



Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623

AGENDA
PLANNING & ZONING COMMISSION
THURSDAY, April 14, 2022
7:00 P.M. Carbondale Town Hall & Via Zoom

ATTENTION: All regular Carbondale Planning and Zoning Commission Meetings, will be conducted in person and virtually via Zoom. If you wish to attend the meeting virtually, and you have a comment concerning one or more of the Agenda items, please email jleybourne@carbondaleco.net by 4:00 p.m. on April 14, 2022. If you would like to comment virtually during Persons Present Not on the Agenda please email jleybourne@carbondaleco.net with your full name and email address by 4:00 p.m. on April 14, 2022

Zoom link

<https://us06web.zoom.us/webinar/86937642900>

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.
Minutes of the February 24, 2022 meeting..... Attachment A
4. 7:05 p.m. – 7:10 p.m.
Public Comment for Persons not on the agenda (See instructions below)
5. 7:10 p.m. – 8:00 p.m.
PUBLIC HEARING – Minor Site Plan Review/Special Use Permit/ADU.....Attachment B
Owner: Doug and Susan Greenholz
Applicant: Brian Golden/Oscar Carlson
Location: 728 Euclid Avenue
6. 8:00 p.m. – 8:20 p.m.
PUBLIC HEARING -Text Amendment – Definitions.....Attachment C
7. 8:20 p.m. – 8:25 p.m.
Staff Update
8. 8:25 p.m. – 8:30 p.m.
Commissioner Comments
9. 8:30 p.m. – ADJOURN

Upcoming P & Z Meetings:

4-28-2022 – 135 Main Street (Clay Center) & 66 N. 2nd Street – Rezoning
340 S. 2nd Street – Subdivision Exp, Minor Site Plan Review, Cond. Use Permit, Variance
ADU
Comp Plan Discussion

Please note all times are approx.

MINUTES
CARBONDALE PLANNING AND ZONING COMMISSION
Thursday February 24, 2022

Commissioners Present:

Jay Engstrom, Chair
Jeff Davlyn
Nicholas DiFrank, Vice-Chair
Kim Magee
Jarrett Mork
Marina Skiles
Nick Miscione

Staff Present:

Lauren Gister, Town Manager
Janet Buck, Planning Director
John Leybourne, Planner
Mary Sikes, Planning Assistant

Commissioners Absent:

Elizabeth Cammack (2nd Alternate)
Kade Gianinetti (1st Alternate)

Other Persons Present Virtually

Nora Bland, Cushing Terrell
JoAnne Teeple, 192 N. Tenth Street
Colin Quinn, 239 Crystal Road
Chris Hassig, 244 Seventh Street
Frosty Marriott, 181 Lakeside Drive
Patrick Hunter, 1131 County Road 106
Hannah Hunt Moeller, 785 Merrill Avenue

The meeting was called to order at 7:00 p.m. by Jay Engstrom.

February 10, 2022 Minutes:

Jeff made a motion to approve the February 10, 2022 minutes. Jarrett seconded the motion, and they were approved unanimously.

Public Comment – Persons Present Not on the Agenda

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

Review Draft of the Comprehensive Plan Update – Consultant Team Cushing Terrell (CT) Meeting #9

Janet said she wanted to start with a couple of updates.

Janet stated as we had discussed previously, the 2021 Comprehensive Plan Update is an update to the 2013 Comprehensive Plan. She said that it was planned to act as a supplement to the 2013 Comp Plan. Janet said that the P&Z had expressed concern that it would be hard to use.

Janet explained that at their February 15th meeting, the Board discussed changing the scope of work for Cushing Terrell (CT) to blend the 2013 and 2021 plans into one document. She said that they approved that request at their February 22nd meeting. She said that the Board also supports translating the merged document translated into Spanish.

Janet stated that the formal rollout and public comment period started on January 20, 2022. She said that this included the Reading Rooms, the option to review and comment on the plan online and publicizing these last three P&Z meeting.

Janet said that at the last meeting, the Commission had discussed adding an Open House to the outreach efforts. She said that the Commission had agreed that it would be Commissioner-driven rather than consultant-driven.

Janet continued by saying that the Commission should confirm that they would still like to host an Open House and select a date. She said that there is a public hearing for a land use application scheduled for the March 10, 2022 Planning Commission meeting. She said that the March 24, 2022 Planning Commission meeting date is still open if the Commission would like to schedule an Open House on that date.

Janet said that in the meantime, Cushing Terrell is collecting and compiling the survey data and comments submitted by the public on the Chart Carbondale website. She stated that PR Studio has been collecting and compiling the written surveys and comments submitted at the Reading Rooms every few days. Janet said that Town Boards and Commissions have reviewed the document and have submitted comments or plan to in the next few days. She said that Town Staff is collecting all the public comments submitted in writing to the Planning Commission so far. She stated that this includes the public comments made at the January 27, 2022 and February 10, 2022 Planning Commission meetings. She stated that Staff will get those comments compiled and provide them to CT at the end of the public comment period.

Janet stated that at the last meeting, my presentation focused on the function and use of a Future Land Use Map. To recap:

The Future Land Use Map:

- Is not zoning or a zoning map.
- Provides physical planning guidance for future zoning code updates.
- Is used as advisory guidance in reviewing specific development projects.
- Lays the foundation for making changes to zoning in the future.
- Encourages projects to align with the community's values.
- Does not restrict existing or vested uses.
- Does not rezone properties (public hearings before P&Z and Board required).

Janet said that for this meeting my memo focused on the Land Use Designations associated with the Future Land Use Map. She stated that some of the designations were pulled out of the 2013 Comprehensive Plan and some of the designations were

created or updated as part of the 2021 Comprehensive Plan Update. She stated that each sheet is marked with either 2013 or 2021.

Janet said that the Designations are written descriptions that set the general direction for the development of land in the future. She stated that the Designations describe the desired future conditions for neighborhoods throughout the Town.

Janet stated that the Designations generally describe the following:

- Types of Uses
- Building Mass and Scale
- Relationship of Development to Mobility Network
- Parking
- Landscaping
- Connectivity

Janet said that the Designations in the Future Land Use Map are not detailed neighborhood area plans. She stated that the Designations are not prescriptive. She said that they are conceptual in nature.

Janet stated that she understands that the map of the Opportunity Area on page 10 and 62 of the Comprehensive Plan Update has caused some confusion. She said that this map was intended to illustrate one concept for the Opportunity Area and was not intended to provide a definitive land use layout map or neighborhood planning map. She said that her suggestion is to remove the conceptual map and that it is more important to focus on the written Designations.

Janet recommended that the Planning Commission should:

- Continue review of the draft Update, specifically the draft Future Land Use Map.
- Provide any comments on the Future Land Use Map or Comprehensive Plan Update.
- Accept public comment
- Discuss the extension of the comment period and potential Open House

Janet noted that we received comments from:

Bike and Ped Commission
CAFCI
D. Fuller
Historic Preservation Commission
Parks and Recreation Commission
Aaron Aeschlimon
Hannah Hunt-Moeller (Petition with 36 signatures)
Ross Kribbs

Janet said all of the comments were forwarded to the Commission.

Jarrett suggested removing priorities from the matrix or is there a benefit to having the timelines.

Janet said that there is a benefit to having a timeline so that you have something to work toward. She said that no low priorities would be a good work around.

Public Comment

JoAnne Teeple, **192 N. Tenth Street** said that she read the whole Comp Plan Update from cover to cover and that she will submit her comments. She said that she does not recall any mention of fire or disaster readiness or defensible space. She said that given the recent events in our State that she believes in order to update a plan with community aspirations this aspect of life in our town bears mention. She said that there are no easy answers, it bears on all aspects of the plan and the involved parties. She said that it would be of value for it to be an aspect of their discussions and part of the framework.

Colin Quinn, **239 Crystal Road** said that he is the Chair of the Environmental Board and that we submitted comments that are in your packet. He said that he has three broad comments, and he thanked the Commission, Staff and Cushing Terrell. He said that you have opened yourselves up to a lot of criticism and that the public comments and the process has been great. He said that there are a lot of strong components about the plan and that you should be recognized for creating a strong plan. He said that what we talked about with the Environmental Board is that there is lack of landscape code focusing on native landscape. He said what the final product looks like is really important and that if you put the previous plan together with this update that it will be a really long document that seems like it won't be implemented and digested by people in the public. He said that we recommend that the Environmental Bill of Rights up front as a forward to the plan, which was passed in 2017. He said that he agrees that, with all the fires that we have seen around our community, that there are six mentions of drought in the plan but zero about fire. He said that he encourages the Commission to discuss what the hurry is to finalize this plan.

Chris Hassig, **244 Seventh Street** said that he would like to echo the discussion on the timeline. He said that we have a lot of development going on in town right now. He said that we should be careful around the Opportunity Zone and make sure that we are not giving away things and that we can negotiate with the developer. He said continued inclusion of the auto urban zone designation is problematic as it is in opposition to any environmental rights. He said that by beautifying it just means putting water down, which is a major issue. He said that screening buildings and setbacks lacks creativity of what the corridor is. He said that there has been a long debate on whether Highway 133 is a highway or is it a street. He said that he thinks that we wanted to move to making it a street and that you can cross and that a pedestrian has an equal right. He said that roundabouts are automobile infrastructure. He said that the park-and-ride area on Dolores Way, which is a total nightmare is not even addressed. He said that he was

disappointed to see that stop light replaced this last year and that whole area could have been rethought in a much more creative manner. He said that when we think about the Downtown North that the key is phasing, diversity of ownership and development and affordability inclusion.

Frosty Marriott, **181 Lakeside Drive** thanked everyone for all of the work that they have put in on this and that the product now presented is a much better one than he envisioned. He said that Cushing Terrell did a great job with taking in public comments. He said that he hadn't really thought about it even though it affects him is aging in place. He said that where he lives in RVR that we wanted to put a garage apartment so that we would have a place to move into and that our daughter could live in the house, while we age in place. He said that you can't do that in RVR and that it is only permitted for a certain number of ADU's, which is an opportunity for Carbondale and RVR to work together. He said that it would be beneficial to the community.

Frosty said that the defensible space topic that was brought up and we used to do a drill every year. He said that we had a drill that a fire came down over the west side of RVR. He said that we really need to look at that possibility in view of what happened near Boulder because it can happen here. He said that people in RVR need to do a defensible space.

Frosty said that public transportation is a big issue and that we have opportunity to improve to try to get people out of their cars as part of our climate change. He said that when we looked at Highway 133, back when, CDOT wanted to do a four-lane highway through town. He said that we made the decision as a community that wasn't want, we wanted. He said that we have to get cars off of Highway 133 and that public transportation is the way to do that.

