

# Unified Development Code

Carbondale, Colorado

Effective May 9, 2016

Amended November 2020



carbondale





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# Chapter 17.01: General Provisions

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## 1.1 TITLE

This document is Title 17 of the Carbondale Municipal Code. It shall be officially known as the Unified Development Code of the Town of Carbondale, Colorado, and is referred to throughout this document as “this Unified Development Code,” “this UDC,” or “this Code.”

## 1.2 EFFECTIVE DATE

This Code shall be effective on May 9, 2016.

## 1.3 PURPOSE

1.3.1. This Unified Development Code is enacted to protect the public health, safety, and general welfare and to implement the policies of the Town of Carbondale Comprehensive Plan and adopted area plans, as may be amended from time to time.

1.3.2. This Code is specifically intended to:

- A. Lessen congestion in the streets;
- B. Secure safety from fire, floodwaters, and other dangers;
- C. Provide adequate light and air;
- D. Avoid undue concentration of population;
- E. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and
- F. Promote energy conservation, the use of solar energy and environmentally sensitive development.

1.3.3. This Code is drawn with reasonable and able consideration, among other things, as to the character of each zoning district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and property and encouraging the most appropriate uses of land throughout the Town.

## 1.4 AUTHORITY

This Code is adopted pursuant to the authority in the Carbondale Home Rule Charter and Colorado Revised Statutes 29-20-101 et seq. (Colorado Land Use Control Enabling Act) and 31-23-301 et seq., as amended.

## 1.5 JURISDICTION AND APPLICABILITY

### 1.5.1 JURISDICTION

This Code shall apply to all land, buildings, structures, and uses thereof located within the corporate boundaries of the Town of Carbondale, Colorado, unless an exemption is provided by or pursuant to the terms of this Code.

**1.5.2. GENERAL APPLICABILITY**

- A. No building or structure shall be erected and no existing building or structure shall be moved, altered, or extended, nor shall any land, building, or structure be used, designated to be used, or intended to be used for any purpose or in any manner other than as provided for in the regulations for the zoning district in which such land, building, or structure is located and with other applicable regulations of the Town.
- B. No lot of record that did not exist on the effective date of this Code shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this Code, except as expressly exempted from the provisions of this Code.

**1.5.3. ANNEXED TERRITORY**

When any territory is brought into the jurisdiction of the Town of Carbondale, by annexation or otherwise, the Board of Trustees shall designate the zoning district(s) applicable to such territory at the time of annexation. This provision shall not preclude subsequent rezoning of such property by amendment in the manner set forth in Section 2.4.2, General Rezonings.

**1.5.4. APPLICATION TO PUBLIC AGENCIES**

To the extent allowed by law, this Code shall apply to all land, buildings, structures, and uses owned and/or controlled by any municipal, quasi-municipal, county, state, or federal government agencies in the Town of Carbondale. Where the provisions of this Code do not legally control such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this Code.

**1.6 RELATIONSHIP TO COMPREHENSIVE PLAN AND OTHER ADOPTED PLANS**

The Board of Trustees intends for this Code to implement the planning policies in the Comprehensive Plan and other land use plans and planning documents. While the Board of Trustees reaffirms its commitment that this Code be in conformity with the Comprehensive Plan and adopted planning policies, the Board hereby expresses its intent that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

**1.7 INTERPRETATION AND CONFLICTING PROVISIONS****1.7.1. INTERPRETATION**

The Planning Director (from here forward "Director") is responsible for the interpretation of all provisions of this Code.

**1.7.2. MINIMUM REQUIREMENTS**

This Code establishes minimum requirements for public health, safety, and welfare. Where regulations of this Code differ for a specific condition, the more restrictive, as determined by the Director, shall apply.

**1.7.3. HARMONIOUS CONSTRUCTION**

The Town intends that all provisions of this Code be construed harmoniously. When two or more provisions of this Code may appear to conflict, the Director shall construe such

provisions in such a manner, if possible, as to give effect to both by harmonizing them with each other. In cases of conflict, the more specific provision shall govern.

#### 1.7.4. STANDARDS AND GUIDELINES

Some sections of the UDC contain both standards and guidelines.

##### 1. Standards

Standards are rules, principles, or measures with which compliance is mandatory unless expressly modified through the procedures in Sections 2.7.1, *Variations*, or Section 5.1.3, *Alternative Compliance*, of this Code. A development application may be denied for failure to meet the standards established by this Code. All requirements in this chapter are standards unless explicitly labeled as guidelines.

##### 2. Guidelines

Guidelines are policy preferences for which no specific measures exist. Guidelines further the Town's land-use goals and policies. A development may not be denied solely for failure to comply with a guideline if the underlying policy preferences are addressed. Incorporation of these into the design of new developments is strongly encouraged but is not required.

#### 1.7.5. CONFLICT WITH OTHER PUBLIC LAWS, ORDINANCES, REGULATIONS, OR PERMITS

This Code complements other Town, state, and federal regulations that affect land use. This Code is not intended to revoke or repeal any other public law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Code are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as determined by the Director, shall govern.

#### 1.7.6. CONFLICT WITH AGREEMENTS BETWEEN PRIVATE PROPERTIES

This Code is not intended to revoke or repeal any easement, covenant, or other agreements between private parties. However, where the regulations of this Code are more restrictive or impose higher standards or requirements than such easement, covenant, or other agreements between private properties, then the requirements of this Code shall govern in accordance with applicable Colorado law. Nothing in this Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Code. In no case shall the Town be obligated to enforce the provisions of any easements, covenants, or agreements between private parties, unless the Town is a party to such agreements and only if the Town decides, in its discretion, to pursue enforcement action.

## 1.8 ENFORCEMENT

### 1.8.1. ENFORCEMENT GENERALLY

#### A. Purpose

This Section establishes procedures through which the Town seeks to ensure compliance with the provisions of this Code and obtain corrections for violations. The

Section also sets forth the remedies and penalties that apply to violations of this Code.

**B. Compliance Required**

No person shall develop or use any land, building, or structure within the Town in violation of this Code, regulations authorized under this Code, or the terms and conditions of permits or other approvals or entitlements issued under this Code.

**C. Permits and Approvals**

No permit or approval may be issued under this Code unless all structures and uses of land to be authorized by the permit or approval conform to this Code, and the terms and conditions of other applicable permits and approvals issued under this Code. Except as otherwise required by Colorado law, a permit or approval issued in violation of this Code is void.

**D. Continuation of Prior Enforcement Actions**

Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the Town pursuant to previous regulations.

**E. Continuing Violations**

Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this Code.

**F. Responsibilities for Enforcement**

The provisions of this Code shall be administered and enforced by the Director or such other person as may be designated by the Director.

**G. Remedies Cumulative**

The remedies provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

**H. Persons Liable**

Any person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Code may be held responsible for the violation and suffer the penalties and be subject to the remedies provided in this Code.

## 1.8.2. VIOLATIONS

Each of the following activities constitutes a violation of this Code:

**A. Activity Inconsistent with This Code**

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with this Code or any regulation adopted pursuant to this Code.

**B. Activity Inconsistent with Permit or Approval**

Any development, use, or other activity that is in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity and that was issued under or required by this Code.

**C. Illustrative Examples**

Examples of activities inconsistent with this Code or with any permit or approval issued under this Code include, but are not limited to, the following:

1. Increasing the density or intensity of any use of any land or structure except in accordance with the requirements of this Code;
2. Reduction or diminishment of lot area, setbacks, vegetative buffers, open space, or other standards below the minimum requirements set forth in this Code;
3. Creation, expansion, replacement, or change of a nonconformity inconsistent with this Code and all other applicable regulations;
4. Failure to remove any sign installed, created, erected, or maintained in violation of this Code;
5. Failure of a private association to construct, improve, or maintain any public or private improvements required by the terms of any permit or approval;
6. Failure to abide by the condition(s) of any application approval or agreements executed in connection with a grant of approval; and
7. Failure to comply with applicable provisions or requirements of a certificate of occupancy or building permit.

**1.8.3. REMEDIES AND PENALTIES**

The Director shall have the following remedies and powers to enforce this Code:

**A. Deny or Withhold Entitlements**

The Director may deny or withhold all entitlements, including building permits, certificates of occupancy, business licenses, or other forms of authorization to use or develop any land, structure, or improvements, until an alleged violation, associated civil penalty, and/or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.

**B. Revoke Entitlements**

1. Any entitlement or other form of authorization required under this Code may be revoked, after notice and a hearing before the Board of Trustees, when the Director determines that:
  - a. There is a departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;
  - b. The entitlement was procured by false representation;
  - c. The entitlement was issued in error; or
  - d. There is a violation of any provision of this Code.
2. Written notice of revocation shall be served upon the property owner, agent, applicant, or other person to whom the entitlement was issued, or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.

3. Issuance of a permit under this Code does not authorize violation of any other code or ordinance of the Town.

#### **C. Stop-Work Orders**

1. Whenever any building, structure, site, or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or local building law, or in a manner that endangers life or property, the Director has the authority to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.
2. With or without revoking permits, the Director may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Code or a provision of an entitlement or other form of authorization issued under this Code.
3. The stop-work order shall be in writing and directed both to the permit holder and the person doing the work, and shall specify the provisions of this Code or other law allegedly in violation. After any such order has been served, no work shall proceed on any building, structure, or tract of land covered by such order, except to correct such violation or comply with the order.
4. Once conditions for resumption of the work have been met, the Director shall rescind the stop-work order.

#### **D. Criminal and Civil Penalties**

1. Any person, firm, or corporation violating any provision of this Code, or any amendments to it, shall be guilty of a misdemeanor punishable by a fine not exceeding \$500, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment, for each violation.
2. Violation of any provision of this Code, or any amendments to it, shall also subject the offender to a civil monetary penalty in an amount to be established by the Board of Trustees. If the offender fails to pay this penalty within 15 days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of a debt. A civil penalty may not be appealed if the offender was sent a final notice of violation in accordance with this Section and did not take an appeal to the Town within 20 days of the date of such final notice.

#### **E. Injunctive Relief**

The Director may seek injunctive relief or other appropriate relief in District Court or other court of competent jurisdiction against any person who fails to comply with any provision of this Code or any requirement or condition imposed pursuant to this Code. In any court proceedings in which the Town seeks a preliminary injunction, it shall be presumed that a violation of this Code is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject violation.

#### **F. Abatement**

The Town may abate the violation pursuant to this subsection.

1. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by certified mail with return receipt required to the owner of record of the property.

2. Unless this notice is appealed to the Board of Trustees within 10 days of the delivery of the final warning, the Director shall proceed to abate the violation.
3. The Director shall keep an account of the cost, including incidental expenses, incurred by the Town in the abatement of any violation. The Director shall forward a bill for collection to the violator and owner of record of the property specifying the nature and costs of the work performed. For purposes of this section, the term "incidental expenses" shall include, but not be limited to, the actual expenses and costs to the Town in the preparation of the notices, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.
4. The responsibility for payment of the charges for abatement as set forth in this section shall rest solely upon the owner, tenant, or violators of the property upon which the abatement occurred. Such charges shall become a lien upon the real property upon which the violation was located. When charges for abatement remain unpaid after 30 days from billing, the Director shall record a claim of lien at the County Clerk and Recorder's office. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state or municipal property taxes, with which it shall be upon a parity. The lien shall continue until the charges and all interest due and payable thereon are paid.

## 1.9 TRANSITION TO THE UDC FROM PRIOR REGULATIONS

### 1.9.1. PURPOSE

This section is intended to clarify the status of properties with pending applications, recent approvals, or outstanding violations, as those terms are used below, at the time of the adoption of this Code.

### 1.9.2. VIOLATIONS CONTINUE

Any violation of the previous Carbondale Subdivision or Zoning ordinances (Titles 17 and 18 of the Municipal Code, respectively) shall continue to be a violation under this Code and shall be subject to the penalties and enforcement set forth in Section 1.8, *Enforcement*, unless the use, development, construction, or other activity complies with this Code. Payment is required for any penalty assessed under the previous ordinance, even if the original violation is no longer considered a violation under this Code.

### 1.9.3. USES, STRUCTURES, AND LOTS RENDERED CONFORMING

A use, structure, or lot not lawfully existing at the time of the adoption of this Code may be deemed lawful and conforming as of the effective date of this Code if it conforms to all of the requirements of this Code.

### 1.9.4. USES, STRUCTURES, AND LOTS RENDERED NONCONFORMING

- A. When a building, structure, or lot is used for a purpose that was a lawful use before the effective date of this Code, and this Code no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by Chapter 17.07: *Nonconformities*.

- B. Where any building, structure, or lot that legally existed on the effective date of this Code does not meet all standards set forth in this Code, such building, structure, or lot shall be considered nonconforming and shall be controlled by Chapter 17.07: *Nonconformities*.

## 1.9.5. APPLICATIONS COMMENCED OR APPROVED UNDER PREVIOUS ORDINANCES

### A. Pending Applications

1. Any complete application that has been submitted for review, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Code, shall be reviewed in accordance with the applicable provisions of the Town Subdivision and/or Zoning ordinances (Titles 17 and 18 of the Municipal Code, respectively) in effect on the date the application was deemed complete. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Code. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
2. An applicant with a complete application that has been submitted for approval, but upon which no final action has been taken prior to the effective date of this Code, may request review under this Code by a written letter to the Director.

### B. Approved Projects

Permits, site plans, building permits, and variances that are valid on the effective date of this Code shall remain valid until their expiration date. Projects with valid approvals or permits shall be completed pursuant to the development standards in effect at the time of approval. If the approval or permit expires, future development shall comply with the requirements of this Code.

## 1.10 SEVERABILITY

- 1.10.1. If any court of competent jurisdiction invalidates any provision of this Code, then such judgment shall not affect the validity and continued enforcement of any other provision of this Code.
- 1.10.2. If any court of competent jurisdiction invalidates the application of any provision of this Code, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.
- 1.10.3. If any court of competent jurisdiction invalidates any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

## Chapter 17.02: Administration

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### 2.1 PURPOSE AND ORGANIZATION OF CHAPTER

#### 2.1.1. PURPOSE

This chapter describes the procedures for review of applications for land use and development activity in the Town of Carbondale. This chapter is intended to ensure consistency and efficiency in the administration of the Town's land use regulations.

#### 2.1.2. SUMMARY OF CHAPTER ORGANIZATION

- A. Section 2.2, *Summary Table of Procedures*, includes a summary table listing the zoning and subdivision approval procedures in this Code.
- B. Section 2.3, *Common Review Procedures*, describes standard procedures that are applicable to most types of procedures.
- C. Section 2.4, *Procedures and Approval Criteria: Amendments*, describes additional procedures unique to each type of ordinance amendment applications including amendments to the zoning map or this Code, approval of Planned Unit Developments (PUDs), and zoning of annexed territory. This section should be read and administered in conjunction with Section 2.3.
- D. Section 2.5, *Procedures and Approval Criteria: Development Permits*, describes additional procedures unique to each type of development permit or approval procedure application such as conditional use permits, special use permits, or site plan approval. This section should be read and administered in conjunction with Section 2.3.
- E. Section 2.6, *Procedures and Approval Criteria: Subdivisions*, describes additional procedures unique to each type of subdivision approval procedure application such as final plats, subdivision exemptions, or correction plats. This section should be read and administered in conjunction with Section 2.3.
- F. Section 2.7, *Procedures and Approval Criteria: Flexibility and Relief*, describes additional procedures unique to variances and appeals procedures. This section should be read and administered in conjunction with Section 2.3.
- G. Section 2.8, *Review and Decision-Making Bodies*, describes the duties and membership of the boards, commissions, and other bodies that have review and decision-making authority under this Code.

### 2.2 SUMMARY TABLE OF PROCEDURES

The following table summarizes the major procedures for review of applications for land use and development activity in the Town of Carbondale. Not all procedures addressed in this chapter are summarized in this table; see the subsequent sections of this chapter for additional details on each procedure.

**Table 2.2-1:**  
**Summary Table of Carbondale Review Procedures**  
*(shaded row = Public Hearing required)*

Application Review Procedure (Does not include all application types)	Pre-Application Meeting M = Mandatory O = Optional	Staff Review	Planning and Zoning Commission	Board of Adjustment	Board of Trustees
<b>Amendments</b>					
Amendment to the UDC	M	R	R		D
General Rezoning (Amendment to the Zoning Map)	M	R	R		D
Rezoning to a Planned Unit Development	M	R	R		D
<b>Development Permits</b>					
Conditional Use Permit	M	D			
Special Use Permit	M	R	D		
Administrative Site Plan Review	M	D			
Minor Site Plan Review	M	R	D		
Major Site Plan Review	M	R	R		D
Sign Permit	O	D			
Small Cell Facility in Right-of-Way and Not in Right-of-Way	M	D			
Alternative Tower Structure Not In Right-of-Way	M	R	D		
Freestanding Tower Structure Not in Right-of-Way	M	R	D		
Base Station Not in Right-of-Way	M	R	D		
Non-small Cell Wall- or Roof Mounted Wireless Facility	M	R	D		
Eligible Facilities Request in Right-of-Way And Not in Right-of-Way	M	D			
Alternative Tower Structure for Small Cell Facility in Right-of-Way	M	D			
Base Station for Small Cell Facility in Right-of-Way	M	D			
<b>Subdivision</b>					
Subdivision Conceptual Plan	M	R	D		
Preliminary Plat	M	R	D		
Final Plat	O	R			D
Condominium Subdivision	M	R	D		
Subdivision Exemption	M	R	D		If de novo requested
Minor Plat Amendment	O	D			
<b>Flexibility and Relief Procedures</b>					
Variance	O	R		D	
Appeal (see Section 2.7.2.B for applicable appeal authority for various land use approvals)	O			D	D

## 2.3 COMMON REVIEW PROCEDURES

The common development review procedures in this Section 2.3 shall apply to all types of development applications in this 1.10.3 *Administration*, unless an exception to the common procedures is expressly identified in subsequent sections of this chapter.

### 2.3.1. STEP ONE: PRE-APPLICATION MEETING

#### A. Purpose

The purpose of the pre-application meeting is to provide an opportunity for an informal evaluation of an applicant's proposal and to become familiar with the Town's submittal requirements, development standards, and approval criteria. The Director or authorized staff may provide recommendations and/or inform the applicant of any potential issues that might be presented to the applicable decision-making body.

#### B. Applicability

##### 1. Required Pre-application Meeting

A pre-application meeting is required prior to the following types of applications:

- a. Amendment to the Unified Development Code
- b. General Rezoning (Amendment to the Zoning Map)
- c. Rezoning to a Planned Unit Development
- d. Conditional Use Permit
- e. Special Use Permit
- f. Site Plan Review
- g. Preliminary Plat
- h. Condominium Subdivision
- i. Subdivision Exemption
- j. All Wireless Facilities

##### 2. Optional Pre-application Meeting

A pre-application meeting is optional, upon the request of the applicant, prior to submission of all other applications under this Code not listed above.

#### C. Initiation of Pre-application Meeting

The applicant shall request in writing a pre-application meeting with the Director. The applicant shall provide the required information as determined necessary by the Director to provide an informal evaluation and any recommendations. The applicant shall provide requested materials to the Director at least 10 business days in advance of a pre-application meeting.

#### D. Pre-Application Conference Content

The Director shall schedule a pre-application conference after receipt of a proper request. At the conference, the applicant, the Director or designee, and any other persons the Director deems appropriate to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this Code, the parties should discuss in general the proposed development, the applicable requirements and standards of this Code, and

conditions that may be appropriate to meet the purposes and requirements of this Code.

**E. Informal Evaluation Not Binding**

The informal evaluation and recommendations provided by the Director or authorized staff during a pre-application meeting shall not be considered binding upon the applicant or the Town.

**F. Application Required Within Six Months**

The Director may require an additional pre-application meeting if a complete application is not submitted within six months of the pre-application meeting.

**G. Waiver**

The Director may waive the pre-application conference requirement for applications if he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

**2.3.2. STEP TWO: APPLICATION SUBMITTAL**

**A. Application Packet**

The Director shall compile the requirements for application contents, forms, and fees and make such materials available to the public. The Director may amend and update the application materials from time to time.

**B. Form of Application**

Unless otherwise specified in this Code, applications required under this Code shall be submitted in a form and in such number as required by the Director.

**C. Authority to File Applications**

1. Unless otherwise specified in this Code, applications for review and approval may be initiated by:
  - a. The owner of the property that is the subject of the application;
  - b. The owner's authorized representative; or
  - c. Any review or decision-making body for the Town of Carbondale.
2. When an authorized representative files an application under this Code on behalf of the property owner, the representative shall provide the Town with written, notarized documentation that the owner has authorized the filing of said application.
3. When a review or decision-making body initiates action under this Code, it does so without prejudice toward the outcome.

**D. Application Fees**

The applicable development review fees shall be paid at the time of submittal of any development application. Development review fees are established to recover the costs incurred by the Town in processing, reviewing, and recording development applications. The amount of the Town's development review fees shall be established by the Board of Trustees.

**E. Additional Information**

Additional application-specific information, beyond that specified in the application packet, may be required by any decision-making body as necessary and appropriate to evaluate fully whether an application complies with the requirements of this Code.

**F. Waivers**

The Director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements where he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

**2.3.3. STEP THREE: COMPLETENESS DETERMINATION**

- A. The Director shall make a determination of application completeness within 10 business days of application filing. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Code.
- B. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet, and is accompanied by the applicable fee.
- C. If the application is determined to be incomplete, the Director shall provide notice to the applicant that includes an explanation of the application deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a resubmittal.
- D. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees.

**2.3.4. STEP FOUR: APPLICATION REVIEW AND PREPARATION OF STAFF REPORT**

- A. Following a determination that an application is complete, the Director shall circulate the application to staff and appropriate referral entities for review.
- B. In addition to the reviews summarized in Table 2.2-1, the Director may also refer applications to other boards, commissions, government agencies, and non-governmental agencies not referenced in this chapter.
- C. The Director may request a meeting with the applicant to discuss the application and any written comments. Based on the written comments, the applicant may request an opportunity to revise the application prior to further processing. Additional submittals and reviews may be subject to additional fees as determined by the Director.
- D. If a public hearing is required for an application, the Director shall prepare a staff report once written comments have been adequately addressed according to the Director. The staff report shall be made available to the applicant and to the public prior to the scheduled public hearing on the application. The staff report shall indicate whether, in the opinion of the Director, the application complies with all applicable standards of this Code.

## 2.3.5. STEP FIVE: NOTICE OF PUBLIC HEARINGS

### A. Types of Notices Required

All public hearings before the Board of Trustees, Planning and Zoning Commission, or Board of Adjustment shall be preceded by the following notices:

#### 1. Written Notice

- a. Written notice shall be mailed first-class postage prepaid not less than 15 days prior to the hearing to the applicant and to all property owners of record, as recorded at the office of the Garfield County assessor, of property within 300 feet (measured from property boundaries) of the subject property.
- b. The applicant shall be responsible for obtaining the list of owners and making the mailing. The applicant shall provide the required list of owners to the Director prior to the public hearing.

#### 2. Posted Notice

Notice shall be posted on the subject property continuously for not less than 15 days prior to the hearing. A posted notice shall be on a sign meeting specifications determined by the Director. The sign shall be clearly visible from all public streets and rights of way adjacent to the subject property and at least one sign shall be placed for each 400 lineal feet adjacent to each public street or right of way.

#### 3. Published Notice

Notice shall be published in the official newspaper of the Town one time at least 15 days prior to the scheduled hearing date.

### B. Notice Contents

Notice of all public hearings shall state the following:

1. The time, date, and place of the hearing;
2. The address or description of the property involved (if any);
3. The purpose of the hearing, including the nature and scope of the proposed action;
4. The name of the board or commission to hold the hearing;
5. The right of interested persons to appear and be heard; and
6. Where additional information on the matter may be obtained.

### C. Notice-Prima Facia Evidence of Contents

Proof of giving notice by mail, personal delivery, posting of a sign, or publication in a newspaper may be established by affidavits of the person with personal knowledge of the giving of notice. The affidavit shall be prima facie evidence of its contents and shall be a part of the record at the subject hearing.

### D. Responsibility of Party Seeking Hearing

The appellant, applicant, or other person seeking the public hearing shall be responsible for the accuracy of and proper publication, mailing, and posting of notice of the public hearing, and such persons shall bear all costs incurred in connection with giving notice of the public hearing.

**E. Constructive Notice**

1. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be correctly conveyed.
2. Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Code.

**2.3.6. STEP SIX: TOWN HOLDS PUBLIC HEARING(S)**

One or more public hearings, if required under this Code, shall be conducted in accordance with the procedures adopted by the Town of Carbondale.

**2.3.7. STEP SEVEN: TOWN ISSUES DECISION AND FINDINGS****A. Decision**

After consideration of the application, the staff report, comments received from other reviewers (if applicable), and the evidence from the public hearing (if applicable), the decision-making body shall approve, approve with conditions, or deny the application based on the applicable approval criteria. Written notification of the decision shall be provided by the Director to the applicant within seven business days following the decision.

**B. Approval Criteria**

To approve a development application, the decision-making body shall find that the application complies with all applicable standards of this Code and applicable approval criteria.

**C. Conditions of Approval**

1. Where this Code authorizes a decision-making body to approve or deny an application subject to applicable criteria, the decision-making body may approve the application with conditions necessary to bring the proposed development into compliance with this Code or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.
2. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the Town.
3. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
4. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or

state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

5. Unless otherwise provided in this Code, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

#### **D. Findings**

All decisions shall include at least the following elements:

1. A clear written statement of approval, approval with conditions, or denial, whichever is appropriate; and
2. A clear written statement of the basis upon which the decision was made, including specific written findings of fact with reference to the relevant standards of this Code.

#### **E. Effect of Inaction on Applications**

When a review or decision-making body fails to take action on an application within the time specified in this Code, if applicable, such inaction shall be deemed a denial of the application, unless the decision-making body agrees to an extension of the time frame.

#### **F. Record of Proceedings**

##### **1. Recording of Public Hearing**

The decision-maker conducting the public hearing shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired by any person upon application to the Director, and payment of a fee to cover the cost of duplication of the record.

##### **2. The Record**

The record shall consist of the planning file, the summary minutes of the hearing, and any available supporting documentation, which shall be kept by the Town in accordance with state statutes.

#### **G. Recording of Decisions**

Once approved, the approving resolution and/or ordinance shall be filed with the Town Clerk and, if required, recorded in the Office of the Garfield County Clerk and Recorder.

### **2.3.8. STEP EIGHT: MODIFICATION OR AMENDMENT OF APPROVAL**

Unless otherwise provided in this Code for a particular type of application, any modifications of approved plans, permits, or conditions of approval shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

### **2.3.9. STEP NINE: LAPSE OF APPROVAL**

If applicable, the lapse of approval time frames established by this Code may be extended only when all of the following conditions exist:

- A. The provisions of this Code must expressly allow the extension;
- B. An extension request must be filed prior to the applicable lapse-of-approval deadline;
- C. The extension request must be in writing and include justification; and
- D. Any applicable requirements of approval have been met.

If the lapse of approval is not noted in a specific process, the lapsing period shall be two years from the date of approval. Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval.

## 2.4 PROCEDURES AND APPROVAL CRITERIA: AMENDMENTS

### 2.4.1. AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

#### A. Purpose

The text of this Unified Development Code may be amended pursuant to this section to respond to changed conditions or changes in public policy, or to advance the general welfare of the Town.

#### B. Applicability

An amendment to the text of this Code shall be initiated by the Planning and Zoning Commission or by the Board of Trustees. Any person may suggest to the Planning and Zoning Commission that an amendment be given consideration.

#### C. Procedure

Figure 2.4.1-A shows the steps of the common review procedures that apply in the review of applications for amendments to the text of this Code. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified following the figure.

Figure 2.4.1-A Summary of Procedure for Amendments to the Unified Development Code



1. **Step 2 – Application Submittal**

The Director shall prepare the application at the request of the Planning and Zoning Commission.

2. **Step 6 – Town Holds Public Hearings**

a. **Review and Recommendation by Planning and Zoning Commission**

- i. Following a public hearing, the Planning and Zoning Commission shall review and consider the staff report, comments and evidence presented at the hearing, and approval criteria below, and shall vote to recommend approval, approval with modifications, or denial of the text amendment, or to continue the hearing to a particular time, date, and place.
- ii. The Director shall forward the Commission's recommendation to the Board of Trustees with an ordinance to amend this Code in accordance with the recommendation.
- iii. Applications that have been heard by the Planning and Zoning Commission shall be scheduled for a public hearing by the Board of Trustees at a regularly scheduled board meeting, following public notice per Section 2.3.5.

3. Step 7 – Town Issues Decision and Findings

a. Decision by Board of Trustees

Following a public hearing, the Board of Trustees shall review and consider the staff report, the comments and evidence presented at the hearing, approval criteria below, and the recommendations of the Planning and Zoning Commission, and shall act to approve, approve with modifications, or deny the proposed text amendment, or to continue the hearing to a particular time, date, and place for the purpose of obtaining additional information.

b. Approval Criteria

Amendments to this Code may be approved if the Board of Trustees finds that all of the following approval criteria have been met:

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

**2.4.2. GENERAL REZONINGS (AMENDMENTS TO THE ZONING MAP)**

**A. Purpose**

1. 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.
2. Rezoning to Planned Unit Developments are a distinct type of amendment to the zoning map and are described under Section 2.4.3.
3. Changes to the characteristics of zoning districts (such as setbacks) and development standards that apply within districts (such as open space requirements) shall be processed as text amendments pursuant to Section 2.4.1: *Amendments to the Unified Development Code*.

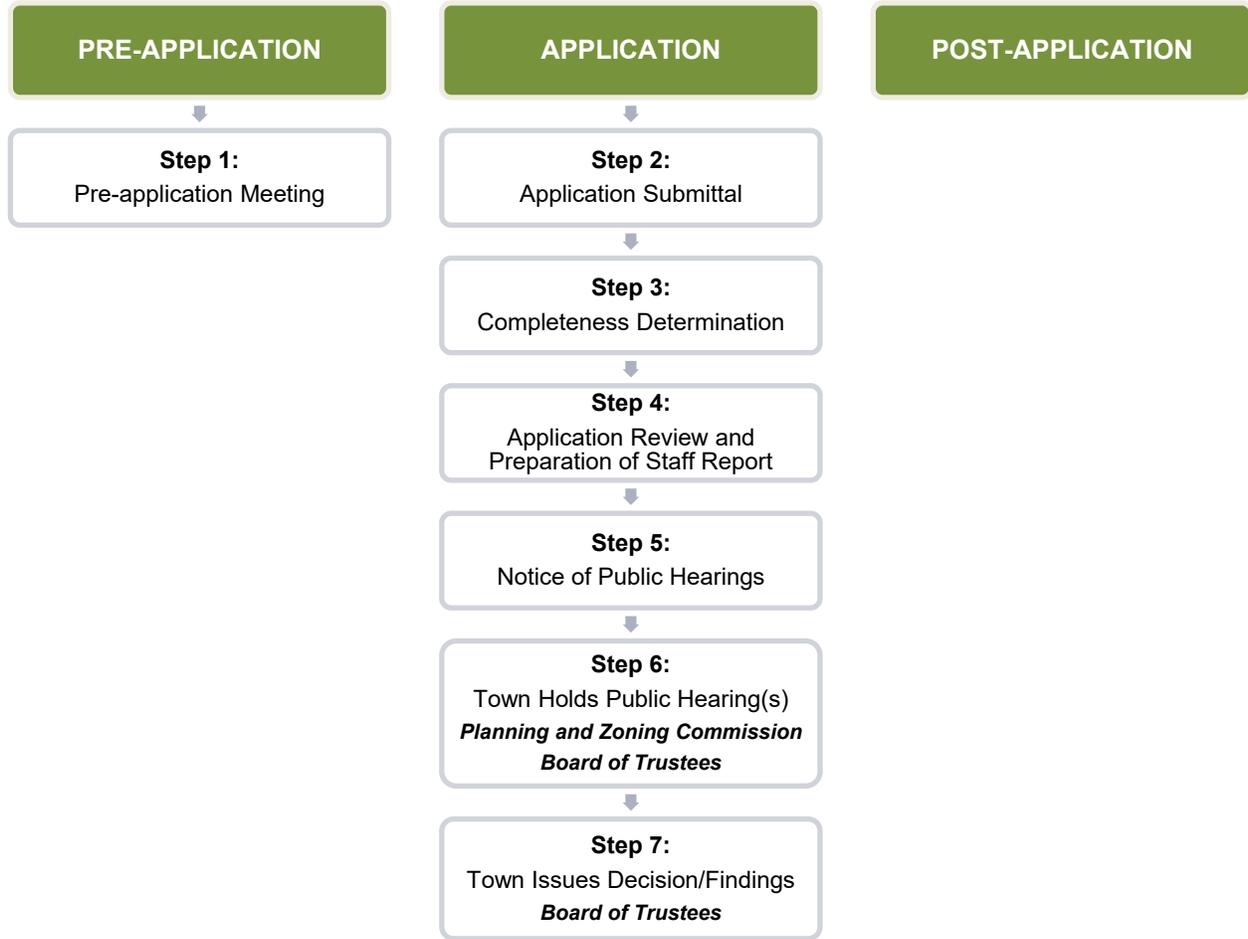
**B. Applicability**

1. A request for an amendment to the zoning map may be initiated by person(s) owning at least 50 percent of the real property within the area affected by a proposed amendment; or
2. An amendment to the zoning map may be initiated by the Planning and Zoning Commission or by the Board of Trustees. Any person may suggest to the Planning and Zoning Commission that an amendment be given consideration.

**C. Procedure**

Figure 2.4.1-A Figure 2.4.2-A shows the steps of the common review procedures that apply in the review of applications for general rezonings. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified following the figure. The procedure for rezonings to Planned Unit Developments is in 2.4.3.

Figure 2.4.2-A Summary of Procedure for General Rezonings (Amendments to the Zoning Map)



**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.
  - 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.
- 2. Step 6 – Town Holds Public Hearings**
- a. **Review and Recommendation by Planning and Zoning Commission**
    - i. Following a public hearing, the Planning and Zoning Commission shall review and consider the staff report, the comments and evidence presented at the hearing, and the approval criteria below, and shall vote to recommend approval, approval with conditions, or denial of the zoning map amendment, or to continue the hearing to a particular time, date, and place.
    - ii. A copy of the recommendation of the Planning and Zoning Commission shall be sent to the Board of Trustees and the applicant.
    - iii. With concurrence of the applicant, applications that have been heard by the Planning and Zoning Commission will be scheduled for a public hearing by the Board of Trustees at a regularly scheduled board meeting, following public notice per Section 2.3.5.
- 3. Step 7 – Town Issues Decision and Findings**
- a. **Decision by Board of Trustees**
    - i. Following a public hearing, the Board of Trustees shall review and consider the staff report, the comments and evidence presented at the hearing, the approval criteria below, and the recommendation of the Planning and Zoning Commission, and shall act to approve, approve with conditions, or deny the proposed zoning map amendment, or to continue the hearing to a particular time, date, and place for the purpose of obtaining additional information.
    - ii. Any information, exhibits, plans, or elevations, whether conceptual or detailed, that are part of the application approved by the Board of Trustees shall be a part of and considered inseparable from the approval of application. All development of a project shall conform to the plans presented in the application and with modifications or conditions imposed by the Board of Trustees at the time of approval.
  - b. **Approval Criteria**

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

- i. The amendment will promote the public health, safety, and general welfare;
- ii. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code;
- iii. The amendment is consistent with the stated purpose of the proposed zoning district(s);
- iv. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- v. 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
- vi. 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.

These criteria shall not apply to amendments that occur as part of a comprehensive revision to the official zoning map accomplished by legislative action of the Board of Trustees.

c. **Protests**

An amendment to the zoning map shall not become effective except by a three-quarters vote of the Board of Trustees if a valid protest against the amendment is presented at or prior to the public hearing at which the amendment is heard. A protest is valid only if signed by either:

- i. The owners of 20 percent or more of the area of the lots included in such proposed amendment; or
- ii. The owners of 20 percent or more of the area of those lots located within 100 feet of the boundary of the area in the proposed amendment, excluding any distance for public rights-of-way, including alleys.

**2.4.3. REZONINGS TO PLANNED UNIT DEVELOPMENTS (PUDs) AND AMENDMENTS TO PUDs**

**A. Purpose**

The boundaries of any zoning district may be changed or the zoning classification of any parcel of land may be changed to a Planned Unit Development (PUD) pursuant to this section and Section 3.6.1. Rezoning to a PUD should not be used when a conditional use permit, variance, or administrative adjustment could be used to achieve the same result.

**B. Applicability**

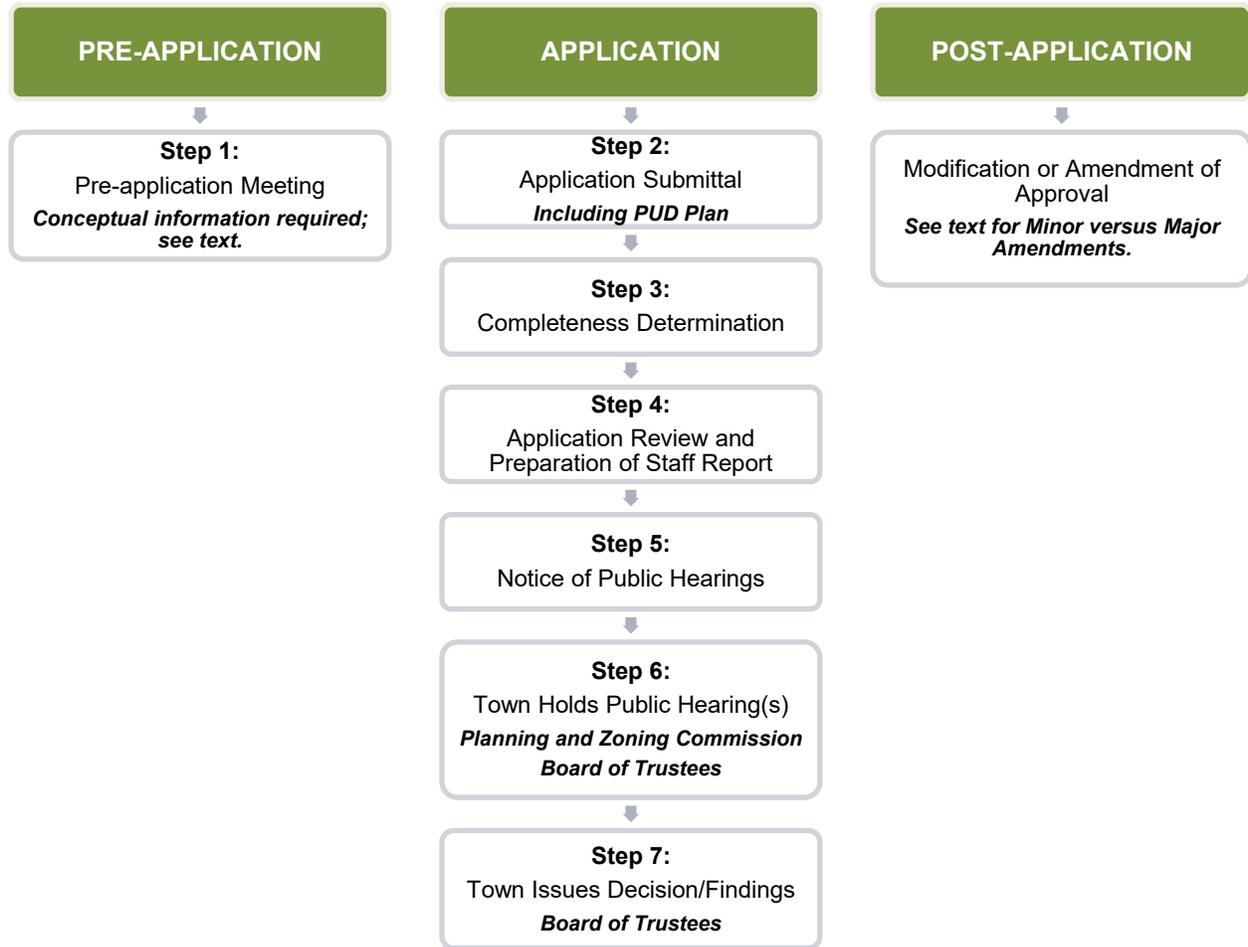
1. An application to establish a Planned Unit Development (PUD) may be submitted for land located within any general zoning district or combination of districts. The approval of a PUD constitutes a zone district amendment and is established by rezoning an area in an existing zone district to PUD zoning or by initial zoning of newly annexed territory to PUD zoning. The approved PUD establishes the location and character of the uses and the unified development of the tract(s).

2. A request to establish a PUD may be initiated by person(s) owning at least 50 percent of the real property within the area affected by a proposed amendment.

**C. Procedure**

Figure 2.4.1-A Figure 2.4.3-A shows the steps of the common review procedures that apply in the review of applications for rezonings to Planned Unit Developments. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified following the figure.

**Figure 2.4.3-A Summary of Procedure for Rezoning to Planned Unit Developments (PUDs)**



**1. Step 1 - Pre-Application Meeting**

At a pre-application meeting with staff, a potential applicant shall provide conceptual information regarding the PUD, which shall include, at a minimum:

- a. Proposed uses within the PUD;
- b. Number and type of dwelling units, as applicable;
- c. Square footage of proposed nonresidential uses, as applicable;
- d. Proposed parking capacity and configuration;

- e. Conceptual drawings of proposed structures, overall site planning, and such other site information as may be required by the Town;
- f. An assessment of the compatibility of the proposed project in relation to the surrounding neighborhood and Comprehensive Plan;
- g. Such other specific information as may be deemed necessary by the Town for evaluation of the particular site, surrounding area, and proposed project; and
- h. Any additional items the applicant deems necessary.

2. Step 2 - Application Submittal

An application for rezoning to a PUD shall include submittal requirements as follows:

- a. A statement indicating the ownership of all interest in the property included in the PUD, with the written consent of all owners and evidence of title;
- b. A Master Plan indicating the broad concept of the proposed development, the location of each use and the location of lots, blocks, or other parcels within each area devoted to each use. The project shall be shown as the area proposed to be subdivided and platted as allowed for in this Code. The plan shall indicate:
  - i. Generally, where each type of use will be located in the PUD and the total acreage devoted to each use. Label proposed uses on the plan with the symbol of the most similar zoning classification in the Town Code followed by a hyphen and the letter "P." The Town's planner will determine which of the Town's zone districts are most similar to those zone districts proposed in the PUD.
  - ii. Areas designated for residential uses shall indicate the maximum number of dwelling units per gross acre to be permitted for each residential area indicated including sizes of building lots and types of dwelling unites anticipated.
  - iii. The minimum acreage to be dedicated to common open space, the proposed use and the location of open space.
  - iv. Major internal circulation systems, locations of roadways, conceptual location of trails, bicycle paths, etc.
  - v. The acreage and location of areas which will be dedicated for school sites or other public uses.
  - vi. Illustrations of the general character of all proposed uses in the PUD and plans showing the location and size of each use within the PUD.
  - vii. Provision for water, sewer, telephone, electricity, gas and cable television, if applicable.
- c. If the applicant is proposing to create different development standards than those of this code, the application shall include:

- i. Development standards and other restrictions proposed by the applicant to be applied to each proposed use or reference standards in similar zoning districts contained in this code which shall apply to each proposed use in particular areas such as: building setbacks, height limits, access requirements and grade or slope restrictions, special provisions addressing sensitive areas, parking requirements, landscape requirements, sign regulations, impervious surface and floor area ratios.
  - ii. Written explanation and graphic material illustrating the consideration that the modified standards will produce, demonstrating how the modifications will produce a living environment, landscape quality and lifestyle equal or superior to that produced by the existing standards.
  - iii. Graphic illustrations and written explanations of how the PUD addresses the specific constraints and opportunities of the site and surrounding area in a superior manner to what might be accomplished without the PUD process.
  - iv. Conceptual building evaluations, sketches and plans illustrating the general character and quality of each type of use in the proposed development.
- d. A regional location map showing the relationship of the site to connecting roadways, public facilities, commercial and cultural facilities and surrounding land uses.
  - e. A site map illustrating site boundaries, acreage, existing structures and existing zoning.
  - f. A site topographic map showing at least two-foot contour intervals for slopes of 10 percent or less, and five-foot intervals for slopes over 10 percent, major vegetation elements, streams, rivers, ditches, and areas subject to 100-year flooding.
  - g. An explanation of the objectives to be achieved by the PUD and a statement of purpose for each zoning district within the PUD.
  - h. A development schedule indicating the improvements included in each phase and the approximate dates when construction of the various stages of the PUD is anticipated to begin and be completed.
  - i. Copies of any special covenants, conditions and restrictions which will govern the use or occupancy of the PUD. The applicant can impose additional covenants, conditions, and restrictions on any particular area during the subdivision process.
  - j. A list of owners of properties located within 300 feet of the boundaries of the PUD and their addresses.
  - k. A statement by a licensed engineer which shall provide evidence of the following:
    - i. The proposed water source is adequate to service the PUD;
    - ii. The proposed method of sewage treatment;
    - iii. The general manner in which storm drainage will be handled; and

- iv. The general manner in which provision will be made for any potential natural hazards in the area such as steep slopes, erosive soils, avalanche areas, landscape areas, floodplain areas and unstable soils.
  - l. Easements showing vested legal access for ingress and egress from a public road to the PUD.
  - m. Evidence that the PUD has been designed with the consideration of the site's natural environment and the surrounding area and does not unreasonably destroy or displace wildlife, natural vegetation, or unique natural or historic features.
  - n. The applicant may submit any other information or exhibits which he/she deems pertinent to the evaluation of the proposed PUD.
  - o. Approval of the PUD plan is required prior to development in a PUD district.
  - p. The regulations of this Code remain applicable to all PUD development, except as specifically modified pursuant to the provisions contained in the approved PUD plan.
3. Step 7 – Town Issues Decision and Findings
- a. **Approval Criteria**

The Board of Trustees may approve a PUD if the proposal meets all of the following criteria:

    - i. The PUD addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or innovative housing types.
    - ii. The PUD shall have an appropriate relationship to the surrounding area, with unreasonable adverse effects on the surrounding area being minimized.
    - iii. The PUD shall provide an internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience, and access. Private internal streets may be permitted provided that adequate access for police and fire protection is maintained and provisions for using and maintaining such streets are imposed upon the private users and approved by the Board of Trustees. Private internal streets shall provide adequate bicycle and pedestrian access.
    - iv. The PUD shall provide parking areas in conformance with the minimum site development standards of this Code in terms of number of spaces for each use, location, dimensions, circulation, landscaping, safety, convenience, separation, and screening.

