved. There are three types of manufactured homes: single-wide (transported in one section), double-wide (transported in two sections), and triple-wide (transported in three or more sections). Illustrative examples are provided in Figure 3-2-2-3, *Illustrative Manufactured Homes*.

Figure 3-2-2-3  
Illustrative Manufactured Homes



B. **Lot and Building Standards.**

1. The lot and building standards for manufactured home units are set out in Table 3-2-2-3A, *Manufactured Home Lot and Building Standards*. The standards of this Subsection apply to manufactured homes that are located in new manufactured home parks and manufactured home subdivisions, or expanded areas of existing manufactured home parks and manufactured home subdivisions. The zones where manufactured home parks or subdivisions are permitted and where the use is allowed are set out in Table 2-1-3-2, *Neighborhood Types* and Table 2-1-3-3, *Residential, Transient Residential, and Overnight Accommodations Use/Zone Matrix*, respectively.
2. In existing manufactured home parks and subdivisions, manufactured homes may be placed on existing lots or spaces that do not comply with this section, provided that they are spaced a minimum of 10 feet apart and 10 feet from property lines.
3. Where manufactured homes are allowed as an individual "residential use" in other areas by Section 2-1-3-3, *Residential, Institutional Residential, and Overnight Accommodations Use / Zone Matrix*, they are subject to the standards applied to single-family detached homes in Section 3-2-2-2, *Single-Family Detached*.

**Table 3-2-2-3  
Manufactured Home Lot and Building Standards**

Lot Type	Min.						Max.	
	Lot Area (sf. or ac.)	Lot Width (ft.)	Front Setback (ft.)	Interior Lot Side Setback Single / Total (ft.)	Street Side Setback(ft.)	Rear Setback (ft.)	Height	Building Coverage Ratio (%)
Single-Wide	4,000	40	15	6 / 20	6 <sup>1</sup>	10 <sup>1</sup>	1.5 stories	50%
Double-Wide	5,000	50	15 <sup>2</sup>	6 / 12	6 <sup>1</sup>	10 <sup>1</sup>	1.5 stories	50%
Triple-Wide	6,000	60	15 <sup>2</sup>	6 / 12	6 <sup>1</sup>	20 <sup>1</sup>	1.5 stories	50%

**TABLE NOTES:**

1. Setback requirements for lots along the perimeter of the development may be greater. See Section 4-1-3-4, *Site Layout for Manufactured Home Parks and Subdivisions*.
2. Setback shall be increased to 20 ft. in areas where parking is provided in front of the building.

**C. Site Plan and Plat Annotation.** Each space or lot type shall be designated with a lot type annotation on the site plan or (for manufactured home subdivisions) plat.

Effective on: 7/1/2014

## CHAPTER 4 SITE DESIGN AND NATURAL RESOURCE STEWARDSHIP

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### ARTICLE 4-1 SITE LAYOUT

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#### Division 4-1-3 Site Layout for Specific Neighborhood Types

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##### **Sec. 4-1-3-4 Manufactured Home Parks and Subdivisions**

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- A. **Generally.** Manufactured home parks and subdivisions shall be designed according to the minimum standards of this Section.
- B. **Manufactured Home Installation and Improvements.**
  - 1. All manufactured homes shall meet the following specifications:
    - a. The average elevation of a manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet from the top of the foundation pad.
    - b. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the dwelling unit.
  - 2. Within manufactured home subdivisions, the space between the finished grade of the property on which a manufactured home is located and the exterior edges of the finished floor of the unit must be skirted with rock, brick, vinyl, or concrete masonry construction installed on a concrete footing so there is not a visible gap between the finished floor and the ground. All skirting materials shall be compatible in appearance with the home and shall allow for adequate ventilation and drainage. The skirting must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the unit and totally screens the crawlspace under the unit.
  - 3. All patio awnings, covered parking, or carports shall be regulated by the International Building Code (where applicable) and the applicable requirements of Article 3-2, *Lot and Yard Standards; Building Height and Disposition*.
- C. **Vehicular Circulation and Configuration of Internal Streets.**
  - 1. Manufactured home parks and manufactured home subdivisions with more than 20 dwelling units shall be designed with a minimum of two points of vehicular access.
  - 2. Generally, internal streets shall be interconnected or looped. However, where site constraints required a dead-end, a cul-de-sac turnaround shall be provided with a minimum radius of 60 feet for service and emergency vehicles.
  - 3. Access to all manufactured home lots (spaces) shall be from interior streets.
- D. **Perimeter Setbacks.** There shall be a minimum setback of 25 feet from any portion of a dwelling unit or accessory structure to any exterior boundary of the manufactured home park or subdivision.
- E. **Pedestrian Circulation.**
  - 1. Sidewalks shall be installed within the development to provide for safe pedestrian access and circulation. Sidewalks shall be concrete and may be adjacent to streets, and / or between internal / external uses / areas. Sidewalks required for any public streets shall meet City street standards.