Frosty said that he hates the name Downtown North and that we almost approved it as the Overlook when he was on the Board, which he thinks is a catchy name. He said that it overlooks the dog park. He said that it is going to be developed and that it is going to be phased. He said that he would caution to stay away from a use by right, whenever we can, or they will sue you. He said that an attorney told him that when you do planning documents that you hope for the best and plan for the worst. He said that we need to keep in mind as it involves climate change. He said that something is going to happen in the next few years that we were not expecting to happen. He gave examples of local fires and that we need to be prepared for whatever might come our way.

Frosty asked if everyone has read our Town Mission Statement? He said that if you haven't, please do. He said that he used to go back and read it once a month to remember what it says. He said that the Environmental Bill of Rights were hung in these chambers so every growth decision and that every major decision that Carbondale made would be referenced. He said that we did it with multiple public meetings and that it is more relevant today than when we did it. He said that he would encourage the Commission to use it as the preface for this Comp Plan revision. He said that he is a believer in slow measured and thoughtful growth. He said that we can't just let everyone

move here, even with infill. He said again that he appreciates all of the work that everyone has done.

Patrick Hunter, **1131 County Road 106** said he lives in what some have called Carbondale's Appalachia. He said that we like to keep things easy over there. He said that he is taking classes at CMC as a sustainability bachelor and that he has been doing a lot of research. He said that he looked up the Colorado revised statutes which he read; *the duty of the Commission to make and adopt the Master Plan for the physical development of the municipality including any areas outside its boundaries. The Master Plan of a municipality shall be an advisory document to guide land development decisions, however the plan or any part thereof may be made binding by inclusion in the municipalities adopted subdivision, zoning, platting, planned unit development or other similar land development regulations.* He said what that means to him is if we can take the Climate Action Plan areas in the current Comp Plan and include those in the UDC that might get us where we need to go.

Hannah Hunt Moeller, **785 Merrill Avenue** said that you have all heard from me a few times. She said that she shared with Janet a proposal that a neighborhood caucus has been working on regarding Downtown North. She said that she would like to highlight the four aspects that we have been in discussion about;

- Downtown North/Opportunity Area should invest in pocket parks, especially protecting the existing mature trees, close to the Latino Folk Garden.
- Prioritizing affordable medium density housing.
- Identifying the Promenade and the Rio Grande Trail for a vegetated public plaza, where the future youth art park is going.
- Providing mixed-use development that supports the needs of local businesses through office/retail space, within the mixed-use portion of Downtown North.

Jay thanked Hannah for her drawings that she emailed.

Commissioner Discussion

- Looking forward to how the comments will be organized.
- Timeline for public comments, the pause with the P&Z, prior to anything moving forward.
- Timeline for the next Comp Plan Update, requirements and historical data discussed.
- Public relations and consultant contracts and timelines.
- Integration of the 2013 Comprehensive Plan with this Comp Plan Update (2022).
- Future Land-use designations are too similar to zoning districts, which makes for confusion.
- Road map would be useful, over-whelmed by this process.
- Formatting for the comments, spreadsheet with three columns.
- Open house, face to face touchpoint, lead by the P&Z, date uncertain.
- Time is money, process was started with a budget.
- Maintain existing formatting for future updates.

- Discussed how to bring this together and end process.
- Agreed to call blended document – “2022” plan.
- CT should not touch the language of the 2013 Comprehensive Plan, which will be retained.
- Accomplishments with the Implementation Matrix, six target areas: Downtown North (Opportunity Area), Downtown, Residential/HD, Multi-modal, Aging in Community, Sustainability, which has morphed into a bigger plan.
- Add fire safety to matrix.
- Town’s new properties will be addressed by the Board, a consultant and it will have its own process.
- Agreed to have Marina and Nicholas on Planning sub-committee for the open house.

Staff Update

Janet asked how many Commissioners would be at the March 24, 2022 meeting.

It was decided that the definitions would be discussed on April 10, 2022.

Janet said that we have a rezoning application for the Clay Center.

Janet said that she has been meeting with the owner of the Fante parcel, to do a mixed-use building, with three-sided commercial.

Janet said that the Christmas Tree Lot is still in play.

Janet said that Eastwood is looking at starting the improvements, which is the two-acre parcel north of the sub-station.

Nicholas said that he is doing the streetscape for Eastwood.

Mary said that five townhomes in Thompson Park were CO’d today.

Commissioner Comments

There were no further Commissioner comments.

Motion to Adjourn

A motion was made by Jeff to adjourn, Nick seconded the motion, and the meeting was adjourned at 9:47 p.m.



TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623

Planning and Zoning Commission Agenda Memorandum

Meeting Date: 4-14-2022

TITLE: 728 Euclid Avenue, Minor Site Plan and Special Use Permit

SUBMITTING DEPARTMENT: Planning Department

OWNER: Doug and Sarah Greenholz

APPLICANT: Brian Golden, 2757 Design

PROPERTY LOCATION: 728 Euclid Avenue

ZONE DISTRICT: Old Town Residential (OTR)

LOT SIZE: 7,040 square feet

PRESENT LAND USE: Vacant lot

PROPOSED LAND USE: Single Family residence with ADU in basement

Attachments: Land Use Application

BACKGROUND

This is an application for a Minor Site Plan Review. The Commission is required to hold a public hearing and approve the application, deny it, or continue the public hearing.

The applicant is proposing to construct a 2,558 sq. ft. residence with an attached accessory dwelling unit.

DISCUSSION

Under the UDC, a proposed ADU in the Old Town Residential Zone District (OTR) must go through a minor site plan review and special use permit before the Planning and Zoning Commission who will issue a decision and, if approved, findings on the application.

Comprehensive Plan

The property is designated as Old Town in the Future Land Use Plan. The properties in this designation represent the oldest residential neighborhoods in the historic town grid. Single family homes are predominant and there is an opportunity for accessory dwelling units. Alley loaded parking should be provided where available.

Street emphasis should be on sidewalks, trees, and homes, not parking.

The design of the main structure is setback from the front lot line with varying roof lines and stepping of the facades. Parking is located off the alley preserving the existing ditch to the front of the lot.

Zoning

728 Euclid is entirely within the OTR zone district.

An ADU is allowed to be 10% of the total lot size with a maximum of 650 square feet in the OTR Zone District, the proposed ADU is 554 square feet in size.

Setbacks

The required setbacks in the OTR zone district have been met.

Maximum Impervious Surface

40% of the lot may be impervious or 2,816 sf. 2,812 sf of impervious area is proposed.

The allowed maximum impervious surface has been met.

Building Height

The proposed main structure at midpoint is 23 feet 7 inches. 25 feet is allowed in the OTR district (at mid-point).

The building height is in conformance.

Parking

Section 5.8.3. of the UDC requires 2.5 parking spaces for a three-bedroom dwelling, and 2 spaces for an ADU. The parking for both units is calculated as follows:

One 3-bedroom unit's x 2.5 = 2.5
One Accessory Unit x 2 = 2
Total Required Parking = 4.5 (5)

The applicant is providing 5 parking spaces.

The Comprehensive plan states that alley loaded parking should be provided where available. Parking is shown to be off the alley to the south with no parking on the Euclid Avenue frontage, The applicant has indicated parking in the alley loaded garage as well as in front of the garage and to the side of the garage.

Solar Access

Section 5.12 Solar Access discusses the provision of adequate light to allow solar access on adjacent properties.

The applicant has not supplied a shading analysis and will need to provide one at building permit.

Site Plan Review Criteria

A site plan may be approved upon a finding that the application meets all of the following criteria:

1. The site plan is consistent with the Comprehensive Plan.
2. The site plan is consistent with any previously approved subdivision plat, planned unit development, or any other precedent plan or land use approval as applicable;
3. The site plan complies with all applicable development and design standards set forth in this Code; or
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale, or the decision-making body finds that such traffic impacts will be sufficiently mitigated.

A Special Use must meet the following Special Use Permit criteria:

- a. An approved special use shall meet the purposes of the zone district in which it will be located and all of the criteria and regulations specified for such use in that zone district, including but not limited to height, setbacks and lot coverage;
- b. An approved special use shall comply with all applicable fire, building, occupancy and other municipal code provisions adopted by the Town of Carbondale for the protection of public health, safety and welfare;
- c. An approved special use shall not have an adverse impact on the traffic in a neighborhood;
- d. An approved special use shall not otherwise have an adverse effect upon the character of surrounding uses.

- e. There are no impacts of the proposed use on adjacent properties and the surrounding neighborhood or such impacts have been minimized in a satisfactory manner.
- f. The impacts of the use, including but not limited to its design and operation, parking and loading, traffic, noise, access to air and light, impacts on privacy of adjacent uses, and others, shall not create a nuisance and such impacts shall be borne by the owners and residents of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
- g. Access to the site shall be adequate for the proposed use, considering the width of adjacent streets and alleys, and safety.
- h. The project is in scale with the existing neighborhood or will be considered to be in the scale with the neighborhood as it develops in the immediate future.
- i. The project maximizes the use of the site's desirable, natural characteristics.
- j. Where applicable, the use will provide well-located, clean, safe and pleasant additional dwelling units in an existing neighborhood.

The Town may impose conditions it feels necessary to ensure that a proposed Special Use meets the purposes in the zoning code and to protect the public health, safety and general welfare of the Town and surrounding neighborhood. The Town has broad authority to deny a Special Use if it determines a proposed use is incompatible with the neighborhood.

FISCAL ANALYSIS

The proposed development will add one rental unit. This would not result in a significant fiscal impact on the Town's ability to absorb the new residential units.

RECOMMENDATION:

Staff recommends that the following motion be approved: **Move to approve a Minor Site Plan and Special Use Permit for an Accessory Dwelling Unit to be located at 728 Euclid Avenue Carbondale Colorado, with the following conditions and findings:**

1. The applicant shall demonstrate the type of pervious surface proposed for the subject to Town review and approval, at the time of building permit.

2. The applicant shall submit a Shading Analysis at the time of building permit for review and approval.
3. The Accessory Dwelling Unit shall not have separate water or sewer service.
4. 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.
5. The Applicant shall also pay and reimburse the town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code as well as water rights.

Findings for Approval - Site Plan Review Criteria

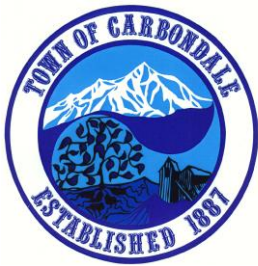
1. The site plan is consistent with the Comprehensive Plan.
2. The site plan is consistent with any previously approved subdivision plat, planned unit development, or any other precedent plan or land use approval as applicable;
3. The site plan complies with all applicable development and design standards set forth in this Code with the exception of the variances from the minimum lot area per dwelling unit; or
4. Traffic generated by the proposed development will be adequately served by existing streets within Carbondale.

Findings for Approval – Special Use Permit

1. The proposed use is allowed within the OTR zone district.
2. The construction of the ADU shall be required to comply with all applicable fire, building, occupancy and other municipal code provisions adopted by the Town of Carbondale for the protection of public health, safety and welfare.
3. The proposed use does not have an adverse impact on the traffic and parking in the neighborhood.
4. The ADU does not have an adverse effect upon the character of surrounding uses.
5. With the conditions of approval, the impacts of the proposed use on adjacent properties and the surrounding neighborhood have been minimized in a satisfactory manner.