- v. The PUD shall provide common open space as required in Section 5.3.3, Private Common Open Space (Residential, Institutional, Commercial, Mixed-Use, and PUD), which will serve the uses permitted in the PUD. The PUD shall strive for optimum preservation of the natural features of the terrain.
- vi. If the PUD contains residential uses, it shall provide for variety in housing types, densities, and common open space.
- vii. The PUD shall provide adequate privacy between dwelling units.
- viii. The PUD shall provide pedestrian and bicycle ways in terms of safety, separation, convenience, access to points of destination, and attractiveness.
- ix. The PUD shall be consistent with the Town's Comprehensive Plan.

**b. Approval of PUD Plan**

The approved PUD zoning and the approved PUD plan along with all exhibits are inseparable, and a PUD shall not be established without the approval of the related PUD plan. The approved PUD zoning, the approved PUD plan, all exhibits, and any associated development agreement together establish the uses permitted, character of the development, and any modifications to the zoning regulations which were theretofore applicable.

**c. Post-approval Actions**

**i. Final PUD Map**

A final PUD zoning map showing the location of all zone districts within the PUD labeled per submittal requirements and shall be included with the PUD master plan and other documents enumerated in the submittal requirements per the Director. The documents shall be recorded in the office of the Garfield County Clerk and Recorder as soon as practicable after approval.

**ii. Subdivision Approval**

Notwithstanding the rezoning of an overall area as PUD, no portion thereof shall be used or occupied other than was permitted prior to the approval of such rezoning until and unless a final subdivision plat for said portion is approved by the Board of Trustees, if required by this Code.

**iii. Development Schedule Time Limits**

a. The applicant shall begin development of the PUD within one year from the time of its final approval; provided, however, that the PUD may be developed in stages and/or with specific time requirements as approved by the Board of Trustees. The applicant shall complete the development of each stage and of the PUD as a whole in substantial compliance with the development schedule approved by the Board of Trustees.

b. If the applicant does not comply with the time limits imposed by the preceding subsection, the Board of Trustees shall review the PUD and may revoke approval for the uncompleted portion of the PUD, or require that the PUD be amended, or extend the time for completion of the PUD.

- c. Each stage within a PUD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to a subsequent stage will not have a substantial adverse impact on the PUD or its surroundings.
  - d. If a PUD contains nonresidential uses, they may be constructed in advance of residential uses if the Board of Trustees finds that such phasing is consistent with sound principles of ordered development and will have no substantial adverse effect on the quality or character of the PUD.
- d. **Effect of Approval**
- i. The provisions of the PUD plan relating to the use of land and the location of the common open space shall run in favor of the Town and shall be enforceable in law or equity by the Town without limitation on any powers or regulation otherwise granted by law.
  - ii. All provisions of the PUD plan shall run in favor of the residents, occupants, and owners of the PUD, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and, to that extent, the provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by such residents, occupants or owners acting individually, jointly or through an organization designated in the plan to act on their behalf.
  - iii. Residents and owners of the PUD may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove, or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Town to enforce the provisions of the plan.
- e. **Concurrent PUD and Subdivision Application**
- An applicant shall submit separate applications for PUD zoning and any required subdivision. The Town may process and review such applications concurrently, including holding simultaneous hearings, if practicable and upon the approval of the Director. In this event, notice of such hearings shall be published as required by Section 2.3.5. Each application shall be reviewed and acted upon separately, based on the applicable standards and criteria of this Code. Unless otherwise approved by the Director, the applicant shall be required to obtain approval through the subdivision conceptual plan procedure, per Section 2.6.3, prior to submitting the application for preliminary plat approval and PUD rezoning. Unless otherwise approved by the Director, the sequence of hearings shall generally be: 1) Planning and Zoning Commission (recommendation on PUD approval and decision on preliminary plat); and 2) Board of Trustees (decision on PUD approval and decision on final plat).

#### D. PUD Amendment

Applications to amend a PUD that has received final approval and been adopted by the Board of Trustees shall be filed with the Planning Department. All PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the real property within the PUD that is directly subject to or affected by the proposed amendment to the PUD, or their designees. The

Planning Commission may also initiate an amendment to a PUD at a regular meeting.

#### 1. Major Amendments

- a. Major amendments to PUDs shall be reviewed, processed, and approved in the same manner as required for *General Rezoning (Amendments to the Zoning Map)* in Section 2.4.2, including all notice and citizen participation requirements.
- b. During the review of a proposed PUD amendment, the Town may require such conditions of approval to portions or aspects of a project as are necessary to ensure that the development will be compatible with current community policies and plans. Conditions may also subject property owners within the PUD to include adherence to any new community policies or regulations which have been implemented since the original PUD approval or that reflect changed or changing community circumstances as they affect the project's entitlements.
- c. Amendments to a PUD may be approved if the Board of Trustees finds that all of the following approval criteria have been met:
  - i. The amendment: (1) is consistent with the efficient development and preservation of the entire PUD; (2) does not affect, in a substantially adverse manner, either the enjoyment of land abutting or across a street from the PUD, other lands within the PUD, or the public interest; and (3) meets or exceeds the benefits to the Town provided by the original PUD.
  - ii. The amendment addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards.
  - iii. After amendment, the PUD will continue to have an appropriate relationship to the surrounding area, with any unreasonable adverse effects on the surrounding area being minimized or mitigated.
  - iv. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
  - v. 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.
  - vi. The amendment will promote the public health, safety, and general welfare.
  - vii. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code.
- d. Any major amendment shall be recorded at the Garfield County Clerk and Recorder's Office, in accordance with the procedures established for the filing and recording of approved PUDs.

2. Minor Amendments

All PUD amendment applications not meeting the criteria set forth in this section for major amendments shall be deemed applications for minor amendments. Minor amendments to an approved PUD are administrative requests and may be approved, approved with conditions, or denied by the Director without a public hearing. A minor amendment may be approved by the Director as long as the amendment does not constitute, as determined by the Director, a substantial alteration of the fundamental nature and character of the PUD proposed to be amended. Minor amendments may not alter the terms of applicable development agreements or be contrary to any applicable ordinance.

3. Classification of Major and Minor PUD Amendments

The following table classifies potential PUD amendments as either major or minor.

<b>Table 2.4-2: Major and Minor PUD Amendments</b>				
Type of PUD Amendment	Scale of Amendment	Major	Minor	Comments
<b>Land Uses</b>				
Addition of new principal land use currently not allowed in PUD	All	•		
Change to permitted land uses in any location	Change affects overall PUD density or intensity	•		
	Change does not affect overall PUD density or intensity		•	
Change to use-specific standards for permitted uses	All	•		
Shift of residential dwelling units from one phase, parcel, or development unit of the PUD to another phase, parcel, or development unit, based on total number of residential dwelling units permitted under the approved PUD	>20% shift in dwelling units	•		
	10% - 20% shift in dwelling units	•	•	Considered a major amendment unless the Director finds, in writing, that the proposed transfer will have no material impact on the services and infrastructure proposed, provided for, and necessary to accommodate and serve the transferred units.
Change to the types of residential dwelling units and/or floor plans within an approved PUD	All	•	•	Considered a major amendment unless the Director finds, in writing, that the change will not substantially reduce the housing options available to future residents of the PUD.
<b>Density</b>				
Increase in the number of total residential dwelling units	≥5%	•		
	<5%		•	
<b>Development Standards</b>				
Any change to the streets and transportation circulation patterns	All	•		
	≥5%	•		

**Table 2.4-2:  
Major and Minor PUD Amendments**

Type of PUD Amendment	Scale of Amendment	Major	Minor	Comments
Any change that results in a decrease of planned or identified public parks and/or improved open space	<5%		•	
Any change that results in a decrease of the total amount of natural areas or preserved or undisturbed open space	≥2%	•		
	<2%		•	
Any change to parking, landscape buffer, or building design standards	All		•	
<b>General</b>				
Any amendment that is deemed by the Director to make such a significant or fundamental change to the PUD that in the Director's judgment, it should be deemed to be a major amendment.	All	•		

**2.5 PROCEDURES AND APPROVAL CRITERIA: DEVELOPMENT PERMITS**

**2.5.1. CONDITIONAL USE PERMIT**

**A. Purpose**

This section provides an approval process for conditional uses, which have unique or widely varying operating characteristics or unusual site development features. This procedure is intended to ensure that proposed conditional uses will not have a significant adverse impact on surrounding uses or on the Town.

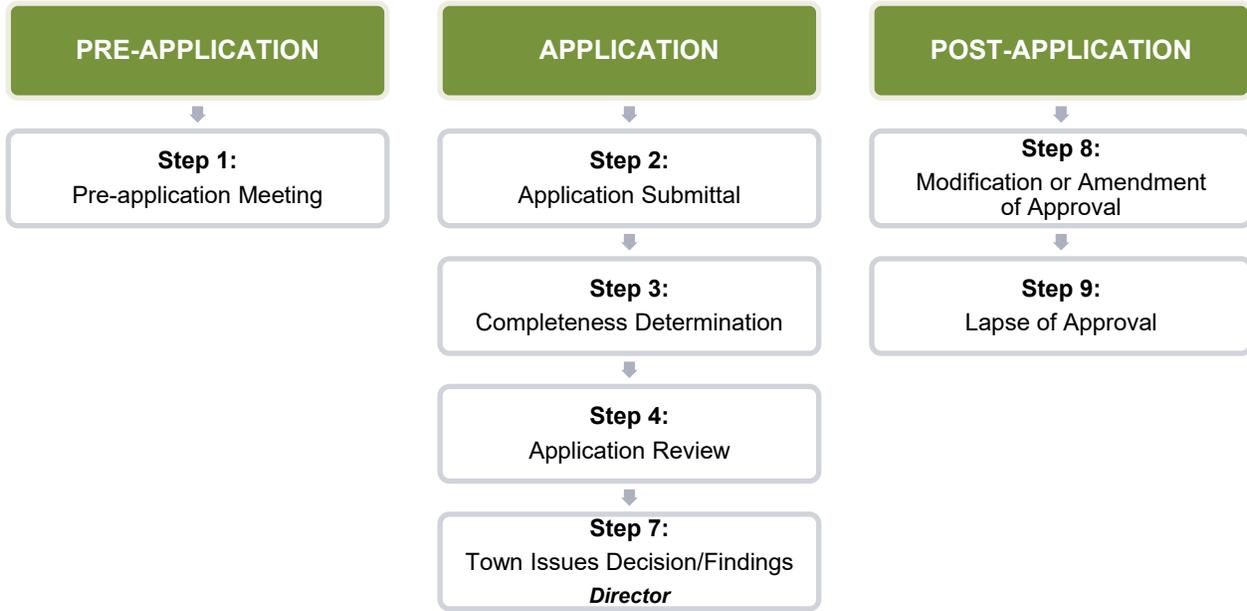
**B. Applicability**

Land uses requiring a conditional use permit for each zone district are listed in Table 4.2-1, Table of Allowed Uses.

**C. Procedure**

Figure 2.5.1-A shows the steps of the common review procedures that apply in the review of applications for conditional use permits. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

Figure 2.5.1-A Summary of Procedure for Conditional Use Permits



1. Step 2 - Application Submittal

A completed application for a conditional use permit shall be submitted by the applicant to the Director. The application shall include:

- a. Proof of ownership;
- b. A site plan showing the footprint and proposed use of all buildings, proposed parking configuration, location of all utilities and easements, and other details necessary to demonstrate that the proposed use and site conforms with all requirements of the applicable zoning district; and
- c. Any additional information requested at the pre-application meeting.

2. Step 4 - Application Review

The Director may require an inspection of the site and or buildings involved to assist in the review of the application.

3. Step 7 - Town Issues Decision and Findings

Following review of the application and based upon the approval criteria below, the Director shall either issue the conditional use permit or deny the request.

a. Approval Criteria

- i. The Director may approve a proposed conditional use that meets all of the following criteria:
  - a. The site, building(s), and use meet all criteria specified for the use and all applicable regulations and development standards as specified in this Code and for the zone district in which the use is located;
  - b. The proposed use is consistent with the Comprehensive Plan;

- c. The site, if nonconforming with the development standards of the zone district in which it is located, will be brought into conformance with those standards if required to do so per Chapter 17.07: *Nonconformities*;
      - d. The proposed use is planned in a manner that will minimize adverse impacts on the traffic in the neighborhood or surrounding uses;
      - e. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (including hours of operation, noise, odor, dust, and other external impacts);
    - ii. The Director may impose such conditions to an approval as necessary to assure compliance with items listed in paragraph i above.
    - iii. The Director shall deny a conditional use permit if it is determined that the proposed use does not comply with applicable items listed in paragraph i above.
  - b. **Transfer of Conditional Use Permit**

Conditional use permits allow a particular use for which it is granted to operate on the specific property listed in the permit in accordance with approved plans. Upon notification to the Director, a conditional use permit may be transferred to any other person to operate the same use on or in the same property, site, or building per the same terms of the permit, but may not be transferred to any other property, site, or building.
4. **Step 9 – Lapse of Approval**
  - a. **Duration**
    - i. A conditional use permit shall remain in full force and effect as long as the use for which the permit is granted continues or for the term specified on the permit.
    - ii. The duration of a conditional use permit may be limited to a specific period of time if necessary to ensure that the proposed use will protect the public health, safety, and welfare or to meet the purposes of the zone district in which the use is located.
  - b. **Termination**

A conditional use permit shall automatically terminate without any further action by the Town under the following circumstances:

    - i. The use for which the permit was granted is not established at the approved location within a period of one year from the date the permit is issued;
    - ii. The use for which the permit was issued is discontinued for a period of one year or longer; or
    - iii. The term for which the permit is issued is expired.
  - c. **Revocation of Permit**

The Director may revoke or suspend a conditional use permit upon finding that: the use, building or site for which the permit was issued violates any of the items in subsection 2.5.1.C.3.a or violates any conditions of approval

applied at the time the permit was issued, or the use established is substantially different than that which was represented in the application.

**2.5.2. SPECIAL USE PERMIT**

**A. Purpose**

This section describes the approval process for special uses that have unique or widely varying operating characteristics or unusual site development features. This procedure is intended to ensure that proposed special uses will not have a significant adverse impact on surrounding uses or on the Town.

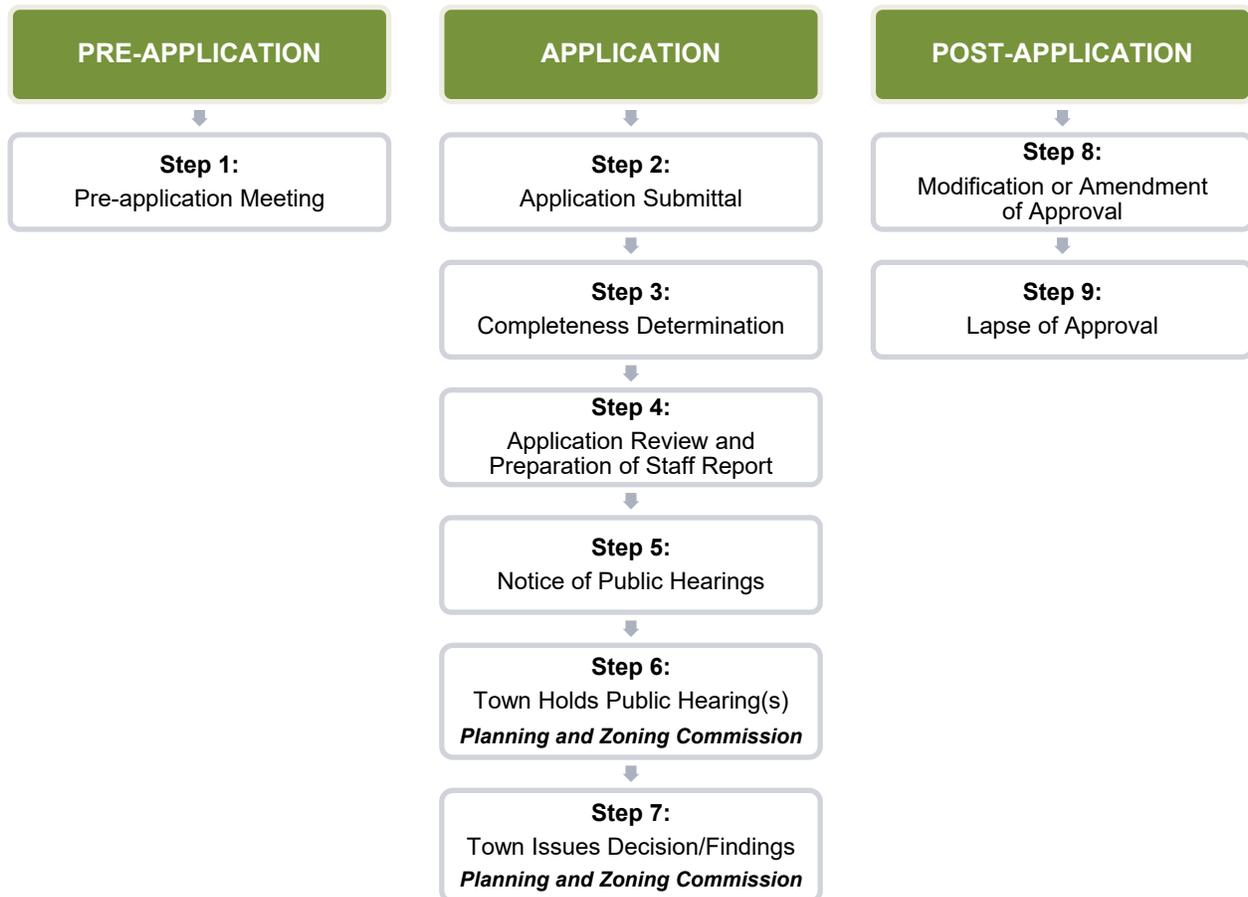
**B. Applicability**

Specific uses requiring a special use permit for each zone district are listed in Table 4.2-1, Table of Allowed Uses.

**C. Procedure**

Figure 2.5.2-A shows the steps of the common review procedures that apply in the review of applications for special use permits. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

**Figure 2.5.2-A Summary of Procedure for a Special Use Permit**



### 1. Step 2 – Application Submittal

A completed application for a special use permit shall include the following:

- a. A letter requesting the review of the proposed plan for the building project;
- b. Proof of property ownership;
- c. 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;
- d. 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;
- e. Rules and regulations to govern the proposed use if applicable;
- f. 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;
- g. Parking counts for the entire block if the proposed use will generate the need for additional parking (both sides of street and in the alley if applicable). These counts shall be taken at 7:30 a.m. and 7:30 p.m. one day during the week and on a weekend day (allowances will be given for winter applications). 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. 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 pervious surfaces.
  - iii. Building or structure height.
  - iv. Total landscaped area.
  - v. The amount of private outdoor open space and the amount of bulk storage space.
  - vi. Approximate size of each type of dwelling unit.
  - vii. A list of all property owners within 300 feet.
  - viii. A map showing adjoining zone districts within 300 feet if this area includes different zone districts than the subject site.
  - ix. Other details, plans or proposals that will aid the determination of whether the proposed use is in conformance with all regulations, development standards and review criteria applicable to the proposed use, the site, and the zone district in which the use will be located, or otherwise demonstrate that any impacts of the proposed use will not have a unreasonable adverse impact upon surrounding uses.

2. Step 6 – Town Holds Public Hearings

a. Review and Decision by Planning and Zoning Commission

Following a public hearing, the Planning and Zoning Commission shall review and consider the staff report, the comments and evidence presented at the hearing, and the approval criteria below, and shall vote to approve, approve with conditions, or deny the special use permit, or to continue the hearing to a particular time, date, and place.

3. Step 7 – Town Issues Decision and Findings

a. Approval of Special Use Permit

The Commission may approve the special use permit only if it is determined that the contemplated use will comply with the approval criteria in Section 2.5.2.C.3.b. The Commission may approve the permit with such conditions as may be necessary to meet the criteria or to otherwise fulfill the purposes set forth in this Code; provided that, with respect to group homes, any conditions imposed shall be similar to those that could otherwise be imposed on similar single-family dwellings and shall not discriminate against the specific use, add unreasonable burdens to the operation of the facility, or have the effect of materially changing the manner in which the facility is operated.

b. Special Use Permit Approval Criteria

i. Criteria Applicable to Group Homes

See Section 4.3, *Use-Specific Standards*.

ii. Criteria Applicable to All Other Special Uses

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 adequately mitigate traffic impacts in a neighborhood;

d. An approved special use shall not otherwise have an adverse effect upon the character of surrounding uses.

e. Impacts of the proposed use on adjacent properties and the surrounding neighborhood 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.

c. **Transfer of Special Use Permit**

Special use permits allow a particular use for which it is granted to operate on the specific property listed in the permit in accordance with approved plans. A special use permit may be transferred to any other person to operate the same use under the same terms of the permit, upon notification to and approval by the Director, but may not be transferred to any other property or building.

4. **Step 9 – Lapse of Approval**

a. **Duration**

A special use permit shall remain in full force and effect as long as the use for which the permit is granted continues or for the term specified on the permit.

i. The duration of a special use permit may be limited to a specific period of time if necessary to ensure that the proposed use will meet the general purposes of this Code and/or the specific purposes of the approved permit.

ii. A special use permit shall automatically terminate without any further action by the Town under the following circumstances:

a. The use for which the permit was granted is not established at the approved location within a period of one year from the date the permit is issued;

b. The use for which the permit was issued is discontinued for a period of one year or longer;

c. The term for which the permit is issued is expired.

b. **Revocation of Permit**

The Director may revoke or suspend a special use permit upon finding that the use, building, or site for which the permit was issued violates any conditions of approval applied at the time the permit was issued, or the use established is substantially different than that which was represented in the application.

### 2.5.3. SITE PLAN REVIEW

#### A. Purpose

The site plan review and approval procedure is intended to ensure compliance with the development and design standards of this Code and to encourage quality development reflective of the goals and objectives of the Comprehensive Plan. For land uses requiring site plan review, such uses may be established in the Town, and building or land use permits may be issued, only after a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this Section 2.5.3. The site plan review procedures ensure that the Town has the ability to address and mitigate any adverse impacts that may result from development projects.

**B. Applicability**

1. Thresholds for Site Plan Review Type

Table 2.5-1: *Site Plan Review Thresholds*, describes the applicable site plan review type (administrative, minor, or major) required for various projects.

<b>Table 2.5-1: Site Plan Review Thresholds</b>			
	<b>Administrative Site Plan Review (Staff)</b>	<b>Minor Site Plan Review (Planning &amp; Zoning Commission)</b>	<b>Major Site Plan Review (Board Of Trustees)</b>
<b>Residential Districts<sup>[1][2]</sup></b>			
R/LD and OTR		Single-family with accessory dwelling unit	
R/MD	< 4 units	4-6 units	> 6 units
R/HD	< 6 units	6-9 units	> 9 units
<b>Commercial and Mixed-Use Districts<sup>[1][2]</sup></b>			
HCC	< 5,000 sf	5,001 – 10,000 sf	> 10,000 sf
C/T	< 7,000 sf	7,001 – 12,000 sf	> 12,000 sf
MU <sup>[3]</sup>	< 6 units or < 7,000 sf	6-9 units or 7,001 – 12,000 sf	> 10 units or > 12,000 sf
<b>All Other Districts</b>			
All other districts	< 10,000 sf	10,001 - 30,000 sf	> 30,000 sf
<b>Notes:</b>			
[1] Unit numbers are cumulative within one lot and refer to residential dwelling units.			
[2] Accessory dwelling units each count as one unit.			
[3] The stricter requirement shall apply. For example, a 4-unit building with 8,000 sf would require minor site plan review.			

2. “Call-Up” Procedures

- a. Administrative site plans can be referred to the Planning and Zoning Commission or Board of Trustees by the Director.
- b. Minor site plans can be referred to the Board of Trustees by the Director or Planning and Zoning Commission.

3. Exemptions

The following types of projects are exempt from site plan review:

- a. Single-family detached without accessory dwelling units;
- b. Tenant improvements in which the existing building is not expanded.

**C. Approval Criteria for All Types of Site Plans**

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

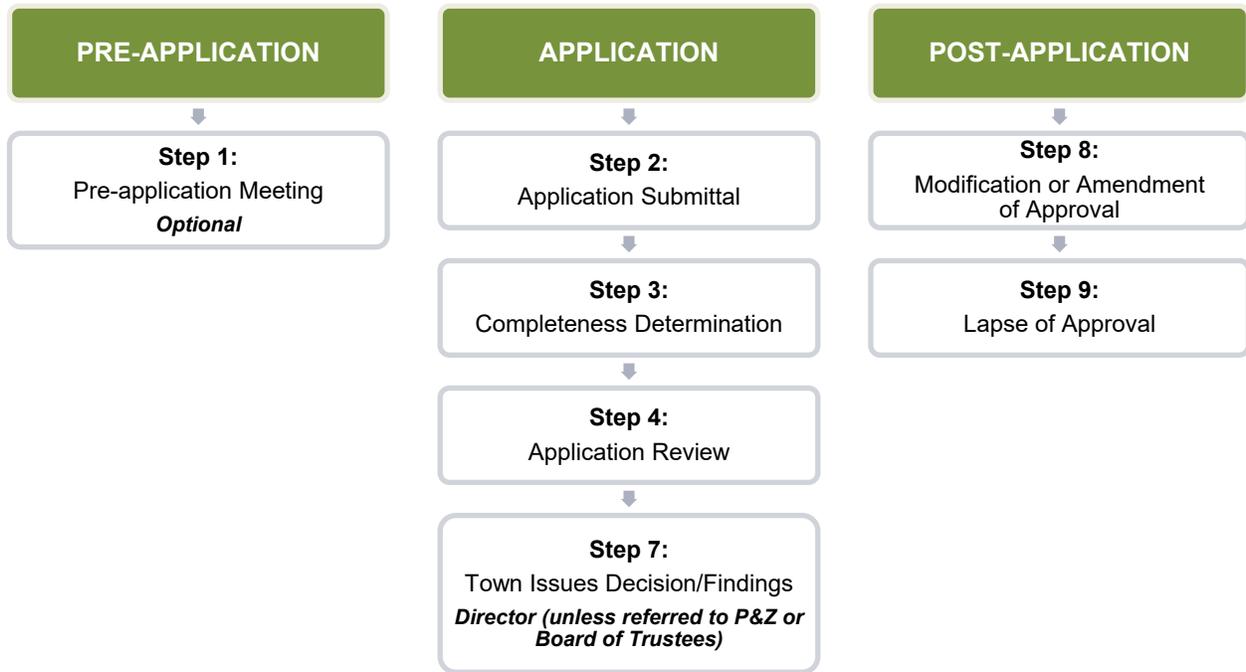
- 1. The site plan meets the purposes of the zoning district in which it will be located and is consistent with the Comprehensive Plan;
- 2. The site plan is consistent with any previously approved subdivision plat, planned unit development, or any other precedent plan or land use approval as applicable;
- 3. The site plan complies with all applicable development and design standards set forth in this Code; and

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.

**D. Procedure for Administrative Site Plan Review**

Figure 2.5.3-A shows the steps of the common review procedures that apply in the review of applications for administrative site plan review. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

**Figure 2.5.3-A Summary of Procedure for Administrative Site Plan Review**



**1. Step 2 – Application Submittal**

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 an administrative site plan review. At minimum, the application shall include the following:

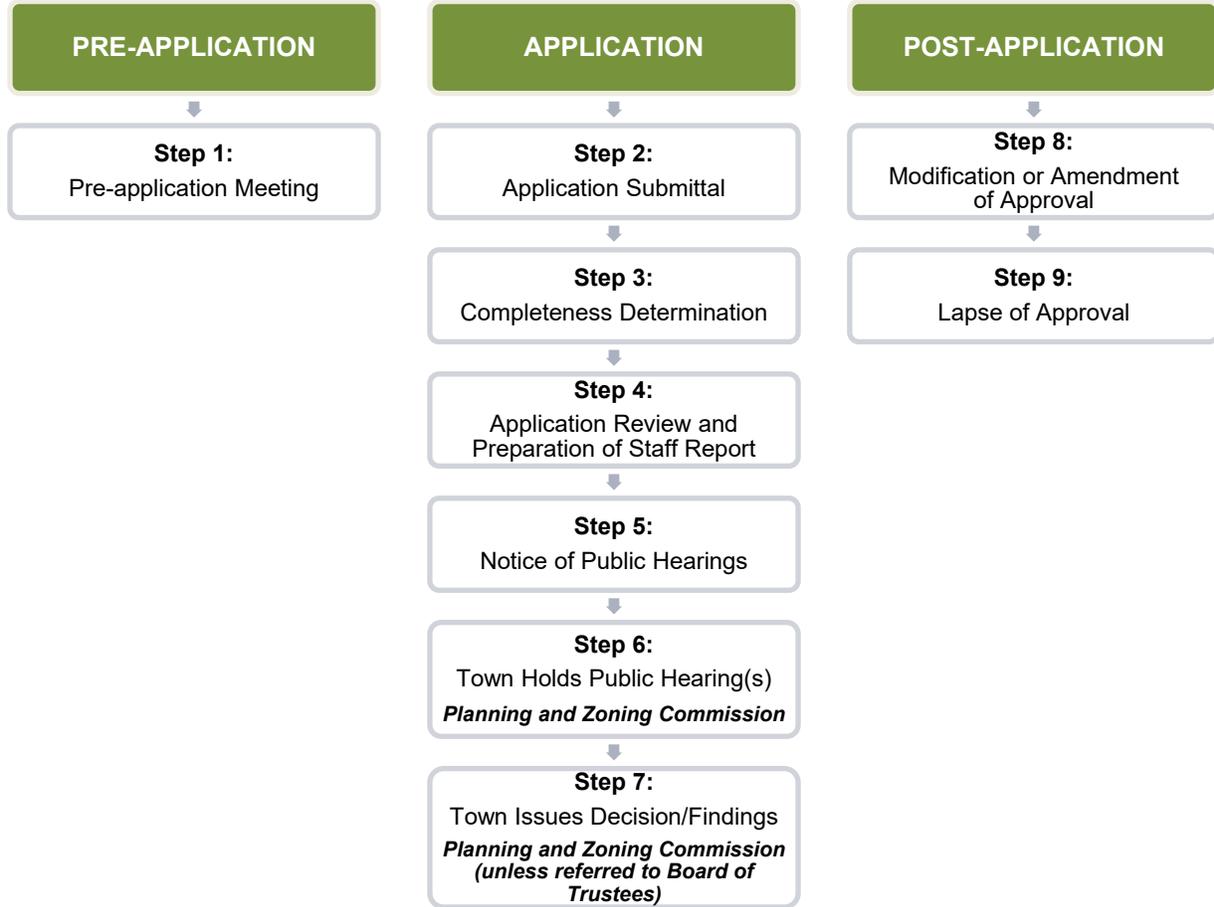
- a. A site plan on a dimensioned plat of the property-clearly indicating the following information:
  - i. The site location and dimensions;
  - ii. The immediately adjoining properties and an indication of the land uses existing on adjoining properties;
  - iii. The location on the site of all existing and proposed buildings and structures;
  - iv. 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; and
- c. Conceptual building elevations with notes indicating type of construction, exterior finishes, location of entry doors, decks, and other external structures.
2. Step 7 – Town Issues Decision and Findings
- a. Director Review and Action
- i. The Director shall review each administrative site plan application and distribute the application to other reviewers as he or she deems necessary. Based on the results of those reviews and the approval criteria applicable to all site plans in Section 2.5.3.C, the Director shall approve, approve with conditions, or deny the site plan, or refer the decision as described below.
  - ii. The Director’s review and decision, including referral to other agencies and bodies, shall be completed within 60 days of receipt of a complete application, unless the application is referred to the Planning and Zoning Commission or Board of Trustees.
- b. Referral to Planning and Zoning Commission or Board of Trustees
- The Director may refer any application to the Planning and Zoning Commission that in the Director’s discretion presents issues that higher-level review.

**E. Procedure for Minor Site Plan Review**

Figure 2.5.3-B shows the steps of the common review procedures that apply in the review of applications for minor site plan review. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

Figure 2.5.3-B Summary of Procedure for Minor Site Plan Review



**1. Step 2 – Application Submittal**

The applicant shall submit to the Director all 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 10 percent slope and five-foot contours for properties with greater than 10 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;
  - iv. 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.
2. Step 6 – Town Holds Public Hearing
- a. **Review and Decision by Planning and Zoning Commission**  
 After conducting a public hearing on the application, the Planning and Zoning Commission shall act to approve the application as submitted; approve the application with conditions; deny the application for a specific reason; or continue the public hearing to a specific time, date, and place for the purpose of obtaining and considering further information.

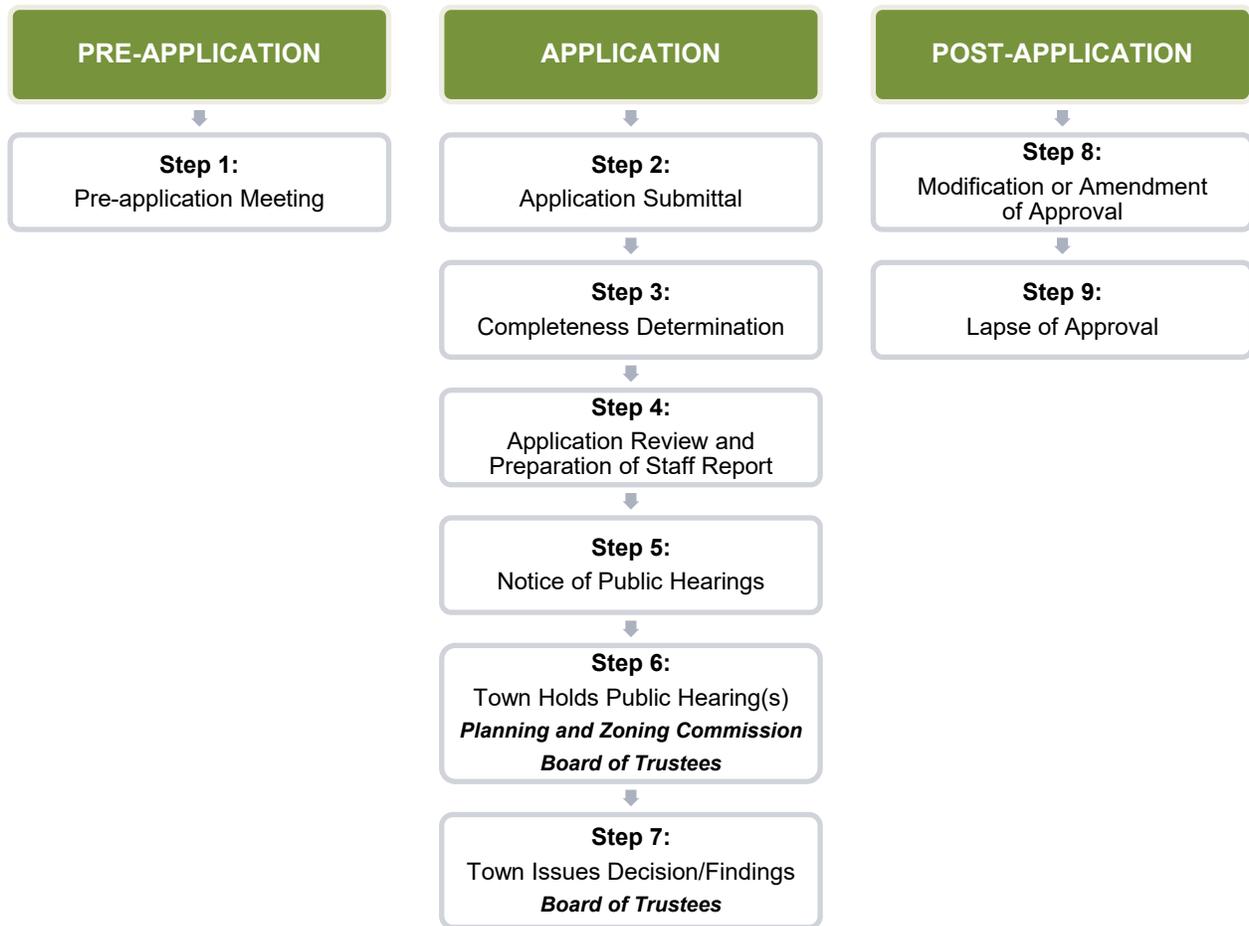
b. Referral to Board of Trustees

- i. The Planning and Zoning Commission may refer any application to the Board of Trustees that in the Commission’s discretion presents issues that require Board of Trustees attention.
- ii. If an application is referred to the Board of Trustees, the Board shall review the matter, and may approve, approve with conditions, or deny the application.

**F. Procedure for Major Site Plan Review**

Figure 2.5.3-C shows the steps of the common review procedures that apply in the review of applications for major site plan review. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.

Figure 2.5.3-C Summary of Procedure for Major Site Plan Review



1. Step 1 – Applicant Attends a Pre-application Meeting

At the pre-application meeting, the Director shall indicate specific elements that shall be included in a site plan review application, including environmental impacts, traffic, utilities and municipal services, and/or fiscal impacts.

**2. Step 2 – Application Submittal**

The applicant shall submit all 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 major 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 10 percent slope and five-foot contours for properties with greater than 10 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;
  - iv. 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 streets, alleys, trails;
  - vii. The location of all solid waste containers;
  - viii. The location of all snow storage areas; and
  - ix. 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;

- e. Dimensioned and labeled floor plans illustrating compliance with applicable development standards;
- f. A final grading plan which shows both present and proposed drainage. The drainage plan should be submitted by a licensed engineer if appropriate;
- g. An irrigation plan identifying how much landscaping will be irrigated, the source and delivery mechanism of such irrigation, and any outdoor water features; and
- h. If required by the Director, parking counts for the entire block (both sides of all adjacent streets and in the alleys if applicable). Parking counts shall be taken at 7:30 a.m. and 7:30 p.m. one day during the week and on a weekend day.

### 3. Step 6 – Town Holds Public Hearings

#### a. Review and Recommendation by Planning and Zoning Commission

The Planning and Zoning Commission shall conduct a public hearing on the application. After the public hearing, the Planning and Zoning Commission shall recommend that the Board of Trustees either approve the application as submitted; approve the application with conditions as may be necessary to fulfill the applicable purposes set forth for the zone district and in the Carbondale Municipal Code and to protect public health, safety and general welfare; to deny the application for a specific reason; or to continue the public hearing to a specific time, date, and place for the purpose of obtaining and considering further information.

### 4. Step 7 – Town Issues Decision and Findings

#### a. Decision by Board of Trustees

The Board of Trustees shall conduct a public hearing after notice as outlined in Section 2.3.5. At the hearing, the Board of Trustees in its discretion may approve, approve with conditions or deny the application, or may continue the hearing to a specific time, date, and place for the purpose of obtaining additional information.

## G. Additional Procedures Applicable to All Site Plans

### 1. Step 2: Application Submittal (Concurrent Variance or Other Applications)

An applicant may request, concurrently with any site plan application, a variance from the applicable zone district development standards, or any other applicable development standard or guideline by including the variance request in the application and by complying with the appropriate public hearing notification requirements. The applicant may also request that any other land use application processes be held concurrently with public hearings for a site plan (e.g., special use permit).

### 2. Step 9 – Lapse of Approval

A site plan approval shall remain in full force and effect for a period of three years from the effective date of the ordinance of approval. Approval shall lapse if construction of at least 50 percent of the total square footage of the approved project is not initiated within the three-year period. The applicant may request an extension from the decision-making body that approved the original site plan, which request may be granted at the discretion of the applicable body.

**2.5.4. SIGN PERMIT**

**A. Purpose**

The purpose of a sign permit is to ensure that all signs in the Town comply with the applicable provisions of this Code.

**B. Applicability**

Installation or display of any sign in any zone district requires the approval of a permit issued pursuant to this section, unless specifically exempted by this Code.

**C. Procedure**

Figure 2.5.4-A shows the steps of the common review procedures that apply in the review of applications for a sign permit. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

**Figure 2.5.4-A Summary of Procedure for Sign Permit**



**1. Step 2 – Application Submittal**

- a. The owner of the business being advertised or to which the sign applies or an authorized representative may apply for a sign permit.
- b. An application for a sign permit shall be submitted to the Director and shall include:
  - i. A site plan showing the lot dimensions, proposed location of the sign in the application and, if applicable, distance to mid-point of the right-of-way, and all existing signs on the site relating to the use in the application;

- ii. For wall-mounted signs, a sketch of the building elevation showing the location and dimensions of all existing and proposed graphics and all dimensions required to determine conformance with this Code;
- iii. A detailed dimensioned sketch of the proposed sign(s) showing the size of the components, height of lettering, construction materials, method of lighting and mounting details.

## 2. Step 7 – Town Issues Decision and Findings

The Director shall issue a sign permit if the application complies with all applicable standards in Section 5.9: Signs. The Director shall, within 15 business days of the date of the Sign Permit application, either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished.

## 3. Step 9 – Lapse of Approval

- a. The Director shall order the removal of any sign erected in violation of this Code. Written notice shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance with the regulations of this Code within 48 hours from the time of notice. If notice is mailed it shall be considered received by the end of the third regular business day after the date the notice was mailed.
- b. If the sign has not been removed or brought into compliance with this Code within 48 hours after receipt of written notice, the Director shall cause the sign to be removed pursuant to the enforcement procedures authorized in Section 1.8, *Enforcement*. The cost of the removal shall be assessed to the owner of the property on which the sign is located and may be collected in the manner of ordinary debt or in the manner of taxes. All such charges shall be a lien on the property.
- c. All appeals and requests for variance shall be made to the Board of Adjustment as provided in Section 2.7.1. A pending application for a variance shall not be considered adequate justification to allow a sign that does not comply with this Code to remain erected until the decision of the Board of Adjustment is rendered and paragraph b of this subsection shall be enforced regardless of any such application for a variance.

### D. Annual Banner Permit

An annual banner permit is required for the use of banners by a business. The permit shall outline the times the banner(s) are to be displayed, their size and location. The business shall keep a cycle log of the times the permitted banner(s) are to be displayed. Staff may ask to review this log to ensure conformance with this code.

## 2.5.5. WIRELESS FACILITIES EVALUATION

### A. Purpose

The purpose of the wireless facilities evaluation procedure is to facilitate the provision of wireless telecommunications throughout the Town while ensuring compliance with the standards in Section 4.3.6, *Wireless Facilities*.

**B. Applicability**

No new wireless facility shall be constructed, and no collocation or modification to any existing wireless facility may occur except after submittal of an application and approval by the Town to ensure compliance with the applicable provisions of the UDC and Municipal Code. All work done pursuant to wireless facility applications must be completed in accordance with all applicable building and safety requirements and any other applicable regulations. The review process varies according to the type and location of the proposed facility. The review process is intended to ensure that the facility will be designed and sited in a manner that complies with the provisions on this chapter, and in such a way to minimize negative impacts on surrounding property.

