



Reception#: 904524
03/19/2018 04:25:26 PM Jean Alberico
1 of 5 Rec Fee: \$33.00 Doc Fee: 0.00 GARFIELD COUNTY CO

**ORDINANCE NO. 3
SERIES OF 2018**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING AN AMENDMENT TO THE
COMMERCIAL/RETAIL/WHOLESALE (CRW) ZONE
DISTRICT OF THE ROARING FORK VILLAGE P.U.D.**

WHEREAS, pursuant to Section 2.4.3.C.4.3 of Chapter 17.02 of the Carbondale Municipal Code, Big Sky Holdings, LLC (“Applicant”) has submitted an application to amend the zone district text for the Commercial/Retail/Wholesale (CRW) Zone District within the Roaring Fork Village P.U.D. in order to allow one accessory residential unit on each lot above the ground floor, as more specifically set forth on the proposed amended zone district text attached hereto as **Exhibit A**; and

WHEREAS, whereas, after required public notices, the Planning and Zoning Commission held a public hearing on this application on January 11, 2018, after which hearing the Planning and Zoning Commission recommended to the Board of Trustees that this application be approved, with conditions; and

WHEREAS, after all required public notices, including posting, mailing to adjacent property owners, and newspaper publication, the Board of Trustees held a public hearing on this matter on February 13, 2018 and heard from staff, the applicant, and any other interested parties; and

WHEREAS, pursuant to Section 2.4.2.C.3.b of Chapter 17.02 of the Municipal Code, the Board of Trustees finds and determines that, upon the conditions set forth below:

1. The proposed amendments 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 proposed amendments are consistent with the Comprehensive Plan and the purposes stated in the Unified Development Code; specifically, the proposed amendments will allow for a flexible mix of commercial and multiple story mixed-use buildings (Comprehensive Plan-New Urban), conserve the value of buildings and property, and encourage the most appropriate use of land within the CRW PUD zone district;
3. The amendments are consistent with the stated purposes of the CRW PUD zone district and increased residential uses would be compatible with the nearby existing single family zone districts;

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4. The amendments are 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 amendments are not likely to result in material adverse impacts to other properties adjacent to or in the vicinity of the subject properties; 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 properties while maintaining adequate levels of service to existing development.

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

A. Approval of Amendments to the CRW zone district within the Roaring Fork Village P.U.D.

The attached revised zone district text for the CRW zone district within the Roaring Fork Village P.U.D. is hereby adopted upon the date that this Ordinance becomes effective.

B. Additional Conditions of Approval.

- (1) Except as expressly amended herein, all prior conditions of approval in ordinances and associated approval documents for the Roaring Fork Village P.U.D., Lots 1, A1, A2, A3, B and 17, including all prior zoning, subdivision, condominium, development and subdivision improvements agreements, shall remain in full force and effect.
- (2) Prior to the conversion of any existing commercial units to residential use, or the construction of any new residential units, the Town may require additional water rights dedications, or fees in lieu of water rights dedications, in light of the anticipated increased water demands of residential units as compared to commercial units, as a condition of any subdivision, condominium, or building permit approval or authorization.
- (3) The Applicant shall pay and reimburse the Town for all professional and staff fees incurred in reviewing this application pursuant to Section of the Municipal Code pursuant to Article 8 of Chapter 1 of the Municipal Code.
- (4) Unless otherwise provided herein, all representations of the Applicant in written submittals to the Town or in public hearings concerning this application shall also be binding as conditions of approval.

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C. Recording.

This Ordinance shall be recorded in the Garfield County real property records at the Applicant's expense. The terms and conditions hereof shall run with title to all lots contained in the CRW PUD zone district within the Roaring Fork Village P.U.D., Town of Carbondale.

INTRODUCED, READ AND PASSED this 13th day of February, 2018.


THE TOWN OF CARBONDALE

By:



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk



Attachment (Exhibit A—revised zone district text for CRW zone district)

EXHIBIT A

to Ordinance No. 3, Series of 2018

Town of Carbondale

AMENDMENTS TO ZONE REGULATIONS FOR ROARING FORK VILLAGE P.U.D.

SECTION V.B is amended as follows:

B. Conditional Uses

~~One residential dwelling unit per building or per ownership of lot, whichever results in the lowest number of residential units, is allowed by conditional use.~~

~~Any application for a residential unit shall be processed pursuant to Sections 2.5.1 (Conditional Use permit) and 2.5.3 (Site Plan Review) of Chapter 17.02 of the Carbondale Municipal Code. Any appeal of a decision shall be processed under Municipal Code 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.~~

~~The conditional use approval criteria shall be as set forth in Section 2.5.1 of Chapter 17.02 of the Municipal Code, as amended from time to time, together with the following additional review criteria:~~

- ~~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.~~

~~5.4. Maximum height – the height established in Section V, Paragraph E (35 feet).~~

~~6. Size requirements of residential unit – as per Uniform Building Code.~~

~~7.5. Parking – two (2) parking spaces per residential units.~~

~~8.6. 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.

9.7. Additional water rights dedications, or fees in lieu of water rights dedications, may be required for each residential unit according to the Town's water rights dedication requirements in effect at the time of the application.

Section V.H is amended to delete all existing language and replace it with the following; add the following language:

H. Site Plan Review

Any new development/redevelopment plan for any lot shall be subject to the process and approval criteria in Section 2.5.3 of Chapter 17.02 of the Carbondale Municipal Code (Site Plan Review), as amended from time to time.