6. The impacts of the ADU, including but not limited to access to air and light, impacts on privacy of adjacent uses, and others, will not create a nuisance and such impacts would be borne by the owners and residents of the property on which the proposed use is located rather than by adjacent properties or the neighborhood.
7. The project is in scale with the existing neighborhood.

Prepared By: John Leybourne



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

Pre-Application Meeting Date 01.19.2022

Fees _____ Date Pd _____

Land Use Application

PART 1 – APPLICANT INFORMATION

Applicant Name: Brian Golden Phone: (970) 989-2757

Applicant Address: PO Box 1764, Carbondale CO 81623

E-mail: brian@2757design.co & oscar@2757design.co

Owner Name: Doug and Sarah Greenholz Phone: (303) 618-3786

Address: 780 Hartford Drive, Boulder CO 80305

E-mail: doug.greenholz@gmail.com

Location of Property: provide street address and either 1) subdivision lot and block; or 2) metes and bounds:
728 Euclid Ave, Carbondale CO 81623 - Parcel A, Block 24

PART 2 – PROJECT DESCRIPTION

General project description:

New single family residences with lower level ADU, to be constructed on a vacant lot.

Size of Parcel: 7,040 sq.ft. # Dwelling Units: 1 + 1 adu Sq Ftg Comm: _____

Type of Application(s): Special Use Permit & Minor Site Plan Review

Existing Zoning: Old Town Residential Proposed Zoning: _____

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] 02.09.22
Applicant Signature Date

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

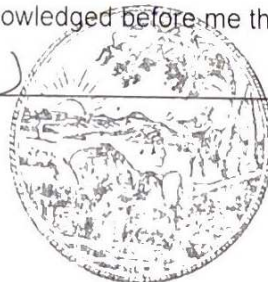
[Signature] 2/16/22 [Signature] 2/10/22
Owner Signature Date Owner Signature Date

STATE OF ~~COLORADO~~ Indiana)
) ss.
COUNTY OF ~~GARFIELD~~ Elkhart)

The above and foregoing document was acknowledged before me this 10th day of

February 2022 by [Signature]

Witness my hand and official
My commission expires: July 27, 2025



VALERIE ROSE
Notary Public
State of Indiana
My Commission Expires
July 27, 2025

Notary Public



**Town of Carbondale
Special Use Permit
Checklist**

(970) 963-2733

Project Name: 728 Euclid Ave

Applicant: Brian Golden, 2757 design co

Applicant Address: PO Box 1764, Carbondale CO 81623

Location: 728 Euclid Ave, Carbondale CO 81623 - Parcel A, Block 24

Date: 02.09.2022

Staff Member:

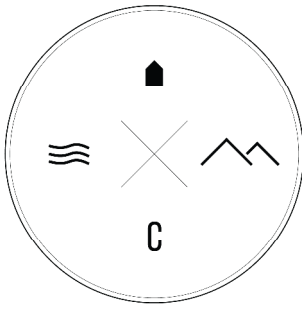
Section 2.3 of the UDC requires a pre-application meeting with planning staff prior to submittal of a land use application.

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 \$400 for Special Use Permit & Land Use Application (separate attachment).
- ☐ A letter requesting the review of the proposed plan for the building project.
- ☐ Proof of property ownership.
- ☐ A site plan showing the footprint of all buildings, existing and proposed parking configurations, trash locations, driveways and circulation, alleys, sidewalks, fences, open space, the location of all utilities and easements, and the design of each structure proposed, and other details demonstrating conformance with regulations and development standards applicable to the proposed use, the site, and the zoning district in which the use will be located.
- ☐ A description of the uses on the adjacent properties (including the number of dwelling units if known) and on the surrounding block, to the extent this can be determined by observation and photographs of the streets (and where applicable, alleys) to document the existing site, surrounding uses and parking conditions.
- ☐ Rules and regulations to govern the proposed use if applicable;
- ☐ If applicable, conceptual building elevations with notes indicating types of construction, exterior finishes, location of entry doors, decks, etc. Such plans shall be drawn at a scale suitable for definitive review.

- [illegible]



2757 design+build co.

728 Euclid ave / Special Use Permit review

| 02.09.2022

Request for review:

2757 Design co is requesting review of the proposed residence for 728 Euclid ave. This review is required by the city of Carbondale as identified in the unified development code Section 2.5.3. The proposed residence located in the OTR district and includes an ADU in the lower level.

Proof of ownership:

See included deed of trust

Site Plan:

See included Sheet A-1.01

Existing site conditions and adjacent properties:

Property is located at 728 Euclid Ave Carbondale Colorado. This parcel is in the OTR district and surrounded by single family houses on all side. The front of the property faces Euclid Ave while there is alley access at rear of lot.



Rules and Regulation: *(responses to regulation in italics throughout)*

A. 3.2.3 Old town residential district standards

- The proposed residences remain consistent with the historic character of Old Town Carbondale. From the use (single family residential) to setbacks and massing the proposed project is placed on the site to match the existing built environment. The three defining masses visible on the front facade are design features to reduce scale and represent interior uses while clearing defining a front entry. Cars and utility functions are limited to the rear alley, this maintains a very pedestrian focused front yard experience.*

B. 4.4.4 – A accessory dwelling units

1. *This residence will include an attached Accessory Dwelling unit. The living area of the ADU is 520 square feet. The ADU is located on the lower level of the residences. One parking space is identified off the alley. Access is through a private entrance on the main level to an open staircase down to living area. Per code the bedroom has means of egress through a light well, this light well also aligns with façade fenestration above.*

C. 5.6.3 – C residential compatibility standards (garage location and design)

1. *The garage and all parking spots are accessed perpendicularly off the alley. The garage door is positioned off edge of building setback to reduce building mass and allow double loaded parking. The upper-level deck extends partway over the parking area for added protection from the elements and increased area above.*
2. *The primary entrance is clearly identified in the front façade. The covered front porch engages with the building mass, the front door is placed where all masses converge.*

D. 5.6.6 supplemental standards (OTR)

1. *Per survey completed 11.09.2021 the front property boundary is 64'-0". There will be three canopy trees planted along the street frontage that meet town standards (1 per 25'). The property owner will be responsible for the irrigation and maintenance of these trees.*
2. *See Site plan A-1.01. a 5-foot planting strip is identified around the residences. There is also a raised planting beds in the rear for seasonal gardening.*
3. *The existing ditch located between front of property line and edge of pavement (see A-1.01) will define where street trees are planted. These three trees in the front will be planted as close to the property as possible as to not interfere with existing ditch or utilities.*
4. *See attached A-3.02 for elev. 01 for clarity. The principal structure and roofline are pulled away from the alley and secondary structures steps down as they approach the alley setback. There are also articulated fenestrations as the attached garage and rooftop overhang approach alley setback.*
5. *The only vertical wall of the principal structure that occurs within 5 feet of the side yard setback is located on the west side of the proposed residences and is 11'-2" height from existing grade (max 20'-0").*
6. *The street facing facade of the residence is broken up with three primary masses and other features. There is an expressive bay window that responds to the interior use and view toward red mountain, there is also a covered front porch that engages with the overlapping masses.*

Conceptual building elevations:

See attached Sheet A-3.01 & A-3.02 for conceptual building elevations with notes

Proposed project will not generate the need for additional parking:



State Documentary Fee
Date: August 16, 2021
\$49.70

General Warranty Deed
(Pursuant to C.R.S. 38-30-113(1)(a))

Grantor(s), **PATRICK B. KIERNAN**, whose street address is **1012 MONASTERY ROAD, SNOWMASS, CO 81654**, City or Town of **SNOWMASS**, County of **Pitkin** and State of **Colorado**, for the consideration of **(\$497,000.00) ***Four Hundred Ninety Seven Thousand and 00/100***** dollars, in hand paid, hereby sell(s) and convey(s) to **DOUGLAS A. GREENHOLZ AND SARAH B. GREENHOLZ**, as Joint Tenants whose street address is **780 HARTFORD DR, Boulder, CO 80305**, City or Town of **Boulder**, County of **Boulder** and State of **Colorado**, the following real property in the County of **Garfield** and State of **Colorado**, to wit:

**THE WESTERLY 1.50 FEET OF LOT 3, ALL OF LOTS 4 AND 5 AND THE EASTERLY 12.50 FEET OF LOT 6
BLOCK 24
TOWN OF CARBONDALE**

ALSO KNOWN AS:

**PARCEL A
KIERNAN/FERGUSON LOT BOUNDARY ADJUSTMENT
ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 16, 2015 AS RECEPTION NO. 871476.**

**COUNTY OF GARFIELD
STATE OF COLORADO**

also known by street and number as: **728 EUCLID AVENUE, CARBONDALE, CO 81623**

with all its appurtenances and warrant(s) the title to the same, subject to Statutory Exceptions.

Signed this day of 8.13.21.

PATRICK B. KIERNAN

State of **Colorado**

)

County of

Garfield

)ss.

)

The foregoing instrument was acknowledged before me on this day of 8.13.21 by **PATRICK B. KIERNAN**

Witness my hand and official seal

My Commission expires:

9/8/2024

Notary Public

**JESSICA REED
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994021384**

My Commission Expires: September 08, 2024

When recorded return to: **DOUGLAS A. GREENHOLZ AND SARAH B. GREENHOLZ
780 HARTFORD DR, Boulder, CO 80305**





**Town of Carbondale
Minor Site Plan Review
Checklist**

(970) 963-2733

Project Name: 728 Euclid Ave

Applicant: Brian Golden, 2757 design co

Applicant Address: PO Box 1764, Carbondale CO 81623

Location: 728 Euclid Ave, Carbondale CO 81623 - Parcel A, Block 24

Date: 02.09.2022

Staff Member:

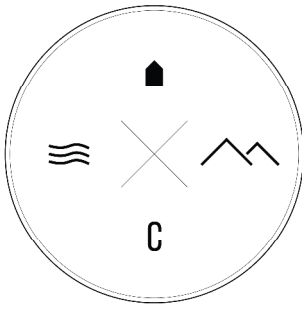
Section 2.3 of the UDC requires a pre-application meeting with planning staff prior to submittal of a land use application.