**C. Procedure for Eligible Facilities Request**

*(Eligible Facilities Request in right-of-way and outside right-of-way)*

Figure 2.5.5-A shows the steps of the common review procedures that apply in the review of the applications for eligible facilities requests. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

**Figure 2.5.5-A Summary of Procedure for Eligible Facilities Request**



**1. Step 2 – Application Submittal**

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 UDC for an administrative site plan review. At minimum, the application shall include the following:

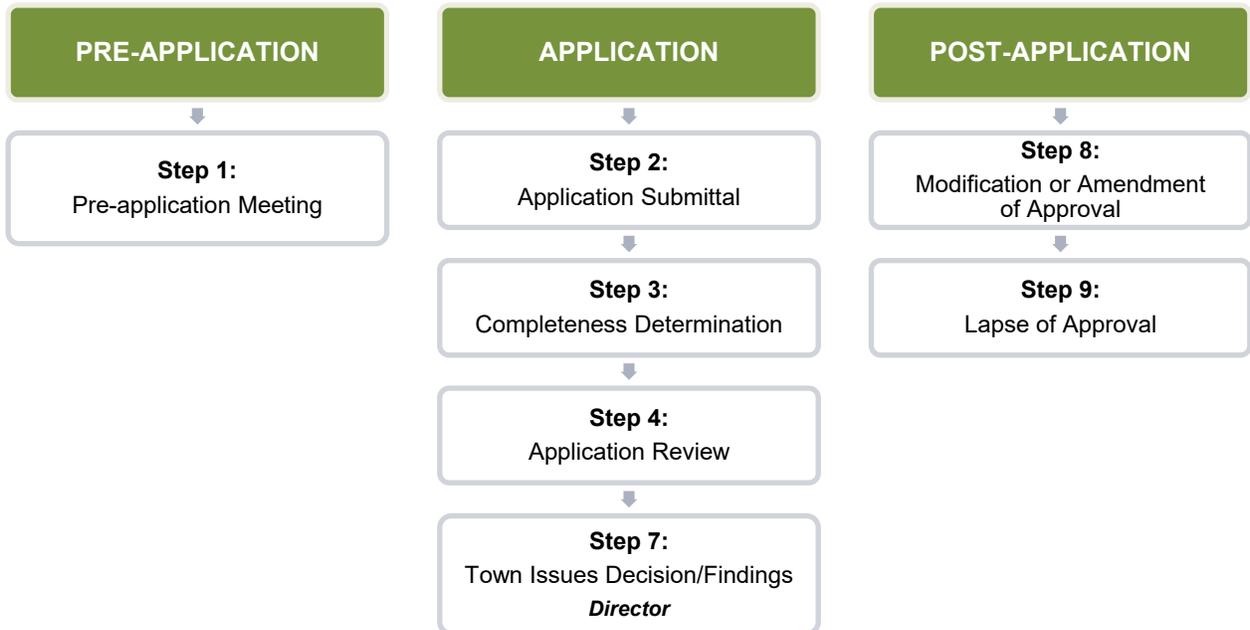
- a. Application form
  - b. Scaled site plans, scaled elevations, and other supporting documentation sufficient to demonstrate that the facilities meet the eligible facilities request requirements.
  - c. Photo simulations which show “before and after” photographs.
  - d. Inventory of existing sites as described in Section 5.13.3.F.
2. **Step 3 – Completeness Determination**  
 Within 30 days of receipt of the application, the Director shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application and to demonstrate compliance as an eligible facilities request.
3. **Step 7 – Town issues Decision and Findings**  
 The Director shall review the complete application for conformance with the provisions in this UDC and may approve or deny an application within 60 days of the date the application is submitted and complete.

**D. Procedure for Permitted Use Wireless Facilities Not in the Right-of-Way**

*(Small cell wall-mounted or roof-mounted wireless facilities)*

Figure 2.5.5-B shows the steps of the common review procedures that apply in the review of the applications for permitted wireless facilities that are not in the right-of-way. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

**Figure 2.5.5-B Summary of Procedure for Permitted Use Wireless Facilities Not in the Right-of-Way**



**1. Step 2 – Application Submittal**

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 an administrative site plan review. At minimum, the application shall include the following:

- a. Application form.
- b. Scaled site plans, scaled elevations, and other supporting documentation sufficient to demonstrate that the facilities meet the eligible facilities request requirements.
- c. Photo simulations which show “before and after” photographs.
- d. Inventory of existing sites as described in Section 5.13.3.F.

**2. Step 3 – Completeness Determination**

Within 30 days of receipt of the application, the Director shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application and bring the proposal into full compliance with the requirements of this UDC.

**3. Step 7 – Town issues Decision and Findings**

The Director shall review the application for conformance with the provisions in this UDC and with the criteria for a conditional use permit in Section 2.5.1.C.3.a and shall approve, approve with conditions, or deny a complete application for a new structure (other than a collocation) within 90 days of the date the application is submitted.

**E. Procedure for Special Use Wireless Facilities Not in the Right-of-Way**

*(Alternative tower structure, freestanding tower structure, base station, tower, non-small cell wall-mounted or non-small cell roof-mounted facilities)*

Applications for wireless facilities that require a special review use shall be considered by the Planning Commission through the special review use public hearing process set forth in UDC Section 2.5.2. Additions and modification to that procedure are included below.

**1. Step 2 – Application Submittal**

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 UDC for an administrative site plan review. At minimum, the application shall include the following:

- a. Written authorization from the owner of the property or infrastructure.
- b. Signal interference letter.
- c. Radio frequency emissions letter.
- d. Application fee(s).
- e. Scaled site plan drawn to scale specifying the location of antennas, support structures, transmission buildings and/or other access uses, setbacks,

access, parking, fences, signs, lighting, landscape areas, topography, drainage, utilities and all adjacent land uses.

- f. Photo simulations which show “before and after” photographs.
- g. Scaled building elevations.
- h. Inventory of existing sites as described in Section 5.13.3.F.
- i. Structural Integrity Report from a professional engineer licensed in the State documenting the following:
  - i. Tower height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design;
  - ii. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;
  - iii. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris in the event of failure; and
  - iv. Specific design and reconstruction plans to allow shared use. This submission is only required in the event that the applicant intends to share use of the facility by subsequent reinforcement and reconstruction of the facility.
  - v. Specific design considerations for impact or breakaway characteristics as required in specific roadway right-of-ways.
- j. Other supporting documentation, including radio frequency coverage, tower height, and other information deemed necessary by the Director to assess compliance with this chapter.

2. Step 3 – Completeness Determination

Within 30 days of receipt of the application, the Director shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application and bring the proposal into full compliance with the requirements of this UDC.

3. Step 7 – Town issues Decision and Findings

- a. The Planning Commission shall review the application for conformance with the provisions in this chapter and with the criteria in Section 2.5.2.C.3.b, *Special Use Permit Approval Criteria* and the following additional criteria:
  - i. There are exceptional circumstances which prohibit installation of a small cell facility; and
  - ii. There are no feasible alternatives to locate the wireless facility outside of the right-of-way.
- b. The Town shall review all completed applications for conformance with the provisions in this chapter and shall approve, approve with conditions, or deny a complete application for a new structure (other than a collocation) within 150 days of the date the application is submitted.
- c. Applications that do not meet the standards in this UDC shall require a waiver, subject to the following criteria:

- i. The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property.
- ii. There are no reasonable design alternatives that would remove the need for the requested waiver or would reduce the amount of the waiver required.
- iii. The waiver is warranted by the design incorporated in the proposal and the benefit to the Director provided through approval of the waiver.

**F. Procedure for Wireless Facilities in the Right-of-Way**

*(Small cell facility, alternative tower structure, and base station)*

Figure 2.5.5-C shows the steps of the common review procedures that apply in the review of the applications for wireless facilities in the right-of-way. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

**Figure 2.5.5-C Summary of Procedure for Wireless Facilities in the Right-of-Way**



**1. Step 1 – Application Submittal**

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 UDC for an administrative review. At minimum, the application shall include the following:

- a. Written authorization from the owner of the property or infrastructure.
- b. Signal interference letter.

- c. Radio frequency emissions letter.
- d. Scaled site plan drawn to scale specifying the location of antennas, support structures, transmission buildings and/or other access uses, setbacks, access, parking, fences, signs, lighting, landscape areas, topography, drainage, utilities and all adjacent land uses.
- e. Photo simulations which show “before and after” photographs.
- f. Scaled building elevations.
- g. Inventory of existing sites as described in Section 5.13.3.F.
- h. Structural Integrity Report from a professional engineer licensed in the State documenting the following:
  - i. Tower height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design;
  - ii. Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;
  - iii. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris in the event of failure; and
  - iv. Specific design and reconstruction plans to allow shared use. This submission is only required in the event that the applicant intends to share use of the facility by subsequent reinforcement and reconstruction of the facility.
  - v. Specific design considerations for impact or breakaway characteristics as required in specific roadway right-of-ways.

### 2. Step 3 – Completeness Determination

Within 30 days of receipt of the application, the Town shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application bring the proposal into full compliance with the requirements of this UDC.

### 3. Step 7 – Town Issues Decision and Findings

The Town shall review the completed application for conformance with the provisions in this UDC may approve or deny an application within 90 days of the date the application is submitted. The Director shall render a decision within 90 days of the date upon which an applicant submits a complete application. The review begins to run upon the filing of an application, and may be tolled only by mutual agreement of the Town and the applicant, or in cases where the Town determines that the application is incomplete and provides written notice of same to the applicant.

## G. Consolidated Applications

The Town shall allow a wireless provider to file a consolidated application for up to 10 small cell facilities and receive a single permit for the small cell network. The Town's denial of any individual small cell facility is not a basis to deny the application as a whole or any other small cell facility incorporated within the consolidated application.

**H. License Agreement**

An applicant shall be required to execute a license agreement before the installation of any wireless facility within the right-of-way.

**I. Lapse of Approval**

A permit for any wireless facility shall expire nine months after approval unless construction of the permitted structure has been initiated unless otherwise set forth in the license agreement between the Town and applicant.

**2.6 PROCEDURES AND APPROVAL CRITERIA: SUBDIVISIONS****2.6.1. PURPOSE**

The purpose of the subdivision review process is to ensure compliance with the standards and requirements in Chapter 17.06: *Subdivision*, while encouraging quality development consistent with the vision, goals, and strategies in the Comprehensive Plan.

**2.6.2. APPLICABILITY****A. Applicable to All Subdivisions**

The procedures of this section and the standards in Chapter 17.06: *Subdivision*, shall apply to all subdivisions, as defined in Chapter 17.08: *Definitions*, of this Code, including any subdivisions or re-subdivisions created by an exercise of the power of eminent domain by an agency of the state or Town, unless specifically excluded by state law.

**B. Plat Approval Required Prior to Transfer or Sale**

Any person who transfers or sells any land located within the Town by reference to a plat that has not been approved by the Town and recorded by Garfield County shall be guilty of a violation of this Code.

**C. Subdivisions Created and Filed Prior to Effective Date of this Code**

No provision of this section or Chapter 17.06: *Subdivision*, applies to any lot in a subdivision legally created and filed of record before the effective date of this Code, unless any lot, parcel, or tract is further subdivided.

**D. Subdivision Approval is Prerequisite to Other Approvals**

1. No building permit or certificate of occupancy may be issued for any building, structure, or improvement located within a subdivision, and no plat for a subdivision may be recorded, until:
  - a. A plan for the subdivision has been approved and all required dedications of land have been made and all required improvements have been installed in accordance with the procedures and requirements of this Code; or
  - b. A plan for the subdivision of land has been approved and, if applicable, a development agreement has been executed that provides for future improvements pursuant to Section 6.2, *Design and Improvement Standards*, of this Code, and security has been provided and maintained to secure the completion of future improvements.

2. The Town shall not accept or maintain any street and shall not extend or connect any street lighting, water service, or sanitary sewer service to any subdivision of land, until and unless a final plat for the subdivision has been approved and recorded in accordance with the requirements in this section.

### 2.6.3. SUBDIVISION CONCEPTUAL PLAN

#### A. Purpose

A conceptual plan represents a general land use plan and layout for the area proposed to be included within a subdivision. It allows for an evaluation of a proposed subdivision before detailed planning and engineering work is undertaken and before substantial expenses are incurred. Material submitted for a conceptual plan shall not constitute a complete application for a preliminary plat, unless it meets the requirements for a preliminary plat application as specified by the Director.

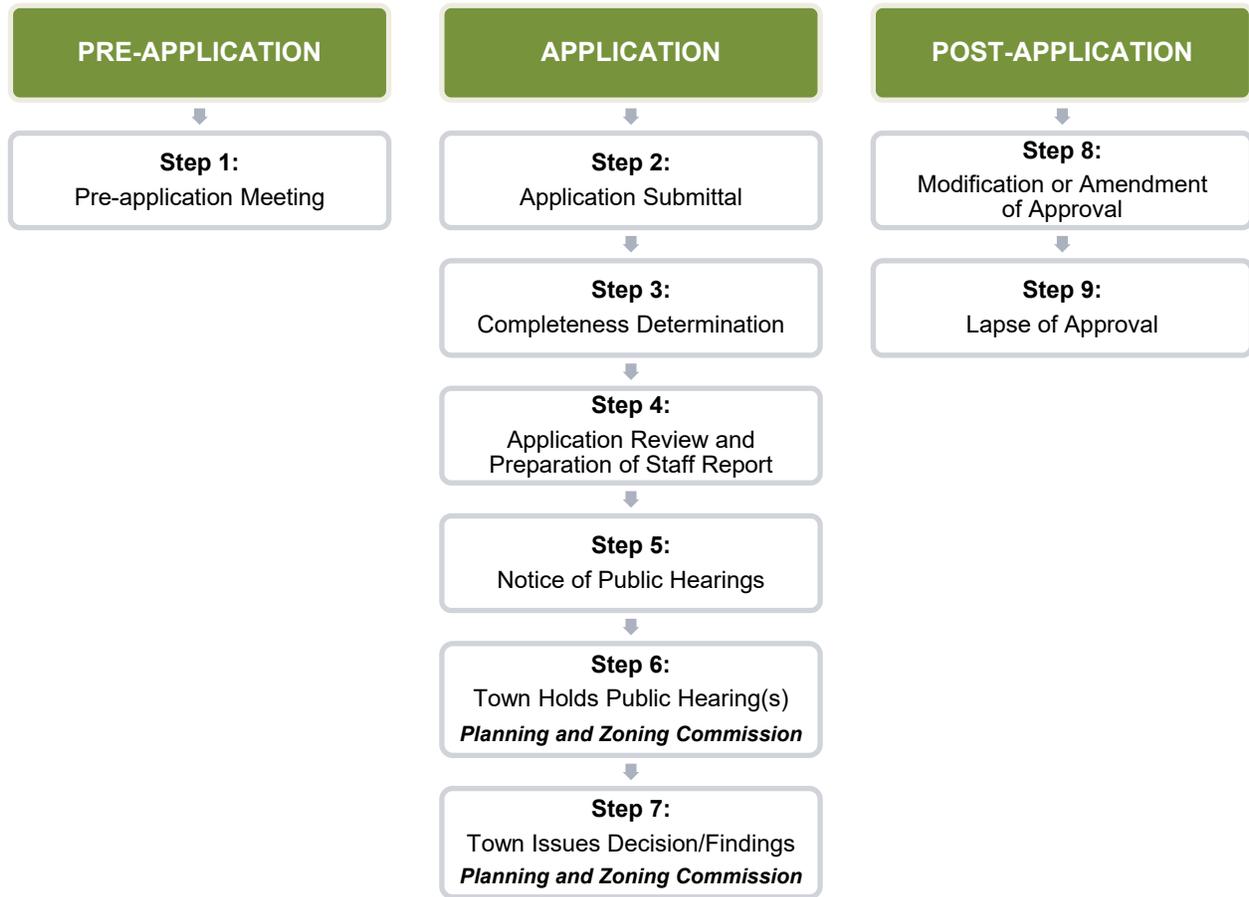
#### B. Applicability

Review through the subdivision conceptual plan procedure is required prior to submission of an application for preliminary plat approval for any proposed division of land where the resultant subdivision will produce four or more lots. The subdivision conceptual plan procedure is optional for all other subdivision applications. A subdivider may request review through the subdivision conceptual plan process for projects that are not required to submit to such review.

#### C. Procedure

Figure 2.6.3-A shows the steps of the common development review procedures that apply in the review of applications for subdivision conceptual plans. The common procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

Figure 2.6.3-A Summary of Procedure for Review of Subdivision Conceptual Plans



### 1. Step 2 – Application Submittal

The subdivision conceptual plan application shall be in the form established by the Director and shall include the following:

- a. Written request from the applicant; and
- b. A site plan depicting the proposed subdivision showing, at a minimum:
  - i. Topography showing general slope of the land to be developed;
  - ii. Uses proposed;
  - iii. Intensity or density of uses proposed;
  - iv. Location of public and private open space;
  - v. Drainage facilities;
  - vi. All public and private road, street, and pedestrian networks proposed;
  - vii. The block and lot pattern with approximate lot areas noted;
  - viii. Existing buildings or structures on the land;
  - ix. Existing or proposed utilities and public services for the development; and
  - x. A solar access plan.

**2. Step 6 – Town Holds Public Hearing(s)**

Following a public hearing, the Planning and Zoning Commission shall consider the comments and evidence presented at the hearing and the staff report and recommendations from the Director, and approve, conditionally approve, or deny the conceptual plan, based on the criteria in Step 7 below.

**3. Step 7 – Town Issues Decision/Findings****a. Approval Criteria**

The Planning and Zoning Commission shall evaluate the applicant's conceptual plan application to determine whether:

- i. The proposed subdivision complies with all applicable use, density, development, and design standards set forth in this Code and that would affect or influence the layout of lots, blocks, and streets. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.
- ii. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that maximizes connectivity, minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical habitat, and otherwise accomplishes the purposes and intent of this Code.
- iii. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed use of these areas are compatible with such conditions.
- iv. The applicant has provided evidence that provision has been made for a public water supply system and public sewage disposal system.
- v. The application provides a clear assumption of responsibility for maintaining all roads, open spaces, and other public and common facilities in the subdivision.
- vi. As applicable, the proposed phasing for development of the subdivision is rational in terms of available infrastructure capacity and the feasibility for the project to receive future financing.

**b. Notice of Approval and Authority to Proceed to Preliminary Plat Application**

If the subdivision conceptual plan is approved or approved with conditions, the Director shall issue to the subdivider authority to proceed to the preliminary plat application.

**4. Step 9 - Lapse of Approval**

Approval or conditional approval of a subdivision conceptual plan shall be effective for one year unless otherwise expressly approved by the Commission.

**5. Concurrent Sketch Plan and Preliminary Plat**

**a. Purpose**

The purpose of the concurrent conceptual plan/preliminary plat is to provide the Town with an overall master plan for the proposed development, while allowing applicants to expedite the major subdivision process.

**b. Procedure and Approval Criteria**

The review process and approval criteria for concurrent conceptual plan and preliminary plat approval shall be the same as the process for preliminary plat approval in Section 2.6.4 below. The applicant shall submit all materials specified in the application packet for the concurrent review process.

**2.6.4. PRELIMINARY PLATS**

**A. Purpose**

The purpose of preliminary plat review is to provide Town officials with an opportunity to review and comment on the overall master plan for a proposed development, in order to ensure compliance with the requirements of this Code and the goals and objectives of the Comprehensive Plan.

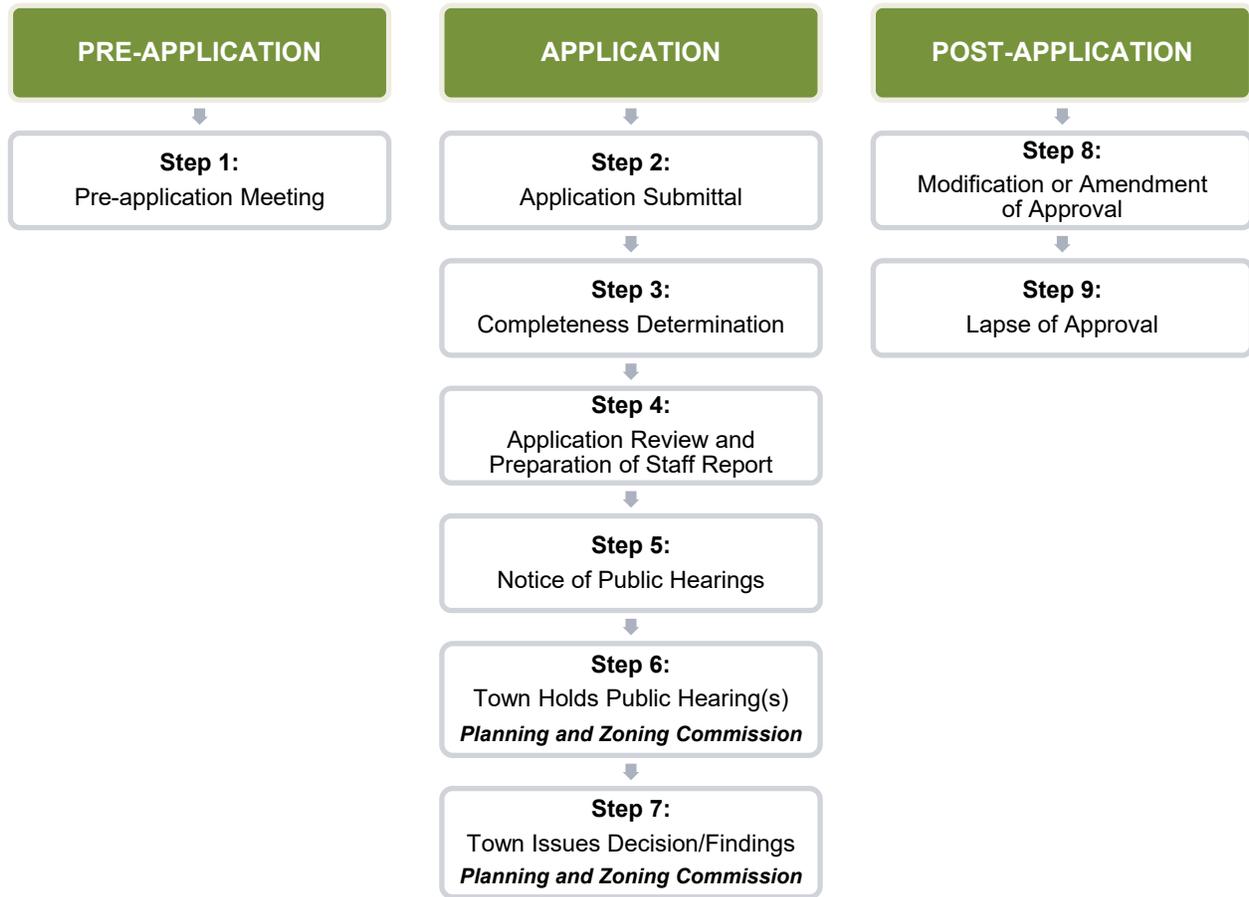
**B. Applicability**

All subdivision plats shall be processed in accordance with the requirements and procedures in this section and Chapter 17.06: *Subdivision*. For any proposed division of land where the resultant subdivision will produce four or more lots, review and approval of a subdivision conceptual plan pursuant to Section 2.6.3 is required prior to submission and processing of an application for preliminary plat approval.

**C. Procedure**

Figure 2.6.4-A shows the steps of the common review procedures that apply in the review of applications for preliminary plats. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

Figure 2.6.4-A Summary of Procedure for Review of Preliminary Plats



### 1. Step 2 – Application Submittal

The preliminary plat application shall include the following:

#### a. Preliminary Plat

A preliminary subdivision/condominium plat at least 24 by 36 inches complying with state law with a scale of no more than 100 feet to the inch depicting each of the following:

- i. Preliminary information sufficient to indicate that the final plat will meet the requirements set forth in CRS 1963, 136-2-2;
- ii. Contours at two-foot intervals, or 10-foot intervals of rugged topography;
- iii. Intersecting property lines and owners of record of all parcels adjoining the proposed subdivision including parcels separated only by a public right-of-way from the property proposed to be subdivided;
- iv. Street layout of the proposed subdivision including relationship to existing public rights of way and the width and name of proposed streets rights-of-way and the width and name of proposed streets;

- v. Lot and block layout including a block and lot numbering system and in the case of Planned Unit Development; the use, area and setback information on each lot if not conforming to the applicable zoning district regulations;
  - vi. Existing and proposed easements for irrigation, drainage, and utilities;
  - vii. A solar access plan;
  - viii. The name of the proposed subdivision (which must be different from any existing recorded subdivision in Garfield County, Colorado);
  - ix. The name and address of the subdivider, the preparer of the plat, and the engineer or surveyor who is licensed to practice in the State of Colorado and is responsible for the boundary survey and any engineering studies; and
  - x. Proposed terms of reservations and dedications of public rights-of-way, easements, and other public lands;
- b. **Proposed Covenants**  
A brief description of any proposed covenants;
- c. **Adjoining Property Owners**  
The names and addresses of the owners of real property immediately adjoining the platted land or of real property separated from the platted land only by a public street or other publicly owned right-of-way, as their names appear on the plats in the Garfield County Clerk and Recorder's Office or upon the records in the Garfield County Assessor's Office and as their address appears in the directory of the Town or on the tax records of the Town or County;
- d. **Shading and Solar Access**  
A diagram showing the maximum shading of the building envelopes and such other information as may be required by the Town to demonstrate that the proposal complies with the solar access provisions of Section 5.12, *Solar Access*; and
- e. **Title of Ownership**  
Evidence of Title of Ownership of the applicant to all the property, including any mineral, gravel, and oil and gas leases, reservations, or separate ownerships.
- f. **Consistent with Subdivision Conceptual Plan**  
The preliminary plat shall be consistent with the approved subdivision conceptual plan, if such a plan was required. In addition, the preliminary plat shall be accompanied by the following information:
- g. **Utility Plan**  
A plan corresponding to the preliminary plat showing the line location, size and gradient for the proposed water distribution and sewage collection mains within the proposed subdivision in relation to existing Town Installations and also in relation to existing installations of any special district. The utility plan shall also indicate that underground distribution of electrical power and communications lines is to be utilized and a description of the system or systems shall be shown on the plan.

**h. Street Profile**

Centerline profiles of proposed streets shall be plotted at a horizontal scale consistent with the preliminary plat and a distorted vertical scale, with sufficient detail to ensure the proposed streets meet the gradient limitations established by this Code and bear a logical relationship to the grade of existing public streets at points of intersection.

**i. Drainage Plan**

i. When the plat of a proposed subdivision includes a stream course or dry wash subject to flood crest generated by intensive rainfall or rapid spring thaw runoff, a drainage plan based on analysis of the tributary area and detailed drainage easements and structures necessary to accommodate a design 25-year storm shall be provided by an engineer registered in the state;

ii. Any bridge planned as a part of the proposed subdivision shall be designed and constructed in accordance with AASHO recommendations for an H-20 live load. Where an existing bridge is part of a proposed subdivision and does not meet specifications of this section and Section 2.6.5, it is the responsibility of the subdivider to repair or replace such bridge as necessary to meet the requirements of an H-20 live load prior to acceptance by the Town for maintenance. No lot served by such bridge shall be built upon or occupied until such improvements have been completed. The width of any such bridge shall be the same width as its roadway approaches.

**j. Irrigation Plan**

A plan corresponding to the preliminary plat showing the area to be irrigated, the source and delivery mechanism of the irrigation, and any outdoor water features to be located on the site.

**k. Land Dedication**

i. As part of the submission of preliminary plat, the developer shall submit a proposal that provides for one of the following options:

a. Dedication of a percentage of land within the development to the Town as public open space, together with a calculation of fees to be paid, pursuant to Section 2.6.5.C.1.g and h; or

b. In lieu of land dedication, or if the Town determines the proposed land dedication for park land does not meet the needs of the Town, the developer shall propose a payment to the Town in cash in an amount equal to the fair market value of the land at the time of final plat plus the amount of the park development fee as set forth in Section 2.6.5.C.1.g. In the event both parties cannot agree on a fair market value, the value shall be determined by a licensed appraiser, who shall be selected by the Town and whose fee shall be charged to and paid by the developer; or

c. The developer may offer another parcel of land equal in size and owned by him that is acceptable to the Town and pay the amount of the park development fee as set forth in Section 2.6.5.C.1.g.

- ii. Consideration may be given to the developer for reduction of land dedication and park development fee requirements if the developer provides a commercial recreation facility for general public use within the subdivision. The decision of whether or not to accept a payment in lieu of land dedication of public open space or to accept dedication of land outside the subdivision shall be made by the Board of Trustees in its sole discretion.
- iii. The developer's proposal shall be submitted to the Parks and Recreation Commission for review and recommendation to the Board of Trustees. The Parks and Recreation Commission and Planning and Zoning Commission shall consider the necessity for parks and public open space uses in connection with each plat and shall make recommendations based upon:
  - a. Concurrence with the Town and parks and recreation master plans and Town mission statement;
  - b. Comments from other agencies and Town staff;
  - c. Consideration of whether the size of the development justifies the dedication and development of public open space;
  - d. Consideration of whether the proposed dedication is consistent with the needs and requirements of the citizens of the Town and the letter and intent of the Carbondale Municipal Code provisions dealing with such dedications;
  - e. The location, geography, slope, usability by Town, and other factors will be considered.

## 2. Step 4 – Application Review and Preparation of Staff Report

The Director may refer any preliminary plat application to the Board of Trustees prior to the public hearing of the Planning and Zoning Commission at the discretion of the Director. After such meeting, the Board of Trustees may transmit its recommendation to the Planning and Zoning Commission, which shall be considered with all other relevant data by the Planning and Zoning Commission at its hearing on the preliminary plat.

## 3. Step 6 – Town Holds Public Hearings

At the hearing, the Planning and Zoning Commission may approve, approve with conditions, or deny the preliminary plat application.

## 4. Step 7 – Town Issues Decision and Findings

### a. Approval Criteria

The Planning and Zoning Commission may approve a preliminary plat application that meets the following criteria:

- i. The proposed subdivision complies with all applicable use, density, development, and design standards set forth in this Code that have not otherwise been modified or waived pursuant to this chapter and that would affect or influence the layout of lots, blocks, and streets. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make compliance with such development and design standards difficult or infeasible.

- ii. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this Code.
- iii. The applicant has provided evidence that provision has been made to connect to the Town's public water supply system.
- iv. The applicant has provided evidence that provision has been made for a public sewage disposal system or, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with state and local laws and regulations.
- v. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed use of these areas are compatible with such conditions.
- vi. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve other natural hazards including flood and wildfire have been identified and mitigated to the maximum extent practicable.
- vii. The application provides a clear assumption of responsibility for maintaining all roads, open spaces, and other public and common facilities in the subdivision.
- viii. As applicable, the proposed phasing for development of the subdivision is rational in terms of available infrastructure capacity and financing.
- ix. The subdivision is consistent with the approved subdivision conceptual plan, if applicable, unless detailed engineering studies require specific changes based on site conditions (in which case the applicant shall not be required to pursue another conceptual plan approval);
- x. The subdivision is consistent with Comprehensive Plan and other adopted Town policies and plans, including any adopted transportation plan or streets/roadway plan.

#### 5. Step 9 – Lapse of Approval

Planning and Zoning Commission approval of the preliminary plat shall be valid for a period of three years.

### 2.6.5. FINAL PLATS

#### A. Purpose

The purpose of the final plat is to ensure compliance with the approved preliminary plat, and authorize the completion of the subdivision of land consistent with the Town's adopted development standards.

#### B. Applicability

Except for subdivision exemptions, the final plat procedure applies to all subdivisions in the Town of Carbondale unless otherwise stated in this UDC.

**C. Procedure**

Figure 2.6.5-A shows the steps of the common review procedures that apply in the review of applications for final plats. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

Figure 2.6.5-A Summary of Procedure for Review of Final Plats



### 1. Step 2 - Application Submittal

Applications for a final plat shall include the following:

- a. The proposed subdivision drawn at a scale of not more than 100 feet to the inch depicting:
  - i. Subdivision boundaries, street right-of-way lines, and lot lines in solid lines with accurate dimensions to the nearest 100<sup>th</sup> foot.
  - ii. Easements and other rights of way in dashed lines with accurate dimensions to the nearest 100<sup>th</sup> foot.
  - iii. Bearings of all lines and central angles, tangent distances, chord distances, and arc length of all curves shall be shown.
  - iv. Location and description of all permanent survey control points.
  - v. Legal description of the subdivision tract with references to its location in the records of Garfield County, Colorado.
  - vi. Street names, block, and lot numbers. Include street addresses where applicable.
  - vii. Use, area, and setback restrictions on each lot of a Planned Development when it is different from underlying zoning.
  - viii. The name of the subdivision.

- ix. A notarized certificate of dedication and ownership.
  - x. Surveyor's certificate signed by a licensed surveyor responsible for the survey and final plat.
  - xi. Planning and Zoning Commission Certificate of Approval.
  - xii. Board of Trustees Certificate for Approval and Acceptance.
  - xiii. Clerk and Recorder's Certificate for time recording.
- b. Protective covenants or restrictions placed on the subdivision;
  - c. Engineered plans and preliminary cost estimates, prepared by an engineer licensed in the State of Colorado, for all improvements to be installed by the subdivider in dedicated land, rights-of-way, or easements, or as may be required by this Code;
  - d. A draft subdivision agreement to be executed by the Town and the subdivider wherein the subdivider covenants and agrees to perform all conditions imposed by the Town. The agreement shall meet the specifications of Section 2.6.5.C.2.c.i, *Security Guarantee*. Such conditions and agreement may include, and the Town is empowered to require, the obligation of the subdivider to pay for and install or cause to be installed water distribution structures, curbs and gutters, street base course material, asphalt wearing course material, bridges, underground wiring, street lighting, underground communications system, gas distribution systems, underground cable TV wiring, underground internet wiring, fire hydrants, fire alarms, street signs, and traffic-control devices, as may be required by and according to the specifications of the Town, and sanitary sewer collection systems. The Town may also require the subdivider to comply with the provisions of subsections f and g of this section regarding public open space dedication and park development fees, and such requirements shall be set forth in the subdivision improvement agreement. The Town may also require the subdivider to reserve sites and land areas for schools not to exceed five percent of the acreage of the subdivision, or in lieu thereof, a cash contribution in the amount of not more than five percent of the market value of the subdivision at the time of the submission of the final plat. In such event, the land or cash equivalent for school shall be granted or transmitted to the Roaring Fork Valley School District RE-1 by the subdivider;
  - e. An agreement and covenant of the subdivider to convey ownership to the Town of all of the foregoing facilities and improvements, except for facilities, money or property of Roaring Fork School District RE-1, except for cable TV wiring and related facilities, except for those facilities which by law become the property of the state, and except for those facilities which by public utilities tariffs become the property of the public utility, its customer, or its user. At the time of the conveyance, the subdivider shall supply a statement of the costs of the facilities conveyed, mechanic's lien waivers from all involved contractors, subcontractors, and material suppliers, and existing as-built specifications and other available data concerning the location, construction, operation and maintenance of such facilities. The subdivider/developer and all subcontractors shall also warrant the conveyed facilities to be fit for the purpose intended and of merchantable quality, and in addition to be free for two years from the date of conveyance from all defects in material and workmanship. The warranty shall be in writing on a form

supplied by the Town. All improvements must be constructed as contained in the approved engineering plans submitted to the Town. Nothing herein shall limit the rights of the Town as to any expressed or implied warranties concerning such facilities from persons manufacturing, selling, or installing the facilities;

- f. A dedication or conveyance by the subdivider to the Town of a minimum of 15 percent of the land within each residential subdivision for public open space. Public open space shall mean property that has been dedicated for use by the general public for recreational purposes and shall include land designated for use as a park. All parks shall be developed by the subdivider according to the standards set forth in the park master plan for the Town of Carbondale as it may be amended from time to time;
- g. If the Town elects to accept a dedication of undeveloped park land, a park development fee, in addition to the dedication of land, shall be paid by the developer at the time of final plat approval based on the number of dwelling units created by any final subdivision plat or subdivision exemption plat. The fee shall be \$700.00 per dwelling unit;
- h. The Board of Trustees shall make a determination of whether or not the proposal for dedication of public open space or a fee in lieu thereof as set forth more fully in Section 2.6.4.C.1.j is acceptable, and if not acceptable, the Board of Trustees may impose additional conditions or requirements in connection with the dedication of public open space lands or a fee in lieu thereof consistent with the provisions of this Code; and
- i. All lands dedicated for public open space shall be free of all liens and encumbrances as evidenced by a current title insurance policy to be provided by the developer and shall be dedicated to the Town solely as public open space on the final subdivision plat.

## 2. Step 7 – Town Issues Decision and Findings

### a. Review and Decision

The Board of Trustees shall review each proposed final plat application based on the staff report and the applicable approval criteria below. All construction plans for subdivision-related public improvements shall be referred to the appropriate Town staff for review and approval. Based on the results of those reviews, the Board shall, following a public hearing, act to approve, approve with conditions, or deny the proposed final plat.

### b. Approval Criteria

The Board of Trustees shall approve final plats that comply with all of the following criteria:

- i. The final plat conforms to the approved preliminary plat and incorporates all recommended changes, modifications, and conditions attached to the approval of the preliminary plat;
- ii. The development will substantially comply with all requirements of this Code; and
- iii. The development will comply with applicable technical standards and specifications adopted by the Town.

## c. Post-approval Actions

## i. Security Guarantee

Upon approval of a final plat, the Board of Trustees shall require the subdivider to provide security to guarantee the installation of all improvements required by the subdivision agreement. The type of security shall be at the sole discretion of the Board of Trustees. The total cost of the installation of all improvements shall be determined by the Board of Trustees, or, if required by the Town, an engineer licensed to practice in Colorado selected by the Town. The amount of the security shall be not less than 110% of the estimated cost of installation of all improvements. If a letter of credit is approved, it shall give the Town the unconditional right, upon any default by the subdivider, to withdraw funds immediately upon the Town's demand to complete the installation of all improvements. If a mortgage or deed of trust is approved by the Board of Trustees, the subdivider shall provide an appraisal for the property to be encumbered issued by an appraiser selected by the Town within 45 days of the date of the approval of the final plat. The appraisal shall value the property, exclusive of liens and of installation of all improvements, and shall be accompanied by a title insurance policy naming the Town as the insured. The subdivider shall pay the costs of all legal, engineering, and appraisal work. Upon the Town's acceptance of partial performance of the installation of improvements by the subdivider, the Board of Trustees may release a portion of the approved security in an amount corresponding to the cost of the accepted improvements as initially certified by the Director or licensed engineer.

## ii. Recording

- a. The final plat shall be recorded in the office of the Garfield County clerk and recorder within 90 days after the date of approval and acceptance by the Board of Trustees. Failure to so record shall render the approval and acceptance by the Board of Trustees invalid, except as set forth in this section.
- b. Before or after the expiration of the 90-day period from the approval and acceptance of the plat by the Board of Trustees, the subdivider may apply to the Director for an extension of time within which to file the plat. The Director may grant the request for the extension of time if it finds that just cause existed for the delay in filing the plat in a timely manner and that no useful purpose would be served by requiring the subdivider to file and process another application for approval of the same plat. In granting such an extension, the Director may establish a new due date for the recording of the plat and assess the subdivider with all costs incurred by the Town as a result of the delay in the timely filing of the plat and the processing of the subdivider's request for extension of time.

## 3. Step 8 – Modification or Amendment of Approval

See Section 2.6.7, *Plat Amendments*.

## 2.6.6. SUBDIVISION EXEMPTION

### A. Purpose

The purpose of this section is to describe the approval procedures for an exemption from the subdivision procedures.

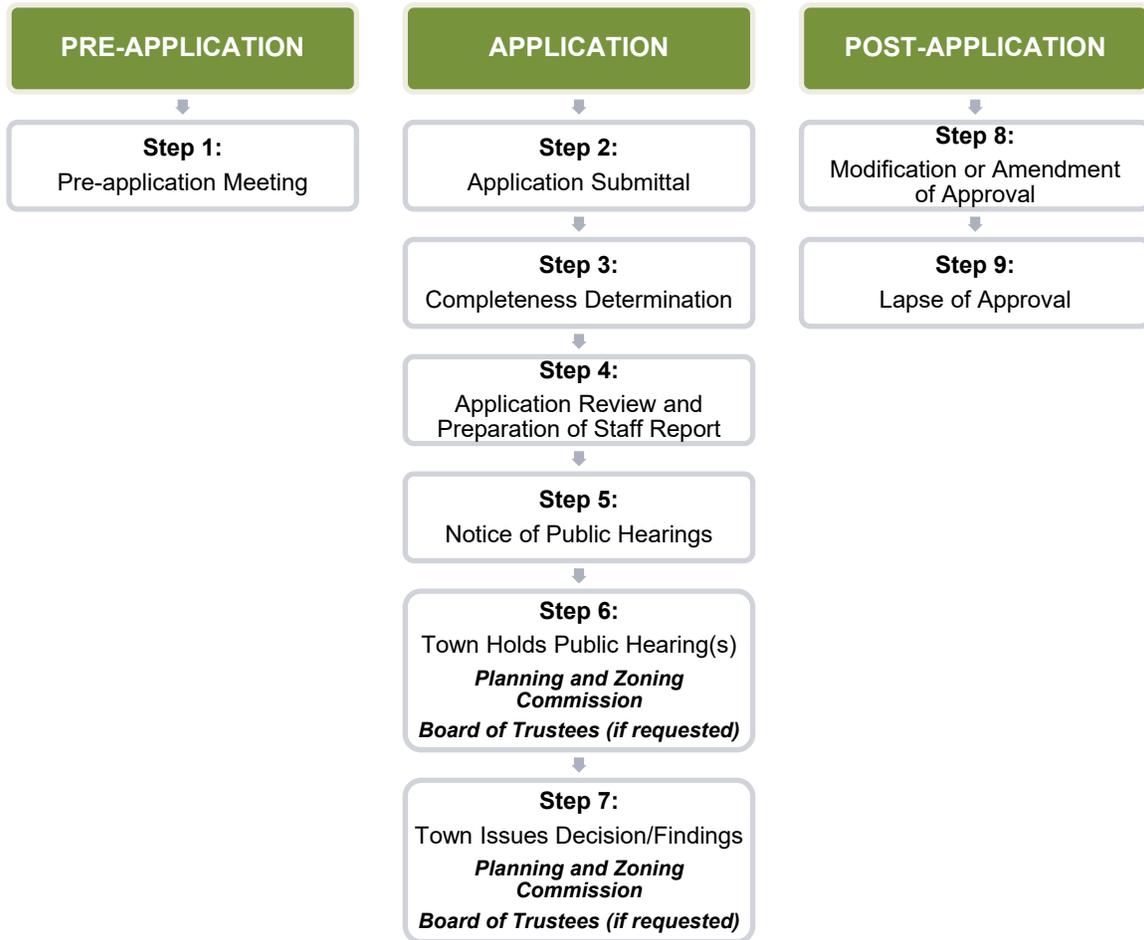
### B. Applicability

1. The Director shall determine whether an application is eligible to through this subdivision exemption process if the Director finds all of the following:
  - a. The subject property is suitable for subdivision within the meaning of Chapter 17.06: *Subdivision*.
  - b. All public utilities are in place on, or immediately adjacent to, the subject property;
  - c. Each lot has the necessary dedicated public access required by this code at the time of the subdivision exemption application;
  - d. The subdivision plat shall comprise and describe not more than three lots and, unless the property to be subdivided is wholly owned by the Town or another federal, state or local government entity, the entire parcel to be subdivided shall be no more than five acres in size; and
  - e. The preparation of engineered design data and specifications is not needed to enable the Commission to determine that the subject property meets the design specifications in Chapter 17.06: *Subdivision*.
2. On a property on which a prior subdivision exemption has been granted, an application shall be eligible for the subdivision exemption process only if the new subdivision exemption will not result in any more lots. The exception are parcels located in the original Townsite, Weaver's Addition, and Fender's Addition. These parcels may be further subdivided under the subdivision exemption process.

### C. Procedure

Figure 2.6.6-A shows the steps of the common review procedures that apply in the review of applications for a subdivision exemption. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

Figure 2.6.6-A Summary of Procedure for a Subdivision Exemption



### 1. Step 2 – Application Submittal

- a. The following shall be submitted with a subdivision exemption application:
  - i. A sketch plan drawn to scale showing existing and proposed lot configurations, existing structures, existing utility lines, and dedicated public access;
  - ii. A written statement explaining why the subdivision meets the purposes of this Code;
  - iii. A written statement of the intended uses and proposed densities of each parcel in the subdivision;
  - iv. If the parcels have existing residential units or will be used for residential units, a written statement indicating how many bedrooms each unit has or will have; and
  - v. Evidence of title or ownership of the applicant to the property, including any mineral, gravel, and oil and gas leases, reservations, or separate ownerships.

- b. As a condition of processing and granting the application, the Town may require at any stage of the proceedings such engineering specification and data as are necessary to enable it to determine that the proposed subdivision will meet all of the applicable design and improvement standards in Chapter 17.06: *Subdivision*.

**2. Step 6 – Town Holds Public Hearings**

**a. Review and Decision by Planning and Zoning Commission**

The Planning and Zoning Commission shall hold a hearing after the Director determines that all of the documents necessary for a complete application have been submitted. The Planning and Zoning Commission may approve, deny, continue, or approve with conditions which may include design changes of the subdivision exemption proposal.