2. A pedestrian circulation plan shall be submitted to indicate how the proposed arrangement of sidewalks, trails, and / or pedestrian ways will connect to features of the manufactured home park or subdivision, and to existing sidewalks or pedestrian ways.
- F. **Lighting.** All interior roads and walkways shall be lighted for safe movement of vehicles and pedestrians at night.
- G. **Solid Waste Disposal and Recycling.**
1. The manufactured home park or subdivision shall provide for solid waste collection as follows:
    - a. By contract for curbside collection of solid waste and recyclable materials; or
    - b. In centralized solid waste and recyclable material collection areas designed pursuant to Section 3-5-1-4, *Refuse, Recycling, and Compost Containers*, which shall be provided at a rate of one container of each type for every 10 dwelling units, rounded up.
  2. If centralized solid waste and recyclable material collection areas are provided, their location shall be shown upon the site plan of the manufactured home park or subdivision.
- H. **Storage.**
1. Detached storage buildings not exceeding 120 square feet in area are permitted on each manufactured home space. All storage buildings shall be located in the rear one-half of the space. Buildings shall be set back three feet from rear and side property lines.
  2. A common storage area for the use of the residents shall also be provided, as follows:
    - a. Minimum Area. 120 square feet per manufactured home space.
    - b. Surfacing. The common storage area shall be paved.
    - c. Enclosure. The common storage area shall be enclosed by a five-foot tall fence.
    - d. Use. Recreational vehicles (not for occupancy in the park), boats, and similar vehicles are to be parked in the common storage area.
- I. **Accommodation of Occupied Recreational Vehicles.**
1. There may be established a separate or optional area for recreational vehicles (RVs) in a manufactured home park. This optional area shall not exceed 10 percent of the land area of the manufactured home park. Occupancy per overnight camper shall not exceed 30 consecutive days. Streets within this optional area shall be designed and constructed to the standards required for public streets.
  2. In the area designated for RVs, the following additional minimum design standards shall be met:
    - a. The minimum area designated for each RV space shall be not less than 3,500 square feet, with a minimum width and frontage of 35 feet.
    - b. The minimum depth of each RV space shall be 100 feet.
  3. All RVs parked in the optional RV area shall be in good repair. Motorized camper vehicles shall have a valid motor vehicle inspection sticker with a proof of insurance.
  4. Nothing in this Subsection shall be construed as prohibiting the parking or storage of a manufactured home owner's unoccupied travel trailer, overnight camper, or motorized camper in the storage area specified in Subsection H., above.
- J. **Buffers.** A 40 percent opacity bufferyard shall be installed around manufactured home parks and / or subdivisions. The bufferyard shall have a minimum width of 10 feet, and the rear and side setbacks shall include a masonry wall, six feet in height, set back at least 10 feet from the property lines of the parcel proposed for development.

Effective on: 7/1/2014

## CHAPTER 4 SITE DESIGN AND NATURAL RESOURCE STEWARDSHIP

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### ARTICLE 4-4 NATURAL AND ARCHAEOLOGICAL RESOURCES

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#### Division 4-4-3 Hillside, Ridgelines, and Topographic Features

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##### Sec. 4-4-3-6 Design Standards for Riparian Areas with Qualifying Slopes