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)**
- ☐ The applicant shall submit to the Director all of the information required in the application packet, along with any information identified in the pre-application meeting and all required information stated elsewhere in this Code for a minor site plan review. At minimum, the application shall include the following:
 - a. A site plan on a dimensioned plat of the property clearly indicating the following information:
 - i. The site location, dimensions and topography. Topography shall be at two-foot contours for properties with less than ten percent slope and five foot contours for properties with greater than ten percent slope;
 - ii. The immediately adjoining properties and an indication of the land uses existing on adjoining properties;
 - iii. The location on the site of all existing and proposed buildings and structures;
 - v. The location of all parking areas (vehicle and bicycle), driveways, and sidewalks;
 - v. The location of all proposed landscaping and fencing or walls. Elevations of fences and walls shall be provided if proposed;
 - vi. The location of existing and/or proposed drainage facilities;

- vii. The location of streets, alleys, trails;
 - viii. The location of all solid waste containers;
 - ix. The location of all snow storage areas; and
 - x. The location and size of existing and proposed utilities, existing and proposed easements and an indication of any changes in these utilities which will be necessitated by the proposed project.
- b. A table of site data calculations indicating:
- i. Total number of dwelling units and number of each type of unit (studio, one bedroom, etc.);
 - ii. Floor area of each dwelling unit;
 - iii. Lot size and dimensions;
 - iv. Setbacks to be maintained;
 - v. Total area of all impervious surfaces, including area covered by primary buildings and accessory buildings, area covered by parking areas and garages, driveways, decks, sidewalks and other impervious surfaces;
 - vi. The amount of private outdoor open space and the amount of bulk storage space;
 - vii. Total landscaped area;
 - viii. Total number of parking spaces (vehicle and bicycle) provided;
- c. Conceptual building elevations with notes indicating type of construction, exterior finishes, location of entry doors, decks, and other external structures;
- d. Sample material boards with proposed façade treatments, roofing materials, and other relevant building treatments; and
- e. A final grading plan which shows both present and proposed drainage. The drainage plan should be submitted by a licensed engineer if appropriate.
- ☐ Additional information requested at the pre-application meeting:



2757 design+build co.

728 Euclid ave / Minor Site Plan review | 02.09.2022

Request for review:

2757 Design co is requesting review of the proposed residence for 728 Euclid ave. This review is required by the city of Carbondale as identified in the unified development code Section 2.5.3. The proposed residence located in the OTR district and includes an ADU in the lower level.

During the pre-application meeting that took place on 1.18.2022 the city requested a written response in this document to the following design guidelines.

(responses to regulation in italics throughout)

3.2.3 Old town residential

1. *The proposed residences remain consistent with the historic character of Old Town Carbondale. From the use (single family residential) to setbacks and massing the proposed project is placed on the site to match the existing built environment. The three defining masses visible on the front facade are design features to reduce scale and represent interior uses while clearing defining a front entry. Cars and utility functions are limited to the rear alley, this maintains a very pedestrian focused front yard experience.*

5.6.6 supplemental standards

2. *Per survey completed 11.09.2021 the front property boundary is 64'-0". There will be three canopy trees planted along the street frontage that meet town standards (1 per 25'). The property owner will be responsible for the irrigation and maintenance of these trees.*
3. *See Site plan A-1.01. a 5-foot planting strip is identified around the residences. There is also a raised planting beds in the rear for seasonal gardening.*
4. *The existing ditch located between front of property line and edge of pavement (see A-1.01) will define where street trees are planted. These three trees in the front will be planted as close to the property as possible as to not interfere with existing ditch or utilities.*
5. *See attached A-3.02 for elev. 01 for clarity. The principal structure and roofline are pulled away from the alley and secondary structures steps down as they approach the alley setback. There are also articulated fenestrations as the attached garage and upper-level patio approach alley setback.*
6. *The only vertical wall of the principal structure that occurs within 5 feet of the side yard setback is located on the west side of the proposed residences and is 11'-2" height from existing grade (max 20'-0").*

7. *The street facing facade of the residence is broken up with three primary masses and other features. There is an expressive bay window that responds to the interior use and view toward red mountain, there is also a covered front porch that engages with the overlapping masses.*

A. Site Plan:

See attached Sheet A-1.01 for site plan.

B. Table of data:

See attached Sheet A-1.01 for table of data

B. Conceptual building elevation:

See attached Sheet A-3.01 & A-3.02 for conceptual building elevations with notes

C. Sample material board:

See attached Sheet A-3.03 for material and facade treatments.

D. Final grading plan:

See attached Sheet A-1.01 for grading.



State Documentary Fee
Date: August 16, 2021
\$49.70

General Warranty Deed
(Pursuant to C.R.S. 38-30-113(1)(a))

Grantor(s), **PATRICK B. KIERNAN**, whose street address is **1012 MONASTERY ROAD, SNOWMASS, CO 81654**, City or Town of **SNOWMASS**, County of **Pitkin** and State of **Colorado**, for the consideration of **(\$497,000.00) ***Four Hundred Ninety Seven Thousand and 00/100***** dollars, in hand paid, hereby sell(s) and convey(s) to **DOUGLAS A. GREENHOLZ AND SARAH B. GREENHOLZ**, as Joint Tenants whose street address is **780 HARTFORD DR, Boulder, CO 80305**, City or Town of **Boulder**, County of **Boulder** and State of **Colorado**, the following real property in the County of **Garfield** and State of **Colorado**, to wit:

**THE WESTERLY 1.50 FEET OF LOT 3, ALL OF LOTS 4 AND 5 AND THE EASTERLY 12.50 FEET OF LOT 6
BLOCK 24
TOWN OF CARBONDALE**

ALSO KNOWN AS:

**PARCEL A
KIERNAN/FERGUSON LOT BOUNDARY ADJUSTMENT
ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 16, 2015 AS RECEPTION NO. 871476.**

**COUNTY OF GARFIELD
STATE OF COLORADO**

also known by street and number as: **728 EUCLID AVENUE, CARBONDALE, CO 81623**

with all its appurtenances and warrant(s) the title to the same, subject to Statutory Exceptions.

Signed this day of 8.13.21.

PATRICK B. KIERNAN

State of **Colorado**)
)ss.
County of **Garfield**)

The foregoing instrument was acknowledged before me on this day of 8.13.21 by **PATRICK B. KIERNAN**

Witness my hand and official seal

My Commission expires: 9/8/2024
Notary Public

**JESSICA REED
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994021384
My Commission Expires: September 08, 2024**

When recorded return to: **DOUGLAS A. GREENHOLZ AND SARAH B. GREENHOLZ
780 HARTFORD DR, Boulder, CO 80305**



site data calculations

i. project summary

- new single family residences with adu on lower level
- constructed on existing vacant lot
- (2) stories + basement
- residences = 3 bed 3 bath with attached 2 car garage
- adu = 1 bed 1 bath

ii. floor area

lower level:

- 1. living area = 175 sf
- 2. adu* = 527 sf
- 3. unfinished basement = 661 sf

main level

- 1. living area = 1,404 sf
- 2. adu* = *27 sf
- 3. garage = 572 sf

upper level

- 1. living area = 979 sf

total

- 1. living area (w/o adu & garage) = 2,558 sf
- 2. adu (max allowed 650 per 4.4.4 A.5.e.) = 554 sf
- 3. gross (w/o unfinished basement) = 3,830 sf

iii. lot size

64'x100' = 7040 sf

iv. setbacks

- 1. front = 15 feet
- 2. side = 5 feet
- 3. rear (adjacent to alley) = 5 feet
- building height = 25 feet

v. impervious lot coverage

- 1. lot area = 7,040 sf
- 2. percentage allowable (OTR district) = 40% of lot area
- (7,040 * .4) = **2,816 allowable sf**

impervious lot coverage (sf)

total impervious sf = **2,812 proposed sf**

vi. outdoor open space

- 1. ground level (front patio + back patio) = 244 sf
- 2. upper level (rooftop deck) = 614 sf
- = **858 total**

vii. landscape area (permeable area)

- 1. lot area = 7,040 sf
- 2. 10% of remaining lot area = 10% of 60% of lot area
- A. (7,040 * .6 * .1) = **422 allowable sf**

permeable lot coverage (sf)

total permeable sf = **421 proposed sf**

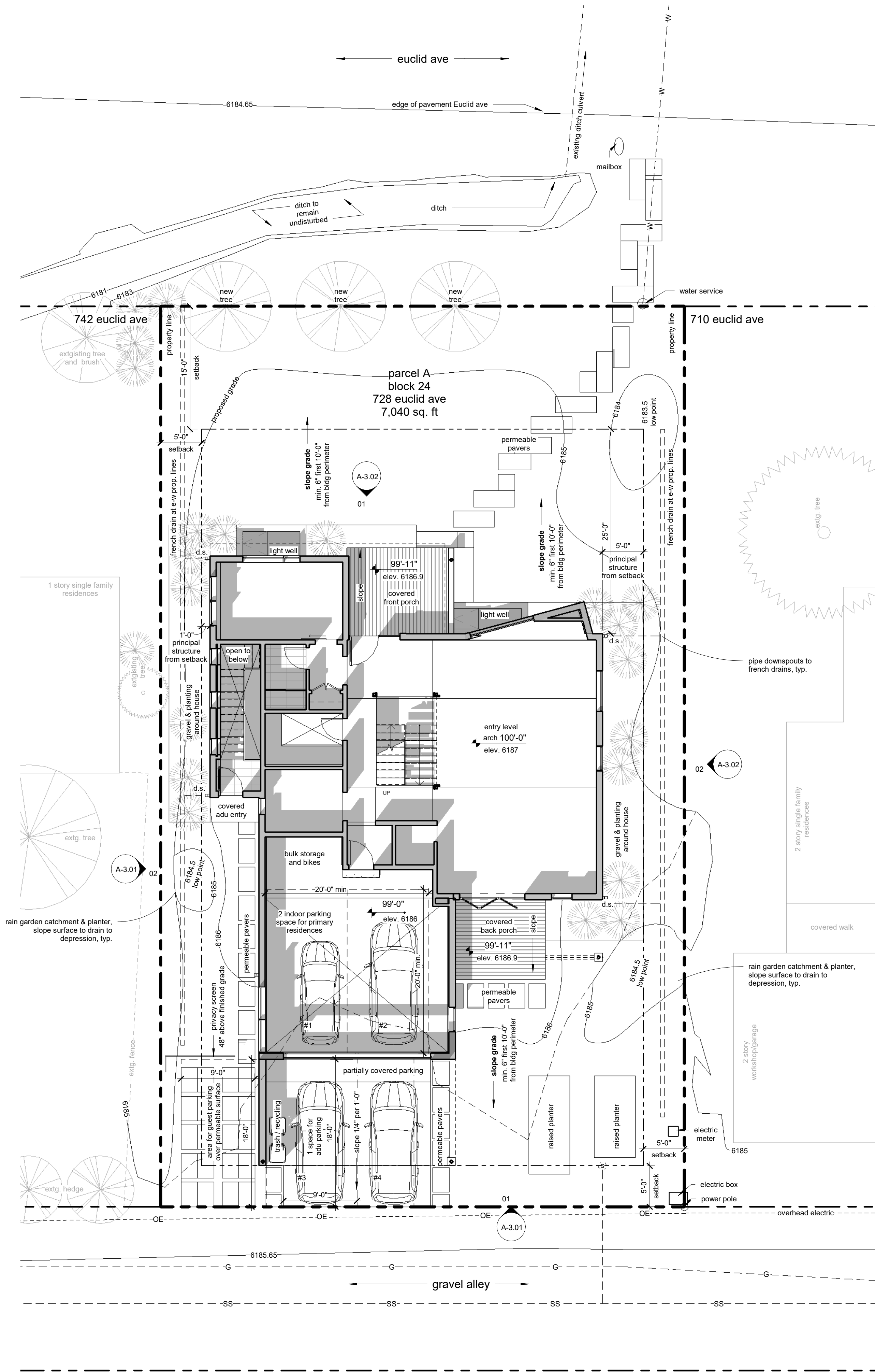
viii. parking spaces

- 1. residences = 3 spaces
- 2. adu = 1 space
- 3. guest = 1 space (over permeable surface)
- total off street parking = 5 spaces