**b. De Novo Hearing by Board of Trustees**

- i. The applicant(s), any property owner within 300 feet of the subject property, or any staff member aggrieved by a decision or action of the Planning and Zoning Commission may request a de novo hearing before the Board of Trustees. If more than one request for a de novo hearing is filed, such requests shall be consolidated and one hearing shall be held. The person(s) requesting a de novo hearing shall file a written request within seven business days of the date of the action or decision. If such a request is submitted, the Board of Trustees shall conduct a hearing as soon as practicable. At the hearing, the Board of Trustees shall review the matter, and may approve, deny or approve the application upon such conditions as the Board of Trustees may deem necessary to ensure compliance with all of the applicable requirements of this code and its intent.
- ii. Without limiting the foregoing, the Planning and Zoning Commission may require the applicant to enter into a subdivision agreement as described in Section 2.6.5.C.1.d of this Code, and which shall contain such other provisions as are necessary to carry forth the conditions imposed by the Planning and Zoning Commission in its approval of the subdivision exemption application.

**3. Step 7 – Town Issues Decision and Findings**

**a. Approval Criteria**

The Planning and Zoning Commission shall approve a subdivision exemption plat upon finding the application complies with the criteria stated in Subsection 2.6.6.B, *Applicability*.

**b. Post-approval Actions**

**i. Final Plat**

Upon approval of the application for subdivision exemption, the applicant shall furnish the Town a final plat that meets the requirements of Section 2.6.5 and such engineered plans and cost estimates as may be required by the Planning and Zoning Commission. Each final plat shall clearly state that it is a subdivision exemption plat.

- ii. **Reliance**  
No statement or act of any Town employee or official or of the member of any board or commission during any discussions or procedures undertaken in connection with the subdivision exemption application shall bind the Town in any way, except for the final action of the approving authority, and any person who expends time or funds in reliance on such statements or act does so at his or her own risk. The approving authority shall not be estopped from withholding or denying approval of a subdivision exemption application by reason of any statements made prior to final approval of the final plat, and no liability shall attach to the Town, its boards or commissions, its employees, or anyone acting on its behalf by reason of any detriment incurred by any person.
- iii. **Nonexclusive Procedures**  
If a subdivision exemption application is denied, or if it is approved with conditions not suitable to the applicant, the applicant may elect to file an application for subdivision approval without exemption pursuant to this Code.
- iv. **Compliance**  
All property subdivided by exemption pursuant to this chapter shall be used in compliance with all applicable provisions of this Code and all other codes and standards, and with the conditions imposed by the Planning and Zoning Commission in granting the subdivision exemption application, including, by way of example and not by way of limitation, the condition that the property shall be subjected only to those uses, densities and improvements proposed or accepted by the applicant. If the conditions imposed by the Planning and Zoning Commission set more restrictive uses and limitations on the subject property than does this code, the conditions imposed by the Planning and Zoning Commission shall control. If dissatisfied with such conditions, the applicant may abandon his/her subdivision exemption application.

## D. Condominium Exemptions

### 1. Applicability

- a. The Planning and Zoning Commission may exercise discretion to grant an exemption from those requirements applicable to subdivisions resulting from the creation of condominium units if the Planning and Zoning Commission finds all of the following:
  - i. The proposed condominium project complies with the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-101 et. seq.;
  - ii. All of the proposed condominium units are located in a building existing at the date of the filing of the application;
  - iii. Each condominium unit has adequate ingress and egress directly or through common or limited common elements to public access;
  - iv. The preparation of engineered design data and specifications is not needed in order to enable the Commission to determine that the subject property meets design specification in Chapter 17.06: *Subdivision*;

- v. No part of the area depicted in the proposed condominium map has been previously subdivided pursuant to a subdivision exemption or subdivision variance; and
  - vi. Utility lines for water, sewer, and power are already installed within, adjacent to, or within 200 feet of the area proposed to be condominiumized.
- b. The Planning and Zoning Commission may approve a condominium exemption for property for which a prior subdivision exemption has been granted if the condominium map does not contain more condominium units than the maximum number of dwelling units permissible under the previously granted subdivision exemption.
2. Procedure
- a. The procedures for a condominium exemption shall be treated in all respects as any other subdivision exemption and shall fully comply with procedures and requirements set forth in Section 2.6.6 of this Code.
  - b. The application submittal for a condominium exemption shall include the following:
    - i. A condominium map complying with state law which shows, at a minimum: the location of each condominium unit, common elements, utility lines and meters, existing and proposed easements, and the project boundaries;
    - ii. Engineered plans in a scale suitable for definitive review, and data and specifications necessary to enable the Town to determine if the proposed project meets design and improvement standards of this Code;
    - iii. A written statement of the intended use of each of the condominium units, how many bedrooms each residential unit will have, and the common elements; and
    - iv. Evidence of Title or Ownership of the applicant to the property, including any mineral, gravel, and oil and gas leases, reservations, or separate ownerships.

## 2.6.7. PLAT AMENDMENTS

### A. Purpose

The purpose of this section is to describe the approval procedure for amendments to approved plats.

### B. Applicability

#### 1. Major Amendments

Unless the Director classifies a proposed amendment to a final plat as a minor amendment pursuant to paragraph 2 below, any modification of an approved final plat shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to final plats under this Code.

#### 2. Minor Amendments

The Director may approve minor amendments, which shall be recorded and shall control over any preceding or final plat without vacation of that plat, if the

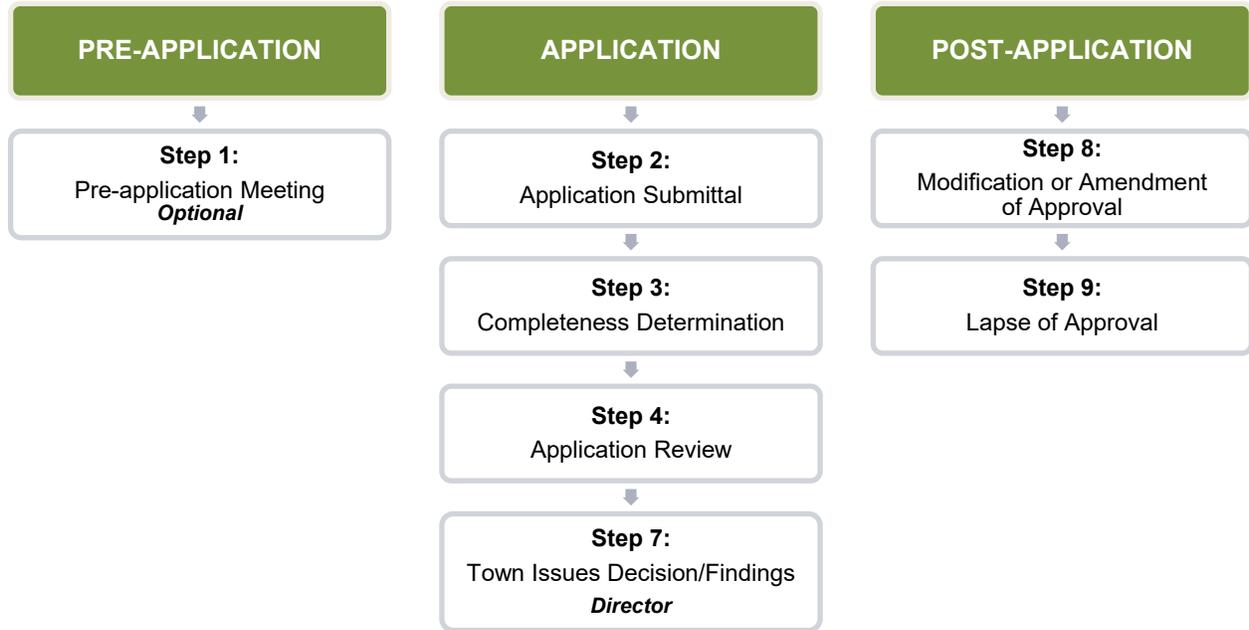
amending plat is signed by the applicants only and the sole purpose of the amending plat is to:

- a. Correct an error in a course or distance shown on the preceding plat;
- b. Add a course or distance that was omitted on the preceding plat;
- c. Correct an error in a real property description shown on the preceding plat;
- d. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- g. Correct an error in courses and distances of lot lines between two adjacent lots if:
  - i. Both lot owners join in the application for amending the plat;
  - ii. Neither lot is abolished;
  - iii. The amendment does not attempt to remove recorded covenants or restrictions; and
  - iv. The amendment does not have a material adverse effect on the property rights of the owners in the plat;
- h. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
- i. Relocate one or more lot lines between one or more adjacent lots if all of the following have been met:
  - i. The owners of all those lots join in the application for amending the plat;
  - ii. The amendment does not attempt to remove recorded covenants or restrictions; and
  - iii. The amendment does not increase the number of lots.

### C. Procedure

Figure 2.6.7-A shows the steps of the common review procedures that apply in the review of applications for minor plat amendments. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

Figure 2.6.7-A Summary of Procedure for Minor Plat Amendment



### 1. Step 2 - Application Submittal

The following shall be submitted with a minor plat amendment application:

- a. Current Improvement Location Certificate or Improvement Survey Plat showing existing and proposed lot configurations, existing structures, existing and proposed utility lines, and dedicated public access. The plan must scale distance of improvements to the nearest property line;
- b. A written statement of the intended uses and proposed densities of each of the parcels in the subdivision;
- c. If the parcels have existing residential units or will be used for residential units, a written statement indicating how many bedrooms each unit has or will have;
- d. Evidence of Title or Ownership of the applicant to the property, including any mineral, gravel, and oil and gas leases, reservations, or separate ownerships; and
- e. Table showing the following data after lot configuration:
  - i. Percentage of open space;
  - ii. Percentage of lot covered by building improvements;
  - iii. Percentage of lot covered by miscellaneous improvement in impervious surface, such as driveways, walks, decks, patios, etc.); and
  - iv. Setbacks.

## 2. Step 7 – Town Issues Decision and Findings

### a. Approval Criteria

The Director shall approve or deny a request for a minor plat amendment based upon a finding that the adjustment to the previously approved final plat complies with the following criteria:

- i. The minor plat amendment does not increase the number of lots or parcels or create new lots or parcels;
- ii. The minor plat amendment does not affect a recorded easement without approval of the easement holder;
- iii. Street locations will not be changed;
- iv. The minor plat amendment will not create any nonconformities or increase the degree of nonconformity of any existing structure, use, or development standards; and
- v. The minor plat amendment shall comply with all other provisions of this chapter and other applicable provisions of the Unified Development Code.

### b. Form of Approval

Minor amendments shall be prepared in the form of an affidavit or, where deemed necessary by the Director, a revised plat certified by a land surveyor licensed with the State of Colorado, and shall be filed with the County Clerk and Recorder.

### c. Post-approval Actions

- i. If the request for a minor plat amendment is denied, the applicant shall be entitled to request an amendment to a previously approved final plat in accordance with the procedures set out in Section 2.6.5 for review of final plats, or a subdivision exemption under Section 2.6.6.
- ii. If an application is approved, the applicant shall submit to the Director an amended plat of the affected lots for approval, containing signatures of all owners and mortgagees of the affected property.
- iii. The plat shall be recorded within 90 days of the date of approval.

## 2.7 PROCEDURES AND APPROVAL CRITERIA: FLEXIBILITY AND RELIEF

### 2.7.1. VARIANCES

#### A. Purpose

The variance process is intended to provide limited relief from the requirements of this Code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Code. It is not intended that variances be granted to (1) allow a use in a zoning district where it is not permitted by this Code; or (2) merely remove inconveniences or financial burdens that the requirements of this Code may impose on property owners in general. Rather, it is intended to provide relief when the Code renders the land difficult or impossible to use due to unique physical site attributes or other unique characteristics. State and/or federal laws or requirements may not be varied by the Town.

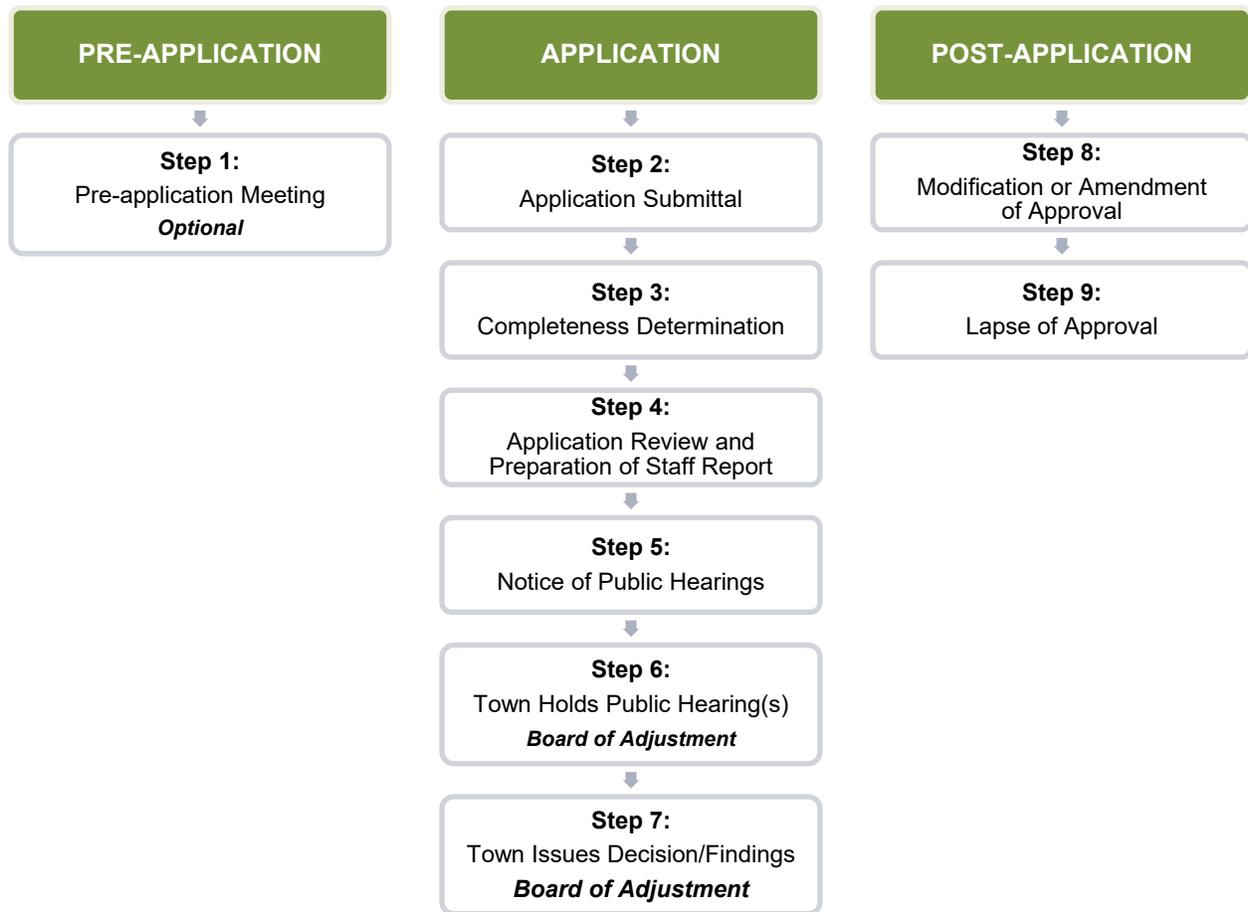
**B. Applicability**

1. The owner of a property, the owner of any business seeking relief from the regulations and development standards, or an authorized representative, may make such request to the Board of Adjustment. This may be done when the strict application of this Code will deprive a property of the privileges enjoyed by other property of the same zoning classification in the same zone district because of special circumstances applicable to a property, including its size, shape, topography, location or surroundings.
2. Variance applications may be initiated concurrently with other land use applications when relief is sought by the applicant.

**C. Procedure**

Figure 2.7.1-A shows the steps of the common review procedures that apply in the review of applications for a variance. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

Figure 2.7.1-A Summary of Procedure for a Variance



1. Step 2 – Application Submittal

An application for a variance shall include the following:

- a. A site plan showing the footprint and use of existing and proposed buildings as well as other improvements, parking configuration, and other details necessary to demonstrate that the proposed use and site conforms with all other requirements of the zoning district and variance requirements;
- b. A written statement indicating how the variance will meet the requirements of this UDC; and
- c. Any other materials as deemed necessary by the Director.

2. Step 6 – Town Holds Public Hearings

At the public hearing, the Board of Adjustment may grant a variance from the strict application of any zone district requirement or development standard.

3. Step 7 – Town Issues Decision and Findings

a. Approval Criteria - Generally

- i. A variance may be granted if the Board of Adjustment finds all the following exist:
  - a. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition which is not a general condition of that particular zone district; or there are exceptional circumstances unique to the owners of the property (e.g., a physically or mentally impaired occupant);
  - b. An exceptional, practical hardship to the applicant could be shown to occur if the provisions of this Code were literally enforced;
  - c. The variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the provisions of this Code that are in question;
  - d. The applicant did not create the hardship by his/her own actions. By "own actions" means an act or omission of the applicant which creates a nonconforming situation;
  - e. The variance requested does not harm the public or injure the value of adjacent properties; and
  - f. The granting of the variance will be consistent with the spirit and purpose of the Code.
- ii. No variance shall be approved to allow a use in any zone district in which it is not listed as a permitted, conditional, or special use.
- iii. In granting a variance, the Board of Adjustment may impose such conditions on the use of the property for which the variance is sought as are consistent with the purposes of this Code. If such safeguards or conditions are imposed, the variance shall not become effective until the owner of the property and the applicant agree to abide by such conditions.
- iv. Each variance shall apply specifically to the property or structure described in the approval and shall not be transferable to any other property or structure.

- v. In the event a variance application is denied, it may not be resubmitted unless the application is supported by new facts, evidence or justifications.
- b. **Approval Criteria - Special Variances in Original Townsite and Weaver's Addition**
- In the original Townsite and Weaver's Addition, the placement of residential structures and/or the division of lots prior to zoning and subdivision regulations may have made nonconforming situations or may prevent an owner expanding an existing building or affecting new construction without violating setback requirements. The Board of Adjustment may grant a variance for these situations. An applicant must meet the following criteria:
- i. The structure to be built or altered is a residential dwelling unit or an accessory structure to the residential unit;
  - ii. The lot must be located in the Old Town site or Weaver's Addition;
  - iii. The applicant may not have caused the situation or hardship by his/her own actions. An exception may be granted if the owner/applicant built or placed the structure, or split the lot prior to subdivision or zoning regulations being instituted in the Town;
  - iv. The new construction, alteration or addition could not be reasonably placed in another location;
  - v. The new construction, alteration or addition is designed in a reasonable fashion and results in the variance requested being the minimum amount required in order to achieve the purpose of the variance request;
  - vi. The variance requested does not harm the public or injure the value of adjacent properties; and
  - vii. The granting of a variance will be consistent with the spirit and purpose of the Code.
4. **Step 9 - Lapse of Approval**
- Unless limited by its terms, a variance shall remain in full force and effect as long as the use for which the variance was granted continues; however:
- a. Failure to apply for a building permit to carry out the work or failure to begin the use involved in the variance within one year from the date the variance was granted shall constitute abandonment of the variance;
  - b. When specified in the approval of a variance, the discontinuance of the use for which the variance was granted for a period of one year or more shall constitute abandonment of the variance; and
  - c. Upon abandonment, the variance shall automatically cease to exist with no further action by the Board of Adjustment.

## 2.7.2. APPEALS

### A. Purpose

This section sets forth the process for appealing land use decisions made by any administrative official or any board or commission under this Code.

**B. Applicability**

Appeals may be made by any person aggrieved by the decision of any administrative officer or agency, based upon or made in the course of the administration of or enforcement of this Code. Appeals may be taken by any officer, department, board or bureau of the Town affected by the grant or refusal of the building permit, or by other decision of the administrative officer or agency, based on or made in the course of administration or enforcement of this regulation.

**1. Appeals of Administrative Decisions**

Appeals of all administrative decisions shall be to the Board of Adjustment.

**2. Appeals of Board/Commission Decisions**

Appeals of decisions by the Planning and Zoning Commission or other boards and commissions shall be to the Board of Trustees.

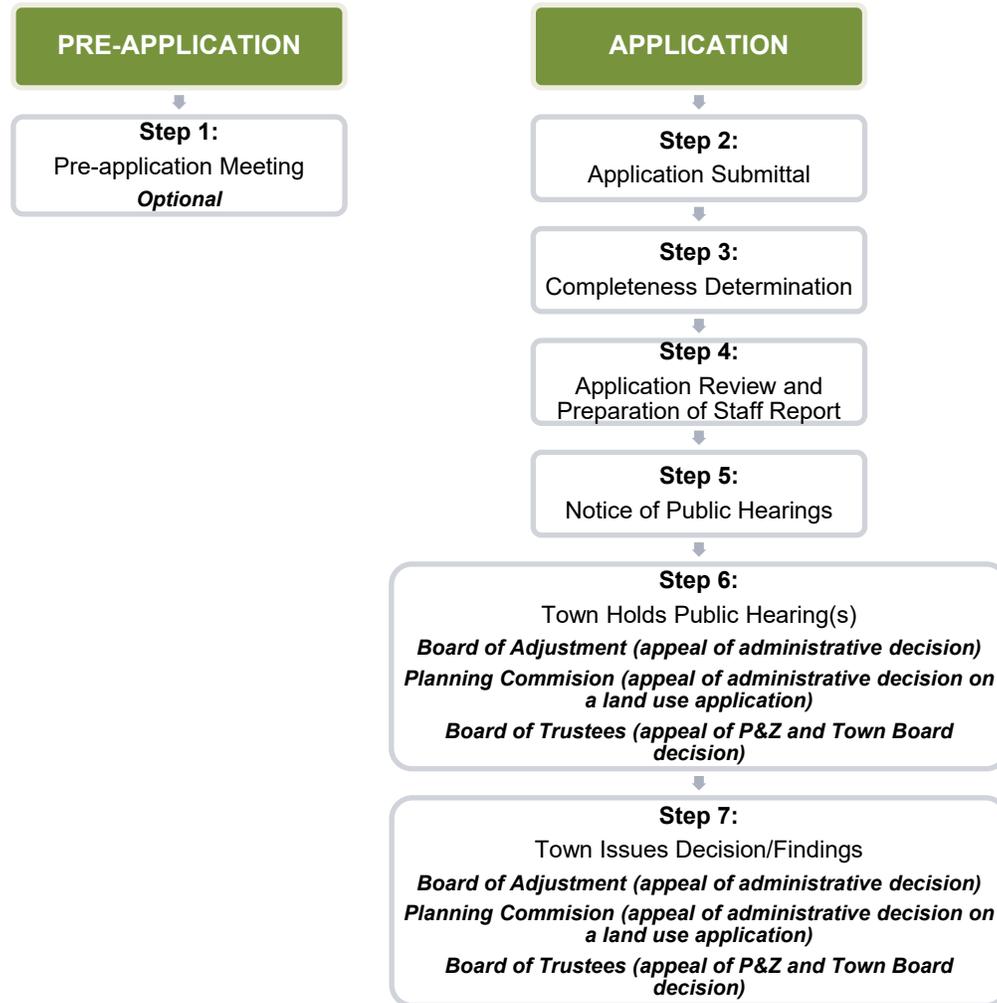
**3. Appeals of Board of Trustees Decisions**

Appeals of any final decision by the Board of Trustees made pursuant to this Code shall be to the District Court in the manner set forth in the Colorado Rules of Civil Procedure.

**C. Procedure**

Figure 2.7.2-A shows the steps of the common review procedures that apply in the review of applications for an appeal. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

Figure 2.7.2-A Summary of Procedure for an Appeal



### 1. Step 2 – Application Submittal

#### a. Time Limit

Appeals shall be made in writing and filed with the Director within seven calendar days of the action or decision appealed.

#### b. Stay of Proceedings

An appeal stays all proceedings and furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the decision-making body (Board of Adjustment or Board of Trustees, as applicable), after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril of life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the decision-making body hearing the appeal or a court of record on application, and on notice to the officer from whom the appeal is taken and on due cause shown.

2. Step 6 – Town Holds Public Hearings
  - a. Oaths and Attendance of Witnesses
 

The chairman of the decision-making body, or in his or her absence the vice-chairman, may administer oaths or accept affirmations from witnesses and may compel the attendance of witnesses. A failure or refusal to appear in response to a subpoena issued by the decision-making body hearing the appeal through its chairman shall constitute a violation of this Code.
  - b. Findings of Fact
 

Every decision shall be based upon findings of fact, and every finding of fact shall be supported in the record of the proceedings.
  - c. De Novo Hearing
 

All hearings on appeals shall be conducted de novo.
3. Step 7 – Town Issues Decision and Findings
  - a. The decision-making body (Board of Adjustment or Board of Trustees, as applicable) shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation of another decision-making body:
    - i. The facts involved in the application or request, as presented by the appellant and the Director, the requirements and intent of the applicable provisions of the Code, and the written decision being appealed;
    - ii. Evidence of the manner in which the provision has been interpreted in the past;
    - iii. The positive or negative impact of the requested development on the achievement of the Town’s stated development goals and strategies; and
    - iv. The impact on the Town’s ability to implement its Comprehensive Plan.
  - b. In granting a decision on an appeal of any administrative officer, the decision-making body may reverse an officer in whole or in part or may modify the order, requirement, decision or determination appealed from. The decision-making body may require reasonable safeguards or conditions to be imposed.
  - c. Any further appeals from the Board of Adjustment or Board of Trustees may be to the courts, as provided by law; provided, however, that such appeal is made in accordance with C.R.C.P. 106aIV.

### 2.7.3. VESTED RIGHTS

#### A. Purpose

The purpose of this section is to provide the procedures necessary to implement Article 68 of Title 24, C.R.S., as amended, and to effectuate local control over creation of vested real property rights to the fullest extent permitted by law.

#### B. Applicability

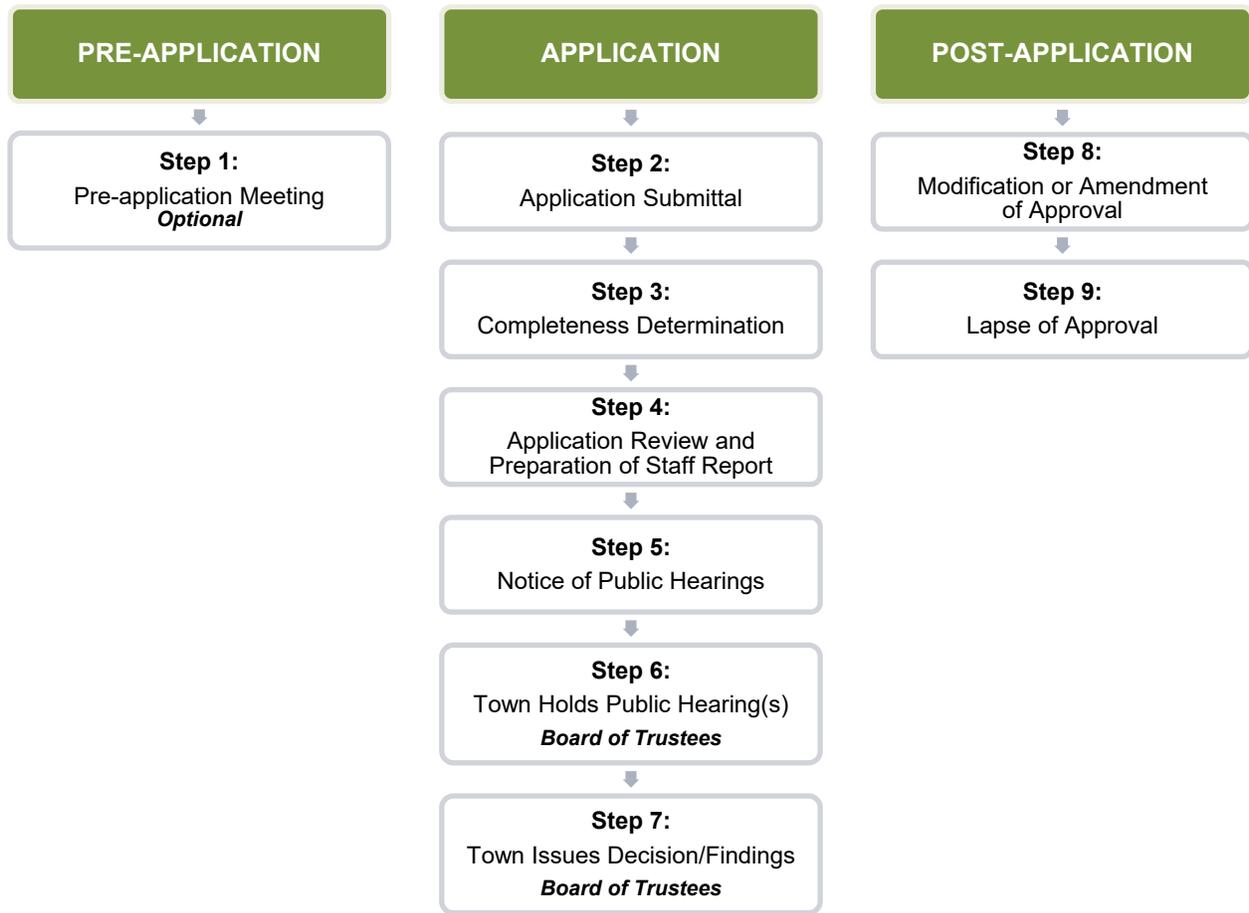
1. For the purposes of Article 68 of Title 24, C.R.S., a site-specific development plan means a document that complies with all requirements of this Section 2.7.3 and consists of one of the following:
  - a. Final subdivision plat (Section 2.6.5); or

- b. Final subdivision exemption plat (Section 2.6.6); or
  - c. Approval by ordinance of a PUD plan (Section 2.4.2); or
  - d. Approval by ordinance of site plan (Section 2.5.3); or
  - e. Approval by ordinance of any development plan submitted as a condition of annexation, subdivision, PUD or zoning approval or as otherwise required in a written agreement between the developer and the Town or by ordinance; or
  - f. As otherwise agreed between the Town and the developer for a specific project or development phases describing with reasonable certainty the type and intensity of use of a specific parcel or parcels of property.
2. Notwithstanding anything herein to the contrary, neither an annexation map nor a variance or adjustment from the Board of Adjustment shall constitute a site-specific development plan.
  3. "Vested real property right" means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan.

**C. Procedure**

Figure 2.7.3-A shows the steps of the common review procedures that apply in the review of applications for vested rights. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below the figure.

Figure 2.7.3-A Summary of Procedure for Vested Rights



### 1. Step 2 – Application Submittal

For those developments for which the landowner wishes the creation of vested rights, the landowner shall specifically request the approval by the Town of the designated site-specific development plan and development agreement. The plan shall be clearly labeled "Site-Specific Development Plan for the Vesting of Property Rights." Failure of the landowner to request such an approval renders the plan not a "site-specific development plan," and no vested rights shall be deemed to have been created.

### 2. Step 6 – Town Holds Public Hearings

Public hearings for vested rights may occur concurrently with public hearings for other applicable development approvals.

### 3. Step 7 – Town Issues Decision and Findings

#### a. Other Provisions Unaffected

Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions of this Code pertaining to the development and use of property.

**b. Limitations**

Nothing in this section is intended to create any vested real property right, but only to implement the provisions of Article 68 of Title 24, CRS, as amended. In the event of the repeal of such article or a judicial determination that such article is invalid or unconstitutional, this section shall be deemed to be repealed and no longer effective.

**c. Post-approval Actions**

- i. Each map, plat, or site plan or other document constituting a site-specific development plan shall contain the following language: "Approval of this plan may create a vested real property right pursuant to Article 68 of Title 24, C.R.S., as amended, subject to the limitations of this section." Failure to contain this statement shall invalidate the creation of the vested real property right.
- ii. A notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested real property right has been created, shall be published once by the applicant, not more than 14 days after approval of the site-specific development plan, in a newspaper of general circulation within the Town.
- iii. A site-specific development plan shall be deemed approved upon the effective date of final action by the Board of Trustees approving such plan. In the event amendments to a site-specific development plan are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site-specific development plan, unless the Board of Trustees specifically finds to the contrary and incorporates such findings in its approval of the amendment.

**4. Step 9 – Lapse of Approval**

- a. A property right that has been vested pursuant to this section shall remain vested for a period of three years or longer if agreed to by the Town and developer and warranted in light of circumstances. In the event amendments to a site-specific development plan are proposed and approved, the effective date of such amendment, for duration of a vested property right, shall be the date of the approval of the original site-specific development plan, unless the Board of Trustees specifically finds to the contrary and incorporates such finding in its approval of the amendment.
- b. The failure of a developer to abide by the terms and conditions contained in a development agreement, site-specific development plan, subdivision improvements agreement, final PUD development plan agreement, annexation agreement, or the provisions of this section shall result in the forfeiture of vested property rights for the subject property.

## 2.8 REVIEW AND DECISION-MAKING BODIES

### 2.8.1. PURPOSE

This section establishes and prescribes the basic duties and operating procedures of the administrative entities responsible for administering and enforcing this Code.

### 2.8.2. BOARD OF TRUSTEES

See Title 2, Chapter 2.04.

### 2.8.3. PLANNING AND ZONING COMMISSION

#### A. Affirmation

The Planning and Zoning Commission (or Commission) of and for the Town was established and exists by resolution of the Board of Trustees of the Town pursuant to CRS 31-23-201 et seq. (1973 as amended).

#### B. Powers and Duties

1. The Planning and Zoning Commission shall have all powers, discretion, and duties established by CRS 31-23-201 et seq. (1973 as amended).
2. The Planning and Zoning Commission shall have the powers and duties set forth in Section 2.2, *Summary Table of Procedures*, to be carried out in accordance with the terms of this Code.
3. In addition, the Planning and Zoning Commission shall have the following responsibilities, to be carried out in accordance with the terms of this Code:
  - a. The Planning and Zoning Commission shall provide analysis and recommendations to the Board of Trustees regarding the Comprehensive Plan and other plans related to land use, circulation, infrastructure, open space and recreation; and amendments to this Code and to the zoning map.
  - b. The Planning and Zoning Commission shall provide guidance to the Board of Trustees in accomplishing a coordinated, adjusted, and harmonious development of the Town and its environs that will, in accordance with the present and future needs, best promote health, safety, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
  - c. The Planning and Zoning Commission has the power to initiate public hearings on amendments to this Code; the zoning map; the zone districts; the Town's Comprehensive Plan; any other plans or planning documents; or portion thereof for the purpose of recommending revision or adoption by the Board of Trustees.
  - d. In carrying out their duties the Planning and Zoning Commission considerations may include, but are not limited to surveys of present conditions; projections of future growth of the Town; site plans of individual projects; the relationship of developments to the surrounding environment and the community; adequate provision for vehicular and pedestrian circulation; the promotion of safety from fire, floodwaters and other dangers; adequate provision for light, air and solar access; the promotion of healthful distribution of population; the promotion of good civic design and

arrangement; wise and efficient expenditure of public funds; the promotion of energy conservation; the protection of environmentally sensitive areas; the adequate provision of public utilities, open space and other public requirements; provisions of this Code; and input from the staff, the applicant, and the general public.

### C. Organization and Membership

1. The Planning and Zoning Commission shall consist of seven members and two alternate members appointed by the Board of Trustees. A total of two members, either alternates or full-voting members, may live outside the Town limits. The alternate members shall act in the absence of any regular member at the request of the chairman.
2. The term of office of the members of the Planning and Zoning Commission shall be four years. All terms of the members and alternates shall commence from the time of appointment by the Board of Trustees.
3. Vacancies occurring other than from the expiration of a board member's term shall be filled for the remainder of the unexpired term by the appointment of the Board of Trustees.
4. The Planning and Zoning Commission shall elect from its membership a chairman, a vice-chairman and such officers as it may deem necessary during the first commission meeting of each calendar year. The Director or a designated representative shall serve ex officio as secretary of the Commission, but shall have no vote.
5. Any member of the Planning and Zoning Commission may be removed by majority vote of the Board of Trustees, after public hearing for inefficiency, neglect of duty, or malfeasance in office. The Planning and Zoning Commission may request that the Board of Trustees remove members who fail to attend three consecutive meetings without excuse from the chairman of the Planning and Zoning Commission. If the Board of Trustees removes a member of the Commission, it shall file with the minutes of the hearing a written statement of the reasons for such removal.
6. The appointments of existing members and alternates to the Planning and Zoning Commission are hereby ratified, and such terms shall continue until a successor lawfully takes office, until the expiration of the terms ratified by this subsection, or until the member resigns or is removed.

## 2.8.4. BOARD OF ADJUSTMENT

### A. Affirmation

The Board of Adjustment, heretofore created and existing by resolution of the Board of Trustees of the Town, is hereby affirmed.

### B. Powers and Duties

1. The Board of Adjustment shall have the powers and duties set forth in Section 2.2, *Summary Table of Procedures*, to be carried out in accordance with the terms of this Code.

2. The Board shall not have the power to change the terms of this Code or to change the zone district map of the Town or to grant a variance that allows a use which is not permitted in the zone district in which such use will be located;
3. A majority vote from members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any Town administrative official, or to decide in favor of the applicant any matter upon which it is required to pass, or to grant any application for a variance.

**C. Membership**

1. The Board shall have five members and up to two alternate members which shall be appointed by the Board of Trustees from applicants after such positions have been advertised. In addition, in the event that less than five persons, whether members or alternate members, are available to serve due to absence, conflict of interest, or otherwise, members of the Carbondale Planning and Zoning Commission shall be special alternate members of the Board of Adjustment to hear matters in such circumstances. Alternate members and special alternate members shall serve in the absence of a regular member at the request of the chairman so that to the greatest extent possible, all matters shall be heard and considered by five persons. No member of the board shall be a member of the Town board. All members shall be residents of the Town.
2. The term of office of members of the Board of Adjustment shall be four years.
3. Vacancies occurring on the Board other than from the expiration of a member's term shall be filled for the unexpired term in the same manner as the initial appointment.
4. The Board shall elect from its membership a chairman, and a vice-chairman and such officers as it may deem necessary at its first meeting during each calendar year. The Town shall provide the board with a secretary who shall keep and maintain the minutes of the board meetings.
5. Members of the Board of Adjustment may be removed by majority vote of the Board of Trustees, after public hearing for inefficiency, neglect of duty, or malfeasance in office. The Board of Adjustment may request that the Board of Trustees remove members who fail to attend three consecutive meetings without excuse from the chairman of the Board of Adjustment. If the Board of Trustees removes a member of the Board of Adjustment, it shall file with the minutes of the public hearing a written statement of the reasons for such removal.

**2.8.5. TOWN ADMINISTRATION**

**A. Town Manager**

See Title 2, Chapter 2.02.

**B. Planning Director**

1. There is established the office of the Planning Director (or Director). The Director shall be appointed by the Town Manager and shall be charged with the general responsibility for administering, interpreting, and enforcing this Unified Development Code.
2. The Director shall have the review and decision-making responsibilities set forth in Section 2.2, *Summary Table of Procedures*, to be carried out in accordance

with the terms of this Code. In performing such responsibilities, the Director may delegate such duties to the Planning Department staff as the Director deems appropriate. The Director also shall have such additional powers and duties as may be set forth elsewhere in this Code and the Carbondale Municipal Code.

**C. Building Official**

The Building Official shall be the Chief Enforcement Officer for all building and zoning regulations. He or she shall have all powers of inspection and all other powers granted by ordinance or this Code and allowed by law. The Building Official shall issue applications for permits and permits related to construction in accordance with the above regulations and shall perform all other duties as the Town Manager may direct or as are compelled by law.

# Chapter 17.03: Zoning Districts

## 3.1 GENERAL PROVISIONS

### 3.1.1. DISTRICTS ESTABLISHED

Zoning districts are established as shown in Table 3.1-1. They are organized into the categories described below:

#### A. Base Zoning Districts

1. Base zoning districts are established initially by the Town’s adoption of the official Zoning District Map and subsequently by approval of a rezoning (see Section 2.4.2). Such approval authorizes the full range of development allowed by the standards applicable to the base zoning district.
2. Sections 3.2 through 3.4 of this chapter describe the purpose and intended character of the base zoning districts. For each district, this Code includes one or more illustrations depicting how the district’s dimensional standards apply to lots and typical building forms. Illustrations are intended only to exemplify the general character of the district and do not show specific locations or buildings. If a standard shown in an illustration is inconsistent with the respective table of dimensional standards, the standards in the table shall govern.

#### B. Overlay Zoning Districts

1. Overlay zoning districts are established initially by the Town’s adoption of the official Zoning District Map and subsequently by approval of a rezoning (see Section 2.4.2). They are superimposed over one or more underlying base or planned development zoning districts.
2. Section 3.5, *Overlay Districts*, identifies the overlay zoning districts and sets forth each district’s purpose and the standards that modify those of underlying districts.

**Table 3.1-1:  
Zoning Districts Established**

<b>Base Zoning Districts</b>
<b>Residential Districts (Section 3.2)</b>
Agricultural (AG) (0)
Old Town Residential (OTR) (3.2.3)
Residential/Low-Density (R/LD) (3.2.4)
Residential/Medium-Density (R/MD) (1.1.1)
Residential/High-Density (R/HD) (3.2.6)
<b>Commercial and Mixed-Use Districts (Section 3.3)</b>
Commercial/Transitional (C/T) (3.3.1.D)
Commercial/Retail/Wholesale (CRW) (0)
Historic Commercial Core (HCC) (3.3.4)
Mixed-Use (MU) (3.3.5)
<b>Other Non-residential Districts (Section 3.4)</b>
Open Space (O) (3.4.1)
Transit (T) (3.4.2)
Public Facilities (PF) (3.4.3)
General Industrial (I) (3.4.4)
<b>Overlay District(s)</b>
Flood Damage Prevention (FD) (Section 3.5)
<b>Planned Development Districts</b>
Planned Unit Development (PUD) (Section 3.6)
<b>Obsolete Districts (see Appendix)</b>
Campground/Open Space (C/OS) – formerly 18.44
Commercial Business Park (CBP) – formerly 18.33
Open Space/School (O/S) – formerly 18.42
Planned Commercial (PC) – formerly 18.25.035
Town Utility (U) – formerly 18.31

3. If the standards for an overlay district expressly conflict with those for an underlying base zoning district, planned development district, or another applicable overlay district, the more restrictive standards shall apply.

#### C. Planned Unit Development Districts

1. Planned unit development (PUD) districts are established by the Town's approval of a PUD rezoning (see Section 2.4.3). Development in a PUD district is subject to the standards included in or referenced in an approved PUD plan.
2. Section 3.6, *Planned Unit Developments*, describes the general purpose of PUD districts and sets forth base requirements applicable to all such districts, including the minimum development standards to be addressed in the district's PUD plan and the means of modifying the standards of this Code through a PUD approval.

#### D. Obsolete Districts

1. The PC, CBP, C/OS, O/S, and U zoning districts are declared obsolete upon adoption of this UDC. No land will be rezoned to an obsolete zoning district. The Board may modify the allowed uses, special uses, and development standards within these zoning districts. Landowners are encouraged to rezone land from an obsolete zoning district classification. The Board may offer incentives, such as modified application fees, in order to accomplish this goal.
2. Development in an obsolete zoning district is subject to the requirements of the Appendix to this UDC. In addition, all other standards of the UDC shall apply to obsolete zoning districts unless otherwise stated in the Appendix, including the standards in Chapter 17.05: *Development Standards*, and Chapter 17.06: *Subdivision*.

### 3.1.2. ZONING DISTRICT MAP

#### A. Incorporation of Map

1. The location and boundaries of the zone districts established by this Code are shown upon the official "Zoning District Map of the Town of Carbondale," which is incorporated into this Code. The Zoning District Map, together with all data shown on the map and all amendments to the map, is by reference made a part of this Code.
2. The Zoning District Map shall be identified by the signature of the Mayor of the Town and attested by the Town Clerk, and shall bear the seal of the Town and the date of adoption.
3. The Zoning District Map shall be located in the office of the Director and shall be available for inspection at the Town Hall.
4. The Zoning District Map shall be maintained by the Director. Official zoning shall be determined by the Director, where the Zoning District Map does not reflect recent changes.

#### B. Zoning District Boundaries

1. Except where otherwise indicated, zoning district boundaries shall follow municipal corporation limits, section lines, lot lines or right-of-way lines, or extensions of such lines.

2. Where a zoning district boundary divides a lot or parcel, the location of such boundary, unless indicated by legal description with distance and bearing or other dimension, shall be determined by the scale of the zoning district map by the Director.
3. Where a zoning district boundary coincides with a right-of-way line and the right-of-way line is abandoned, the zoning district boundary shall then follow the centerline of the former right-of-way.
4. Land not part of a public, railroad, or utility right-of-way and that is not indicated on the Zoning District Map as being in any zoning district shall be considered to be included in the most restrictive adjacent zoning district, even when such district is separated from the land in question by a right-of-way for a street, railroad, or utility.

#### C. Boundary Clarification

1. In the event that a zoning district boundary is unclear or is disputed, the Director shall determine the location of the zoning district boundary.
2. Any appeal of the Director's determination of the zoning district boundary shall be heard by the Board of Adjustment per Section 2.7.2.

#### D. Amendments to Map

Changes in the boundaries of any zoning district require an amendment per Section 2.4.2 and shall be entered on the zoning district map with an entry on the map giving the number of the amending ordinance and the date, attested by the signature of the Town Clerk.

### 3.1.3. APPLICABILITY OF DISTRICT REGULATIONS

- A. Unless expressly exempted, all regulations in this chapter shall apply to all development in the respective zoning districts.
- B. District graphics depicting basic dimensional requirements shall be used for reference only. Dimensions shall be measured as defined in text of this UDC, including exceptions, development standards, and definitions for terms of measurement (height, setbacks, lot, etc.).