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- A. **Generally.** The design standards set out in this Section are intended to preserve natural topographic features, foster resource preservation, protect water quality, and minimize degradation of the visual character of hillsides in riparian areas. The standards in this section apply when a proposed development activity will impact hillsides with slopes of 20 percent or greater that are located within 100-feet from the top of bank of a natural waterway. Development proposals within riparian areas shall conform to the design standards in Section 4-4-3-5, *Design Standards*, above, as well as, the standards in this Section.
- B. **Limitation on Creation of New Lots.** New lots that are less than five acres in area shall not be created if the topography of the lot necessitates locating the building envelope on an average slope of 20 percent or greater to the top of bank of a river, creek, or stream, or to the ordinary high water mark of any other waterbody.
- C. **Waterfront Setbacks for New Buildings.** New buildings shall be set back from the ordinary high water not less than 50 feet, plus 10 feet for each five percent of average slope above 20 percent between the building and the top bank or ordinary high water mark.
- D. **Rear Setbacks for New Buildings.** In riparian areas with qualifying slopes, the rear setback adjustments allowed in Section 4-4-3-5, *Hillside and Ridgeline Design Standards* shall be allowed only if a vegetated buffer of at least 20 feet in width is provided between the principal building and the ordinary high water mark.
- E. **Waterfront Setbacks for Existing Buildings.**
  - 1. Existing residential buildings that do not meet the standards set out in Subsection C., above, shall not be considered "nonconforming," and may be redeveloped or replaced in their existing footprints. Such buildings may also be expanded landward of their existing footprints according to the standards of this LUDC.
  - 2. Manufactured homes that do not meet the standards of this Section may be replaced with other manufactured homes, provided that the new manufactured home is not more than 25 percent larger than the manufactured home it replaced.

Effective on: 7/1/2014

## CHAPTER 4 SITE DESIGN AND NATURAL RESOURCE STEWARDSHIP

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### ARTICLE 4-4 NATURAL AND ARCHAEOLOGICAL RESOURCES

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#### Division 4-4-6 Floodplain Management and Flood Damage Prevention

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##### Sec. 4-4-6-6 Specific Standards for Flood Hazard Reduction

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- A. **Generally.** In all areas of special flood hazard, where base flood elevation data has been provided as set out in Section 4-4-6-4, *Application*, or Section 6-3-4-2, *Floodplain Development Permits*, the standards of this Section shall be required:
- B. **Residential Construction.** New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above base flood elevation.
- C. **Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of one foot above base flood elevation, or together with attendant utility and sanitary facilities, shall:
  - 1. Be floodproofed so that all areas of the structure which are one foot above the base flood level or below are watertight with walls substantially impermeable to the passage of water.
  - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - 3. Provide that where a nonresidential structure is intended to be made watertight below the base flood level:
    - a. A registered professional engineer or architect shall develop and / or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this Division; and
    - b. A record of such certificates, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Department.
- D. **Manufactured Homes.**
  - 1. Manufactured homes shall be anchored in accordance with Section 4-4-6-5, *General Provisions and Standards for Flood Hazard Reduction*, Subsection B.
  - 2. Manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the flood insurance rate map ("FIRM") on sites outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - 3. Manufactured homes that are placed or substantially improved on sites in existing manufactured home parks or subdivisions within the FIRM zones A1-30, AH, and AE that are not subject to the provisions of Subsection D.2., above, shall be elevated so that either:

- a. The lowest floor of the manufactured home is at or above the base flood elevation; or
  - b. The manufactured home chassis is supported by reinforced piers or other foundation elements that are not less than 36 inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - c. Further guidelines and examples of foundation, reinforced pier and anchoring system designs are contained in Federal Register of September 29, 1989 (Vol. 54, No. 188) and in FEMA publication "Manufactured Home Installation in Flood Hazard Areas," copies of which are available for review at the Department.
- E. **Fill.** The use of fill to achieve the required elevation of the lowest floor is strongly discouraged.
- F. **Conditions of Permit Issuance.** A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:
- 1. *Elevation.* The lowest floor (including basement) electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill.
  - 2. *Nonresidential Construction.* The lowest floor (including basement) electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities, shall be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loss and effects of buoyancy.
- G. **Recreational Vehicles.** Recreational vehicles shall:
- 1. Be on the site for fewer than 180 consecutive days;
  - 2. Be fully licensed and ready for highway use; or
  - 3. Meet the permit requirements and elevation and anchoring requirements for manufactured homes.

Effective on: 7/1/2014

## **CHAPTER 5 GROWTH MANAGEMENT AND ONGOING COMPLIANCE**

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### **ARTICLE 5-5 ONGOING COMPLIANCE**

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#### **Division 5-5-2 Property Owners Associations and Property Managers**

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##### **Sec. 5-5-2-2 Property Management**

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The owner(s) of manufactured home parks and rental apartment buildings with three or more units shall designate management staff to handle the day-to-day enforcement and property management. The property manager may be the owner(s) or a third-party. However, the owner(s) are ultimately responsible for ensuring that the manufactured home park or apartment building is in compliance with all requirements of this LUDC and related health and safety codes.