*area does not include interior stair

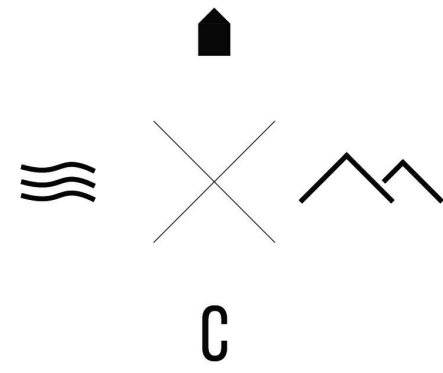
note:

conceptual drainage plan notes shown to be submitted by landscape architect at time of building permit submittal



01 main level site plan

1/8" = 1'-0"



2757 design co
970.989.2757
po box 1764 carbondale co

not for construction

project

728 euclid ave

issue date
site plan review 04.04.2022

revisions date

name

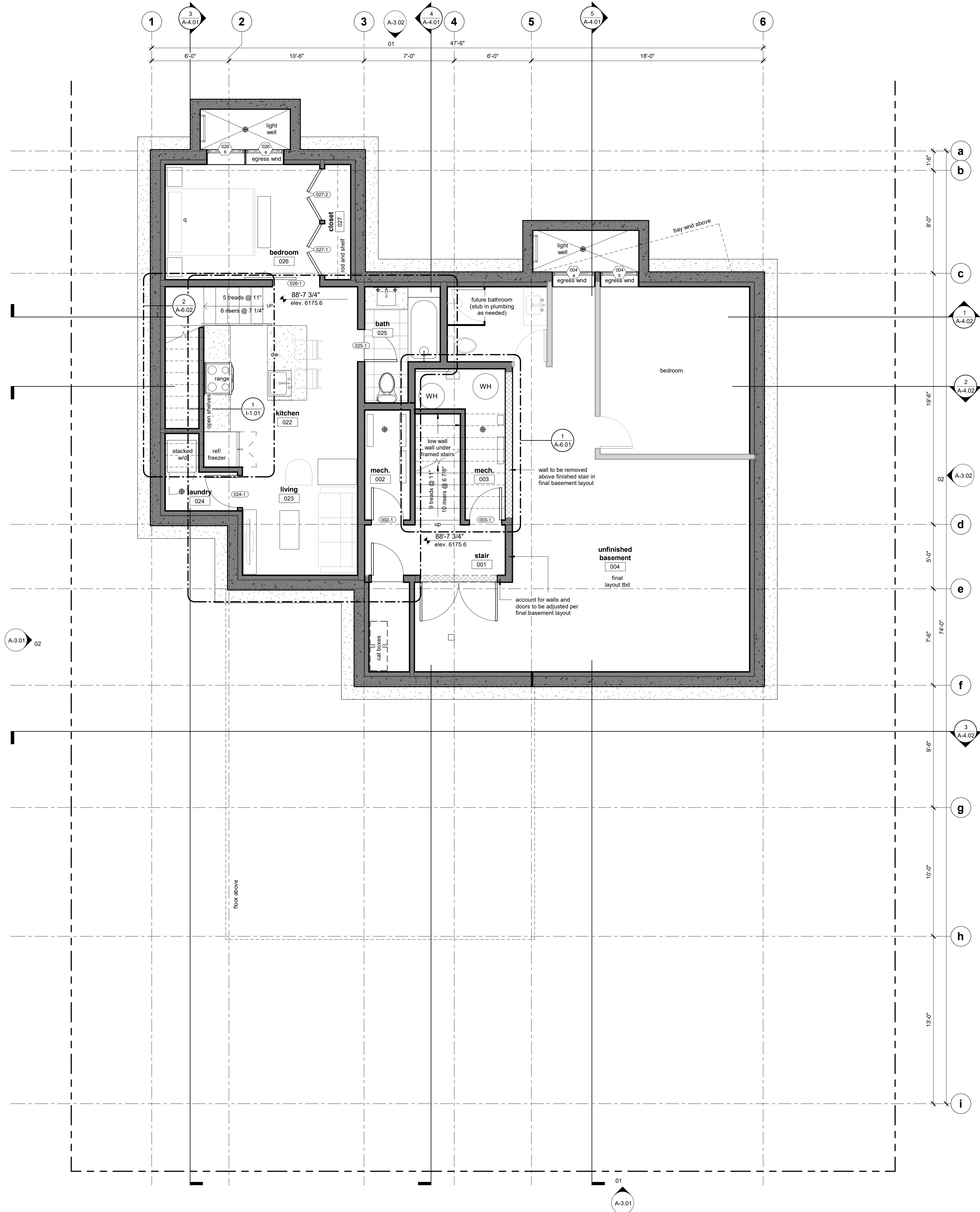
site plan

no.

A-1.01

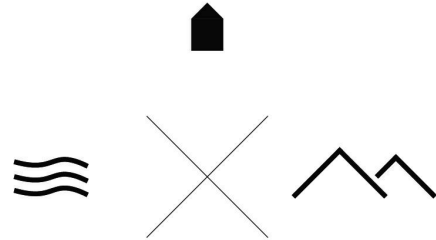
scale

As indicated



1 lower level plan

1/4" = 1'-0"



2757 design co

970.989.2757
po box 1764 carbondale co

not for construction

project

728 euclid ave

728 Euclid Ave, Carbondale CO, 81623

issue date
site plan review 04.04.2022

revisions date

name

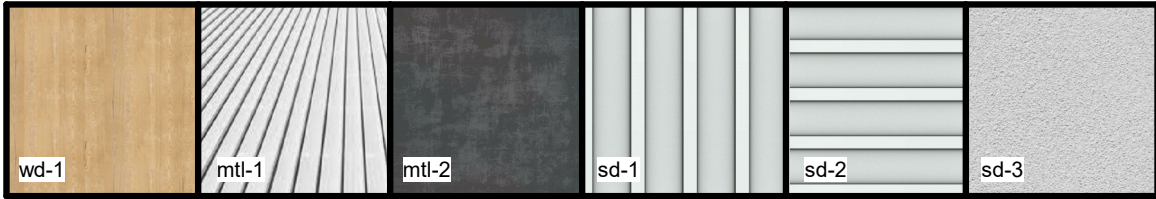
lower level plan

no.

A-2.01

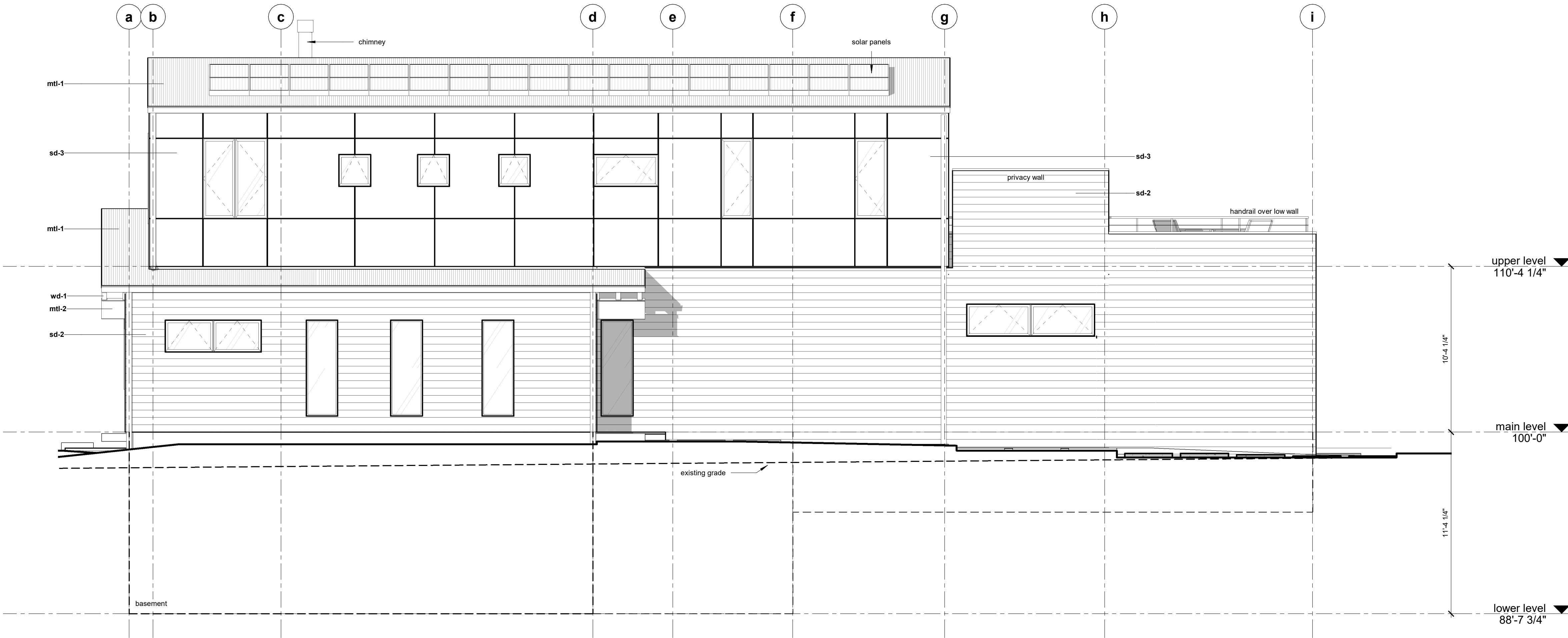
scale

1/4" = 1'-0"