## 3.2 RESIDENTIAL DISTRICTS

### 3.2.1. GENERAL PURPOSE FOR ALL RESIDENTIAL DISTRICTS

- A. Residential zoning districts are established to provide for a variety of neighborhoods in a range of densities to accommodate the varying character areas of the Town. The districts provide a comfortable, healthy, safe, and pleasant environment to live together with schools, parks, trails, and other public facilities necessary for a high-quality residential environment.
- B. The residential districts are designed to provide desirable amenities while sheltering residents from incompatible and disruptive activities. The residential districts allow reasonable flexibility and variety of uses compatible with the general character of each district.

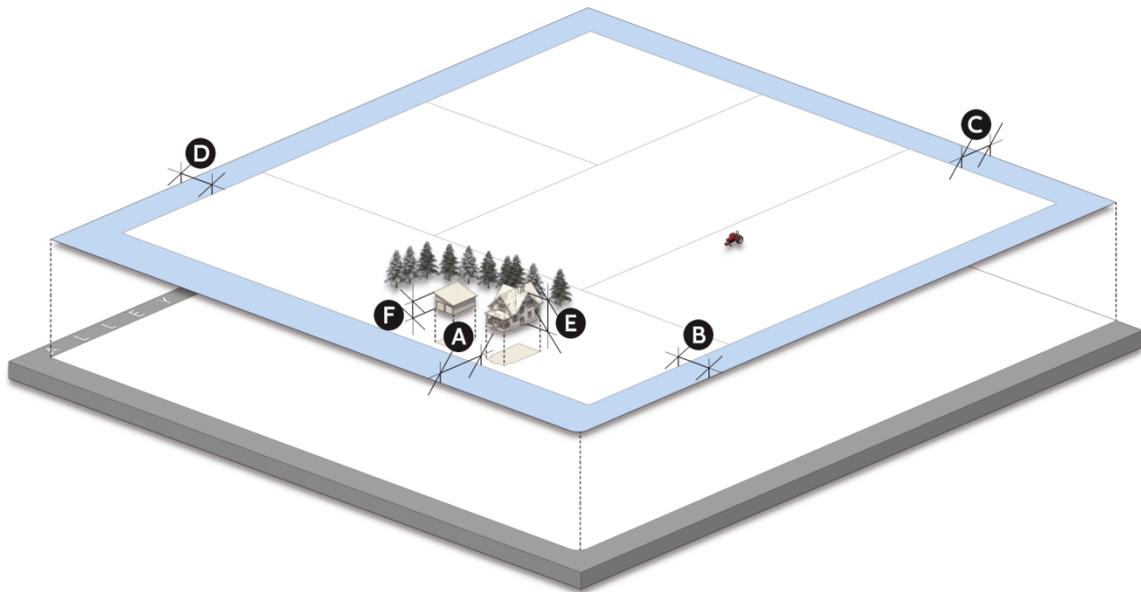


### 3.2.2. AGRICULTURAL (AG)

#### A. Purpose

The purpose of the Agricultural district is to accommodate agricultural uses such as working ranches or farms and uses that are similar in character to those uses, as well as very low-density residential uses. The district is characterized by open areas of range land, large planted areas, and natural undisturbed areas that are rural in character. This district is intended primarily for areas surrounding the more densely populated rural and urban areas of the community and to maintain the natural or agricultural character of these areas. This district provides uses for areas that are not appropriate for more intense uses due to economic, practical, or physical limitations such as difficulty of providing utilities and other services efficiently, periodic flooding, or a high water table.

Figure 3.2.2-A: AG District



**B. Dimensional and Other Standards**

<b>Table 3.2-1: AG District Dimensional Standards</b>		
<b>Lot Standards</b>		
	Lot area, minimum	10 acres
	Lot depth, minimum	None
	Lot width, minimum	None
	Impervious lot coverage, maximum	See Table 3.7-2
<b>Setbacks, Minimum</b>		
<b>A</b>	Front	50 feet
<b>B</b>	Side	35 feet
	Side, street	40 feet
<b>C</b>	Rear	35 feet
<b>D</b>	Rear, adjacent to alley	35 feet
<b>Building Standards</b>		
<b>E</b>	Height, principal dwelling unit, maximum	27 feet
<b>F</b>	Height, accessory buildings, maximum	22 feet

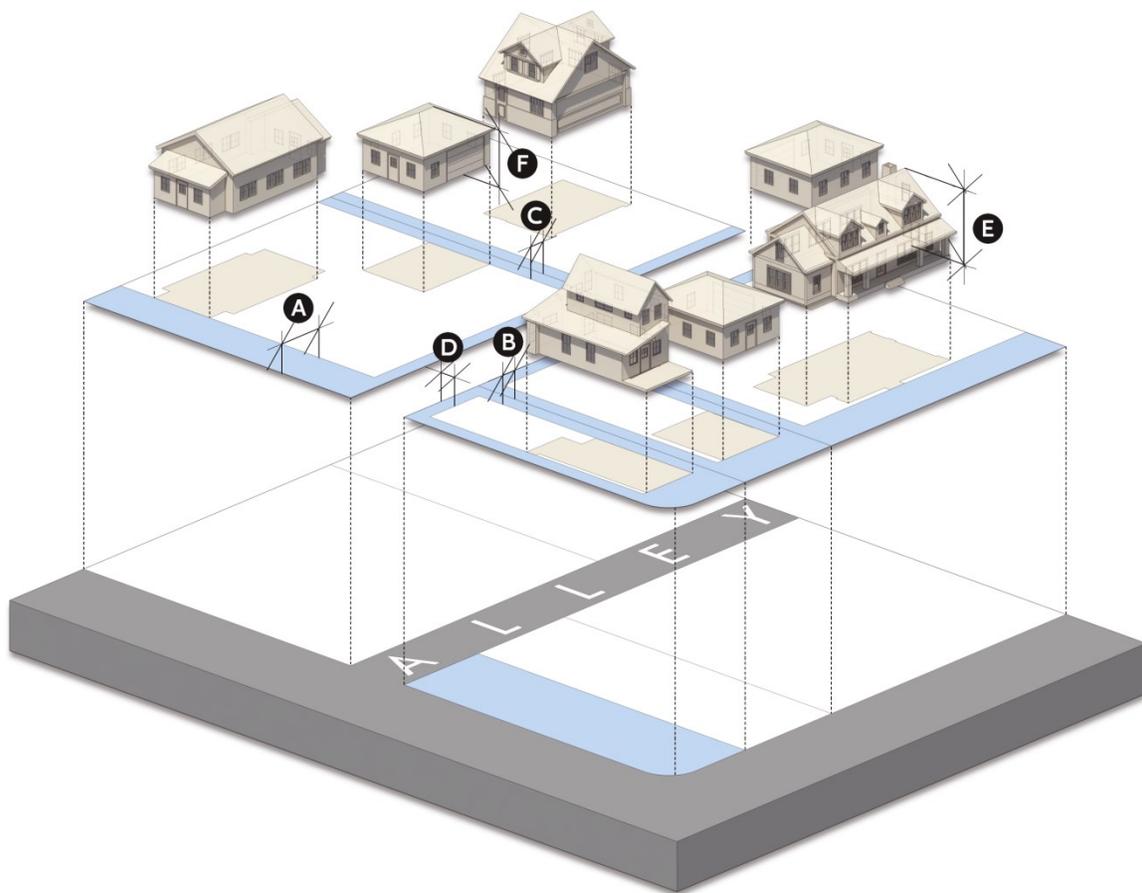
<b>Table 3.2-2: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Landscaping and Screening	Section 5.4

### 3.2.3. OLD TOWN RESIDENTIAL (OTR)

#### A. Purpose

The purpose of the Old Town Residential district is to allow residential uses and densities that are consistent with the historic character of Old Town Carbondale. This area has unique scenic, historic, natural, and design features that should be preserved and integrated into new development. Special emphasis shall be placed on the quality and character of the built environment in this district, and the unique lot and home sizes characteristic of the original Townsite. The OTR district should emphasize pedestrians more than cars. Single-family dwelling units continue to be the predominant development type in this district.

Figure 3.2.3-A: OTR District



**B. Dimensional and Other Standards**

<b>Table 3.2-3: OTR District Dimensional Standards</b>	
<b>Lot Standards</b>	
Lot area, minimum	4,125 sf
Lot area, minimum, with Accessory Dwelling Unit	5,500 sf
Lot depth, minimum	100 feet
Lot width, minimum	37.5 feet
Lot width, minimum, with Accessory Dwelling Unit	50 feet
Impervious lot coverage, maximum	See Table 3.7-2
<b>Setbacks, Minimum</b>	
<b>A</b> Front	15 feet
<b>B</b> Side	5 feet [1]
Side, street	10 feet
<b>C</b> Rear	5 feet
<b>D</b> Rear, adjacent to alley	5 feet
<b>Building Standards</b>	
<b>E</b> Height, principal dwelling unit, maximum	25 feet
<b>F</b> Height, accessory buildings, maximum	14 feet on lots 7,000 sq ft or smaller; 21 feet on lots larger than 7,000 sq ft [1]
<b>Notes:</b> [1] See Sec. 5.6.6.B for additional height limitations.	

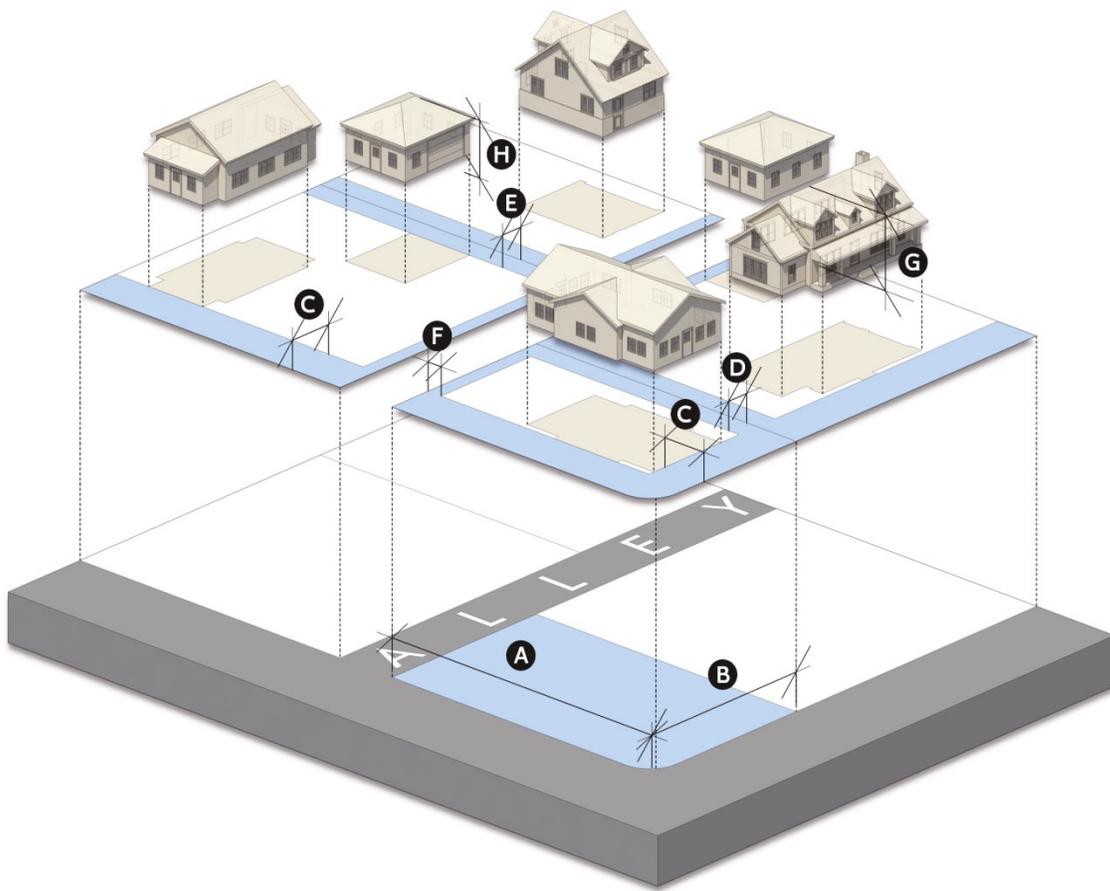
<b>Table 3.2-4: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8

**3.2.4. RESIDENTIAL/LOW-DENSITY (R/LD)**

**A. Purpose**

The purpose of the Residential/Low-Density district is to provide for low-density neighborhoods comprised primarily of single-family detached homes in a comfortable, healthy, safe, and pleasant environment, together with schools, parks, trails, and other public facilities. Neighborhoods in this district range from large-lot rural development with few public improvements to smaller, more urban lots with sidewalks and other improvements.

Figure 3.2.4-A: R/LD District



**B. Dimensional and Other Standards**

<b>Table 3.2-5: R/LD District Dimensional Standards</b>	
<b>Lot Standards</b>	
Lot area, minimum	6,000 sf [1]
<b>A</b> Lot depth, minimum	100 feet
<b>B</b> Lot width, minimum	60 feet [2]
Impervious lot coverage, maximum	See Table 3.7-2
<b>Setbacks, Minimum</b>	
<b>C</b> Front	15 feet
<b>D</b> Side	7.5 feet
Side, street	10 feet
<b>E</b> Rear	7.5 feet
<b>F</b> Rear, adjacent to alley	5 feet
<b>Building Standards</b>	
<b>G</b> Height, principal dwelling unit, maximum	27 feet
<b>H</b> Height, accessory buildings, maximum	22 feet
<b>Notes:</b>	
[1] Minimum lot area for properties in the original Townsite, Weaver's Addition, and Fender's Addition is 5,500 square feet.	
[2] Lots in the original Townsite and Weaver's addition have a minimum 50-foot lot width.	

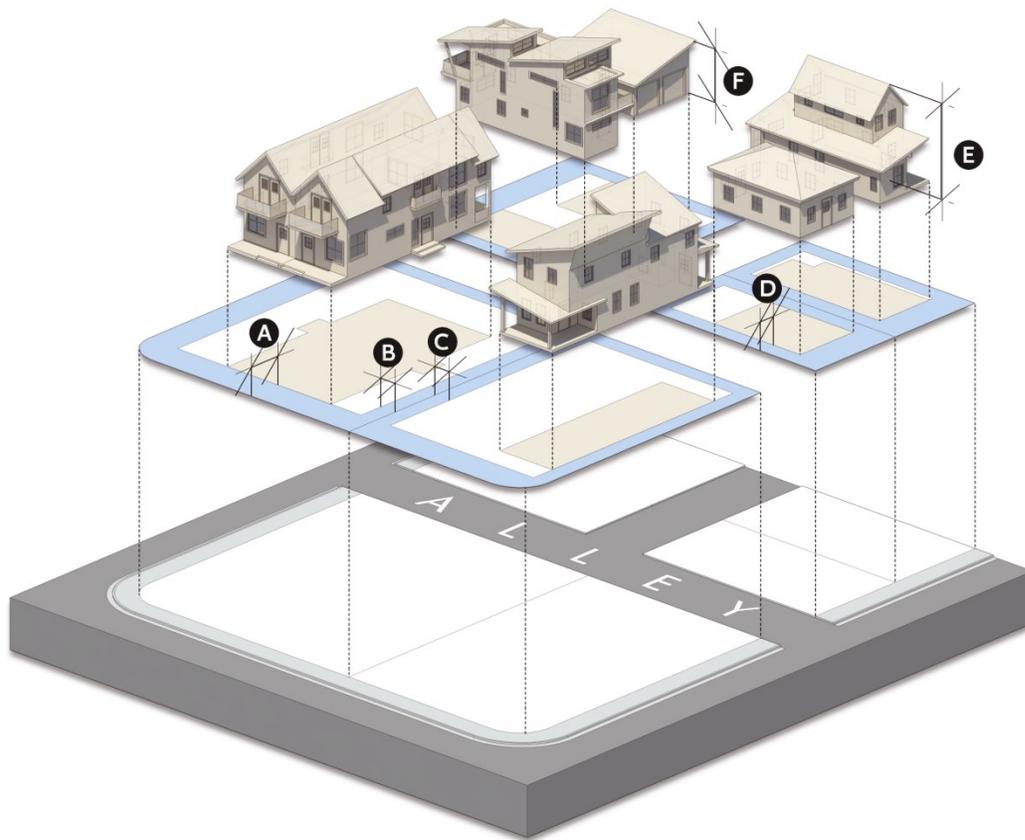
<b>Table 3.2-6: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8

### 3.2.5. RESIDENTIAL/MEDIUM-DENSITY (R/MD)

#### A. Purpose

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.

Figure 3.2.5-A: R/MD District



**B. Dimensional and Other Standards**

<b>Table 3.2-7: R/MD District Dimensional Standards</b>		
<b>Lot Standards [1]</b>		
	Lot area, minimum	3,000 sf
	Lot area per dwelling unit, minimum	3,000 sf
	Lot depth, minimum	50 feet
	Lot width, minimum	25 feet
	Impervious lot coverage, maximum	See Table 3.7-2
<b>Setbacks, Minimum [1]</b>		
<b>A</b>	Front	10 feet
<b>B</b>	Side	5 feet
	Side, street	7.5 feet
<b>C</b>	Rear	5 feet
<b>D</b>	Rear, adjacent to alley	5 feet
<b>Building Standards</b>		
<b>E</b>	Height, principal dwelling unit, maximum	27 feet
<b>F</b>	Height, accessory buildings, maximum	22 feet
<b>Notes:</b> [1] Minimum lot area, lot depth, lot width, and side yard setbacks may vary if approved through subdivision process in order to allow townhomes to be subdivided. Zero lot line may be established at time of subdivision.		

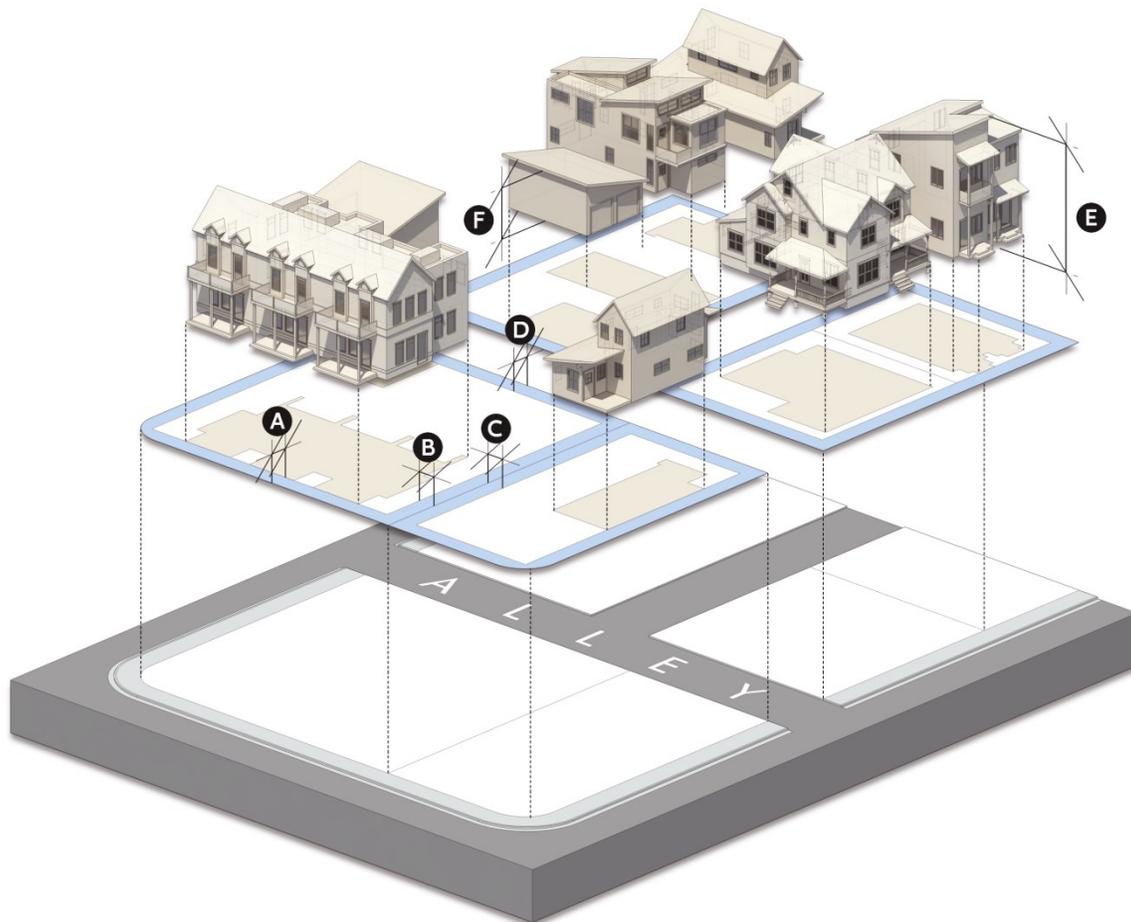
<b>Table 3.2-8: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

### 3.2.6. RESIDENTIAL/HIGH-DENSITY (R/HD)

#### A. Purpose

The purpose of the Residential/High-Density district is to provide high-density neighborhoods comprised of a well-planned mix of single-family and multi-family dwellings of various densities that are designed specifically for the location to provide a high-quality living environment, including common open space and schools, parks, trails and other public facilities. This district allows the broadest range of residential types and is intended for locations closer to commercial centers and near downtown. The district may serve as a transition between commercial areas and lower-density residential districts. Careful consideration should be given to all site development aspects to transition into lower-density districts and to fit within the character of the neighborhood and the community.

Figure 3.2.6-A: R/HD District



**B. Dimensional and Other Standards**

<b>Table 3.2-9: R/HD District Dimensional Standards</b>	
<b>Lot Standards [1]</b>	
Lot area, minimum	3,000 sf
Lot depth, minimum	50 feet
Lot width, minimum	25 feet
Impervious lot coverage, maximum	See Table 3.7-2
<b>Setbacks, Minimum [1]</b>	
<b>A</b> Front	5 feet
<b>B</b> Side	5 feet
Side, street	4 feet
<b>C</b> Rear	5 feet
<b>D</b> Rear, adjacent to alley	5 feet
<b>Building Standards</b>	
<b>E</b> Height, principal dwelling unit, maximum	35 feet
<b>F</b> Height, accessory buildings, maximum	25 feet
<b>Notes:</b> [1] Minimum lot area, lot depth, lot width, and side yard setbacks may vary if approved through subdivision process in order to allow townhomes to be subdivided. Zero lot line may be established at time of subdivision.	

<b>Table 3.2-10: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

### 3.3 COMMERCIAL AND MIXED-USE DISTRICTS

#### 3.3.1. GENERAL PURPOSE FOR ALL COMMERCIAL AND MIXED-USE DISTRICTS

- A. The purpose of the commercial districts is to provide for a variety of commercial areas, each suited to a specific commercial purpose.
- B. The intent of the commercial districts is to consolidate complimentary commercial uses in areas or nodes that are well served by major roadways, facilitating service of large volumes of customers without directing traffic through or otherwise negatively impacting residential neighborhoods.
- C. The commercial districts are designed to allow and encourage attractive, well-designed retail, commercial, entertainment, and service uses that are compatible with adjacent uses.
- D. The mixed-use district is intended to encourage a mix of residential and non-residential uses, either vertically or horizontally, and to promote site and building design that accommodates multimodal travel and offers opportunities to live, work, and play within close proximity.

**3.3. Commercial and Mixed-Use Districts**

3.3.1. General Purpose for All Commercial and Mixed-Use Districts

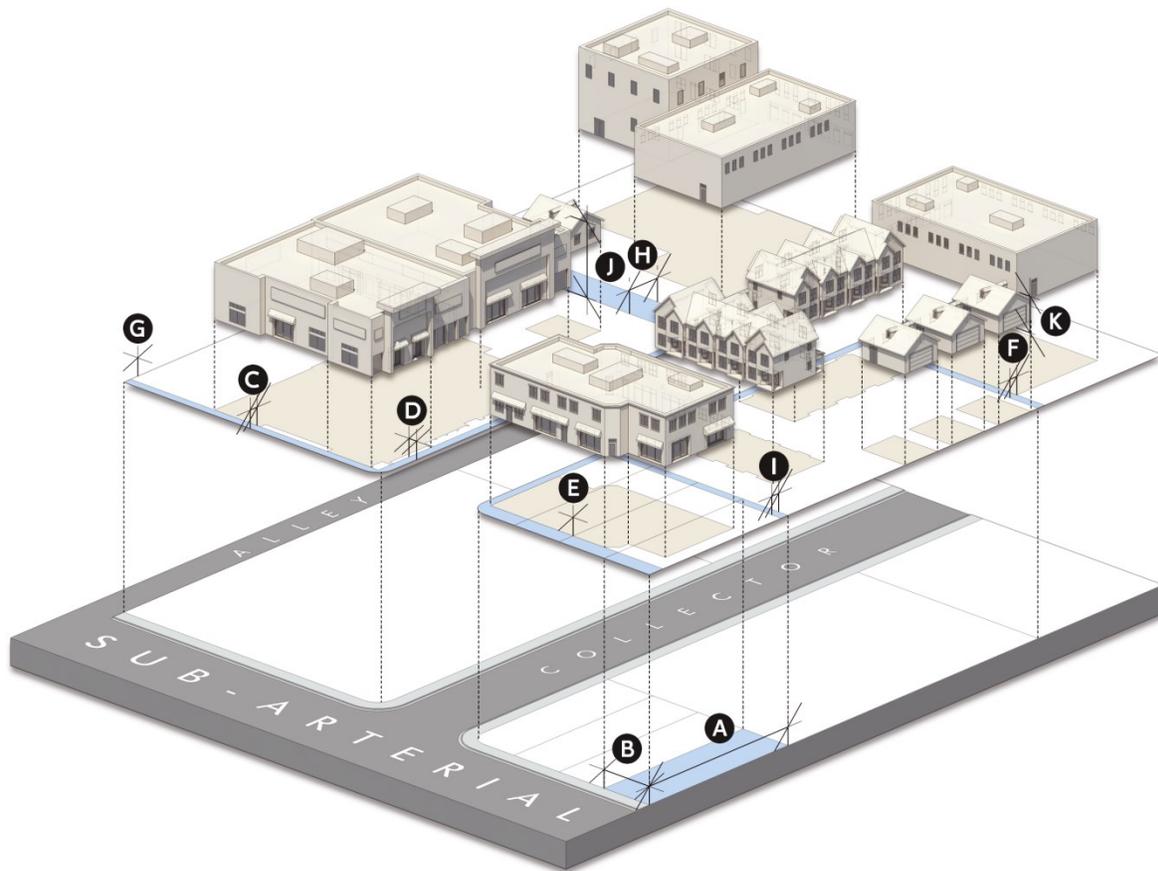
3.2.6.B Dimensional and Other Standards

### 3.3.2. COMMERCIAL/TRANSITIONAL (C/T)

#### A. Purpose

The purpose of the Commercial/Transitional district is to accommodate the transition of neighborhoods from residential to mixed-use, commercial, and other non-residential uses. The district is designed to create attractive commercial development with adequate access to major arterial streets and sufficient parking areas and to accommodate the unusual site conditions, access conditions, and mix of land uses north of Colorado Avenue. The district is also designed to allow reasonable commercial land uses and establish adequate development and access requirements for small parcels with Highway 133 frontage.

Figure 3.3.2-A: C/T District



**B. Dimensional and Other Standards**

<b>Table 3.3-1: C/T District Dimensional Standards</b>	
<b>Lot Standards</b>	
Lot area, minimum, other than multifamily dwellings	3,000 sf
Lot area per dwelling unit, minimum, multifamily dwellings: [1]	Based on # of units
Efficiency	1,050 sf
1 bedroom	1,450 sf
2 bedroom	1,650 sf
3 bedroom	1,850 sf
4 bedroom	2,050 sf
<b>A</b> Lot depth, minimum	100 feet
<b>B</b> Lot width, minimum	30 feet
Impervious lot coverage, maximum	80 percent
Landscaped area, minimum	20 percent [2]
<b>Setbacks, Minimum [3]</b>	
<b>Front:</b>	
Adjacent to Highway 133	5 feet
<b>C</b> Adjacent to sub-arterial street	5 feet
<b>D</b> Adjacent to collector street	5 feet
Adjacent to local street	5 feet
<b>Side:</b>	
Adjacent to alley	0 feet
<b>E</b> Adjacent to commercial or industrial district	0 feet
<b>F</b> Adjacent to residential district	[4]
<b>Rear:</b>	
<b>G</b> Adjacent to alley	0 feet
<b>H</b> Adjacent to commercial or industrial district	20 feet
<b>I</b> Adjacent to residential district	[4]
<b>Building Standards</b>	
<b>J</b> Height, principal building, maximum	35 feet
<b>K</b> Height, accessory building, maximum	25 feet
<b>Notes:</b>	
[1] Minimum lot area for multifamily dwellings is calculated by summing the minimum per-unit square footage specified in this table; however, in all cases the minimum lot area shall be no smaller than 3,000 sf. For example, the minimum lot area for a three unit multifamily development with two bedroom units would be 4,950 (1,650 x 3 units = 4,950 sf).	
[2] Forty percent minimum open space is required for residential-only projects in the C/T district.	
[3] No setback requirements apply to the north side of the 100 block of Main Street, per 3.3.2.C.1, below.	
[4] See Section 3.7.5: <i>Transitions Between Different Land Use Areas.</i>	

<b>Table 3.3-2: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

**C. Specially Planned Area - 100 Block of Main Street – North Side**

Due to the specific design constraints that arise from existing lot size and configuration, existing building layout, and availability or absence of alleys, the north side of the 100 block of Main Street has specific setback, landscape, and parking requirements that differ from the normal C/T zone district requirements, as follows:

1. Lots with commercial-only development or mixed-use (commercial and residential) have no building setback requirements. The regular parking requirements of this Code apply per Section 5.8.3. The only landscaping requirements will be those triggered by the relevant parking requirements per Section 5.8.6.
2. Developments that are only residential shall comply with the parking requirements and setback requirements established in this district as well as the landscaping requirement of the R/HD zone district.
3. Non-residential uses have the option of providing parking on a different lot or parcel by long-term lease. Requirements are outlined in Section 5.8.4.B.3.

**3.3. Commercial and Mixed-Use Districts**

3.3.2. Commercial/Transitional (C/T)

**CHAPTER 17.03: ZONING DISTRICTS**

3.3.2.C Specially Planned Area - 100 Block of Main Street – North Side

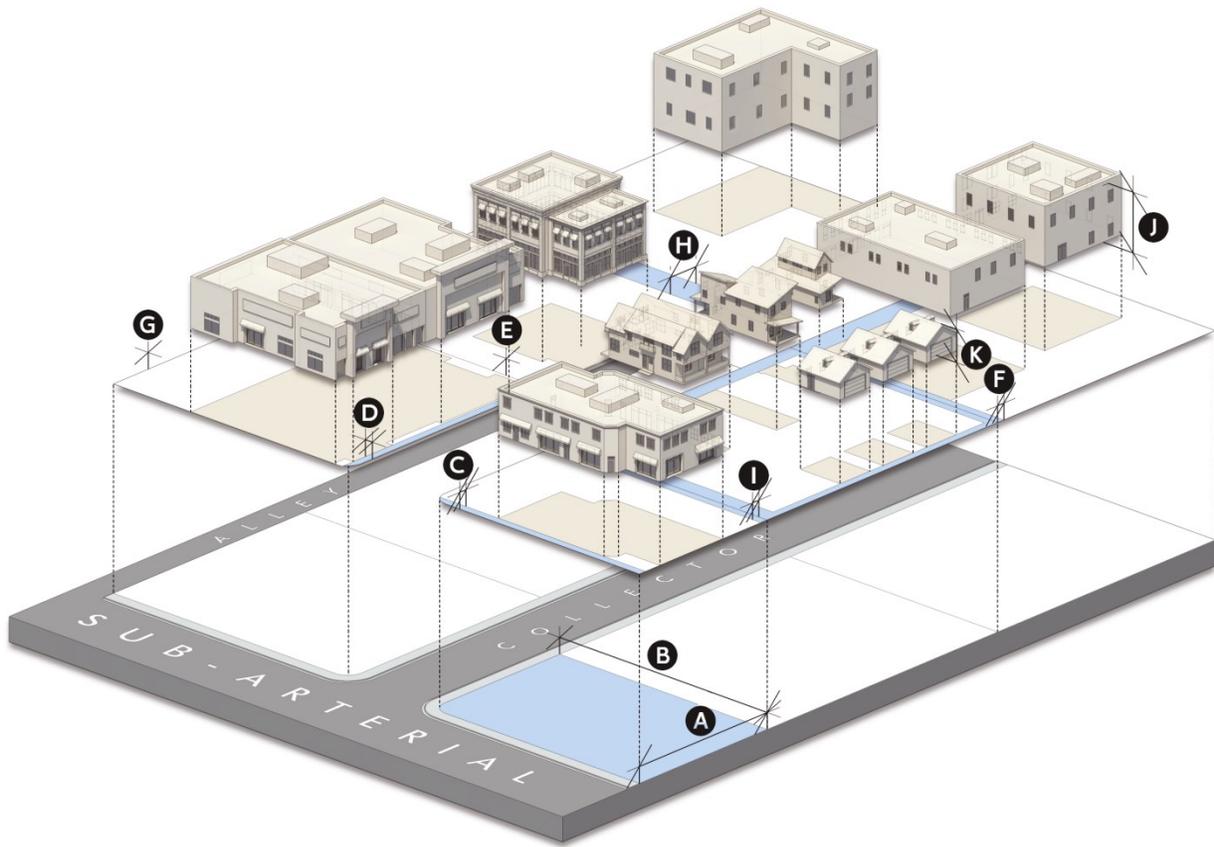
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### 3.3.3. COMMERCIAL/RETAIL/WHOLESALE (CRW)

#### A. Purpose

The purpose of the Commercial/Retail/Wholesale district is to allow and encourage a flexible mix of retail, restaurants, service commercial, lodging, offices, and other uses aimed at attracting and accommodating customers on-site, including medium and larger retail, wholesale, and service uses that typically do not benefit from clustering with other retail uses. Uses in the CRW district require good vehicular access. The intent is to locate uses adjacent to major arterial streets, to create attractive commercial development with adequate access to arterial streets and sufficient parking areas, and to buffer the impact of these uses from residential areas.

Figure 3.3.3-A: CRW District



**B. Dimensional and Other Standards**

<b>Table 3.3-3: CRW District Dimensional Standards</b>		
<b>Lot Standards</b>		
	Lot area, minimum	15,000 sf
<b>A</b>	Lot depth, minimum	100 feet
<b>B</b>	Lot width, minimum	100 feet
	Impervious lot coverage, maximum	80 percent
	Landscaped area, minimum	20 percent
<b>Setbacks, Minimum</b>		
<b>Front:</b>		
	Adjacent to Highway 133	5 feet
<b>C</b>	Adjacent to sub-arterial street	5 feet
<b>D</b>	Adjacent to collector street	5 feet
	Adjacent to local street	5 feet
<b>Side:</b>		
	Adjacent to alley	0 feet
<b>E</b>	Adjacent to commercial or industrial district	0 feet
<b>F</b>	Adjacent to residential district	[1]
<b>Rear:</b>		
<b>G</b>	Adjacent to alley	0 feet
<b>H</b>	Adjacent to commercial or industrial district	20 feet
<b>I</b>	Adjacent to residential district	[1]
<b>Building Standards</b>		
<b>J</b>	Height, principal building, maximum	35 feet
<b>K</b>	Height, accessory building, maximum	25 feet
<b>Notes:</b>		
[1] See Section 3.7.5: <i>Transitions Between Different Land Use Areas.</i>		

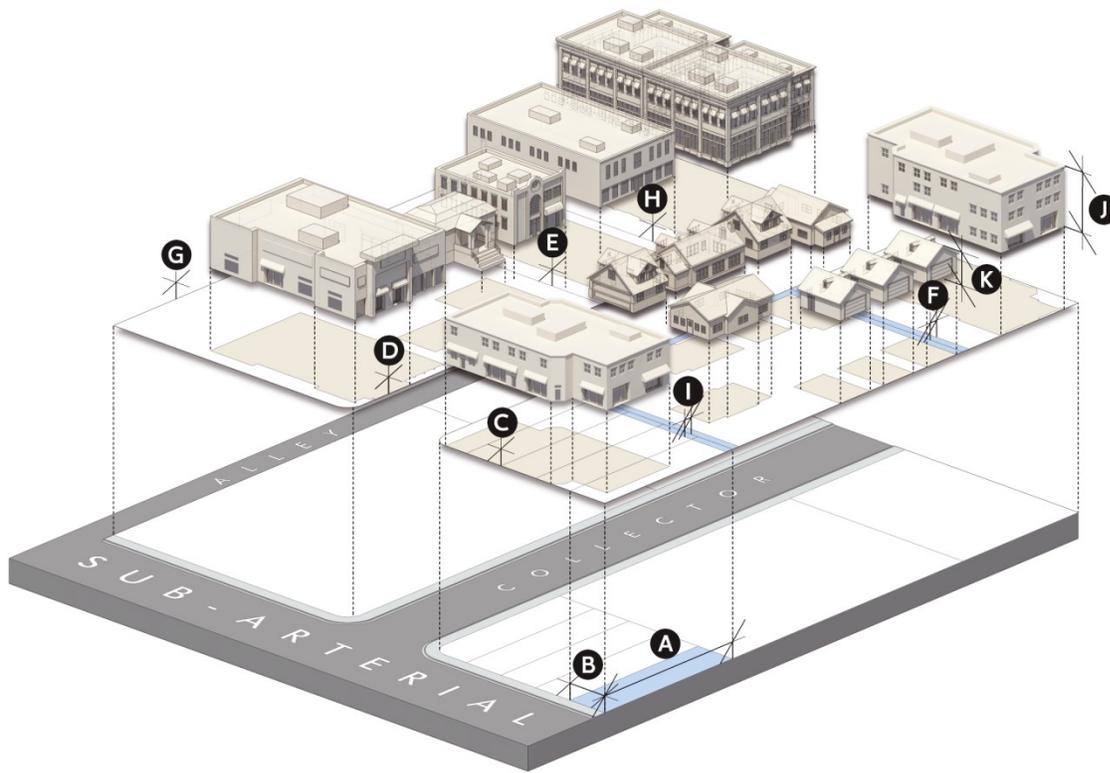
<b>Table 3.3-4: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

### 3.3.4. HISTORIC COMMERCIAL CORE (HCC)

#### A. Purpose

The purpose of the Historic Commercial Core district is to preserve the original commercial center of Carbondale as a unique commercial area with an historic character. The intent is to accommodate a variety of complimentary commercial, service, entertainment, and residential uses and to create a market atmosphere compatible with the downtown. The district is intended for primarily customer-oriented commercial uses on the street level, with office and residential on the upper stories. The HCC district is designed to accommodate intense development of individually owned businesses in an attractive, pedestrian-oriented setting, following the design character and patterns of the historic downtown area.

Figure 3.3.4-A: HCC District



**B. Dimensional and Other Standards**

<b>Table 3.3-5: HCC District Dimensional Standards</b>		
<b>Lot Standards</b>		
	Lot area, minimum	2,500 sf
<b>A</b>	Lot depth, minimum	100 feet
<b>B</b>	Lot width, minimum	25 feet
	Impervious lot coverage, maximum	100 percent
	Landscaped area, minimum	None
<b>Setbacks, Minimum</b>		
<b>Front:</b>		
	Adjacent to Highway 133	n/a
<b>C</b>	Adjacent to sub-arterial street	0 feet
<b>D</b>	Adjacent to collector street	0 feet
	Adjacent to local street	0 feet
<b>Side:</b>		
	Adjacent to alley	0 feet
<b>E</b>	Adjacent to commercial or industrial district	0 feet
<b>F</b>	Adjacent to residential district	5 feet
<b>Rear:</b>		
<b>G</b>	Adjacent to alley	0 feet
<b>H</b>	Adjacent to commercial or industrial district	0 feet
<b>I</b>	Adjacent to residential district	5 feet
<b>Building Standards</b>		
<b>J</b>	Height, principal building, maximum	35 feet [1]
<b>K</b>	Height, accessory building, maximum	25 feet
<b>Notes:</b>		
[1] See Section 5.7.7 for additional height standards applicable to the HCC zoning district.		

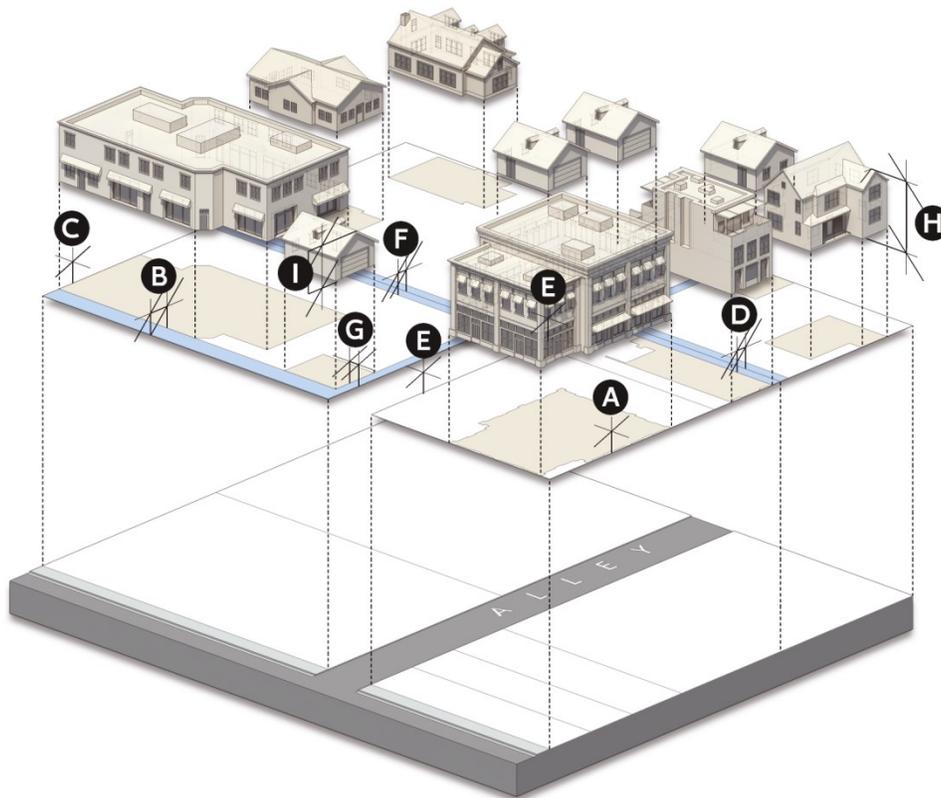
<b>Table 3.3-6: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

### 3.3.5. MIXED-USE (MU)

#### A. Purpose

The purpose of the Mixed-Use district is intended to foster compact, mixed-use development patterns that provide people with the opportunity to live, work, recreate, and shop in a pedestrian-friendly environment. The mixed-use district is intended to provide multimodal access to and from Downtown and the Rio Grande Trail, encourage both a vertical and horizontal mix of land uses, and provide for an interesting and walkable environment through tailored building design and streetscape standards that address features such as building mass and placement, building entries, and windows/transparency.

Figure 3.3.5-A: MU District



**B. Dimensional and Other Standards**

<b>Table 3.3-7: MU District Dimensional Standards</b>	
<b>Lot Standards</b>	
Lot area, minimum, other than multifamily dwellings	2,500 sf
Lot area per dwelling unit, minimum, multifamily dwellings: [1]	Based on # of units
Efficiency	1,050 sf
1 bedroom	1,450 sf
2 bedroom	1,650 sf
3 bedroom	1,850 sf
4 bedroom	2,050 sf
Lot depth, minimum	100 feet
Lot width, minimum	25 feet
Impervious lot coverage, maximum	90 percent
Landscaped area, minimum	10 percent
<b>Setbacks</b>	
<b>A</b> Front, minimum	0 feet
<b>B</b> Front, maximum	10 feet
<b>C</b> Side, minimum	0 feet
<b>D</b> Side, adjacent to residential district, minimum	5 feet
<b>E</b> Rear, minimum	0 feet
<b>F</b> Rear, adjacent to residential district, minimum	5 feet
<b>G</b> Adjacent to alley, minimum	5 feet
<b>Building Standards</b>	
<b>H</b> Height, principal building, maximum	35 feet
<b>I</b> Height, accessory building, maximum	25 feet
<b>Notes:</b>	
[1] Minimum lot area for multifamily dwellings is calculated by summing the minimum per-unit square footage specified in this table; however, in all cases the minimum lot area shall be no smaller than 2,500 sf. For example, the minimum lot area for a three unit multifamily development with two bedroom units would be 4,950 (1,650 x 3 units = 4,950 sf).	