Effective on: 7/1/2014



## “Tiny Houses”

*What they are and how counties and municipalities can manage them.*

### What is a “tiny house?”<sup>1</sup>

There is no legal definition of a “tiny house.” The term can refer to anything from a 100 square foot miniature cabin on wheels to a house smaller than about 800 square feet. A “tiny house” is either considered a recreational vehicle (RV) OR a dwelling unit depending on its defining characteristics. Each of these categories is discussed below including a definition, building and zoning code regulations, and how to deal with taxation.

### Recreational Vehicle

#### Definition

- Designed for mobility, NOT for permanent year-round occupancy, and thus has limited occupancy safety standards.
- Either a Camp Trailer (less than 26 feet long) or a Trailer Coach (26 feet to 70 feet long). Maximum of 8.5 feet wide and 14.5 feet tall.
- Permanently affixed to a chassis with axles and/or wheels.

#### Building Code

- Could be constructed to one of the American National Standards Institute (ANSI) 119 Construction Standards.
- May be constructed to meet standards that are currently self-certified through the Recreational Vehicle Industry Association (RVIA) or other non-governmental body.

#### Zoning Code

- May be occupied temporarily (transient occupancy is typically about 30 days) in a RV park/campground or perhaps districts zoned for residential uses.
- Some counties may permit in rural areas where other RVs or small houses are permitted for permanent occupancy, often without utility connections. This is not a recommended approach.

#### Ownership Tax

- Ownership tax is assigned to all RVs (including “tiny houses”, camp trailers, multi-purpose trailers, and trailer coaches) and is administered through the county motor vehicle office because these units are intended to easily move throughout the state.
- County motor vehicle department assigns a tax amount based on the manufacturer’s statement of retail price value of the unit.
- There may be special circumstances where these types of units are classified as real property depending on the local policies where the unit is located. Special care should be taken that the property is not taxed as both real property and through ownership tax.

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<sup>1</sup> The word “house” implies permanent occupancy and is misleading in this case as “tiny houses” are not all designed for permanent occupancy.

## Dwelling Units (manufactured, modular, and site built)

### Definition

- Designed for year-round occupancy, connecting to water, sewer, and electric utilities.
- Typically one of three classifications<sup>2</sup>:
  - Manufactured<sup>3</sup>: A pre-constructed structure transportable in one or more sections and when in traveling mode is over 320 square feet or over 8 feet in width and 40 feet in length. Is on a permanent chassis and can be used as a dwelling with or without a permanent foundation. Is identified by a red metal tag on the exterior of each home section (the HUD tag). Does not have motive power.
  - Modular: Constructed substantially in a manufacturing facility for the installation/assembly on a permanent foundation and is identified by a Colorado Silver Construction Insignia located in the kitchen sink cabinet.
  - Site built: Built entirely or largely on the site it will occupy.

### Building Code

- Manufactured houses must be constructed to the HUD 3280 Construction Standard initiated in 1976, is inspected during construction at the factory, and through the Colorado Manufactured Housing Installation Program (MHIP) upon installation.
- Modular houses must be built to the International Code Council 2012 *International Residential Code* (IRC) and the 2015 *International Energy Conservation Code* (IECC), regulated by DOLA's Department of Housing.
- Site built houses must meet the locally adopted building code, which is typically a version of the International Residential Code.

### Zoning and Subdivision Codes

- Manufactured and modular houses shall be permitted where other building code compliant or site built dwelling units are permitted.
- Typical regulations that may prohibit/promote "tiny houses" include:
  - Minimum single-family house size requirements or minimum length and width requirements within zone districts. These restrictions should only exist in minimal areas of the community, if at all, to be sure a variety of housing type and price points are available within the community. Private restrictive covenants may also contain minimum dwelling unit sizes.
  - Accessory dwelling unit (ADU) regulations (i.e., attached or detached to the primary dwelling unit, maximum unit size, parking space requirements).
  - Subdivision standards for minimum lot size, street access, and utility connections.

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<sup>2</sup> Park model homes, similar to "tiny houses," can be considered either a RV or a dwelling unit depending which building code they comply with. They are less than 400 square feet and often placed on a permanent or semi-permanent basis for extended periods of time in the same location for use as a second home rather than used for travel purposes like an RV.

<sup>3</sup> The term "mobile home" refers to units built prior to the 1976 HUD standards. Therefore, a "tiny house" cannot be considered a mobile home.

- Residential occupancy codes that require a certain number of square feet per occupant.
- Tap fees can be cost prohibitive for “tiny houses” and communities may want to relax these regulations, perhaps basing them off of the size of the lot or dwelling.
- Communities of “tiny houses” may be created through a small lot subdivision (potentially with an HOA), a planned unit development, or a condominium or cohousing development using a development plan.