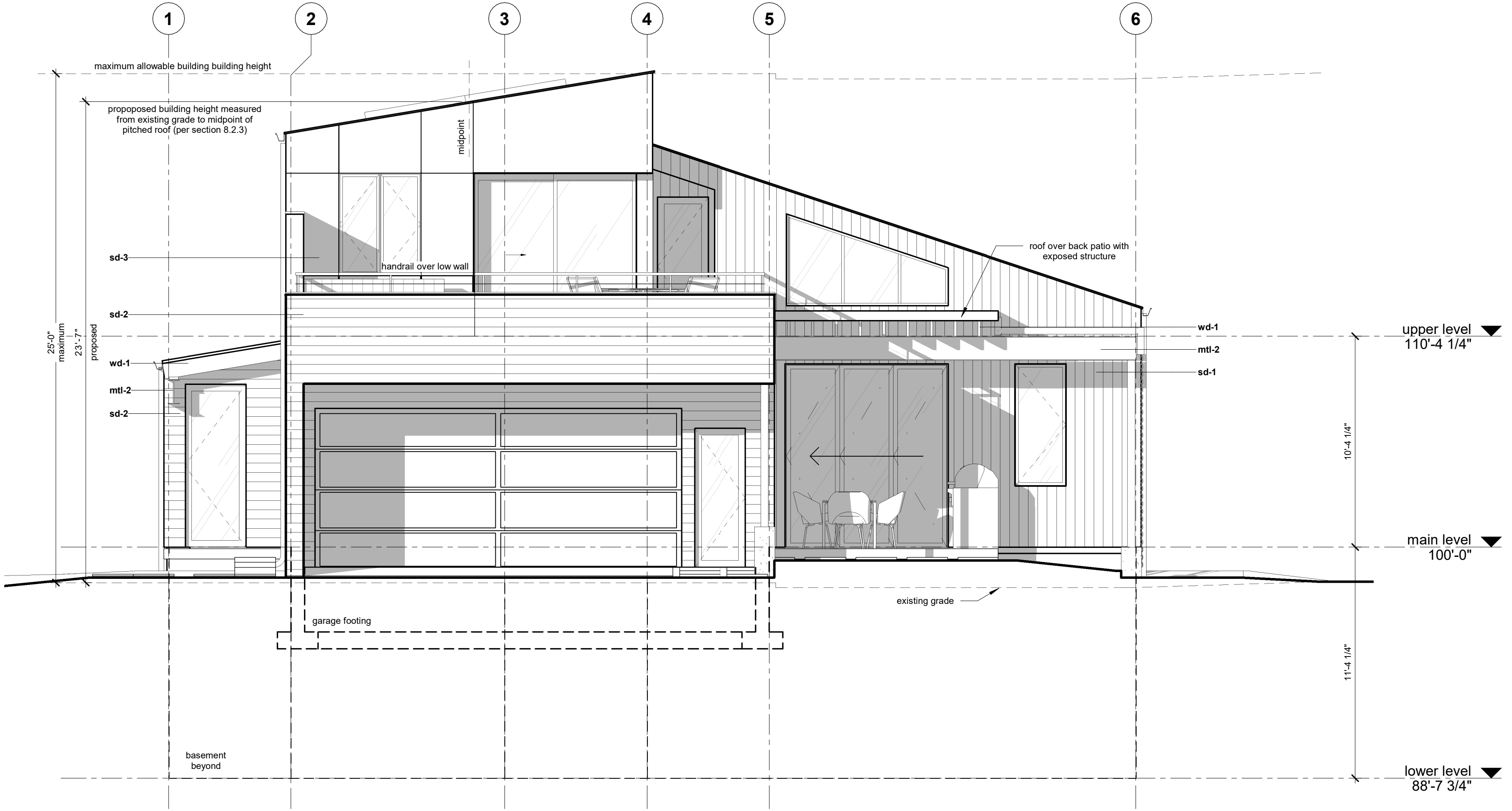


materials schedule

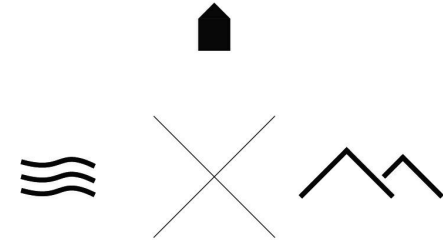
mark	description	specification	manufacturer	notes
mtl-1	standing seam metal roof	final spec tbd		lighter tone
mtl-2	metal framing & siding	final spec tbd		dark patina
sd-1	vertical siding	final material tbd		
sd-2	horizontal siding	final material tbd		
sd-3	fiber cement board siding	james hardie product or sim.		panelized
wd-1	wood faming & trim	species tbd		natural stain



02 west elevation
1/4" = 1'-0"



01 south elevation
1/4" = 1'-0"



2757 design co

970.989.2757
po box 1764 carbondale co

not for construction

project

728 euclid ave

728 Euclid Ave, Carbondale CO, 81623

issue date
site plan review 02.09.2022

revisions date

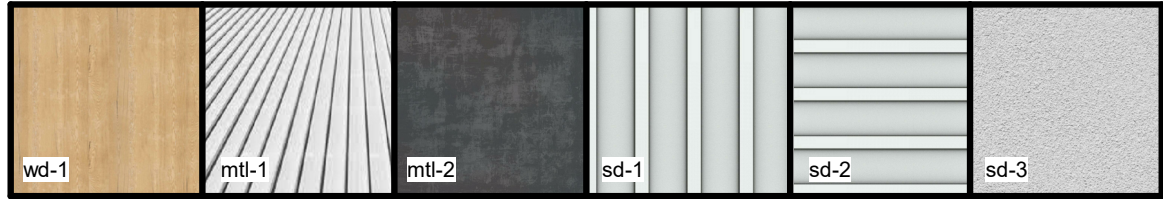
name

exterior elevations

no.

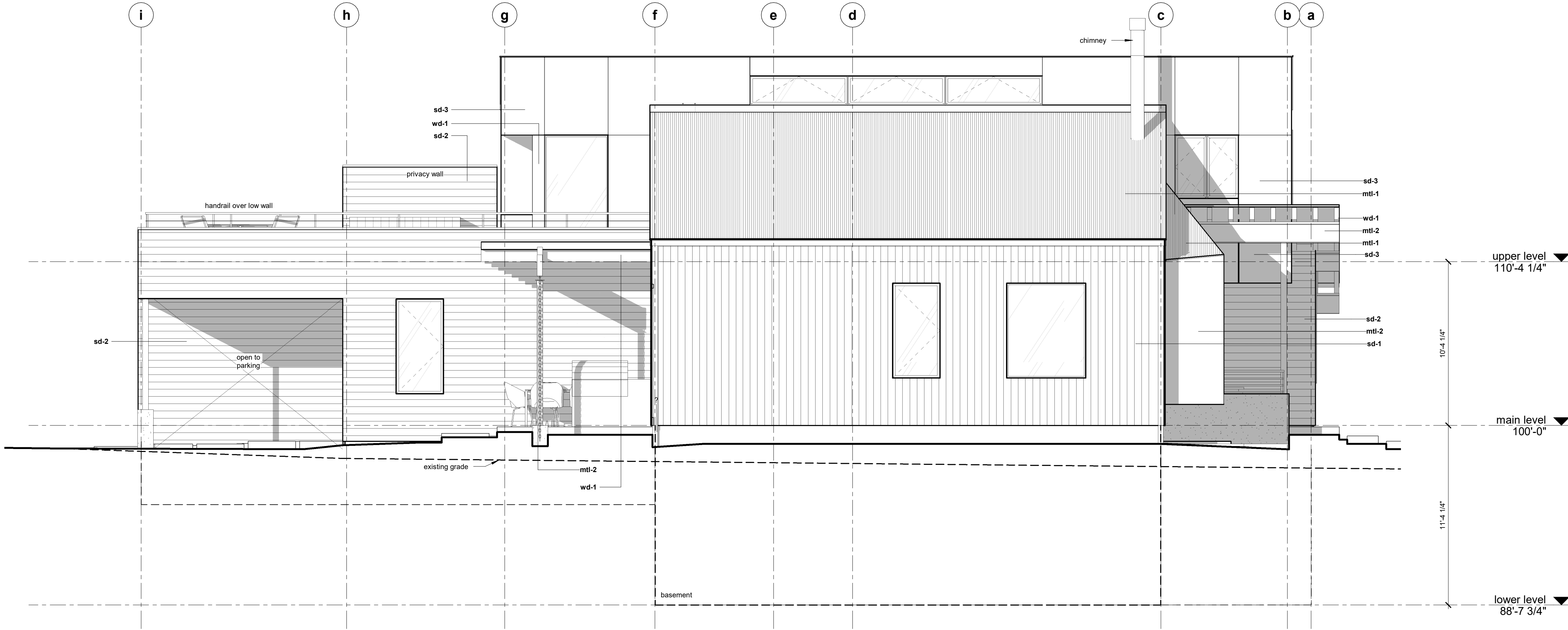
A-3.01

scale
1/4" = 1'-0"



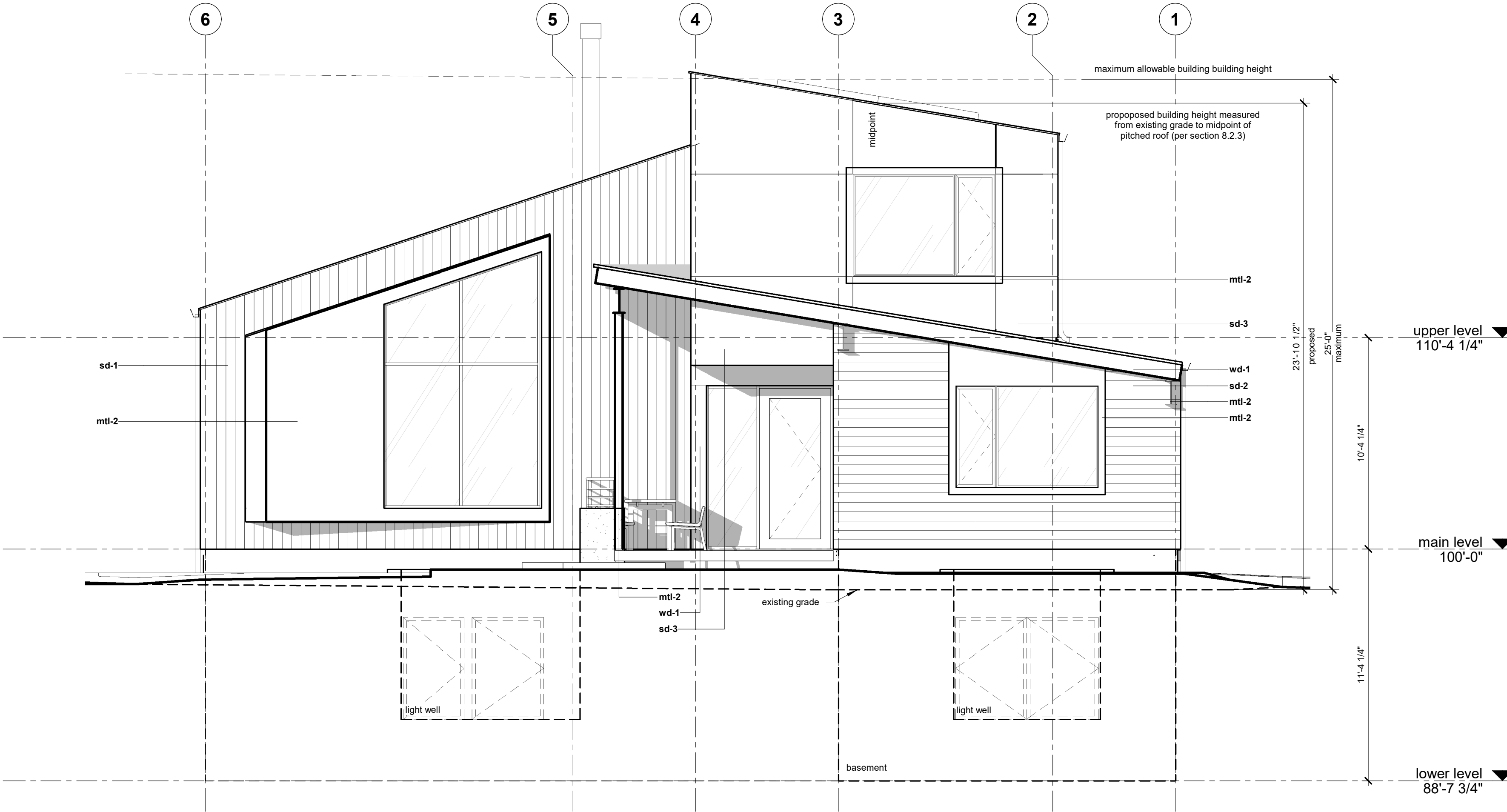
materials schedule

mark	description	specification	manufacturer	notes
mtl-1	standing seam metal roof	final spec tbd		lighter tone
mtl-2	metal framing & siding	final spec tbd		dark patina
sd-1	vertical siding	final material tbd		
sd-2	horizontal siding	final material tbd		
sd-3	fiber cement board siding	james hardie product or sim.		panelized
wd-1	wood fanning & trim	species tbd		natural stain