<b>Table 3.3-8: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

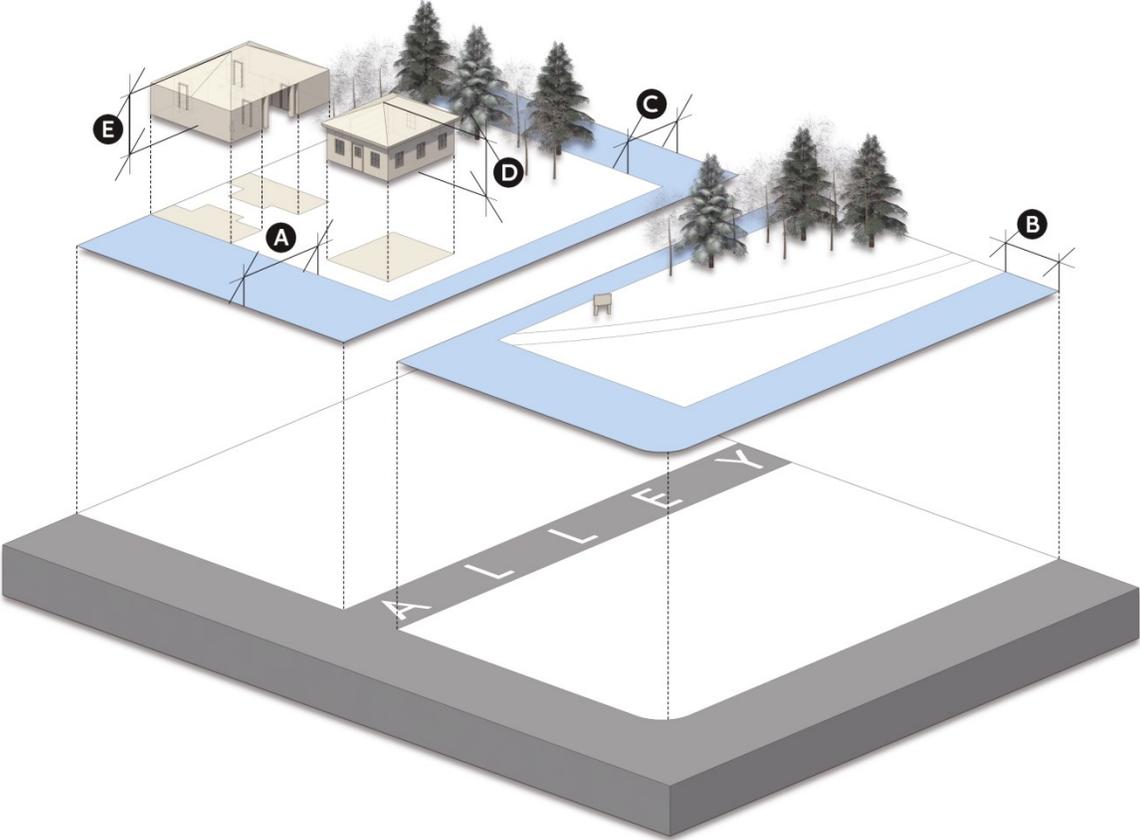
**3.4 OTHER NON-RESIDENTIAL DISTRICTS**

**3.4.1. OPEN SPACE (O)**

**A. Purpose**

The purpose of the Open Space district is to provide adequate lands open to the public for recreational use and to protect those lands from being used for purposes other than open space. The open space district is intended for public and quasi-public open space, parks, and other facilities.

Figure 3.4.1-A: O District



**B. Dimensional and Other Standards**

<b>Table 3.4-1: O District Dimensional Standards</b>		
<b>Lot Standards</b>		
	Lot depth, minimum	None
	Lot width, minimum	None
	Impervious lot coverage, maximum	15 percent
<b>Setbacks, Minimum</b>		
<b>A</b>	Front	30 feet
<b>B</b>	Side	20 feet
	Side, street	25 feet
<b>C</b>	Rear	20 feet
	Rear, adjacent to an alley	10 feet
<b>Building Standards</b>		
<b>D</b>	Height, maximum, principal building	27 feet
<b>E</b>	Height, maximum, accessory buildings	27 feet

<b>Table 3.4-2: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

**C. District-Specific Standards**

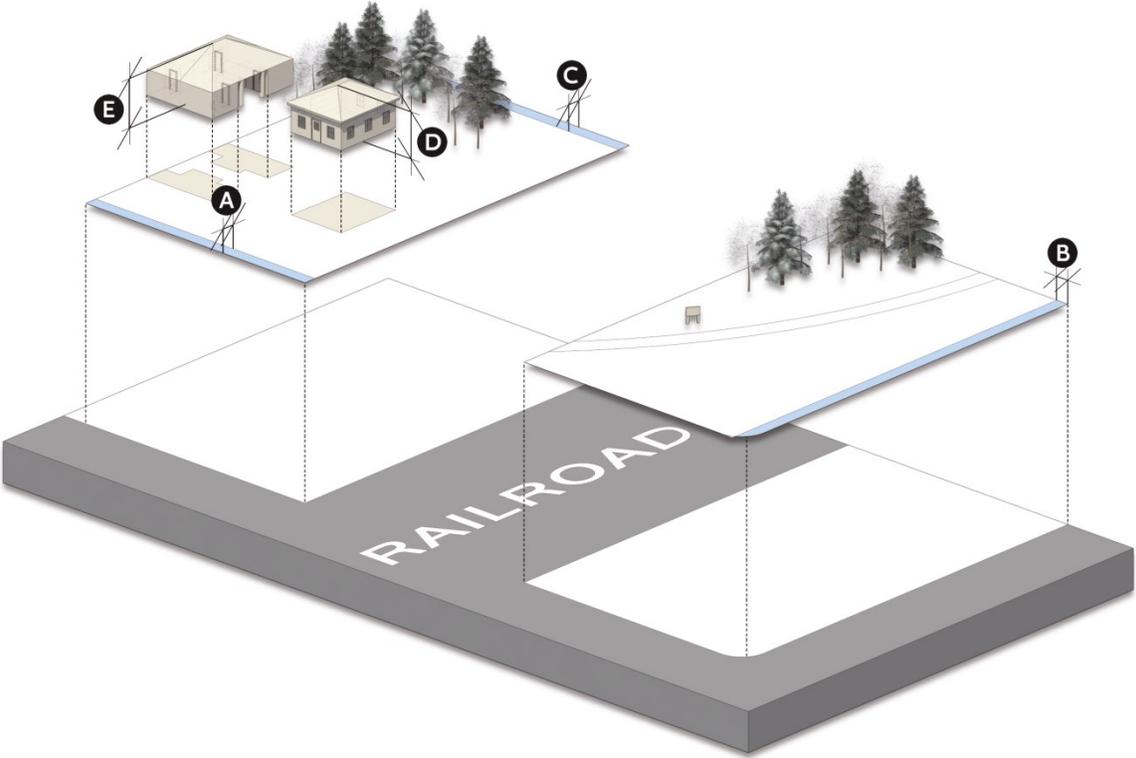
Any clearing of land, removal of vegetative cover, excavation, or other disturbance to the natural or improved conditions of a site within an open space district is prohibited unless such activities are a part of a maintenance or improvement project of the Town.

3.4.2. TRANSIT (T)

A. Purpose

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.

Figure 3.4.2-A: T District



**B. Dimensional and Other Standards**

<b>Table 3.4-3: T District Dimensional Standards</b>		
<b>Lot Standards</b>		
	Lot depth, minimum	None
	Lot width, minimum	None
	Impervious lot coverage, maximum	90 percent
	Open space, minimum	10 percent
<b>Setbacks, Minimum</b>		
<b>A</b>	Front	5 feet
<b>B</b>	Side	5 feet
	Side, street	5 feet
<b>C</b>	Rear	5 feet
	Rear, adjacent to an alley	0 feet
<b>Building Standards</b>		
<b>D</b>	Height, maximum, principal building	27 feet
<b>E</b>	Height, maximum, accessory buildings	27 feet

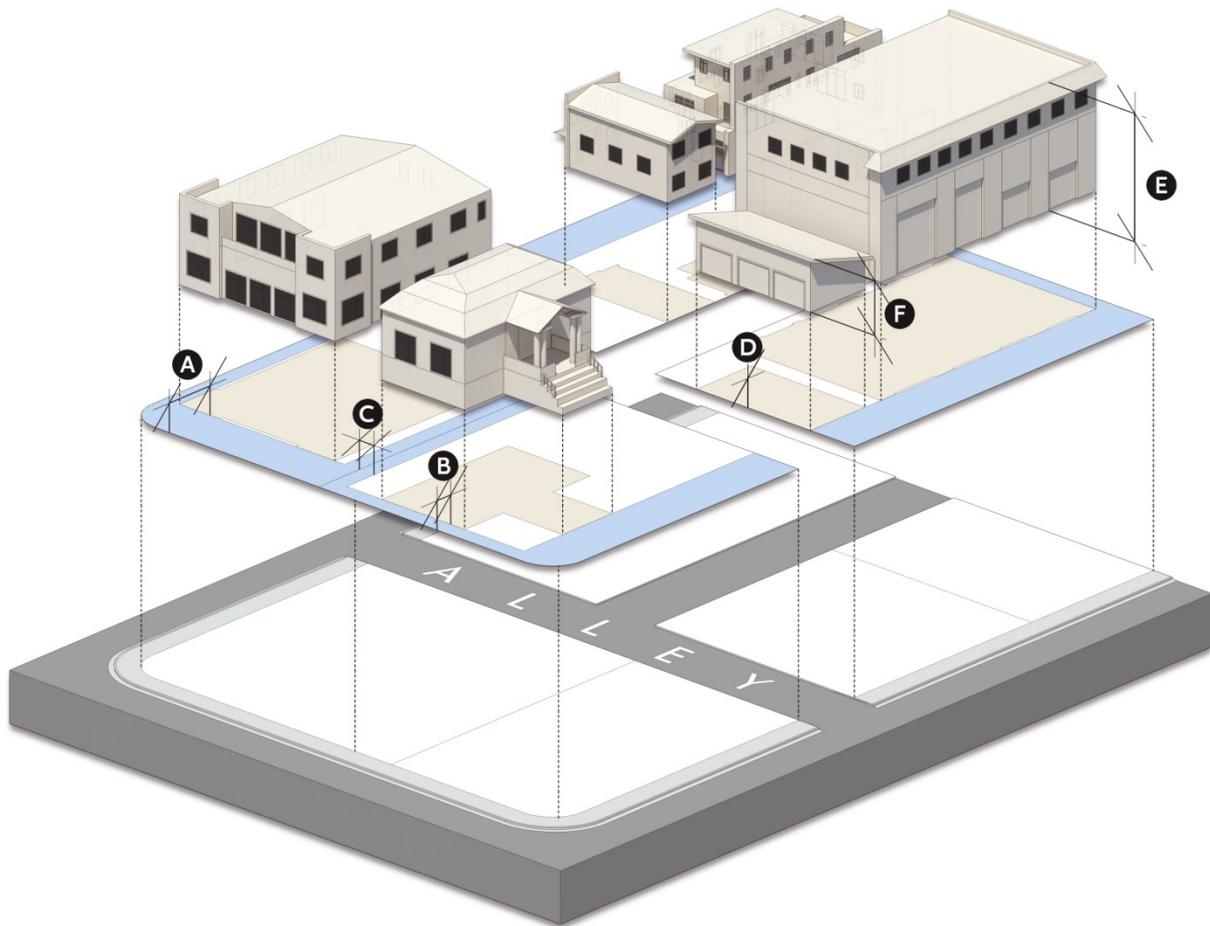
<b>Table 3.4-4: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

**3.4.3. PUBLIC FACILITIES (PF)**

**A. Purpose**

The Public Facilities district is intended for uses related to community services, including but not limited to fire stations, schools, libraries, community centers, hospitals, Town buildings, and utilities.

Figure 3.4.3-A: PF District



**B. Dimensional and Other Standards**

<b>Table 3.4-5: PF District Dimensional Standards</b>		
<b>Lot Standards</b>		
Lot area, minimum		None
Lot depth, minimum		None
Lot width, minimum		None
Impervious lot coverage, maximum		90 percent
Open space, minimum		10 percent
<b>Setbacks, Minimum</b>		
<b>A</b>	Front	15 feet
<b>B</b>	Side	5 feet
	Side, street	10 feet
<b>C</b>	Rear	5 feet
<b>D</b>	Rear, adjacent to alley	0 feet
<b>Building Standards</b>		
<b>E</b>	Height, maximum, principal buildings	35 feet
<b>F</b>	Height, maximum, accessory buildings	35 feet

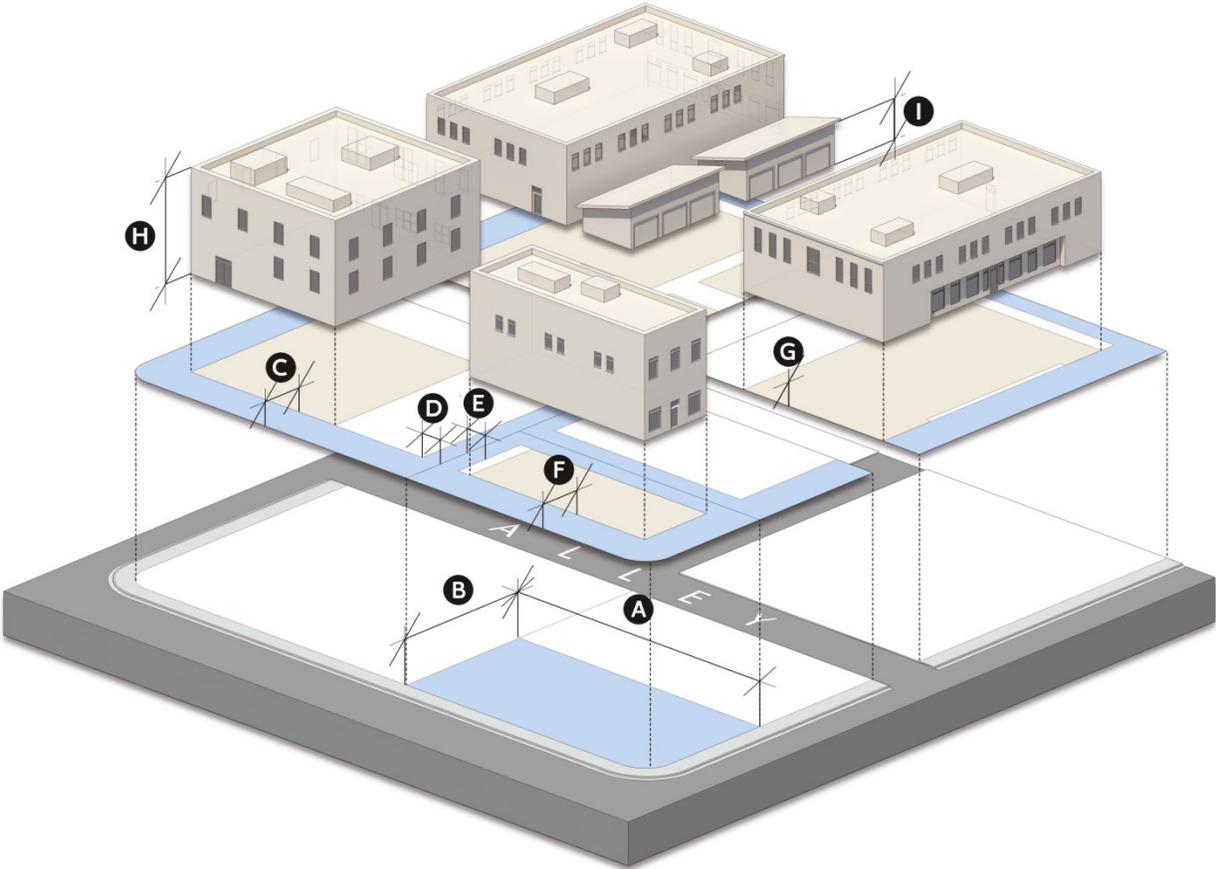
<b>Table 3.4-6: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

3.4.4. GENERAL INDUSTRIAL (I)

A. Purpose

The purpose of the General Industrial district is to accommodate a variety of workplaces including manufacturing, offices, industry support services, storage buildings/yards, transportation services, and other primary employment facilities. The district provides for a consolidation of industrial uses where the operations of these uses are screened from and do not negatively impact adjacent uses. This district also allows supporting uses such as retail sales, coffee shops, restaurants, and daycare facilities that support the primary uses within the district.

Figure 3.4.4-A: I District



**B. Dimensional and Other Standards**

<b>Table 3.4-7: I District Dimensional Standards</b>		
<b>Lot Standards</b>		
<b>A</b>	Lot depth, minimum	100 feet
<b>B</b>	Lot width, minimum	50 feet
	Impervious lot coverage, maximum	90 percent
	Open space, minimum	10 percent
<b>Setbacks, Minimum</b>		
<b>C</b>	Front	15 feet
<b>D</b>	Side	7.5 feet
<b>F</b>	Side, street	10 feet
<b>E</b>	Rear	7.5 feet
<b>G</b>	Rear, adjacent to alley	0 feet
<b>Building Standards</b>		
<b>H</b>	Height, principal building, maximum	35 feet
<b>I</b>	Height, accessory building, maximum	35 feet

<b>Table 3.4-8: Other Applicable Sections</b>	
Summary Tables of Dimensional Standards	Section 3.7
Exceptions to Dimensional Standards	Section 3.7.5
Allowable Uses	Section 4.2
Use-Specific Standards	Section 4.3
Site and Building Design	Section 5.6 and 5.7
Landscaping and Screening	Section 5.4
Off-Street Parking	Section 5.8
Exterior Lighting	Section 5.10

## 3.5 OVERLAY DISTRICT(S)

### 3.5.1. GENERAL PURPOSE OF OVERLAY DISTRICTS

Overlay zoning districts are superimposed over portions of one or more underlying base or planned unit development zoning districts in order to supplement generally applicable regulations with additional standards that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying districts. Some overlay districts include standards that modify or supersede standards applied by the underlying district.

### 3.5.2. ESTABLISHMENT OF DISTRICTS

- A. Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 2.4.2, *Rezoning*, and this section.
- B. The boundaries of an overlay district shall be established by special studies related to the purpose of the district. Such study shall include, at a minimum:
  1. **Incorporation of a Map**  
A map shall be created and incorporated into this ordinance that shall identify the limits of the overlay district.
  2. **Specific Regulations**  
Special regulations that apply within the boundaries of the overlay district shall be created to guide development within the district. Such regulations shall be incorporated into this Code after public hearings as an amendment to this Code and shall be used to review and regulate the development of all land uses in any zoning district within the boundaries of the overlay district.

### 3.5.3. CURRENT OVERLAY DISTRICT(S)

The following overlay district(s) are established and all maps and regulations apart thereof are hereby incorporated into this Code:

#### A. **Flood Plain Designation and Flood Damage Prevention**

The requirements for the Flood Plain Designation and Flood Damage Prevention overlay district are located in Section 15.20 of the Carbondale Municipal Code.

## 3.6 PLANNED UNIT DEVELOPMENTS

### 3.6.1. PURPOSE

Planned unit developments are created to allow an applicant maximum flexibility in exchange for a community benefit by designing quality residential, commercial, industrial or mixed-use developments that could not be achieved by strict adherence to the terms of this Code. Planned unit developments may be approved pursuant to the procedure and approval criteria in Section 2.4.3.

### 3.6.2. APPLICABILITY OF REGULATIONS

To the extent that specific subdivision regulations as contained in Chapter 17.06:*Subdivision*, of this Code or any other regulations of this Code conflict with

standards contained in an approved planned unit development as allowed herein, such regulations shall not be applicable and the provisions of this chapter and of the development standards in the approved planned unit development zoning ordinance shall control.

**3.6.3. MODIFICATION OF DEVELOPMENT STANDARDS**

- A. At the time of zoning a PUD, the Board of Trustees may modify the specifications, standards or requirements of this Code (including but not limited to setbacks, yard requirements, parking and landscape requirements, and supplementary regulations), when development standards contained in the PUD ordinance specifically establish different specifications, standards, and requirements applicable to uses in the PUD.
- B. Unless specifically modified by development standards approved by the Board a part of the ordinance creating the PUD, uses within a PUD shall comply with the development standards and occupancy restrictions applicable to similar uses in other zone districts in this title including, but not limited to minimum lot area, maximum lot coverage, minimum setbacks, maximum height of buildings, parking standards, landscape requirements, required permits and processing procedures. The Director shall determine which standards are most appropriate for each area within a PUD.

**3.6.4. OPEN SPACE AREA REQUIRED**

Publicly dedicated and/or common open space shall be provided as part of the PUD. See Section 5.3, *Open Space*, for applicable requirements.

**3.7. Summary Tables of Dimensional Standards**

3.7.1. Summary of Residential Districts Dimensional Standards  
3.5.3.A Flood Plain Designation and Flood Damage Prevention

**3.7 SUMMARY TABLES OF DIMENSIONAL STANDARDS**

In case of a discrepancy with the summary tables for any zoning district, the individual zoning district tables in Sections 3.2, 3.3, and 3.4 shall govern.

**3.7.1. SUMMARY OF RESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS**

<b>Table 3.7-1: Summary of Residential Districts Dimensional Standards</b>					
	<b>AG</b>	<b>OTR</b>	<b>R/LD</b>	<b>R/MD [1]</b>	<b>R/HD [1]</b>
<b>Lot Standards</b>					
Lot area, minimum	10 acres	4,125 sf	6,000 sf [2]	3,000 sf	3,000 sf
Lot area, minimum, with ADU		5,500 sf	6,000 sf [2]		
Lot area per dwelling unit, minimum				3,000 sf	
Lot depth, minimum	None	100 feet	100 feet	50 feet	50 feet
Lot width, minimum	None	37.5 feet	60 feet [3]	25 feet	25 feet
Lot width, minimum, with ADU		50 feet	60 feet [3]	25 feet	25 feet
Impervious lot coverage, maximum			See Table 3.7-2		
<b>Setbacks, Minimum [1]</b>					
Front	50 feet	15 feet	15 feet	10 feet	5 feet
Side	35 feet	5 feet	7.5 feet	5 feet	5 feet
Side, street	40 feet	10 feet	10 feet	7.5 feet	4 feet
Rear	35 feet	5 feet	7.5 feet	5 feet	5 feet
Rear, adjacent to alley	35 feet	5 feet	5 feet	5 feet	5 feet
<b>Building Standards</b>					
Height, maximum, principal dwelling unit	27 feet	25 feet [4]	27 feet	27 feet	35 feet
Height, maximum, accessory buildings	22 feet	14 feet on lots 7,000 sq ft or smaller; 21 feet on lots larger than 7,000 sq ft [4]	22 feet	22 feet	25 feet
<b>Notes:</b>					
[1] Lot area, lot depth, lot width, and side yard setbacks may vary if approved through subdivision process in order to allow townhomes to be subdivided. Zero lot line may be established at time of subdivision.					
[2] Minimum site area and lot size for properties in original Townsite, Weaver's Addition, and Fender's Addition is 5,500 square feet.					
[3] Lots in the original Townsite, Fender's Addition, and Weaver's Addition have a minimum 50-foot lot width.					
[4] See Section 5.6.6.C for additional height limitations.					

**3.7. Summary Tables of Dimensional Standards**

3.7.2. Maximum Impervious Lot Coverage, Residential Districts

3.5.3.A Flood Plain Designation and Flood Damage Prevention

**CHAPTER 17.03: ZONING DISTRICTS****3.7.2. MAXIMUM IMPERVIOUS LOT COVERAGE, RESIDENTIAL DISTRICTS**

The maximum impervious lot coverage in each zoning district shall not exceed the percentages shown in Table 3.7-2 below. The remaining area of the lot shall be pervious surface and shall be landscaped as required in Section 5.4, *Landscaping and Screening*.

**Table 3.7-2:****Maximum Impervious Lot Coverage – Residential Districts**

Zoning District	AG	OTR	R/LD	R/MD	R/HD
Net Lot Area	Maximum Impervious Lot Coverage Percentage (%)				
400,000 sf or larger	5	1.5	5	60	60
200,000 – 399,999 sf	--	2	7	60	60
87,120 – 199,999 sf	--	4	15	60	60
43,560 – 87,119 sf	--	8	20	60	60
20,000 – 43,559 sf	--	16.5	25	60	60
15,000 – 19,999 sf	--	21	33	60	60
12,500 – 14,999 sf	--	24	35	60	60
10,000 – 12,499 sf	--	29	42	60	60
7,500 – 9,999 sf	--	34	45	60	60
6,000 – 7,499 sf	--	40	52	60	60
4,000 – 5,999 sf	--	42	52	60	60
Less than 4,000 sf	--	44	52	60	60

3.7. Summary Tables of Dimensional Standards

3.7.3. Commercial and Mixed-Use Districts Dimensional Standards

3.5.3.A Flood Plain Designation and Flood Damage Prevention

CHAPTER 17.03: ZONING DISTRICTS

3.7.3. COMMERCIAL AND MIXED-USE DISTRICTS DIMENSIONAL STANDARDS

Table 3.7-3 summarizes the commercial and mixed-use district dimensional standards.

<b>Table 3.7-3: Summary of Commercial and Mixed-Use Districts Dimensional Standards</b>				
	<b>C/T</b>	<b>CRW</b>	<b>HCC</b>	<b>MU</b>
<b>Lot Standards</b>				
Lot area, minimum	3,000 sf	15,000 sf	2,500 sf	2,500 sf
Lot area per dwelling unit, minimum, multifamily dwellings [1]:				
Efficiency	1,050 sf			1,050 sf
1 bedroom	1,450 sf			1,450 sf
2 bedroom	1,650 sf			1,650 sf
3 bedroom	1,850 sf			1,850 sf
4 bedroom	2,050 sf			2,050 sf
Lot depth, minimum	100 feet	100 feet	100 feet	100 feet
Lot width, minimum	30 feet	100 feet	25 feet	25 feet
Impervious lot coverage, maximum	80 percent	80 percent	100 percent	90 percent
Landscaped area, minimum	20 percent [2]	20 percent	None	10 percent
<b>Setbacks, Minimum - Commercial Districts</b>				
<b>Front</b>				
Adjacent to Highway 133	5 feet	5 feet	n/a	
Adjacent to sub-arterial street	5 feet	5 feet	0 feet	
Adjacent to collector street	5 feet	5 feet	0 feet	
Adjacent to local street	5 feet	5 feet	0 feet	
<b>Side</b>				
Adjacent to alley	0 feet	0 feet	0 feet	
Adjacent to commercial or industrial district	0 feet	0 feet	0 feet	
Adjacent to residential district	[3]	[3]	5 feet	
<b>Rear</b>				
Adjacent to alley	0 feet	0 feet	0 feet	
Adjacent to commercial or industrial district	20 feet	20 feet	0 feet	
Adjacent to residential district	5 feet[3]	[3]	5 feet	
<b>Setbacks - Mixed-Use District</b>				
Front, minimum				0 feet
Front, maximum				10 feet
Side, minimum				0 feet
Side, adjacent to single-family residential district, minimum				5 feet
Rear, minimum				0 feet
Rear, adjacent to single-family residential district, minimum				5 feet
Adjacent to alley, minimum				5 feet
<b>Building Standards</b>				
Height, maximum, principal building	35 feet	35 feet	35 feet [4]	35 feet
Height, maximum, accessory buildings	25 feet	25 feet	25 feet	25 feet
<b>Notes:</b>				
[1] Minimum lot area for multifamily dwellings in the C/T and MU districts is calculated by summing the minimum per-unit square footage specified in this table; however, in all cases the minimum lot area shall be no smaller than 3,000 sf. For example, the minimum lot area for a three-unit multifamily development with two bedroom units would be 4,950 (1,650 x 3 units = 4,950 sf).				
[2] Forty percent minimum open space is required for residential-only projects in the C/T district.				
[3] See Section 3.7.5: <i>Transitions Between Different Land Use Areas</i> .				
[4] See Section 5.7.7 for additional height standards applicable to the HCC zoning district.				

**3.7.4. OTHER NON-RESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS**

<b>Table 3.7-4: Summary of Other Non-residential Districts Dimensional Standards</b>				
	<b>O</b>	<b>T</b>	<b>PF</b>	<b>I</b>
<b>Project Standards</b>				
Site area, minimum	None	None	None	6,000 sf
<b>Lot Standards</b>				
Lot depth, minimum	None	None	None	100 feet
Lot width, minimum	None	None	None	50 feet
Impervious lot coverage, maximum	15 percent	90 percent	90 percent	90 percent
Open space, minimum		10 percent	10 percent	10 percent
<b>Setbacks, Minimum</b>				
Front	30 feet	5 feet	15 feet	15 feet [1]
Side	20 feet	5 feet	5 feet	7.5 feet
Side, street	25 feet	5 feet	10 feet	10 feet
Rear	20 feet	5 feet	5 feet	7.5 feet
Rear, adjacent to an alley	10 feet	0 feet	0 feet	0 feet
<b>Height, Maximum</b>				
Principal building	275 feet	27 feet	35 feet	35 feet
Accessory buildings	27 feet	27 feet	35 feet	35 feet
<b>Notes:</b>				
[1] Applies to any street-facing façade.				

**3.7.5. TRANSITIONS BETWEEN DIFFERENT LAND USE AREAS**

**A. Purpose**

The intent of these transition standards is to help ensure physical compatibility between new development and adjacent zoning district boundaries. Transitions in either height and/or setbacks may be required pursuant to this section to help ensure physical compatibility in such situations.

**B. Height Transitions**

New buildings with a maximum height that will exceed that of neighboring existing residential dwellings by one story or more shall provide a transition using at least three of the following techniques:

1. “Stepping down” building height and mass along the shared property line to meet the height of the existing neighboring home along a minimum of 50 percent of the building’s length. “Stepped down” portion of the building shall be a minimum of 10 feet in depth;
2. Increasing the side yard setback a minimum of 10 feet beyond that which is required and providing a landscape buffer along the shared property line;
3. Providing variations in the side building wall and roof form so that new structures have a comparable scale as neighboring homes along the shared property line; and
4. Utilizing dormers and sloping roofs to accommodate upper stories.

**C. Setback Transitions**

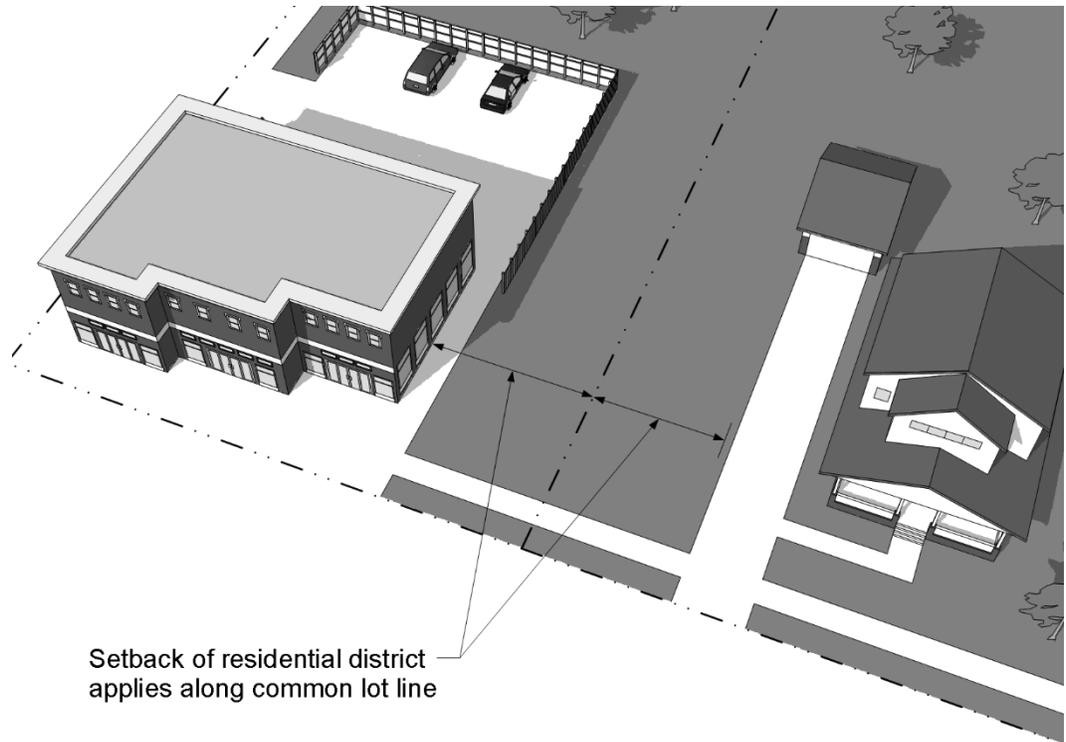
**1. Residential Districts**

Where a lot in the R/HD district immediately adjoins a lot in the R/LD or R/MD districts, the front setback on the R/HD lot shall be an average of the R/HD minimum front setback and the R/LD or R/MD minimum front setback, as applicable.

**2. Nonresidential Districts**

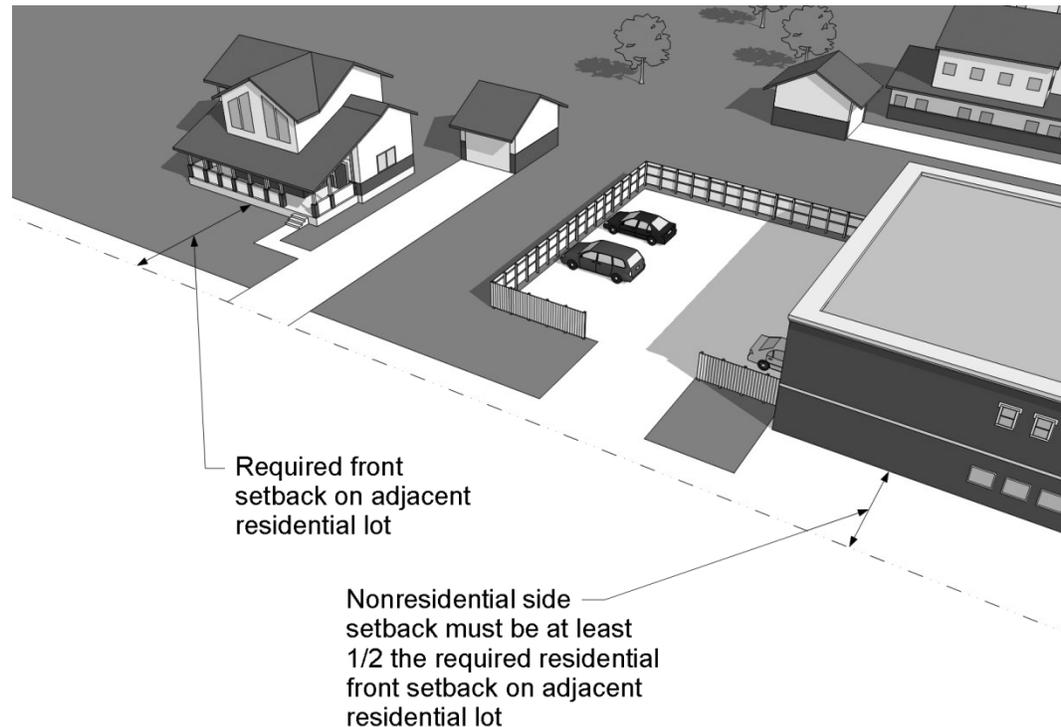
- a. Where a lot in a nonresidential zoning district shares a common side lot line with a lot in a residential district, the required side yard setback of the residential district shall apply along the common lot line to the property in the nonresidential zoning district (see Figure 3.7.5-A below).

**Figure 3.7.5-A: Transition of Side Yard Setbacks**



- b. Where a nonresidential corner lot immediately adjoins a residential lot, and the side yard lot line of the residential lot coincides with the rear lot line of the nonresidential lot, then the minimum side yard setback of the nonresidential lot on the side adjacent to the street on which the residential lot fronts shall be at least one half of the required front yard setback applicable to the residential lot (see Figure 3.7.5-B below).

Figure 3.7.5-B: Transition of Setbacks on Corner Lot



## 3.8 MEASUREMENTS AND EXCEPTIONS

### 3.8.1. PURPOSE

The purpose of this section is to provide uniform measures for interpretation and enforcement of this Code.

### 3.8.2. LOT AND SPACE REQUIREMENTS

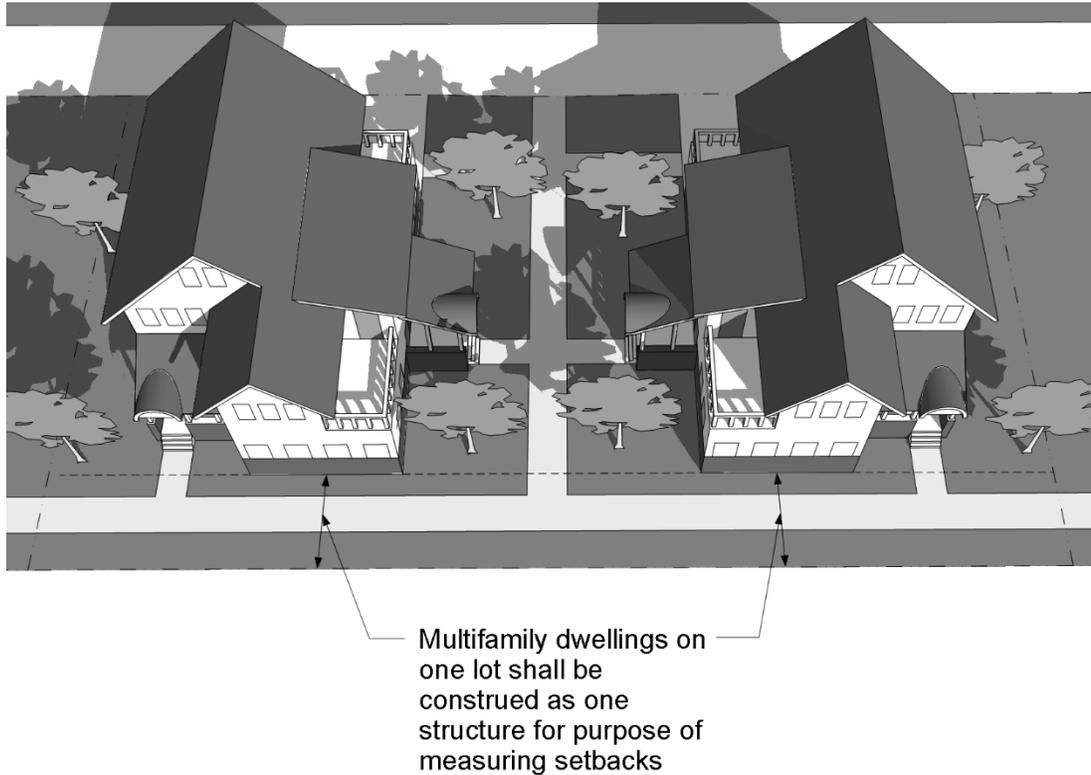
- A. Every building or structure shall be located and maintained on a lot as defined in this Code.
- B. No lot shall be divided to contain more dwellings than are permitted by the regulations of the zoning district in which it is located.
- C. No space needed to meet the width, yard, area, open space, lot coverage, parking, or other requirements of this Code for a lot or building may be sold or leased away from such lot or building.
- D. No parcel of land that has less than the minimum width, depth, and area requirements for the zoning district in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

### 3.8.3. SETBACKS

#### A. Multifamily Dwellings

Multifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks (see Figure 3.8.3-A).

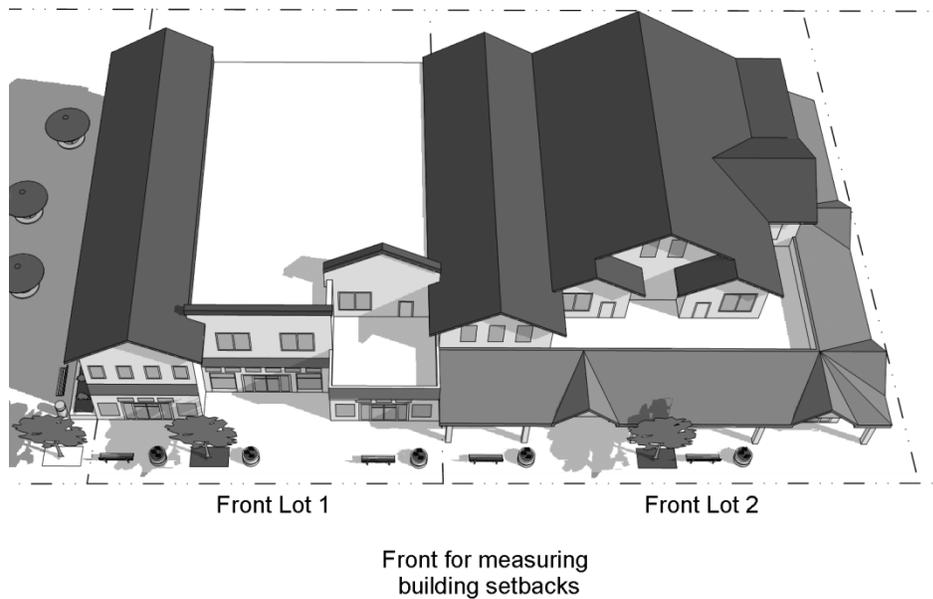
Figure 3.8.3-A: Setbacks on Multi-Family Dwellings



#### B. One Building Occupying Two Lots

When one structure occupies two or more lots the typical front of the individual lots shall determine the front of the structure for the purpose of measuring setbacks (see Figure 3.8.3-B).

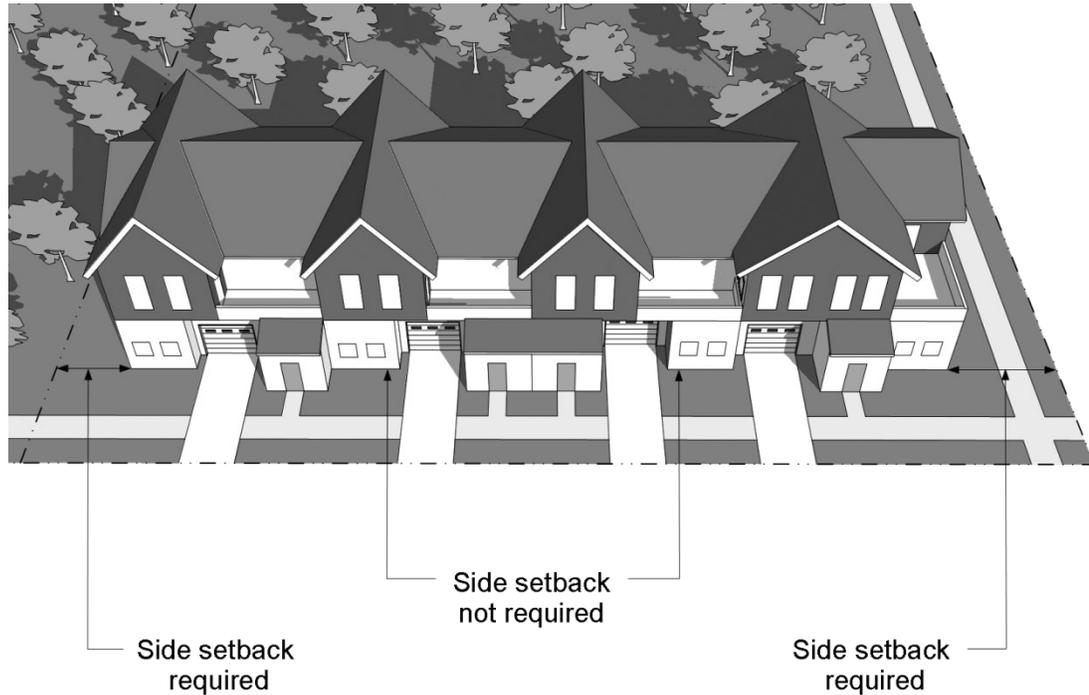
Figure 3.8.3-B: One Building Occupying Two Lots



**C. Townhouse, Row-House**

For purposes of setback calculations, only those townhomes or row-houses that do not share a common wall with an adjacent townhouse or row-house need observe the required side yard setback for the district (see Figure 3.8.3-C).

Figure 3.8.3-C: Townhouse, Row-House Setbacks



#### D. Partially Developed Frontages

When a vacant lot is bordered on two sides by previously constructed buildings, both of which do not meet the required front yard setback applicable to the district, the required front yard setback for the vacant lot shall be established as the average front yard setback of the two existing adjacent buildings. Where a vacant lot is bordered on only one side by a previously constructed building which does not meet the required front yard setback for the district, the required front yard setback for the vacant lot shall be established as the average front yard setback of the adjacent building and the minimum required front yard setback for the district.

#### E. Irregular Shaped Lots

Structures on irregular shaped lots shall conform to all building setbacks.