### Property Tax

- The county assessor is responsible for discovering, listing, classifying, and valuing all property in the county in accordance with state laws. The assessor’s goal is to establish accurate values of all property located within the county, which in turn ensures that the tax burden is distributed fairly and equitably among all property owners.
- Property tax is assigned to all dwelling units (including manufactured, modular and site built houses), and is administered through the county assessor and treasurer’s office. Residences are not subject to ownership tax as administered by the county motor vehicle office; although, manufactured homes that are not permanently affixed to a foundation are still titled by the county motor vehicle office.
- Assessor’s offices differentiate between manufactured and modular houses for valuation purposes. Often times, there is a quantifiable difference between the sales prices of these different types of houses due to their characteristics as described above. The sales comparison approach is used to determine the value of these properties. This is a real estate appraisal method that compares a subject property to other properties with similar characteristics that have recently sold in order to determine the subject property’s value.
- Manufactured houses can be assessed with the land if there is a Certificate of Permanent Location or an Affidavit of Real Property recorded and the title no longer exists.

### **References & Resources**

Donald L. Elliott, FAICP and Peter Sullivan, AICP, “Tiny Houses,” *Zoning Practice*, Issue Number 11, November 2015.

For additional information, contact:

- Department of Local Affairs
  - Division of Housing, Housing Technology and Standards 303.864.7810
  - Division of Local Government, Community Development Office 303.864.7720
  - Division of Property Taxation, Administrative Resources 303.864.7777
- Department of Revenue, Title and Registration Section 303.205.5608
- Local county assessor’s office
- Local county or municipal planning and building department

## Memorandum

**To:** To Whom It May Concern  
**From:** John Plano, Building Official  
**Date:** 3/16/2016  
**Re:** Tiny Homes

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Zoning would have to allow a small home. Some PUD's have minimum sizes for homes in those neighborhoods. PUD's regulations are filed at the Garfield County Clerk and Recorder's Office.

The 2009 International Residential Code has minimum sizes for dwelling units (IRC 304). Basically, one 120 sq. ft. habitable room and other habitable rooms are to be 70 sq. ft. All habitable rooms need to be 7' wide and 7' tall minimum. Sanitary facilities and kitchen are required.

If it meets the zoning, someone could submit plans to stick build the minimum size home allowed in the IRC. See the Single Family Home Checklist on the Town website.

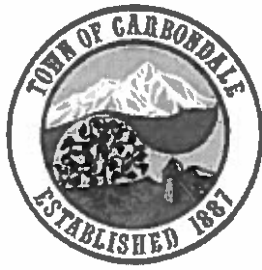
<http://www.carbondalegov.org/>

Any manufactured homes are required to be approved by the Colorado Division of Housing (CDOH). They approve IRC and HUD homes.

Any home built on a single family lot is required to abide by the IRC or CDOH approved Mfg. home designed to the IRC. HUD homes are only allowed in trailer parks.

Tiny homes, that are not approved by the CDOH are essentially campers and are not allowed as permanent housing in Town.

All impact fees to be paid at building permit, including but not limited to: water and sewer fees, building permit fees, use tax, water meter etc. If there are any planning processes, those fees would be required to be paid also.



Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 81623  
(970) 963-2733

### **Manufactured/Factory Built Home Requirements**

- ☐ The home is to meet Municipal Zoning Code section 18.50.045.
- ☐ The home is to be approved by the Colorado Division of Housing. Some homes are built to multiple state requirements some are not. Careful purchasing homes from other states.
- ☐ Must be allowed by PUD.
- ☐ The home is to be "Energy Star" certified.
- ☐ Please provide manufacturer's specifications. The home is to be built to 40 pounds per square foot snow load.
- ☐ The home is to be set and sealed by a Certified State Installer. If the installer is not certified, the home is to be inspected and sealed by a Certified State Inspector.
- ☐ Site plan showing location on property. Please include any sheds, site built elements, landing, stairs, roof, carport etc. Provide framing details for site built portions.
- ☐ The gas line is to be pressure tested for a gas tag, 10 psi.
- ☐ The electrical is to be permitted and approved by the state to connect the service.
- ☐ Final inspection to be performed by the Town.
  - ☐ Check the electrical has been approved.
  - ☐ Check that the home has been stickered by the CDOH installer or inspector.
  - ☐ Check all site built elements, landings, stairs, handrail, covered porches, carports, etc.
- ☐ Engineered foundation is required for IRC/IBC homes