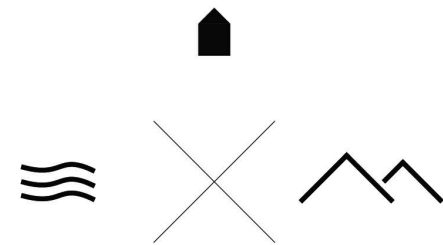
02 east elevation

1/4" = 1'-0"



01 north elevation

1/4" = 1'-0"



2757 design co

970.989.2757
po box 1764 carbondale co

not for construction

project

728 euclid ave

728 Euclid Ave, Carbondale CO, 81623

issue date
site plan review 02.09.2022

revisions date

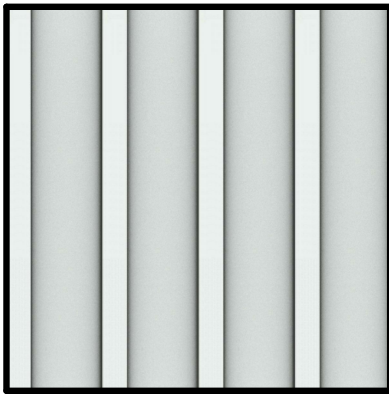
name

exterior elevations

no.

A-3.02

scale 1/4" = 1'-0"



sd-1
vertical siding (final material tbd)



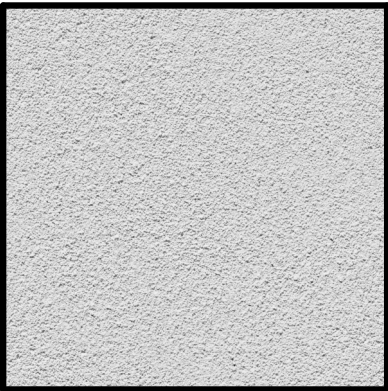
mtl-2
metal siding



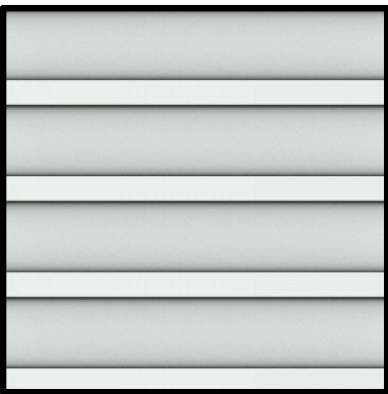
mtl-1
standing seam metal roof



wd-1
wood trim and exposed structure



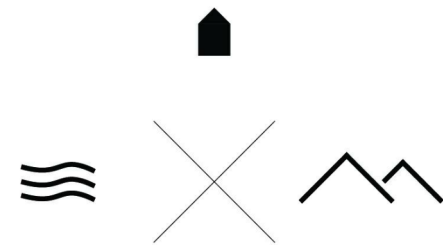
sd-3
fiber cement board siding



sd-2
horizontal siding (final material tbd)



Euclid ave approach rendering



2757 design co
970.989.2757
po box 1764 carbondale co

not for construction

project

728 euclid ave

728 Euclid Ave, Carbondale CO, 81623

issue date
site plan review 02.09.2022

revisions date

name

material board and
facade treatments

no. A-3.03
scale



TOWN OF CARBONDALE
511 COLORADO AVENUE
CARBONDALE, CO 81623

Planning Commission Agenda Memorandum

Meeting Date: 4-14-2022

TITLE: Zone Text Amendment – Section 17.08 Definitions

SUBMITTING DEPARTMENT: Planning Department

ATTACHMENTS: Exhibit A - UDC Redlines – 8.2.1. Residential Uses
Ordinance No. 2, Series of 2022 – Short-Term Rental Licensing

BACKGROUND

Section 2.4.2.B.2 of the Unified Development Code (UDC) allows the Planning Commission to initiate an amendment to the UDC. On February 24, 2022, the Planning Commission made a motion to initiate a zone text amendment to Section 17.08 of the UDC Definitions.

As a result, this is a public hearing for the purpose of considering an amendment to the UDC. The Commission is required to hold the hearing and recommend approval of the amendments or recommend denial. The Commission may also continue the public hearing.

DISCUSSION

Over the last four months, the Board of Trustees discussed methods on how to regulate Short Term Rentals (STRs) in the Town. The Board decided to start by licensing all STRs currently in operation as the first phase. On March 8, 2022, the Board approved Ordinance No. 2, Series of 2022 enacting temporary regulations for licensing. The ordinance is attached. The intent of the ordinance is to gather data for the Town on the number and locations of STRs and to provide initial guidance for short term rental owners. It is anticipated that more permanent regulations will be drafted in the near future.

During the Board discussions in January and February, it was determined that an amendment to the UDC would be necessary in order to avoid a conflict between STR licensing and the UDC. Specifically, Chapter 17.08 Definitions would need to be

amended to revise some definitions, including but not limited to, Residential Uses (Section 8.2.1.).

The proposal is to amend UDC Section 8.2.1.A Household Living to remove the requirement that tenancy for household living and residential dwellings be arranged on a month-to-month or longer basis to allow tenancy to be arranged for a period of less than 30 days. The redline of UDC Section 8.2.1.A is attached. This will allow a room and/or residential unit to be rented out as a STR for less than 30 days.

FISCAL IMPACTS

The approval of the amendment will eliminate the conflict between licensing STRs and the requirement that tenancy be arranged on a month-to-month or longer basis. The implementation of licensing will allow the Town to cross reference sales/lodging tax licenses with properties issued an STR license. This could potentially find short term rentals that have not applied for sales/lodging tax licenses in the past.

AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Section 2.4.1.C.3.b. states amendments to the UDC may be approved if the Town finds that all of the following approval criteria have been met:

1. The proposed amendment will promote the public health, safety, and general welfare;
2. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

RECOMMENDATION

Staff would recommend the following motion: **Move to approve the zone text amendment as shown in Exhibit A with the following findings:**

Recommended Findings

1. The proposed amendment will promote the public health, safety, and general welfare as licensing short-term rental units in Town will provide data regarding current inventory of short-term regulations and allow further analysis in order to develop a more comprehensive regulatory framework;
2. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code as it will protect the health,

safety, and general welfare of the residents of the Town by allowing the Town to develop a more comprehensive regulatory framework for STRs; and

3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions, specifically, STRs.

Prepared By: Janet Buck, Planning Director

8.2 DEFINITIONS OF GENERAL USE CATEGORIES

This section defines the general use categories listed in Table 4.2-1, *Table of Allowed Uses*. Definitions for specific use types are in alphabetical order in Section 8.3.

8.2.1 RESIDENTIAL USES

A. Household Living

Uses characterized by residential occupancy of a dwelling unit as a household. ~~Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the "lodging facilities" category).~~ Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles.

B. Group Living

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Public, Institutional, and Civic Uses

C. Community and Cultural Facilities

Uses including buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public.

D. Transit Uses

Uses related to the provision of public transit services.

E. Child Care Facilities

Establishments that provide care for children on a regular basis away from their primary residence. Accessory uses include offices, recreation areas, and parking. This category does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises.

F. Health Care Facilities

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building.

G. Parks and Open Space

Uses with a focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.

H. Educational Facilities

Public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

**ORDINANCE NO. 2
SERIES OF 2022**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO, ENACTING TEMPORARY
REGULATIONS RELATED TO THE LICENSING OF SHORT-TERM
RENTALS**

WHEREAS, in response to growth pressures and concerns related to the scarcity of affordable and workforce housing, the Town of Carbondale (“Town”) has determined that there is a need to protect the limited supply of workforce housing by regulating the conversion of long-term residential rental properties to short-term rentals and the purchase of homes for the purpose of short-term rentals; and

WHEREAS, short-term rentals contribute to the local economy and support tourist-oriented businesses; and

WHEREAS, short-term rentals also allow local homeowners to supplement their income and provide flexibility in renting second homes and portions of their primary residence; and

WHEREAS, the Board of Trustees of the Town has determined that uncontrolled and unregulated short-term rentals may also have a direct effect on quality and character of the community and individual neighborhoods and properties in Carbondale; and

WHEREAS, the Board of Trustees desires to assure a safe and quality experience for residents, businesses and visitors to Carbondale; and

WHEREAS, the Board of Trustees invited public input and held numerous and extensive public conversations and work session discussions to determine appropriate methods of regulating short-term rentals in Carbondale; and

WHEREAS, the Board of Trustees heard and considered the statements of Town Staff and any members of the public who wished to speak, and reviewed and considered all other information presented; and

WHEREAS, following extensive dialogue by the Board of Trustees, the Board has developed a comprehensive strategy to address this matter; and

WHEREAS, the Board of Trustees finds that:

1. Protection of the health, safety and the general welfare of the residents of Carbondale is a basic and valid responsibility of local government.
2. An initial phase of regulations related to the licensing of short-term rental units in the Town of Carbondale will provide data regarding current

inventory of short-term rental units and will allow further discussion and analysis by the Board of Trustees and Town Staff in order to develop a more comprehensive regulatory framework over the coming year.