#### F. Projections

Every part of a required yard shall be unobstructed from ground level to the sky, except as follows:

1. Setback restrictions do not apply to: slabs, uncovered patios, walks, steps, fences, hedges, or freestanding walls. Freestanding walls are subject to any sight triangle regulations;
2. Certain architectural features and improvements may encroach into required setbacks as follows:

**Table 3.8-1:  
Authorized Exceptions to Setback Requirements**

<b>Storage sheds</b>	In all residential zoning districts, storage sheds less than 120 square feet in size may be placed up to, but no closer than, three feet from a rear or side property line if they are not placed on a permanent foundation. Storage sheds shall not be located over an easement.
<b>Front porches and stoops</b>	In all residential zoning districts, covered front porches and stoops may extend into the required front setback up to eight feet, provided the porch or stoop is unenclosed and the eaves are at least five feet from the front property line.
<b>Handicap ramps</b>	Handicap access ramps may be located within required front, side, and rear setbacks.
<b>Uncovered balconies</b>	In all residential zoning districts, balconies that are uncovered may extend into any side or rear setback provided these projections are at least five feet from the property line. Uncovered balconies may also extend into the required front setback up to six feet.
<b>Incidental architectural features</b>	Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, and other similar architectural features may project up to two feet into any required setback.

**3.8.4. BUILDING HEIGHT**

**A. Measurement**

Heights referred to in this Code shall be measured as stated in the definitions chapter under the term "building height."

**B. Encroachments**

Architectural features shall not exceed the maximum applicable building height within any zoning district, unless specifically authorized in the table below.

**Table 3.8-2:  
Authorized Exceptions to Maximum Height Standards**

<b>Church spires or belfries</b>	Church spires or belfries may be up to 25% greater than the maximum allowed height; provided they are designed without provision for occupancy and plans receive prior approval of the Town.
<b>Parapet walls</b>	Screening parapet walls may extend above the maximum height limit up to 30 inches for buildings containing two or more dwelling units.
<b>Rooftop mechanical equipment</b>	Cupolas, chimney ventilators, skylights, water tanks, elevator overrides, solar collection equipment, and all other mechanical equipment may extend up to five feet above the maximum height limit provided the equipment complies with screening requirements set forth in Section 5.4.5: <i>Screening</i>
<b>Transmitting antennae</b>	A transmitting antenna may exceed the maximum applicable building height; provided, the total height does not exceed five feet plus twice the distance to the nearest property line, but in no case shall an antenna exceed 60 feet in height.

**3.8.5. IMPERVIOUS LOT COVERAGE**

The area of the lot covered by the following shall be included in the calculation of impervious lot coverage in all districts:

- A. The principal building;
- B. All accessory buildings, parking garages, carports, utility and storage sheds;
- C. Porches, stairways and elevated walkways, paved areas or areas otherwise covered with materials impervious to water;
- D. Parking areas and driveways regardless of surface materials;
- E. In a residential zoning district, any impervious covered or uncovered deck and/or patio is allowed to be calculated as pervious surface; however, this allowance is

limited to 10 percent of the square footage of the floor area of a dwelling unit, excluding the floor area of the basement and garage.

- F. Up to 10 percent of the pervious surface required in Section 3.7.2, *Maximum Impervious Lot Coverage, Residential Districts* may be used for improvements such as parking, driveways, and walkways if a manufactured pervious paving system is used. To qualify for this exception, specifications for the manufactured pervious paving system shall be submitted to and approved by the Director.

**3.8.6. FLOOR AREA AND SQUARE FOOTAGE**

- A. All areas within a structure including interior storage areas, closets, living areas and bathrooms, garages, and interior and exterior walls shall be included in the calculation of floor area of a structure. Private outdoor areas for multifamily structures shall be excluded from this calculation.
- B. Gross square footage of a structure shall be measured from the outside of the exterior walls and shall include the area of the walls.
- C. When there is more than one use within a structure the square footage of each use shall be determined by the gross square footage of the use plus a portion of any areas used in common pro-rated on the basis of the square footage of each use sharing such areas.

## Chapter 17.04: Use Regulations

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### 4.1 PURPOSE AND ORGANIZATION OF THIS CHAPTER

The purpose of this chapter is to identify the land uses allowed in Carbondale’s zoning districts and to establish standards that apply to certain uses with unique characteristics or impacts. Section 4.2 includes Table 4.2-1, which lists uses allowed by district. Section 4.3 includes use-specific standards applicable to certain land uses. Section 4.4 establishes standards applicable to accessory uses and structures, and Section 4.5 establishes standards applicable to temporary uses and structures.

### 4.2 TABLE OF ALLOWED USES

Table 4.2-1 lists the uses allowed within all base zoning districts. Each listed use is defined in Chapter 17.08: *Definitions*.

#### 4.2.1. EXPLANATION OF TABLE ABBREVIATIONS

##### A. Permitted Uses

“P” in a cell indicates that the use is allowed by right. Permitted uses are subject to all other applicable regulations of this Code, including the use-specific standards in Section 4.3, the dimensional standards in Section 3.7, and the requirements of Chapter 17.05: *Development Standards*. Permitted uses may be approved pursuant to the applicable procedures under Section 4.2.4.

##### B. Conditional Uses

“C” in a cell indicates that the use is allowed in the respective zoning district only if reviewed and approved in accordance with the procedures of Section 2.5.1, *Conditional Use Permits*. Conditional uses are subject to all other applicable regulations of this Development Code.

##### C. Special Uses

“S” in a cell indicates that the use is allowed in the respective zoning district only if reviewed and approved in accordance with the special use permit procedures of Section 2.5.2, *Special Use Permits*. Special uses are subject to all other applicable regulations of this Code.

##### D. Designation Does Not Constitute Approval

The “C” or “S” designation in Table 4.2-1 in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each conditional and/or special use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved or denied pursuant to the procedures in Section 2.5.1, *Conditional Use Permits*, or Section 2.5.2, *Special Use Permits*.

##### E. Prohibited Uses

A blank cell indicates that the use is prohibited in that zoning district.

**F. Use-Specific Standards**

Regardless of whether a use is allowed by right, as a conditional use, or as a special use, additional standards may be applicable to the use. Use-specific standards are noted through a cross-reference in the last column of the table. Cross-references refer to Section 4.3, *Use-Specific Standards*. These standards apply in all districts unless otherwise specified.

**4.2.2. TABLE ORGANIZATION**

In Table 4.2-1, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

**4.2.3. USE FOR OTHER PURPOSES PROHIBITED**

Approval of a use listed in Table 4.2-1 and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 4.2-1 and approved under the appropriate process is prohibited.

**4.2.4. CLASSIFICATION OF NEW AND UNLISTED USES**

When application is made for a use category or use type that is not specifically listed in Table 4.2-1, the following procedure shall be followed:

- A. The Director shall provide an interpretation as to the use category and/or use type into which such use should be placed. In making such interpretation, the Director shall consider its potential impacts, including but not limited to: the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer. When considering an unlisted use in any zoning district as part of an interpretation, the Director shall also determine whether additional use-specific standards are necessary.
- B. If it is determined by the Director that a proposed use falls within an existing use category or use type, written notification shall be sent to the applicant, the Planning and Zoning Commission, and the Board of Trustees. That determination shall become effective 14 days after written notification is sent.
- C. Appeal of the Director’s decision may be made to the Board of Adjustment following the procedures under Section 2.7.2, *Appeals*.
- D. On interpreting an unlisted use or structure as allowed in a zoning district, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Director may initiate an application for a text amendment to this Code in accordance with Section 2.4.1, *Amendments to the Unified Development*

*Code*, to list the use or structure in Table 4.2-1 as a permitted use, conditional use, or special use, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Director shall be binding.

**4.2.5. TABLE OF ALLOWED USES**

Table 4.2-1, below, summarizes allowed uses by zoning district.

CHAPTER 17.04: USE REGULATIONS

<b>Table 4.2-1: Allowed Uses – Town of Carbondale</b>		<b>Residential Districts</b>					<b>Commercial and Mixed-Use Districts</b>				<b>Other Non-Residential Districts</b>				<b>Use-Specific Standards</b>
<b>Use Category</b>	<b>Use Type</b>	<b>AG</b>	<b>OTR</b>	<b>R/LD</b>	<b>R/MD</b>	<b>R/HD</b>	<b>C/T</b>	<b>CRW</b>	<b>HCC</b>	<b>MU</b>	<b>O</b>	<b>T</b>	<b>PF</b>	<b>I</b>	
<b>RESIDENTIAL USES</b>															
<b>Household Living</b>	Dwelling, duplex				P	P				C			P		
	Dwelling, live/work			C	C	C	P	C	P	P			P	P	4.3.2.A
	Dwelling, manufactured/factory-built home or modular structure (IBC or IRC homes, not HUD)	P	P	P	P	P				C			P		4.3.2.F
	Dwelling, multi-family				C	P	P	S	P	P			P		4.3.2.B
	Dwelling, single-family attached				C	P				C			P		4.3.2.C
	Dwelling, single-family detached	P	P	P	P	P	P						P		4.3.2.D
	Mobile home park				S	S									4.3.2.G
<b>Group Living</b>	Adult day care			C	C	C	P	P	P	P					
	Assisted living facility				S	S	P	S	S	S					
	Group home	C	C	C	C	C	C	C	C	C					4.3.2.E
	Nursing home					S	S	S	S	S					
<b>PUBLIC, INSTITUTIONAL, AND CIVIC USES</b>															
<b>Community and Cultural Facilities</b>	Civic building						P	P	P	P			P	P	
	Club or lodge						C	C	C	C					4.3.3.A
	Community center		C	C	C	C	C	C	C	C					
	Convention hall						C	C	C	P			P		
	Country club	S		S											
	Library						P	P	P	P			P		
	Museum						C	C	P	P	C		P		
	Religious use	C	C	C	C	C	C	C	C	C					4.3.3.D
<b>Transit Uses</b>	Transit stop	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Transit terminal or station						C	C	P	P		P	P	S	
<b>Child Care Facilities</b>	Day care – fewer than seven children	C	C	C	C	C	C	C	C	S			C		
	Day care – seven children or more	S	S	S	S	S	S	S	S	S			S	S	4.3.3.B
<b>Health Care Facilities</b>	Hospital						P	P					P		
	Medical or dental clinic						P	P	P	P					
<b>Parks and Open Space</b>	Park, playground, open space	P	P	P	P	P	P	P	P	P	P	P	P	C	4.3.3.C

<b>Table 4.2-1: Allowed Uses – Town of Carbondale</b>		<b>Residential Districts</b>					<b>Commercial and Mixed-Use Districts</b>				<b>Other Non-Residential Districts</b>				<b>Use-Specific Standards</b>	
<b>Use Category</b>	<b>Use Type</b>	<b>AG</b>	<b>OTR</b>	<b>R/LD</b>	<b>R/M/D</b>	<b>R/H/D</b>	<b>C/T</b>	<b>CRW</b>	<b>HCC</b>	<b>MU</b>	<b>O</b>	<b>T</b>	<b>PF</b>	<b>I</b>		
<b>P = permitted use C = conditional use</b>		<b>S = special use Blank cell = prohibited use</b>														
<b>Educational Facilities</b>	School, public or private	P	S	S	S	S	S	S	S	S				P		
	Vocational school or training center						C	C	C	C					P	
<b>COMMERCIAL USES</b>																
<b>Agriculture and Animal-Related Services</b>	Animal husbandry	P														
	Commercial farming, plant husbandry, commercial greenhouse	P					P									
	Community garden	P	P	P	P	P	C	C	C	C	P	C	P			
	Kennel	P					S	S						S	4.3.4.L	
	Sale of produce and plants raised on premises	P	P	P	P	P	C	C	C	C	C	C	C	C	C	4.3.4.U
	Veterinary clinic	P						P	P	P	P				C	
<b>Adult Entertainment Establishments</b>	Adult entertainment establishment													S	4.3.4.A	
<b>Arts</b>	Art gallery						P	P	P	P				C		
	Instructional or performing arts studio						P	P	P	P				C		
<b>Parking Lots</b>	Commercial parking lot (surface or structured)						P	P	P	P			P	C		
<b>Food and Beverage Services</b>	Bar, tavern, or lounge						P	C	P	P					4.3.4.E	
	Microbrewery, distillery, and/or tasting room						S	S	S	S						
	Restaurant						P	P	P	P				C		
	Restaurant, with outdoor dining facility						P	P	P	P				C	4.3.4.Q	
<b>Funeral and Interment Service</b>	All uses						S	P	S	S				C		
<b>Lodging Facilities</b>	Bed and breakfast	C	S	S	C	C	P	C	P	P					4.3.4.F	
	Boardinghouse						P		P	P						
	Hostel						C	C	C	C						
	Hotel						P	P	P	P						
	Motel						C	C	C	C						
<b>Maintenance and Repair Services</b>	Major repair establishment						C	C		C				P		
	Minor repair establishment						P	P	P	P				P		
<b>Marijuana</b>	Medical marijuana center						P	P	P	P				P	4.3.4.N	
	Medical marijuana infused product manufacturer							S						S	4.3.4.N	

<b>Table 4.2-1: Allowed Uses – Town of Carbondale</b>		<b>Residential Districts</b>					<b>Commercial and Mixed-Use Districts</b>				<b>Other Non-Residential Districts</b>				<b>Use-Specific Standards</b>
<b>Use Category</b>	<b>Use Type</b>	<b>AG</b>	<b>OTR</b>	<b>R/LD</b>	<b>R/MD</b>	<b>R/HD</b>	<b>C/T</b>	<b>CRW</b>	<b>HCC</b>	<b>MU</b>	<b>O</b>	<b>T</b>	<b>PF</b>	<b>I</b>	
	Optional medical marijuana cultivation premises							S						S	4.3.4.N
	Retail marijuana cultivation facility							S						S	4.3.4.T
	Retail marijuana products manufacturing facility							S						S	4.3.4.T
	Retail marijuana store						P	P	P	P				S	4.3.4.T
	Retail marijuana testing facility						C	C	C	C				C	4.3.4.T
<b>Offices, Business, and Professional Services</b>	Bank, financial institution						P	P	P	P					4.3.4.D
	Mail or package delivery service						P	P	C	P				P	
	Printing shop, blueprinting, and copies						P	P	P	P				P	
	Professional, government, or administrative office						P	P	P	P			P	P	4.3.4.P
<b>Personal Services</b>	Commercial laundry and dry cleaning													P	
	Dry cleaning pick-up						P	P	P	P				P	4.3.4.J
	Personal service, general						P	P	P	P					
	Self-service laundromat						P	P	P	P					
<b>Recreation and Entertainment, Indoor</b>	Health club						P	P	P	P				C	
	Indoor recreational facility						P	P	P	P				C	4.3.4.K
	Theater						P	P	P	P					
<b>Recreation and Entertainment, Outdoor</b>	Campground and RV park										C		C		4.3.4.H
	Commercial outdoor facility						S	S	S	S	S		S	S	4.3.4.I
<b>Retail Sales</b>	Building materials, feed, supply store						S	P		S				P	
	Convenience store, without fuel						P	P		P					
	Grocery store						P	P	P	P					
	Liquor store						P	P	P	P					4.3.4.M
	Non-bulk storage/sale of Liquefied Petroleum Gas (LPG) – less than 2,000 gallons						C	C						P	4.3.4.O
	Retail, general, 10,000 sf or less						P	P	P	P				S	4.3.4.R
	Retail, general, over 10,000 sf						P	P	S	S				C	4.3.4.S
	Wholesale material sales							P						C	

<b>Table 4.2-1: Allowed Uses – Town of Carbondale</b>		<b>Residential Districts</b>					<b>Commercial and Mixed-Use Districts</b>				<b>Other Non-Residential Districts</b>				<b>Use-Specific Standards</b>
<b>Use Category</b>	<b>Use Type</b>	<b>AG</b>	<b>OTR</b>	<b>R/LD</b>	<b>R/MD</b>	<b>R/HD</b>	<b>C/T</b>	<b>CRW</b>	<b>HCC</b>	<b>MU</b>	<b>O</b>	<b>T</b>	<b>PF</b>	<b>I</b>	
<b>Vehicles and Equipment</b>	Automotive fuel sales						S	S						S	4.3.4.C
	Automotive parts and accessory sales						P	P	C	C					
	Automotive repair shop						S	P						P	
	Automotive sales or leasing							P						S	
	Auto wash							P						P	
	Equipment sales and leasing, farm and construction							P						P	
	Small engine repair						C	P						P	
<b>INDUSTRIAL USES</b>															
<b>Industrial Services</b>	Asphalt and concrete batch plant operation													S	
	Bulk storage of Liquefied Petroleum Gas (LPG) - (2,000 gallons or more)													S	4.3.5.C
	Contractor construction yard or facility													P	
	Gravel and mineral extraction and processing													S	
	Motor or railroad freight depot													P	
	Printing and publishing facility													P	
<b>Manufacturing and Production</b>	Assembly, fabrication, manufacturing, and/or testing						S	S	S	S				P	4.3.5.B
	Brewery, bottling plant						S	S	S	S				P	
	Food processing plant – over 2500 sq ft building													C	
	Food processing plant – up to 2500 sq ft building						C	C	C	C				C	
<b>Storage and Warehousing</b>	Outdoor storage												P	P	4.4.4.D
	Self-storage facility (mini-storage)						C	C						P	4.3.5.G
	Shipping, receiving, and distribution facility													P	
	Warehousing													P	
<b>Waste and Salvage</b>	Automotive salvage yard													S	
	Construction waste recycling and compacting facility													S	4.3.5.D
	Recycling of metals, paper, plastic, or automotive oil													S	
<b>Utilities</b>	Radio or television tower	C						C					C	C	

<b>Table 4.2-1: Allowed Uses – Town of Carbondale</b>		<b>Residential Districts</b>					<b>Commercial and Mixed-Use Districts</b>				<b>Other Non-Residential Districts</b>				<b>Use-Specific Standards</b>
<b>Use Category</b>	<b>Use Type</b>	<b>AG</b>	<b>OTR</b>	<b>R/LD</b>	<b>R/MD</b>	<b>R/HD</b>	<b>C/T</b>	<b>CRW</b>	<b>HCC</b>	<b>MU</b>	<b>O</b>	<b>T</b>	<b>PF</b>	<b>I</b>	
	Solar energy device, primary use	P						P			P		P	P	4.4.4.G
	Substation, receiving station, or switching station						S	S					S	S	4.3.5.E
	Water and wastewater treatment facility												P		4.3.5.I
	Water reservoir	P											P		
	Water storage tank												P		4.3.5.J
<b>ACCESSORY USES</b>															
	Accessory dwelling unit		S	C	C	P				C					4.4.4.A
	Administrative, laboratory, and storage use related to public utility uses												P	P	4.4.4.B
	Automatic teller machine (ATM)						P	P	P	P				C	
	Garage, carport, or utility shed	P	P	P	P	P	P	P	P	P				P	
	Home occupation	C	C	C	C	C	C		C	C					4.4.4.C
	Outdoor storage, accessory	C					C	C					P	P	4.4.4.D
	Retail sales of products directly related to a primary industrial use													P	4.4.4.E
	Satellite-receiving dish	P	P	P	P	P	P	P	P	P			P	P	4.4.4.F
	Solar energy device, accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.4.G
	Wind energy conversion system (WECS)	C	C	C	C	C	C	C	C	C	C	C	C	C	4.3.5.K
	Other accessory uses, if determined by the Director to comply with the performance standards of the Code. <i>See Section 4.4.2.</i>														4.4.2.
<b>TEMPORARY USES</b>															
	Expansion or replacement facilities						C	C	C	C			C	C	4.5.6.B
	Mobile vendor	C	C	C	C	C	C	C	C	C				C	4.5.5.A
	Regularly operated open air and/or farmer's market	C					C	C	C	C			C	C	
	Temporary office space and equipment storage						C	C	C	C	C	C	C	C	4.5.6.A
	Temporary special event						P	C	P	P	C	C	C	C	4.5.5.A
	Tent structure for single-vehicle parking	P	P	P	P	P	P								4.5.6.C
<b>WIRELESS FACILITIES (See Section 5.13)</b>															
	Small cell facility, including wall-mounted or roof-mounted wireless facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	

<b>Table 4.2-1: Allowed Uses – Town of Carbondale</b>		<b>Residential Districts</b>					<b>Commercial and Mixed-Use Districts</b>				<b>Other Non-Residential Districts</b>				<b>Use-Specific Standards</b>
P = permitted use C = conditional use		S = special use Blank cell = prohibited use													
<b>Use Category</b>	<b>Use Type</b>	<b>AG</b>	<b>OTR</b>	<b>R/LD</b>	<b>R/MD</b>	<b>R/HD</b>	<b>C/T</b>	<b>CRW</b>	<b>HCC</b>	<b>MU</b>	<b>O</b>	<b>T</b>	<b>PF</b>	<b>I</b>	
	Alternative tower structure	S	S	S	S	S	S	S	S	S	S	S	S	S	
	Freestanding tower structure										S	S	S	S	
	Base station	S	S	S	S	S	S	S	S	S	S	S	S	S	
	Non-small cell wall-mounted or roof-mounted wireless facilities	S				S	S	S	S	S	S	S	S	S	4.3.6.A
	Eligible Facilities Request	P	P	P	P	P	P	P	P	P	P	P	P	P	

<b>Table 4.2-2: Allowed Uses – Rights-of-Way</b>		
P = permitted use    Blank cell = prohibited use		
<b>Use Category</b>	<b>Use Type</b>	<b>Rights-of-Way</b>
<b>WIRELESS FACILITIES (See Section 5.13)</b>		
	Small cell facility	P
	Alternative tower structure for small cell facility	P
	Alternative tower structure for non-small cell facility	
	Base station for small cell facility	P
	Base station for non-small cell facility	
	Freestanding tower structure	
	Eligible Facilities Request	P

## 4.3 USE-SPECIFIC STANDARDS

### 4.3.1. PERFORMANCE STANDARDS

The following performance standards shall apply to all uses in all zoning districts in the Town of Carbondale:

#### A. Air Quality

1. Uses that emit any air contaminant as defined by the federal government, state of Colorado, or Garfield County, shall comply with all applicable federal, state and county standards concerning such emissions and with any other emission standards adopted by the Town.
2. No zoning, conditional, or special use permit issued with respect to any use requiring a permit from a federal, state, county or Town agency with jurisdiction shall be valid until it has been certified to the Town that the appropriate permits have been issued to the user and that the use is in compliance with all applicable air pollution laws.
3. Noncompliance with any of the applicable air pollution laws shall be justification for revocation of any permits issued by the Town.

#### B. Combustibles and Explosives

The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of Title 15 of the Municipal Code and all applicable state and federal laws.

#### C. Gases

The escape or emission of any gas that is noxious, injurious, or destructive is unlawful and shall be immediately eliminated and, in addition, shall comply with Title 15 of the Municipal Code and all applicable state and federal regulations, including the federal Emergency Planning and Community Right to Know Act of 1986.

#### D. Hazardous Materials Storage and Use

##### 1. General

- a. The land use impacts for facilities that store or use hazardous materials in excess of the exempt amounts or maximum allowable quantities in control areas as specified in the Building and Fire Code are declared to be potentially harmful to the public health, safety, and welfare, or potentially damaging to the property values of adjacent properties.
- b. A special use permit shall be required for any commercial or industrial use involving the storage, handling, or use of hazardous materials when the quantity is in excess of the exempt amount or maximum allowable per control area, as specified in the Building or Fire Code.
- c. Notwithstanding the above regulations regarding hazardous materials storage, any substance designated as highly hazardous and requiring a state or federal permit shall only be permitted in the Industrial zoning district, and shall require special use permit approval.

## 2. Additional Reports

For any hazardous materials storage and fuel storage that requires a special use permit, the applicant may be required to submit additional reports to the Fire District and/or appropriate Town staff prior to being scheduled for a Planning and Zoning Commission hearing. Additional required reports shall be prepared and reviewed at the applicant's expense. The costs of any consultant's services required to review reports that exceed the Town's technical expertise shall be paid by the applicant.

### E. Heat and Humidity

Uses, activities, and processes shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity at the property line of the site on which they are situated that cause material distress, discomfort, or injury to a reasonable person.

### F. Odors

Uses and activities that produce continuous, regular, or frequent odors and/or emissions, detectable beyond the boundary of the property from which the odor originates, may be prohibited, in whole or in part, if the odor or emission in question is a known health risk or danger or if the Director judges such odor or emission to be harmful to the rights of others to enjoy their property(s).

### G. Radioactive Materials

The use, handling, storage, and transportation of radioactive materials shall comply with all applicable local, state, and federal regulations, including the Fire Code.

### H. Light and Glare

All uses shall comply with the standards in Section 5.10, *Exterior Lighting*.

### I. Noise

All uses shall comply with the standards in Chapter 9.45 of the Municipal Code, *Noise Abatement*.

### J. Vibration

No use, activity, or process shall produce vibrations that are perceptible without instruments at the property line for more than three minutes in any one hour of the day between the hours of 7:00 a.m. and 10:00 p.m. or for more than 30 seconds in any one hour between the hours of 10:00 p.m. and 7:00 a.m.

### K. 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.

## 4.3.2. RESIDENTIAL USES

### A. Dwelling, Live/Work

#### 1. Location

Residential areas shall be located above or behind non-residential portions of the structure.

2. **Employees**

No more than two non-resident employees are permitted in addition to the residents of the dwelling.
  3. **Ownership**

The non-residential use shall be owned and operated by a resident of the live-work dwelling unit.
- B. Dwelling, Multi-Family**
1. **CRW District**
    - a. Ground floor dwelling units are not permitted.
    - b. Dwelling units on the second or third floors require a conditional use permit when the total square footage of dwelling units equals 20 percent or less of the total square footage for all other uses on the site.
    - c. Dwelling units on the second or third floors require a special use permit when the total square footage of dwelling units is greater than 20 percent of the total square footage for all other uses on the site.
  2. **HCC and MU Districts**

Dwelling units on the ground floor require a conditional use permit.
- C. Dwelling, Single-Family Attached**
- Each individual dwelling unit shall have a separate entrance facing the street frontage to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.
- D. Dwelling, Single-Family Detached**
- In the R/MD, R/HD, C/T, and PF districts, a special use permit is required for two or more single-family dwelling units on a lot.
- E. Group Homes**
- The following standards apply to group homes in all zoning districts where they are allowed:
1. **Distance Separation Requirements**

To prevent the potential creation of an institutional setting within a single-family residential area by concentration of group homes in a neighborhood, no group home facility may locate within 300 feet of another group home facility, unless separated by a physical barrier, commercial zone district, or topographic feature that the Director determines to adequately mitigate the need for additional distance separation.
  2. **Service Restrictions**

Services provided within the group home shall be restricted to the residents of the facility.
  3. **Maximum Occupancy**

Total occupancy of a group home shall not exceed the maximum number of residents allowed.

**4. License Required**

Any group home that requires a state license to operate shall be so licensed before operation commences.

**5. Operations**

- a. The proposed facility shall operate as a group home, as intended by the owner/operator, and in the best interest of residents of the facility. The group home facility shall not be made available to any individual whose tenancy, based on specific past acts, and not general assumptions or fears about a class of disabled or handicapped persons, would constitute a direct threat to the health and safety of other individuals.
- b. The owner/operator of a group home shall notify the Town within 15 days of any changes to the operating program, facility ownership and management, parking plan, contact information for the facility manager, or any significant changes to the site or structure. A change in ownership or management of the group home shall require amendment of the conditional use permit.

**F. Manufactured/Factory-Built Homes**

All manufactured/factory-built homes and modular structures shall be approved by the Colorado Division of Housing and shall be of IBC or IRC construction. HUD homes are not allowed, except in mobile home parks.

**G. Mobile Home Parks****1. New Mobile Home Parks**

- a. Mobile home parks shall not be constructed within the 100-year floodplain.
- b. Mobile home parks shall be located in areas not subject to flooding, fire or safety hazards, or environment hazards such as sinkholes.
- c. Storage structures may be placed on individual mobile home space lots or as a central storage facility within the park.
- d. No mobile home shall be located less than 10 feet side to side, 10 feet end to side, or 10 feet end to end horizontally from an adjacent mobile home.
- e. 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 48 inches.
- f. Each interior road shall provide two 10-foot travel lanes. The driving lanes shall be surfaced as required in Section 5.8.6.F, *Surfacing*.
- g. Each mobile home shall have direct access to an interior road.
- h. Recreational vehicles shall not be allowed to occupy an approved mobile home space.
- i. The placement of mobile homes shall follow the Manufacturer's Installation Instructions and/or Colorado Division of Housing Guidelines.
- j. Private common open space shall be required as set forth in Section 5.3.3.

- k. Any new mobile home park shall comply with Section 5.5, *Transportation and Connectivity*.
  - l. New mobile home parks may include a separate or optional area for travel homes in a mobile home park as follows:
    - i. The area shall not exceed 10 percent of the land area of the mobile home park.
    - ii. A sanitary sewer management plan for this area shall be reviewed and approved by the Town.
    - iii. Occupancy for each travel home within the travel home area shall not exceed 14 consecutive days.
    - iv. Streets within this optional area shall be designed and constructed to the standards required for new mobile home parks.
    - v. All travel homes parked in the optional travel home area shall be in good repair. Motorized camper vehicles shall have a valid motor vehicle inspection sticker with proof of insurance.
2. Existing Mobile Home Parks
- A conforming mobile home may replace an existing mobile home. This requires a building permit and a site plan showing the following:
- a. The mobile home space in which the mobile home is to be placed.
  - b. All immediately adjoining mobile home spaces with existing mobile homes.
  - c. Distances to each adjoining mobile home.
  - d. 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.

**4.3.3. PUBLIC, INSTITUTIONAL, AND CIVIC USES**

**A. Club or Lodge**

- 1. The club or lodge shall be located on a lot that fronts an arterial or collector street.
- 2. If the club or lodge is proposed within a facility previously used for a commercial use, it shall comply with standards for minimum number of parking spaces required for a club or lodge.

**B. Day Care, Seven Children or More**

1. Generally

The following additional information may be required, either on the special use permit application form or as specified during a pre-application meeting:

- a. All documents required to be transmitted to any other governmental entity;
- b. The site plan shall show the square footage and interior room design in addition to the building footprint; and
- c. Projections for the next five years, including the proposed number of children or students, teachers, and other support personnel.

2. In the I District

- a. Buffering of play areas through the use of fencing and/or landscape screen shall be required.
- b. The operator shall be required to notify clients in writing of the nature of the industrial zoning district.

**C. Parks, Playgrounds, Open Space**

In the CSV and O districts, any clearing of land, removal of vegetative cover, excavation, or other disturbance to the natural or improved conditions of a site is prohibited except as part of a public improvement project of the Town.

**D. Religious Uses**

1. Street Frontage

The religious use shall be located on a lot that fronts an arterial or collector street.

2. Parking

If the religious use is proposed within a facility previously used for a commercial use, it shall comply with standards for minimum number of parking spaces required for a religious use.

3. Modifications and Conditions

A decision-making authority may grant modifications of the standards applicable to a religious 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 Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. § 2000 et seq.). In doing so, the decision-making authority may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent properties.

**E. Vocational School, Training Center**

1. Generally

A vocational school or training center shall require a special use permit if unrelated to a permitted use in that district or if related to a use that requires a special permit in that same zoning district.

2. MU District

Vocational schools or training centers shall be a maximum of 10,000 square feet.

**4.3.4. COMMERCIAL USES**

**A. Adult Entertainment Establishments**

The following regulations are adopted to promote the health, safety, morals, and general welfare of the citizens of the Town, and establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually-oriented businesses within the Town, thereby helping to reduce and eliminate the adverse secondary effects from such sexually-oriented businesses. This subsection does not impose a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, this subsection does not restrict or

deny access by adults to sexually-oriented materials protected by the First Amendment of the U.S. Constitution or the Colorado Constitution, or deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. This subsection does not otherwise condone or legitimize the distribution of obscene material.

### 1. Separation Distances

- a. No adult entertainment use shall be located within 300 feet of the exterior boundary of any residential zoning district, or within 500 feet of the exterior property boundary of any church, public or private school, child care center, public community center, park, fairground, recreation center, publicly owned or maintained building opened for use by the general public, any alcoholic beverage establishment located in the Town where alcoholic beverages are offered for sale for consumption on the premises, or any area designated as an urban renewal project area pursuant to C.R.S. Section 31-25-107. Further, no adult entertainment use shall be located within 200 feet of any arterial, sub-arterial, or major collector roadway.
- b. No adult entertainment use shall be located within 1,000 feet of any other adult entertainment use, regardless of jurisdictional boundaries.
- c. The method of measurement for the 1,000-foot restriction shall be computed by direct measurement from the exterior boundary of any area identified in subsection a, or from the nearest property line of an existing adult entertainment establishment to the nearest property line of the property where an adult entertainment use is proposed.

### 2. Nonconforming Use Regulations

- a. Any adult entertainment establishment operating at the effective date of the ordinance codified in this chapter in violation of any relevant provisions of Chapter 9.26 of the Municipal Code shall be deemed a nonconforming use. An adult entertainment establishment that is deemed a nonconforming use shall be permitted to continue operating for an amortization period of six months. Such nonconforming adult entertainment use shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. Any adult entertainment establishment deemed a nonconforming use shall apply for a license provided for by Chapter 9.26 within 30 days of the effective date of this ordinance or be subject to the relevant penalty provisions set forth in this section and in Section 9.26.360.
- b. An adult entertainment establishment lawfully operating as a conforming use pursuant to the receipt of zoning approval and obtaining a license is not rendered a nonconforming use by the location, subsequent to the grant or renewal of an adult entertainment establishment license, of any area identified in subsection 1.a of this section, within the separation distancing requirements noted in that subsection.

### 3. Conduct by Operators

- a. No licensee, manager, or employee mingling with the patrons of sexually-oriented businesses or serving food or drinks shall be nude or in a state of nudity. It is a defense to prosecution for a violation of this section that an employee of a sexually-oriented business exposed any specified anatomical

area during the employee's bona fide use of a restroom, or during the employee's bona fide use of a dressing room that is accessible only to employees. Further, no licensee or employee shall encourage or knowingly permit any person on the premises to engage in specified sexual activities. Conduct involving specified sexual activities is unlawful and shall be subject to criminal penalties, as set forth in Chapter 9.26.

- b. It is unlawful for an adult entertainment establishment and/or sexually-oriented business or for the licensee or any employee of a licensee thereto, regardless of whether a license has been issued for such business under Chapter 9.26, to knowingly allow any patron upon the premises to engage in a specified sexual activity while on such premises. It is also unlawful for any licensee or employee of an adult entertainment establishment, regardless of whether a license has been issued for said business under this chapter to engage in a specified sexual activity while on the premises of such adult entertainment establishment.

#### 4. Building and Operations

- a. Advertisements, displays, or other promotional material depicting adult entertainment uses shall not be visible from any public or semi-public area.
- b. Only one adult entertainment establishment use shall be permitted per building. No building, premises, structures, or facility that contains any sexually-oriented business shall contain any other kind of sexually-oriented business.
- c. All building openings, entries, and windows shall be located, covered, or screened in such a manner as to prevent a viewing to the interior from any public or semi-public area; for new construction, the building shall also be oriented to minimize any possibility of viewing the interior from public or semi-public areas.

#### 5. Persons Under 21 Years of Age

- a. No one under 21 years of age shall be admitted to any adult entertainment establishment where live nude entertainment and performances are featured, which live nude entertainment is characterized by the exposure of specified anatomical areas. Further, no one under 18 years of age shall be admitted to any adult entertainment establishment of any kind and those same minimum age limitations also apply to any employees, agents, servants, or independent contractors working on the premises during the hours when adult entertainment is being presented.

#### 6. Hours of Operation

- a. It is unlawful for an adult entertainment establishment and/or a sexually-oriented business to be opened for business or for the licensee or any employee of a licensee to allow patrons upon licensed premises, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 1:00 a.m. and 9:00 a.m. of any day of the week. Further, it is unlawful and a person commits a misdemeanor if, working as an employee of a sexually-oriented business, regardless of whether a license has been issued for such business under Chapter 9.26, engages in a performance, solicits a

performance, makes a sale, solicits a sale, provides a service or solicits a service between the hours of 1:00 a.m. and 9:00 a.m. of any day of the week.

7. Enforcement

- a. Any person or entity that operates or causes to be operated an adult entertainment establishment that violates any provision contained in this subsection or does not have a valid license is subject to a suit for injunction and is subject to civil and criminal penalties.
- b. Except for the amortization period set forth in this subsection, each day of operation in violation of any provision of this subsection shall constitute a separate offense.
- c. Any adult entertainment establishment that engages in repeated or continuing violations of these regulations shall constitute a public nuisance. For purposes of these regulations, "repeated violations" shall mean three or more violations of any provision set forth in this section within one year dating from the time of a new violation, and a "continuing violation" shall mean a violation of any provision set forth in this section lasting for three or more consecutive days.
- d. Notwithstanding any other remedies at law or equity, the Town may bring an action in the District Court for Garfield County for an injunction against the operation of such establishments in a manner that violates any of the provisions set forth in this section.

8. Display of Specified Anatomical Areas or Non-Live Entertainment or Performances; Establishments Serving and/or Selling Liquor

- a. No retail licensee for on-premises consumption of liquor shall suffer or permit any person to appear on such licensed premises displaying specified anatomical areas or non-live performances or entertainment exhibiting specified sexual activities, as defined in Section 9.26.010.
- b. Any person who shall violate any provision of this subsection shall be guilty of an offense against the Town, punishable as provided in Section 9.26.360.
- c. If the owner, operator, licensee, lessor, lessee, manager, employee, or any other person participating in the operation of a commercial establishment located within the Town where alcoholic beverages are offered for sale for consumption on the premises shall be convicted of any of the offenses in this subsection, then the Board of Trustees may take appropriate action, including but not limited to, suspension and revocation of the establishment's respective liquor license.

**B. Any Commercial Use Involving Hazardous Materials**

Commercial uses involving hazardous materials as defined in Chapter 17.08: *Definitions*, shall require a special use permit.

**C. Automotive Fuel Sales**

1. The following types of additions or changes to existing automotive fuel sales establishments shall obtain a permit from the Town and approval by the Carbondale and Rural Fire Protection District prior to any construction:
  - a. Change of the location or type of fuel pumps;

- b. Change to the number of fuel pumps;
  - c. Addition of 24-hour charge card service; and
  - d. Change in the type of service or location of bulk fuel tanks.
2. A change in the type of fuel sold or the addition of a new type of fuel to be sold shall require a special use permit.

#### **D. Bank, Financial Institution**

1. C/T and CRW Districts  
Drive-throughs are only permitted with approval of a special use permit.
2. HCC and MU Districts  
Drive-throughs are prohibited.

#### **E. Bar, Tavern, or Lounge**

1. Generally
  - a. No retail licensee for on-premises consumption of liquor shall permit any person to appear on such licensed premises displaying specified anatomical areas or non-live performances or entertainment exhibiting specified sexual activities, as defined in Section 9.26.010. Any person in violation of this provision shall be guilty of an offense against the Town, punishable as provided in Section 9.26.360.
  - b. If the owner, operator, licensee, lessor, lessee, manager, employee, or any other person participating in the operation of a commercial establishment located within the Town at which alcoholic beverages are offered for sale for consumption on the premises shall be convicted of any of the offenses in this subsection, then the Board of Trustees may take appropriate action, including but not limited to, suspension and revocation of the establishment's respective liquor license.
2. C/T and MU Districts  
Bars, taverns, or lounges with dancing or entertainment require a conditional use permit.

#### **F. Bed and Breakfast Establishments**

Bed and breakfast establishments shall comply with the following standards:

1. Generally
  - a. The maximum number of bedrooms for any bed and breakfast establishment shall be five.
  - b. The number of proposed bedrooms shall be provided during the pre-application meeting for bed and breakfast establishments.
  - c. A proprietor or manager shall reside on the premises.
  - d. Guest rooms shall be located only in the principal building on a property or lot.
  - e. The kitchen shall not be altered to become a commercial kitchen within the meaning of the currently adopted Building Code.

- f. Meals shall be served only to permanent residents and overnight guests.
- g. No food catering operations shall be based on the bed and breakfast premises.
- h. The maximum length of any guest's stay shall be 30 days.
- i. Any violation of the standards above shall be justification for immediate termination or suspension of the conditional use permit or special use permit. Establishing or continuing operation of a bed and breakfast establishment without a valid permit is a violation of this Code.

## 2. In the AG District

A special use permit is required for a bed and breakfast establishment with three to five bedrooms.

## G. Business Research and Development

Testing laboratories are permitted only with a conditional use permit and only in the Industrial district. Testing laboratories in this category do not include marijuana testing facilities.

## H. Campground and RV Park

### 1. Generally

The principal business of the campground shall be to provide sites for tents, RV's, travel trailers, and camper vehicles. Mobile homes designed to meet residential building codes are a prohibited use. Sanitary facilities for an RV park shall include a minimum of one men's and one women's toilet and shower for each 15 spaces, exclusive of spaces used by self-contained recreational vehicles.

### 2. Accessory Uses

Campgrounds and RV parks may include the following accessory uses:

- a. Service buildings associated with the campground, including utilities, management office, repair shop, equipment storage, sanitary facilities, laundry facilities, and recreation facilities.
- b. Equipment rentals, concessions, and camping supply sales.
- c. Up to two residential dwelling units or permanent recreational vehicles for the purpose of housing a resident manager and caretaker.

### 3. Access and Circulation

- a. Access to a lot may be provided via a public access easement. There shall be no minimum required street frontage.
- b. The minimum width of private roadways shall be 20 feet for two-way traffic and 15 feet for one-way traffic.

### 4. Parking

Each RV space shall include parking for a recreational vehicle. Additional off-street parking shall be provided at community sanitary facilities.

**I. Commercial Outdoor Facility**

## 1. Access

Access to a lot may be provided via a public access easement. There shall be no minimum required street frontage.

## 2. Minimum Width of Private Roadways

- a. Two-way traffic: 20 feet, and
- b. One-way traffic: 15 feet.

**J. Dry Cleaning Pick-Up**

Commercial laundry and dry cleaning processes are allowed on site only if they are separately allowed in the district as a principal use.

**K. Indoor Recreation Facility**

Indoor recreation facilities shall be contained entirely within a structure.

**L. Kennel**

## 1. Enclosed Building Requirements

- a. Those parts of structures in which animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
- b. All boarded animals shall be kept within a totally enclosed part of a structure between the hours of 10:00 p.m. and 6:00 a.m.

## 2. Outdoor Runs

Any open or exercise run shall be at least 150 feet from adjoining properties, except where the adjoining property is owned or occupied by the operator of the kennel.

**M. Liquor Store**

## 1. Distance Separation Requirements

The use shall not be located within 500 feet, measured in any direction, of any indoor recreational facility or commercial outdoor facility that caters primarily to persons under 21-years of age.

## 2. Drive-Throughs

The use shall not use a drive-through or walk-up window.

**N. Medical Marijuana Requirements for Patients and Caregivers**

## 1. Generally

- a. Medical marijuana establishments shall only operate from a permanent and fixed location.
- b. Any applicant seeking land use approval for any medical marijuana establishment shall provide complete information about the use of the following:
  - i. Artificial lights;

- ii. Utility needs with capability of existing facility and any plans to increase capacity;
- iii. Waste products and all methods of disposal including soil;
- iv. Ventilation system;
- v. Odor control system;
- vi. Necessary water including availability and disposal;
- vii. Use of energy and renewable energy sources;
- viii. Use of products and chemicals to enhance growth and control pests and weeds including application methods and disposal; and
- ix. If in a multi-tenant building, evidence that a blower door test has been conducted, verifying no leakage between adjacent tenant spaces.

## 2. Distance and Adjacency Requirements

- a. Medical marijuana centers are prohibited in certain locations, as set forth in Chapter 5.25 of the Municipal Code (e.g. within 500 feet of any school or day care; within 400 feet of any other retail marijuana store or medical marijuana center, located on Main Street between Snowmass Drive and 7th Street; and within 500 feet of any alcohol or drug treatment facility. In addition, any ordinance governing a planned unit development may prohibit or further restrict medical marijuana centers consistent with the Municipal Code.
- b. Optional medical marijuana centers may also be permitted pursuant to the Limited Exemption set forth in Section 5.25.100 (c). Optional medical marijuana cultivation premises are prohibited in certain locations, as set forth in Chapter 5.25 of the Municipal Code (e.g., within 500 feet of any school or day care; and within 500 feet of any alcohol or drug treatment facility).
- c. In any zoning district where a medical marijuana center is allowed, an optional medical marijuana cultivation premises that is owned in common with licensed medical marijuana center may be located on property that is within, adjacent to, or near the licensed medical marijuana center pursuant to a special use permit.
- d. Medical marijuana infused product manufacturing may also be permitted pursuant to the Limited Exemption set forth in Section 5.25.100 (c). Optional medical marijuana cultivation premises are prohibited in certain locations, as set forth in Chapter 5.25 of the Municipal Code (e.g. within 500 feet of any school or day care; within 500 feet of any alcohol or drug treatment facility; and within 400 feet of any other optional medical marijuana cultivation premises or retail marijuana cultivation facility).

## 3. Cultivation of Medical Marijuana and Manufacture of Infused Products by Patients and Primary Caregivers

The cultivation, production, or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed subject to the following conditions:

- a. The cultivation, production of marijuana products or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII,

Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, C.R.S. § 12-43.3-101 et seq., and the Medical Marijuana Program, C.R.S. § 25-1.5-106.