3. The regulations set forth herein will not infringe on current operations of existing short-term rentals, but limit the creation of additional short-term rentals while the next phase of regulations is researched and discussed by the Board of Trustees.
4. These amendments to the Municipal Code do not discriminate against any individual or group of people and such restrictions allow for reasonable accommodations for all individuals as may be required by Federal and State law.
5. The enactment of this Ordinance is necessary to accomplish the goals set forth herein; and,

WHEREAS, the phased licensing process to be established pursuant to this Ordinance is intended to both gather data for town officials and to provide initial guidance for short-term rental owners and management, and more permanent regulations are anticipated to be issued prior to the expiration of any licenses issued hereunder. It is also presently anticipated that, upon enactment of such future regulations, all renewals and future licensees will likely be required to comply with those future requirements, and that any short-term rental that cannot fulfill such requirements will not be eligible for future licensing or renewal.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO, that the following amendments to the Town of Carbondale Municipal Code are hereby approved and adopted.

Section 1: All of the recitals set forth above are adopted as findings of fact.

Section 2: A new Article of the Carbondale Municipal Code, to be known as Chapter 6, Article 10, and entitled "Short-Term Rental Licenses," is hereby adopted and enacted, which shall read as follows:

ARTICLE 10 - Short-Term Rental Licenses.

Sec. 6-10-10 - Purpose and Intent

The purpose of this Article is to establish license requirements for short-term residential property rentals within the Town of Carbondale.

Sec. 6-10-20 - Definitions.

The following words and phrases, as used in this Article, shall have the following meanings:

Applicant means a natural person with an ownership interest in a property to be utilized as a Short-Term Rental, including a natural person matching the name of an owner or co-owner on the current vesting deed for the property, or a person with a demonstrated controlling ownership interest in any entity or trust that holds record title to the property.

Short-Term Rental means a privately-owned residential dwelling or portion thereof that is rented for the purposes of lodging for any period less than thirty (30) consecutive days.

Primary Residence means a privately-owned residential dwelling in which the owner resides for at least 183 days per year.

Local Contact Person means the owner, person designated by the owner, or the owner's authorized agent or representative who shall be available twenty-four (24) hours per day, seven (7) days per week for the purposes of (1) responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation or conduct or occupants of the Short-Term Rental, and (2) taking remedial action to resolve such violations and/or complaints.

Section 6-10-30 - License required.

- (a) It shall be unlawful for any person or entity to operate a Short-Term Rental without first applying for and procuring a license from the Town of Carbondale. New licenses shall be subject to ongoing compliance with all applicable Town regulations concerning the licensing and occupancy of Short-Term Rentals.
- (b) In order to operate on or after August 1, 2022, all current Carbondale Short-Term Rentals must be licensed no later than July 31, 2022. To qualify for a license, to establish eligibility to hold a license, an Applicant must: (1) provide proof of ownership of the property (and, if the property

is owned by an entity or trust, the Applicant's controlling ownership interest in the property); (2) provide either (a) proof that the Short-Term Rental was operational on or before March 8, 2022 or (b) proof that the Applicant's primary residence is located on the same property as the Short-Term Rental; and (3) provide proof that all applicable Carbondale sales and lodging tax was paid on the Short-Term Rental for which a license is sought for rentals prior to March 8, 2022.

- (c) Until planned subsequent regulations are approved, no additional Short-Term Rental licenses will be issued except for those properties which are either the Applicant's primary residence or are located within the Historic Commercial Core (HCC) zone district as defined in Chapter 17 of this Code (the Unified Development Code) and the Town's Zoning Map. Future applications for other Short-Term Rental licenses (i.e. those not licensed by July 31, 2022 and that are not the Applicant's primary residence) will not be accepted by the Town for processing until subsequent regulations are adopted by the Town and all licensed properties will be required to comply with such subsequent regulations. All Applicants for licenses after August 1, 2022 shall: (1) provide proof of ownership of the property (and, if the property is owned by an entity or trust, the Applicant's controlling ownership interest in the property); and (2) proof that the property is either: (a) the Applicant's primary residence; or (b) is located within the HCC zone district at the time of the application.

Section 6-10-40 - Conditions of Short-Term Rental licenses.

- (a) *Occupancy.* All Short-Term Rentals shall have a maximum occupancy equal to two persons per bedroom plus an additional two persons per property. Children under the age of five shall not count toward this occupancy limitation. The number of bedrooms that may be occupied within

each Short-Term Rental shall at all times be limited to the number bedrooms for which fees have been paid pursuant to this Article.

- (b) *Private Covenants.* The Town is not a party to and does not enforce most private covenants and agreements. Applicants should therefore review all covenants and agreements that apply to the property they wish to license as a Short-Term Rental because such documents may restrict or prohibit Short-Term Rentals. The Town's issuance of a Short-Term Rental license shall have no legal effect upon any such restrictive covenants or agreements applicable to a property.
- (c) *Community Housing Units not Eligible for Licenses.* No housing which is part of the Town's Community Housing Program shall be eligible for a Short-Term Rental license.
- (d) *Ongoing Licensee Obligations.* Each Short-Term Rental licensee shall have an ongoing obligation to ensure that all of the information provided to the Town in connection with a license application is kept up to date at all times.
- (e) *License Numbers.* Each license issued by the Town shall have a local license number for each Short-Term Rental. All advertisements for Short-Term Rentals shall expressly specify the license number for the property listed.
- (f) *No Transfer or Assignment.* Each license issued pursuant to this Article shall be personal to the licensee, and no license issued under this Article shall be transferable or valid as to any person or entity other than the named licensee. If Short-Term Rentals will continue after the date of a change of ownership of a licensed property, a new license will be required by the Town.
- (g) *Local Management Required.* Short-Term Rentals must at all times have a designated Local Contact Person whose contact information is on file with the Town, which person shall be responsible for

ensuring compliance with provisions of this Code associated with such Short-Term Rental, including but not limited to compliance with all applicable sales and lodging tax requirements, maintenance of parking areas, removal of snow and ice, garbage disposal, and other property maintenance requirements. The Local Contact Person must be available twenty-four (24) hours per day, seven (7) days per week and able to respond within sixty (60) minutes to any Municipal Code violations and/or complaints regarding the condition, operation, occupancy or conduct of the occupants of the Short-Term Rental, and to take remedial action to resolve such violations and/or complaints.

- (h) *Compliance.* Except as otherwise set forth in this Article, all provisions of the Municipal Code, including but not limited to all provisions related to health, sanitation, garbage and refuse, animals, motor vehicles, noise abatement, and other nuisances, shall remain fully applicable to all properties licensed for Short-Term Rentals, and compliance with all such provisions shall be deemed a condition of all Short-Term Rental licenses.

Section 6-10-50 - Application procedure.

- (a) All license applications shall be filed with the Town Clerk on forms supplied by the Town Clerk.
- (b) The Town Clerk may issue a new Short-Term Rental license upon all of the following conditions:
 - (1) The Applicant has submitted a complete application form and provided all required information regarding the Short-Term Rental unit, including, but not limited to, where applicable, proof of the Applicant's ownership interest in the property, proof of past payment of all applicable sales and lodging tax to the Town, proof that the property to be rented is the Applicant's personal residence or is located within the HCC zone district, proof of the total number

of bedrooms being rented, and information concerning the required Local Contact Person.

- (2) The Applicant has paid a license fee of \$75.00 per bedroom, up to a maximum of \$300.00 per license, for a Short-Term Rental on a property that is owner-occupied, and \$150 per bedroom, up to a maximum of \$600.00 per license, for a Short Term Rental on a property that is not owner-occupied, and has also paid all other applicable taxes and fees owed to the Town, including any outstanding taxes or fees related to any of the Applicant's or property owner's other properties and purposes within the Town.
 - (3) A Short-Term Rental Inspection Worksheet has been completed and complied with by the Applicant
 - (4) All other applicable requirements of this Article have been met.
- (d) The Town Clerk may deny an application if:
- (1) The information in the application is incomplete, inaccurate or false.
 - (2) The Applicant seeks authorization for a license at a prohibited location.
 - (3) The Applicant seeks authorization for a license and the Applicant's current license is suspended or revoked.
 - (4) The Applicant is not qualified to hold a license under the provisions of this Article.
- (c) All licenses issued under this Article shall expire on December 31, 2023 unless the Town promulgates new regulations prior to such time that provide for renewal or extension of existing licenses.

Section 6-10-60 - Revocation and Suspension.

Any license issued pursuant to this Ordinance may be suspended or revoked by written decision of the Town Manager after (10) calendar days' prior written notice to a licensee of the contemplated action and, in general, the grounds therefore, and after a reasonable opportunity for the licensee to be heard by presentation of responsive information to the Town Manager, for any one or more of the following reasons:

- (a) Failure to pay applicable Town lodging tax pursuant or any other requited Town tax or fee for the Short-Term Rental.
- (b) Any false statement of material fact contained in the Application.
- (c) Failure to file any report or furnish any other information that may be required by the provisions of this Article.
- (d) Any other fact or condition that, had it been known to exist at the time of the license application, would have warranted the refusal of the issuance of such license.
- (e) Any violation of any provisions of this Article or of any other law or regulation pertaining to the requirements of the application, or at the property, or of any of the terms pertaining to the license.

In the event of any suspension or revocation, the Town shall have no liability for any Short-Term Rental reservations or revenues that may be affected by any such suspension or revocation, and all licenses hereunder shall be at the risk of the licensee with regard to any such lost reservations or revenues. The only remedy for anyone affected by the denial of any application or any suspension or revocation shall be the right of the Applicant or licensee, as applicable, to appeal such decision and seek reversal of the same pursuant to the following Section 6-10-70.

Section 6-10-70 - Appeals.

Any Applicant directly affected by the denial of any license application, or any licensee directly impacted by suspension or revocation of any license pursuant to this Article, shall have the right to appeal to the Board of Trustees and may, thereafter, seek judicial review. The Town Attorney shall act on behalf of and advise the Board of Trustees. The Board of Trustees shall not review de novo and shall only reverse or modify a determination of the Town Clerk or the Town Manager if it determines that there was insufficient evidence to support the decision or that the decision was otherwise not in compliance with this Article.

Sec. 6-10-80 - Penalties.

In addition to any other remedies available to the Town at law or in equity, after August 1, 2022 the operation of a Short-Term Rental within the Town without a license shall subject the record owner to a fine in the amount of One Thousand and no/xx (\$1,000.00) dollars plus an additional \$100.00 per day until a complete license application is submitted to the Town with all required license fees or the Short-Term Rental operation is terminated, to be collected in the manner provided for penalty assessments as provided in this Code.

Section 3: If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, and the Board of Trustees hereby declares that it would have passed this ordinance and each such part thereof regardless of the fact that any one or more provisions were declared invalid.

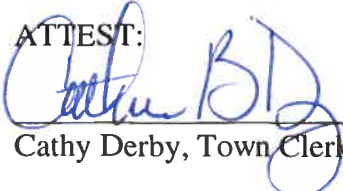
Section 4: This Ordinance shall become effective after posting and publication in accordance with the Home Rule Charter of the Town of Carbondale.

INTRODUCED, READ AND PASSED this 8th day of March, 2022.

THE TOWN OF CARBONDALE


Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk



18358229_v3