- b. Each separately owned lot or parcel of property or if less than the entire property is rented or used as a single dwelling, then each separate dwelling or rental unit (from here forward "property" or "unit") is limited to having no more than six total marijuana plants in or on it at any time (this includes in any outbuilding on the property). Three of these plants shall be immature which means in the pre-flowering or pre-budding stage and three may be mature.
- c. Cultivation of marijuana and manufacture of infused products in any separate piece of property or unit is limited to a maximum use of 1,500 watts of electricity.
- d. Cultivation of medical marijuana and/or manufacture of infused products shall be limited to the primary residence of the patient only. The primary residence is defined as the property or unit in which the patient resides a majority of the time of the year, that is listed on the medical marijuana license he possesses, that is contained on his driver's license and where he is registered to vote. The patient shall either own the premises or have a right to occupancy through a written lease of the property to occupy as a residential structure and cultivate marijuana. No cultivation of medical marijuana or manufacture of infused products is allowed in a residential structure that is not used as a primary residence by the patient. If the property is not occupied residentially, medical marijuana may not be cultivated and medical marijuana products shall not be infused.
- e. A caregiver is not allowed to cultivate marijuana or manufacture infused products on any property unless he has a lawfully issued commercial license to do so.
- f. The manufacture of infused medical marijuana products using hazardous, flammable, or combustible chemicals or products of any type is prohibited in a residential unit or any other unit where it is not specifically permitted and allowed.
- g. All patient cultivation of marijuana and manufacture of infused products shall be done in accordance with the following standards:
  - i. The cultivation and storage area shall not be visible to any other property or to the public and be contained in a secure area. For the purpose of this subsection, a "secure" area means an area within the building accessible only to the patient or the patient's primary caregiver. Secure premises shall be locked or partitioned off to prevent access by children, visitors, or anyone not licensed and authorized to possess medical marijuana. Marijuana plants shall not be grown in the common area of a multi-family residential building.
  - ii. The cultivation of medical marijuana plants shall not be permitted on the exterior portions of any property. The cultivation, production or possession of marijuana plants shall not be perceptible from off the property boundaries.

- iii. Any odors, smells, fragrances or other olfactory stimulants created by the medical marijuana shall not emanate off of the unit or property.
  - iv. No light, glare, or brightness resulting from grow lamps shall emanate off of the unit or property.
  - v. Any noise created shall be within acceptable levels as per the Town Code.
  - vi. All potential increased moisture or dampness resulting from cultivation shall be identified, controlled, and mitigated.
  - vii. The owner of the property shall be aware of the cultivation activities and consent to same in writing.
- h. If the marijuana plants are being cultivated or medical marijuana products are being manufactured/infused in a structure other than the main residential structure such as a garage or other out building located on the property, such structure shall be equipped with all utilities necessary for the cultivation and growth necessary and the owner shall have in place all permits and certificates of occupancy for such systems and utilities. This includes but is not limited to proper construction and use of materials forming the walls, floors, and ceilings of the structure, fire protective materials or firewalls if required by code, electrical systems, heating systems, and water. The building envelopes shall be in compliance with the Town building and Town energy code.
- i. Any garage or outbuilding where possession, storage, manufacture of infused medical marijuana products or cultivation occurs shall be totally enclosed and shall be capable of restricting entry (locks on all doors and windows). Nothing in this section shall be construed to allow any garage or outbuilding in any zoning district where such use or conversion is not allowed for any reason. A greenhouse type structure used for cultivation shall meet the standards for an outbuilding.
- j. All property used for the cultivation of medical marijuana plants and manufacture of infused products shall be in compliance with all requirements of the Town Code and any adopted Town building and safety codes.
- 4. Injunctive Relief**
- a. The operation of the cultivation of medical marijuana or manufacture of infused products with medical marijuana in violation of any of the above may be enjoined by the Town in an action brought in a court of competent jurisdiction.
  - b. The operation of the cultivation of medical marijuana or manufacture of infused products in violation of the above may be also specifically determined to be a public nuisance of the Carbondale Municipal Code.
- 5. Other Laws Remain Applicable**
- The provisions of this section are intended to protect the occupants to and visitors to a unit and the neighboring properties. Nothing in this section shall be construed to state or imply that any person is protected from prosecution pursuant to any laws that may prohibit the cultivation, sale, use or possession of marijuana or manufacture of infused products from medical marijuana. In

addition, as of the date of the adoption of this section the cultivation, possession, distribution and use of marijuana remain a violation of federal law and unless a medical marijuana patient of state law, and this chapter affords no protection against prosecution under such federal and state laws. Patients and caregivers assume any and all risk and any and all liability arising or resulting from the cultivation and use of marijuana under any state or federal law. Further, to the greatest extent permitted by law, any actions taken under the provisions of this section by any public officer or officers, elected or appointed officials, employees, attorneys and agents of the Town shall not become a personal liability of such person or of the Town.

#### 6. Compliance with State Law

To the extent the state has adopted or adopts in the future any additional or stricter law or regulation governing the use, possession or cultivation of marijuana for medical use, the additional or stricter regulation shall control the cultivation, possession or use of medical marijuana in the Town by patients or caregivers. Compliance with any applicable state law or regulation shall be deemed an additional requirement for compliance under this chapter, and non-compliance with any applicable state law or regulation a violation of such sections.

#### 7. Nonconforming Use

Any medical marijuana facility that was in existence in a commercial or industrial zoning district, including a commercial or industrial PUD and was lawfully conducting business prior to July 1, 2010, by filing made to the Town and the state that is located in a commercial or industrial zoning district which does not now allow for the location of such facility shall be considered to be nonconforming to the extent as existed as of July 1, 2010. However, the continuation of such previously established and nonconforming medical marijuana facility applies only to the zoning regulations as they pertain to the use of property and this provision does not apply to any provisions of any other statute or ordinance which pertains to the licensure, qualifications for a license, building codes and other requirements.

#### 8. Abatement and Modifications of Nonconforming Use

The abatement and modification of medical marijuana facilities shall be in accordance with the Town Code for all nonconforming uses.

#### 9. Compliance with Laws of Other Jurisdictions

Nothing in this section shall be construed to state or imply that any person is protected from prosecution pursuant to any laws that may prohibit the cultivation, sale, use or possession of marijuana or manufacture of infused products using marijuana. As of the date of the adoption of this section the cultivation, possession, distribution, and use of marijuana remains a violation of federal law and this Section affords no protection against prosecution under such federal and state laws. Persons owning or operating a medical marijuana establishment and their employees assume any and all risk and any and all legal liability arising or resulting from the cultivation, distribution, sale and use of marijuana under federal law. Further, to the greatest extent permitted by law, any actions taken under the provisions of this Section by any public officer or officers, elected or appointed officials, employees, attorneys and agents of the Town shall not be interpreted as said person being a complicitor in the cultivation, sale or

distribution of marijuana or become a personal liability of such person or of the Town.

**O. Non-Bulk Storage/Sale of Liquefied Petroleum Gas – less than 2,000 gallons**

Installation of a storage facility shall be approved by the Carbondale and Rural Fire Protection District.

**P. Professional or Administrative Office**

1. CRW District

- a. Office space shall only be on the second or third floor of any structure;
- b. Ground-floor office space shall require a conditional use permit.
- c. Office space shall be limited to 20 percent of the gross leasable area of other allowed uses on the site.

2. I District

Office space shall be limited to 20 percent of the gross leasable area of other allowed uses on the site.

3. PF District

Only government or quasi-public agency offices are permitted.

**Q. Restaurant, with Outdoor Dining Facility**

1. Pedestrian Access

- a. Outdoor dining facilities shall not block pedestrian access to any public or private door.
- b. Outdoor dining facilities located on a sidewalk shall leave a minimum width of four feet sidewalk for unobstructed pedestrian traffic.

2. Vehicular Access

Outdoor dining facilities shall not interfere with vehicular access.

3. Parking Calculation

The square footage and/or number of seats within an outdoor dining facility shall be included in the calculation for required parking.

**R. Retail, General, 10,000 sf or Less**

1. In the CRW District

Drive-through pharmacies (non-marijuana) are only permitted with approval of a special use permit. All other drive-throughs, with the exception of drive-through banks in the CRW zoning district, are prohibited.

2. In the HCC, C/T, and MU Districts

Drive-through pharmacies are prohibited.

**S. Retail, General, Over 10,000 sf**

See site and building design standards in Section 5.7.

## 1. In the CRW District

Drive-through pharmacies (non-marijuana) are only permitted with approval of a special use permit. All other drive-throughs, with the exception of drive-through banks in the CRW zoning district, are prohibited.

## 2. In the HCC, C/T, and MU Districts

Drive-through pharmacies are prohibited.

**T. Retail Marijuana**

## 1. Generally

- a. Retail marijuana establishments shall only operate from a permanent and fixed location.
- b. Any applicant seeking land use approval for any retail marijuana establishment shall provide complete information about the use of the following:
  - i. Artificial lights;
  - ii. Utility needs with capability of existing facility and any plans to increase capacity;
  - iii. Waste products and all methods of disposal including soil;
  - iv. Ventilation system;
  - v. Odor control system;
  - vi. Necessary water including availability and disposal;
  - vii. Use of energy and renewable energy sources;
  - viii. Use of products and chemicals to enhance growth and control pests and weeds including application methods and disposal; and
  - ix. If in a multi-tenant building, evidence that a blower door test has been conducted, verifying no leakage between adjacent tenant spaces.
- c. To prevent potential adverse impacts to the Town of Carbondale, any special use permit shall only be granted upon showing of evidence that the proposed use will sufficiently control or minimize potential negative impacts, including but not limited to odor, waste water, harmful mold, and hazardous materials. Applicants shall provide a plan that includes a description of the ventilation system, lighting system, storage system, system for the control of marijuana odors for the premises, and any other information to demonstrate that the plan submitted adequately minimizes potential negative impacts that may affect adjacent properties and persons. This sub-section is to be construed to protect the public interest over the interests of a particular retail marijuana establishment.
- d. The Town of Carbondale Board of Trustees may impose additional criteria for the purposes of protecting public health, safety, and welfare.
- e. Retail marijuana stores are prohibited in certain locations, as set forth in Chapter 6-4 and 6-5 of the Municipal Code. In addition, any ordinance governing a planned unit development may prohibit or further restrict retail marijuana stores consistent with the Municipal Code.

- f. Retail marijuana cultivation facilities and retail marijuana products manufacturing facilities are prohibited in certain locations, as set forth in Chapter 5.26 of the Municipal Code (e.g. within 500 feet of any school or day care and within 500 feet of any alcohol or drug treatment facility). In addition, no retail marijuana cultivation facility may be located within 400 feet of any optional medical marijuana cultivation premises or other retail marijuana cultivation facility, as provided in Chapter 5.26 of the Municipal Code.
- g. Retail marijuana testing facilities may not occur as a home occupation, under Section 4.4.4.C of the Municipal Code.

## 2. Extraction of Marijuana Concentrate Prohibited

- a. Except as provided in Paragraph c of this Section, it shall be unlawful for any person to process or manufacture marijuana concentrate within the Town.
- b. Except as provided in Paragraph c of this Section, it shall be unlawful for any person who owns, manages, operates, or otherwise controls the use of any licensed medical or retail marijuana facility within the Town to allow marijuana concentrate to be processed or manufactured on such facility.
- c. It shall not be an offense under Paragraphs a and b if:
  - i. The production of marijuana concentrate is done by licensed personnel in a licensed medical marijuana infused products manufacturing facility or in a licensed retail marijuana products manufacturing facility and in compliance with applicable state and local laws, including any and all necessary permits; or
  - ii. The production of marijuana concentrate is done by means of water-based extraction or food-based extraction methods outside of a licensed medical marijuana infused products manufacturing facility or a licensed retail marijuana processing facility, and is done in full compliance with applicable state and local laws, including any and all necessary permits; or
  - iii. The marijuana concentrate is processed or manufactured using alcohol or ethanol outside of a licensed medical marijuana infused products manufacturing facility or licensed retail marijuana products manufacturing facility in compliance with applicable state and local laws, including any and all necessary permits; where, the production of marijuana concentrate is done without the application of any heat from a fuel-fired or electrified source and uses no more than 16 ounces of alcohol or ethanol during each extraction process.

## 3. Marijuana Odor

No person, tenant, occupant, or property owner shall permit the emission of marijuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marijuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standard of a reasonable person of normal sensitivity.

#### 4. Compliance with State and Local Retail Marijuana Laws

Any retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturing facility, or retail marijuana testing facility shall comply with the requirements set forth in article XVIII of the Colorado Constitution, the Colorado Retail Marijuana Code, § 12-43.4-103, C.R.S., as amended, and Chapter 5.26 of this Municipal Code.

### U. Sale of Produce and Plants Raised on Premises

#### 1. Permitted Sales

The sale of produce and plants (not including retail or medical marijuana) shall only include those grown on-site.

#### 2. Hours of Operation

The sale of produce and plants shall only be permitted between the hours of 7:00 a.m. and 7:00 p.m. any day of the week.

#### 3. Structures

No permanent structures shall be erected for the sale of produce and plants.

#### 4. Parking

At least two parking spaces shall be made available to accommodate customers. In residential districts, on-street parking shall constitute available parking.

#### 5. Signage

Signage is subject to the sign standards in Section 5.9.

### 4.3.5. INDUSTRIAL USES

#### A. Any Industrial Use Involving Hazardous Materials

Industrial uses involving hazardous materials as defined in Chapter 17.08: *Definitions*, shall require a special use permit.

#### B. Assembly, Fabrication, Manufacturing, and/or Testing

##### 1. Generally

When a special use permit is required, the following additional information may be required, either on the special use permit application form or as specified at the pre-application meeting:

- a. Building plans detailed enough to show all activities, including production areas, storage facilities, retail area, etc.;
- b. Map showing adjoining areas and zoning districts; and
- c. List and location of major pieces of equipment or areas of production that are not retail in nature, such as painting booths, arc welders, etc.

##### 2. Special Use Permit Criteria

- a. The special use shall be located in a structure or area that is compatible with surrounding properties. The special use shall be adequately separated from adjoining uses according to this Code and the currently adopted Building Code.

- b. No odor, glare, noise, dust, fumes or vibrations shall extend beyond the confines of the actual premises upon which the assembly, fabrication, manufacturing, or testing use is located.

### 3. HCC and MU Districts

- a. Assembly, fabrication, or manufacturing shall be limited to goods or products for sale or consumption on site.
- b. Assembly, fabrication, or manufacturing uses shall be limited to 10,000 square feet.
- c. Outside storage of materials not held for retail sale is allowed only in areas completely screened from outside view of the premises.

### C. Bulk Storage of Liquefied Petroleum Gas – 2,000 gallons or more

Installation of a storage facility shall be approved by the Carbondale and Rural Fire Protection District.

### D. Construction Waste Recycling and Compaction Facilities

#### 1. Generally

The Town may deny a special use permit for reasons other than those specified in Section 2.5.2 for any reason of public concern or safety brought up during a public hearing including but not limited to the following:

- a. Water quality concerns;
- b. The application may indicate possible visual impacts, noise impacts, dust impacts, access and fire protection, concerns for air quality, emergency response plans or if the application does not provide proper security from the dumping of illegal wastes.

#### 2. Additional Information Required

The following additional information may be required, either on the special use permit application or as specified at the pre-application meeting:

- a. In addition to the name, addresses and telephone numbers of the owner and applicant, the name, address and telephone number of the facility operator, and one or more persons having authority to take action in the event of an emergency.
- b. A site plan showing surveyed property boundaries; any processing, storage and activity areas; adjoining properties and approximate location of structures on these properties; access, interior drives and maneuvering areas; fencing; existing and proposed structures and any proposed surface water control structures.
- c. A description of the types of activities to be done on-site and the maximum facility capacity (by way of example, amount and types of materials to be composted; maximum number of trucks/day to use a compaction facility; maximum number of storage bins to be located on-site, etc.). All procedures and activities to be performed on-site shall be described in detail, including the locations of such activities.
- d. A description of the barriers, fencing, and/or other site controls to prevent unauthorized site access.

- e. A description of surface water control systems designed, constructed, and maintained to:
  - i. Prevent flow onto the facility during peak discharge from a 25-year, 24-hour storm event from adjoining properties and/or public rights-of-way;
  - ii. Control and collect on-site run-off water volume resulting from a 25-year, 24-hour storm event;
  - iii. Contain and manage the detained water and/or leachate that may be generated when precipitation comes in contact with any off-site materials (if appropriate);
  - iv. All stormwater detention and/or leachate collection structures shall be constructed of compacted or in-situ earthen material or other low permeability materials; and
  - v. Storm water/leachate collection structures shall be dewatered within 15 days of a storm event so that full run-off storage capacity is restored.
- f. An evaluation of potential impacts to existing surface water and ground water quality, including but not limited to:
  - i. A description of site geological and hydro geological conditions;
  - ii. Flood plain information including evidence that a proposed site is not located within 500 feet of any riparian or wetlands area;
  - iii. A description of the public water supply serving the site including public mains, private service lines and/or private wells;
  - iv. Identification of any rivers, streams or irrigation ditches within one-half mile of the proposed facility;
  - v. A description of the depth to and thickness of the uppermost aquifer and the hydrologic properties of the uppermost aquifer;
  - vi. Information regarding the existing quality of groundwater beneath the proposed facility; and
  - vii. A description of any geologic hazards such as slope instability, faulting, subsidence or erosion potential.
- g. A contingency plan shall be developed and provided with the application that outlines corrective or remedial procedures to be taken in the event of:
  - i. The delivery of unapproved waste;
  - ii. Contamination of surface water or groundwater; and
  - iii. Action to be taken if hazardous materials or other unapproved waste products are found or spilled on-site (e.g. lead based paint, asbestos, petroleum products and/or any other hazardous waste or materials).
- h. Applicant shall provide a plan which shows an ability to control on-site and prevent off-site nuisance conditions such as noise, dust, odors, vectors and wind-blown debris.
- i. The Town has the ability to require that individual waste dumpsters or bins, storage areas in general, or other containers, be covered or enclosed.
- j. All applicants shall show proof that the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and

Environment have reviewed such plans and determined that a certificate of designation is not required per state solid waste regulations.

- k. According to state regulations pertaining to solid waste disposal sites and facilities (6 CCR 1007-2), if a certificate of designation is required, the Town shall process the special use permit concurrently with any application process required by the Colorado Department of Public Health and Environment.
- l. The application shall also include the following information:
  - i. Dust suppression plan and equipment (if appropriate);
  - ii. Controls by the business owner on construction and general contractors to limit possibility of hazardous materials being placed in containers. Business owner shall also show how the site itself is protected;
  - iii. Emergency Response Materials and/or Plan. Example: absorption equipment and oversize containers in case site personnel come across undocumented materials; and
  - iv. Demonstrate that on-site workers will be trained in identifying what a hazardous situation is and be trained in emergency response (this can include approved courses in emergency response through local fire or safety departments). Training should include posting of phone numbers for emergency response personnel, local environmental health department (if appropriate), and person to notify in Town government.
- m. The Town has the ability to secure any specialists or experts in the field such as the Colorado Department of Public Health and the Environment, the Town engineer or an engineer specializing in the field of solid waste, recycling, or hazardous materials, a specialist or expert in remediation or site analysis or any technical expert as outlined in Section 1.30.040 of the Carbondale Municipal Code. The applicant shall pay for such review.

### 3. Containment Area

- a. Site plan should show a containment area for waste separation activities and/or hazardous waste that may inadvertently reach the construction waste stream.
- b. Containment area shall be self-contained and no such materials shall be able to drain from the site into groundwater or off-site.
- c. Strong consideration shall be given to placing the containment area within a building. The Board of Trustees, after recommendation from the Planning and Zoning Commission, may require that any containment area and activities be located within a building. The containment area shall have a concrete floor (or equivalent) or platform that leads into a settling basin or vessel. The containment basin or vessel shall be self-contained and the vessel capable of being pumped out and its contents properly disposed of.

### 4. Noise

Decibel specifications for all equipment shall be submitted as part of the application. The Town may request statements from a qualified engineer or test demonstrations as to the noise level produced by any proposed equipment or activities. Noise created by any operations shall meet the criteria specified in Chapter 9.45 of the Carbondale Municipal Code. The Board of Trustees, after

recommendation by the Planning and Zoning Commission, may require any or all activities to take place within a building or require that such activities use baffles or other approved means demonstrated during a special use permit process.

#### 5. Fire Protection

- a. The special use application shall meet any applicable fire codes and receive approval from the Carbondale and Rural Fire Protection District.
- b. The applicant shall submit a fire control plan that describe the types of potential fire hazard on-site and any steps taken to mitigate fire hazard. Fire access and water supply shall be shown (can be designated on-site plan). The plan shall show adequate turnaround area for fire protection equipment.

#### E. Substation, Receiving Station, or Switching Station

Electric power substations shall comply with the following standards:

##### 1. Safety Code

The application shall meet all provisions of the National Electrical Safety Code as well as any other federal, state, or county provisions.

##### 2. Fencing and Screening

The substation shall be surrounded on all sides by screening at least eight feet in height. Screening materials shall be designated in the application and on the site plan. Chain-link fence with or without slats shall not be considered an acceptable form of screening. Other types of screening shall be designed to hide from outside view the transformers and any other objects or structures within the substation area up to at least eight feet in height. The Board of Trustees may require the screening to be higher than eight feet in height.

##### 3. Height

The height of towers or any other structures or objects within the substation shall be justified as part of the special use permit approval process.

#### F. Outdoor Storage

##### 1. Access and Circulation

- a. Goods or materials shall not be stored in areas intended for vehicular or pedestrian circulation.
- b. The storage of goods or materials shall not exceed the height of the approved fence or screening.

##### 2. Fencing and Screening

Outdoor storage of goods or materials not for sale shall not be visible from the ground from any direction along the property and shall be subject to the screening standards in Section 5.4.5.

#### G. Self-Storage Facility

Self-storage facilities shall comply with the following standards:

##### 1. Height

One-story buildings shall be a maximum 15 feet in height. Multi-story structures shall be allowed the same maximum height as the applicable zoning district.

**2. Building Materials**

Metal buildings adjacent to State Highway 133 shall have some sort of durable façade (e.g., split block, etc.) on the side that faces Highway 133 and those areas of the building immediately visible from the 133 right-of-way.

**3. Doors**

Doors to individual storage units shall not face any abutting street frontage, or, if the site is located on a corner parcel, shall not face the primary street frontage.

**4. Landscaping and Open Space**

Required landscaping and open space shall be concentrated along the right-of-way used for access. Landscaping/open space is also encouraged in along other existing rights-of-way.

**5. Access and Circulation**

Minimum widths shall be as follows:

- a. Access driveways: 20 feet;
- b. Driving lanes:
  - i. One-way traffic: 15 feet,
  - ii. Two-way traffic with units only on one side: 20 feet,
  - iii. Two-way traffic with units on both sides: 24 feet.

**6. Other Activities**

No business activity other than rental of storage units shall be conducted on the premises.

**7. Outdoor Storage**

No outdoor storage is permitted except for boats or vehicles, which shall be stored only in designated, screened areas. Screening shall be constructed according to the criteria in Section 5.4.5 if the storage area is visible from a right-of-way or from adjoining property in a non-industrial zoning district.

**8. Fencing and Screening**

A security fence around the perimeter may be erected and constructed of either chain link, any type of screening fence or wall described in Section 5.4.5, or any fence approved by the Director, excluding barbed wire or razor wire.

**H. Utilities, Generally**

1. Nothing in this Code shall be construed to prevent the construction or installation of a building or structures required in the operation of a public utility for the transmission of commodities or services, including mains or distribution lines, substations or telephone exchanges or apparatus in any zoning district; provided, however, that such facilities are deemed appropriate for the zoning district and location for which they are proposed. The utility company shall obtain prior approval of all construction standards and plans from the Planning and Zoning Commission and the Board of Trustees after public hearings on such construction standards. All construction or installation shall be carried out in accordance with approved standards and plans.

2. Storage, maintenance facilities, and business offices of public utilities shall be constructed in and restricted to the appropriate zoning district as indicated in Table 4.2-1, Table of Allowed Uses.
3. All transmission and distribution lines shall be located underground.

#### **I. Water and Wastewater Treatment Facility**

It is acknowledged that wastewater treatment facilities are often located adjacent to rivers and riparian areas. The Town shall take care in its design, planning, and engineering to minimize environmental disturbances. "Best Management Practices" shall be utilized whenever possible, such as preserving natural grade, drainage patterns, and soil and vegetation. Any development of water and wastewater treatment facilities shall comply with the following standards:

##### **1. Building Design**

Buildings should be designed to blend in with the natural surroundings.

##### **2. Fencing and Screening**

- a. Outdoor Storage is permitted subject to the screening standards in Section 5.4.5.
- b. All operations shall be conducted completely within a building or within a yard enclosed by a fence or other structure so as to hide on all sides such activities from the outside view of persons standing on the ground.

#### **J. Water Storage Tanks**

##### **1. Building and Site Design**

The Town shall take care in its design, planning and engineering to minimize environmental disturbances. "Best Management Practices" shall be utilized whenever possible, such as preserving natural grade, drainage patterns, and soil and vegetation.

##### **2. Screening**

All operations shall be conducted completely within a building or within a yard enclosed by a fence or other structure so as to hide on all sides such activities from the outside view of persons standing on the ground.

#### **K. Wind Energy Conversion System (WECS)**

##### **1. Generally**

Wind energy conversion systems shall be mounted in a manner that preserves the character-defining features of the structure and property and are subject to the height limits and setbacks of the appropriate zoning district.

##### **2. Maximum Height Exception**

Vertical wind energy conversion systems less than five feet in diameter may extend above the maximum height in any zoning district up to a maximum of five feet.

### 4.3.6. WIRELESS FACILITIES

#### A. Non-Small Cell Wall-Mounted or Roof-Mounted Wireless Facilities

1. Non-small cell wall-mounted and roof-mounted wireless facilities are only allowed on commercial, industrial, and institutional buildings and only on multi-family structures containing eight or more residential dwelling units.
2. There shall be a limit of two non-small cell wall-mounted or roof-mounted wireless facilities allowed on any one structure (i.e., one roof-mounted facility and one wall-mounted facility, or two roof-mounted facilities, or two wall-mounted facilities).

## 4.4 ACCESSORY USES AND STRUCTURES

### 4.4.1. PURPOSE

The purpose of this section is to authorize the establishment and continuation of land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures, so long as they are listed in the table of allowed uses and comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.

### 4.4.2. ACCESSORY USES AND STRUCTURES ALLOWED

- A. Table 4.2.5 lists allowed accessory uses and structures alphabetically. Accessory uses not listed in the table require approval under the procedure in Section 4.2.4.
- B. All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use as described in Chapter 17.08: *Definitions*, unless specifically prohibited in this Section.
- C. All accessory uses shall be subject to the standards in this Section 4.4 in addition to any applicable use-specific standards in Section 4.3.

### 4.4.3. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

#### A. Relationship to Principal Use or Structure

1. Except as otherwise expressly allowed in this Code, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.
2. If the principal use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.
3. The total floor area of accessory structures to a residential use shall not exceed 50 percent of the heated floor area of the principal structure(s) on the lot.
4. Accessory uses shall not be permitted as the exclusive use of any property regardless of whether that accessory use was permitted by-right, by conditional use permit, or by special use permit.

#### B. Location of Accessory Uses and Structures

1. No accessory use or structure shall be located within any platted or recorded easement or over any known utility, or in an area designated as a fire lane or emergency access route on an approved site plan.
2. No accessory structure shall impede the access to or function of a vehicle use area.
3. Unless otherwise provided in Section 3.7.5, accessory uses and structures more than 120 square feet in size shall comply with the minimum applicable zoning district setback standards. Accessory structures less than 120 square feet shall not occupy more than 50 percent of the combined required rear and side yards and shall be located a minimum of three feet from the property line.

**C. Storage Buildings Accessory to Nonresidential Uses**

Except where otherwise expressly allowed in this Ordinance, the total floor area of storage buildings accessory to a nonresidential use shall not exceed the lesser of 2,000 square feet or 10 percent of the floor area of the principal building(s) on the lot.

**D. Same Ownership Required**

Accessory uses/structures and principal uses/structures shall be under the same ownership.

**E. Use of Accessory Structures**

Accessory structures, except for ADUs, shall not be used for living or sleeping quarters and shall not contain plumbing capable of facilitating a bathroom or kitchen.

**F. Maximum Size of Accessory Structures**

The maximum size of any accessory structure shall be 1,000 square feet unless otherwise stated in this Code.

**G. Compliance with this Unified Development Code**

All accessory uses and structures are subject to dimensional standards in Chapter 17.03: *Zoning Districts*, and the development and design standards in Chapter 17.05: *Development Standards*. In the case of any conflict, the more restrictive standards, as determined by the Director, shall apply.

**4.4.4. ADDITIONAL STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES****A. Accessory Dwelling Units**

Accessory apartments or dwelling units ("ADUs") shall comply with the following standards:

1. Generally:
  - a. Only one ADU is allowed per property.
  - b. ADUs for multifamily dwellings or live/work units are prohibited.
2. Location and Design
  - a. Except as set forth below, an ADU shall be fully attached to or within the principal structure on the lot. "Attached" shall mean at least one-quarter of the total wall area or the floor or ceiling of the ADU shall be fully connected to a wall, floor, or ceiling of the principal residential structure.
  - b. Detached ADUs shall be located to the side or rear of the primary structure.
  - c. All ADUs shall have a separate exterior entrance from the principal dwelling unit and shall contain cooking, sleeping, and sanitary facilities.
  - d. An ADU shall not have more than one bedroom.
3. Public Services and Utilities
 

Separate water or sewer service for the ADU shall not be provided by the Town. Separate metering of other utilities shall be allowed.
4. Ownership Requirements
 

Ownership of the ADU may not be legally severed from ownership of the associated lot and any other structures on such lot.

5. OTR District

Additional ADU requirements for residential structures of historical significance within the OTR zoning district:

- a. A residential structure in the OTR zone district is of historical significance if the majority of the predominant elements of the structure were constructed prior to 1925.
- b. Detached ADU's may be permitted on a lot containing a residential structure of historic significance within the OTR zone district.
- c. The Planning and Zoning Commission may allow a reduction in the parking standards for an ADU in the OTR district pursuant to Section 5.8 when it is demonstrated that the reduction will contribute to the preservation of the historical character of a residence of historical significance within the OTR zoning district and such reduction will not adversely affect neighboring properties.
- d. The minimum size of an ADU shall be 300 square feet.
- e. The maximum size of an ADU shall be 10 percent of the total lot size up to a maximum unit size of 650 square feet.

6. OTR and R/LD Districts

ADUs require a minor site plan approval in accordance with Section 2.5.3.

7. R/LD, R/MD, and R/HD Districts

ADUs may be attached or detached units.

8. R/LD, R/MD, R/HD, and MU Districts

Square footage of ADUs shall be allowed as follows:

- a. Primary dwelling units that are 1,500 square feet or less shall have a minimum unit size of 300 square feet and a maximum unit size of 500 square feet.
- b. Primary dwelling units that are larger than 1,500 square feet-minimum unit size shall have a minimum unit size of 300 square feet and a maximum unit size of 33 percent of the total floor area of the primary dwelling unit, up to a maximum unit size of 850 square feet.

**B. Administrative, Laboratory, and Storage Uses Related to Public Utility Uses**

1. Generally

The Town shall take care in its design, planning and engineering to minimize environmental disturbances. "Best Management Practices" shall be utilized whenever possible, such as preserving natural grade, drainage patterns, and soil and vegetation.

2. Fencing and Screening

- a. All operations shall be conducted completely within a building or within a yard enclosed by a fence or other structure so as to hide on all sides such activities from the outside view of persons standing on the ground.
- b. Outdoor Storage is permitted subject to the screening standards in Section 5.4.5.

### C. Home Occupations

Home occupations shall comply with the following standards:

#### 1. Generally

- a. Home occupations shall only be permitted in connection with a dwelling unit.
- b. Home occupations in live/work units shall also be subject to the use-specific standards for live/work units in Section 4.3.2.A.

#### 2. Operation Requirements

- a. The home occupation shall be entirely operated within the primary dwelling unit and/or accessory building.
- b. No material shall be stored or displayed outside the principal or accessory building.
- c. The home occupation shall be operated by the person(s) residing in the principal dwelling. The operator of the home occupation shall be allowed a maximum of two employees on the premises who do not reside in the principal dwelling.

#### 3. External Visibility

External indication of the home occupation is prohibited except for authorized signs pursuant to Section 5.9.

- a. The home occupation shall not entail an alteration of the exterior of the principal dwelling or accessory building nor shall any changes or additions ordinarily incident to commercial uses be allowed.
- b. The total floor area devoted to the home occupation is limited to the following:
  - i. The home occupation shall not utilize more than 20 percent of the gross floor area of the principal dwelling, or shall not exceed 500 square feet in such building, whichever is less.
  - ii. If the home occupation is conducted solely within an accessory building, it shall not utilize more than 500 square feet.
  - iii. In no case shall the area utilized by a home occupation in the principal dwelling combined with the total area utilized by the home occupation within an accessory building exceed 500 square feet.
- c. The home occupation shall not generate vehicular traffic in excess of 10 one-way trips per day which begin or end at the use; nor shall there be more than two motor vehicles parked at any one time in the vicinity of the home that are related to the home occupation excluding the personal vehicles of the occupants.
- d. The home occupation shall not require a vehicle with more than a single rear axle or with a weight capacity of five tons or more to be brought in the vicinity of the home occupation as a part of the occupation or for delivery to or from the occupation.
- e. The externally-visible activities (e.g., visitors, delivery trucks) of a home occupation shall be limited to the hours between 7:00 a.m. and 9:00 p.m. any day of the week.

4. Enforcement

Any violation of this section shall be justification for the immediate termination or suspension of the home occupation permit by the Director. Establishing or continuing a home occupation without a valid permit is a violation of this Code.

**D. Outdoor Storage, Accessory**

1. Generally

- a. Goods or materials in an approved outdoor storage area shall be limited to those sold or used on the premises as part of the principal use of the property.
- b. In all districts where outdoor storage is permitted, except for the I district, outdoor storage shall not exceed 25 percent of the total square footage of enclosed structures.

2. Location of Outdoor Storage

- a. Outdoor storage areas shall be located at the rear of the primary structure.
- b. Goods or materials shall not be stored in areas intended for vehicular or pedestrian circulation.

3. Fencing and Screening

- a. Outdoor storage of goods or materials not for sale shall not be visible from the ground from any direction along the property and shall be subject to the screening standards in Section 5.4.5.
- b. The storage of goods or materials shall not exceed the height of the approved fence or screening.

4. I District

Outdoor storage shall not exceed 50 percent of the total square footage of all enclosed structures.

5. Recreational Vehicles

- a. The storage of recreational vehicles, campers, motor homes, trailers, boats or similar vehicles on private property shall be permitted in all zoning districts. Such storage is prohibited within streets or rights-of-way dedicated to the public or owned by the Town.
- b. No recreational vehicle, camper, motor home, trailer, boat or similar vehicles shall be used for a permanent dwelling unit, accessory building, home occupation or other use permitted in the zoning district except that recreational vehicles may be temporarily used as living quarters for periods not to exceed 14 consecutive days and a total of 30 days in any calendar year.

**E. Retail Sales of Products Directly Related to a Primary Industrial Use**

If the gross floor area related to on-site retail sales exceeds 10 percent of the gross floor area, then a special use permit is required.

**F. Satellite Receiving Dishes**

Satellite receiving dishes shall be placed in rear yard areas and are subject to the height limits and setbacks of the applicable zoning district.

**G. Solar Energy Devices****1. Generally**

Solar energy devices shall be mounted in a manner that preserves the character-defining features of the structure and property and are subject to the height limits and setbacks of the appropriate zoning district.

**2. Roof-Mounted**

Roof-mounted solar energy devices may extend above the maximum height in any zoning district up to a maximum of five feet.

**3. Ground-Mounted**

Ground-mounted solar energy devices less than five feet in height may extend into the setbacks provided that no solar energy device shall ever be closer than five feet from any property line.

**4.5 TEMPORARY USES AND STRUCTURES****4.5.1. PURPOSE**

The purpose of this section is to authorize the establishment of certain uses (including special events) and structures of a limited duration. This section is intended to ensure that such uses or structure do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

**4.5.2. TEMPORARY USES AND STRUCTURES ALLOWED**

Table 4.2-1 lists allowed temporary uses and structures alphabetically. Temporary uses and structures not listed in the table require approval under the procedure in Section 4.2.4.

**4.5.3. APPROVAL PROCESS FOR TEMPORARY USES AND STRUCTURES**

Prior to establishing any temporary use or structure, an applicant shall file an application for a temporary use permit to the Director. After review, the Director shall forward the application to the Board of Trustees for review. The Board shall approve, deny, or approve with conditions the temporary use permit. The Board may ask for additional materials and may impose conditions as it deems necessary for purposes of protecting the health, safety, and welfare of the community and/or mitigating potential impacts to surrounding property owners.

**4.5.4. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES**

A. All accessory uses and structures are subject to dimensional standards in Chapter 17.03: *Zoning Districts* and the development and design standards in Chapter 17.05: *Development Standards*. In the case of any conflict, the more restrictive standards, as determined by the Director, shall apply.

B. Unless otherwise specified in this Code, any temporary use or structure shall:

1. Obtain any other applicable Town, county, state, or federal permits, including building permits and health department permits;
2. Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of an authorized not-for-profit, special, or Town-recognized or authorized event;
3. Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
4. Be compatible with the principal uses taking place on the site;
5. Comply with any applicable conditions of approval that apply to a principal use on the site;
6. Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
7. Not include permanent alterations to the site;
8. Comply with temporary signage standards in Section 5.9.
9. Not maintain temporary signs associated with the temporary use or structure after the activity ends;
10. Not violate the applicable conditions of approval that apply to a site or a use on the site;
11. Not interfere with the normal operations of any permanent use located on the property; and
12. Be located on a site containing sufficient land area to allow the temporary use, structure, or special event to occur and accommodate associated pedestrian, parking, traffic movement without disturbing environmentally sensitive lands.

#### **4.5.5. ADDITIONAL STANDARDS FOR TEMPORARY USES**

##### **A. Mobile Vendor**

###### **1. Intent**

The intent of the mobile vendor license requirement is to regulate any person, whether or not a resident of the Town, that offers merchandise or services for sale on the street, on private property, or door-to-door. The mobile vendor license requirement is not intended to regulate services that are by appointment or invitation, such as in-home massage therapists, carpet cleaners, or financial advisors.

###### **2. Refusing to Leave**

Any mobile vendor who enters upon premises owned, leased, or rented by another and refuses to leave such premises, after having been notified by the owner or occupant of such premises or his or her agent to leave the same, shall be charged with a misdemeanor.

###### **3. Hours of Operation**

No mobile vendor shall engage in business within the Town between the hours of 11:30 p.m. each evening and 7:00 a.m. the following morning except by specific appointment with or invitation. However, the Town Manager or his or her

designee is authorized to issue written exemptions allowing mobile vendors to operate outside of the hours listed above.

**4. Permit Required**

No person shall engage in mobile vending within the limits of the Town without first obtaining a permit under this Code. Exemptions from this permit requirement include:

- a. Persons who have received approval from the Board of Trustees, Recreation Department or other Town Staff authorized to issue such approvals as part of a Town-sanctioned event;
- b. Services that are by prearranged appointment to the premises; and
- c. Political organizers, religious contacts, or requests to sign petitions or surveys.

**5. Application**

The application for a permit required by this Section shall state or contain the following:

- a. The period of time the applicant wishes to engage in business within the Town;
- b. The local and permanent address of the applicant;
- c. The local and permanent address and the name of the person, if any, that the applicant represents;
- d. The kind of goods, wares, merchandise, or services for which the applicant wishes to engage in such business within the Town;
- e. A completed Town sales tax application or a valid sales tax license;
- f. Any food push cart, wagon, etc. shall be properly licensed and approved by the State Department of Health and/or any other applicable local or state agency.
- g. Such other relevant information as may be required by the Building and/or Planning Department for the investigation of the applicant.
- h. Any application involving operation in the Town rights-of-way and/or on Town property shall also require approval from the following Town Staff: Public Works Director, Recreation Director, Police Chief, Building Official and Planning Director.

The permit shall be valid for one year from the date of issue, unless otherwise specified. Written waivers to the permit requirement may be issued by the Town Manager, or his or her designee. Mobile vendors shall the permit easily accessible and on hand for review by Town Staff upon request.

**6. Issuance of Permits**

The Town may add additional conditions in any permit as to the location, duration of operation, or any other requirements deemed necessary to protect the public health, safety and welfare.

**7. Operation in the Town Rights-of-Way and Town Property**

If operating in the Town rights-of-way and/or Town property, the following additional standards shall apply:

- a. If on a sidewalk, at least four feet of unblocked area shall be maintained for pedestrian clearance.
- b. If on a street:
  - i. Traffic may not be blocked; and
  - ii. No parking is allowed within 20 feet of an intersection.

**8. Additional Zoning Considerations**

Operations in commercial areas shall be located on private property with written permission of the land owner. Operations within residential and industrial zone districts require additional approval by Town Staff. Additional information may be required for operation within residential and industrial zone districts. Operations in a residential and industrial zone district may utilize a parking space in the Town right-of-way provided that the requirements in Section 6-7-80 are met.

**B. Temporary Special Events**

1. Events lasting longer than three days require a special use permit.
2. There shall be adequate off-street parking and accessibility.
3. The Fire District and Police Department shall have determined that the site is accessible for public safety vehicles and equipment.
4. The Town shall have determined that any existing or proposed permanent or temporary structures comply with applicable regulation, including State regulations.
5. Adequate restroom facilities shall be provided.
6. Adjacent property owners shall be notified of the proposed event before its approval.
7. No premise shall be the site of a special event exceeding a collective total of 20 days or four weekends within any calendar year, except where the site is publicly-owned property and used for events sponsored by the Town for the enjoyment or enrichment of its citizens.

**4.5.6. ADDITIONAL STANDARDS FOR TEMPORARY STRUCTURES****A. Temporary Office Space and Equipment Storage**

Temporary office space and equipment storage may be approved when accessory to an approved construction project, including sales offices on residential development sites. Such structures and uses shall be located on the site no more than 30 days prior to the start of construction and removed no more than 30 days after completion of the project. Residential sales offices may remain on site until all houses or units are sold or leased.

**B. Expansion or Replacement Facilities**

Expansion or replacement facilities, consisting of transportable buildings that are pre-constructed and arrive at the site ready for occupancy and are readily removed and

installed at other sites, may be approved subject to this section. Such facilities may include, but are not limited to, the following:

1. Expansion of existing facilities following approval of a plan for permanent expansion or alteration.
2. Temporary classroom space for existing schools.
3. Temporary space for recreational uses provided in connection with an approved residential development under construction.
4. Temporary space for any use following the destruction of a building by fire, flood, or other catastrophic event.

**C. Tent Structure for Single-Vehicle Parking**

A temporary tent structure for single-vehicle parking may be allowed without a permit in the districts indicated in the use table, so long as it is located out of the required setbacks and is located in an area where a single-car garage would be allowed. The owner shall be responsible for snow removal and securing the structure for wind uplift.

## Chapter 17.05: Development Standards

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### 5.1 GENERAL PROVISIONS

#### 5.1.1. PURPOSE

This chapter includes standards that regulate the physical layout and design of all development within Carbondale to ensure the protection of the health, welfare, safety, and quality of life. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community.

#### 5.1.2. APPLICABILITY

##### A. General Applicability

Except as provided in subsections 5.1.2.B and 5.1.2.C, the requirements of this chapter shall apply to all development subject to this Code under Section 1.5, *Jurisdiction and Applicability*.

##### B. Substantial Redevelopment

1. The development standards of this chapter shall not be retroactive and existing uses are not required to be brought into compliance. However, after the effective date of this Code, the standards of this chapter shall apply to “substantial redevelopment,” which is defined as:
  - a. Any change in the use of the building or land that requires a zoning district amendment or special use permit if the Board of Trustees or Planning Commission, respectively, determines that upgrading to certain development standards of this Code is appropriate; and
  - b. Any redevelopment, renovation, rehabilitation, restoration, repair work, expansion of use, or any other types of modification.
2. In such cases, the site shall be brought into compliance with all applicable development standards in the following sections of this chapter:
  - a. Section 5.4, *Landscaping and Screening*;
  - b. Section 5.8, *Off-Street Parking*, Lot Standards (with the exception of required number of parking spaces);
  - c. Section 5.9, *Signs*; and
  - d. Section 5.10, *Exterior Lighting*.

##### C. Exemptions

Projects for which a complete site plan application has been submitted or approved prior to the effective date of this Code are exempt from this chapter, provided that full improvement plans are submitted within one year from the approval date of the site plan; however, subsequent modifications that meet the definition of “substantial redevelopment” above shall require compliance with the development standards listed above.

### 5.1.3. ALTERNATIVE COMPLIANCE

#### A. Purpose and Scope

To encourage creative and unique design, “alternative compliance” allows development to occur in a manner that meets the intent of this Code, yet through an alternative design that does not strictly adhere to the Code’s standards. This is not a general waiver of regulations. Rather, this authorizes a site-specific plan that is better than the strict application of the standard.

#### B. Applicability

The alternative compliance procedure is available only for the following sections of this Code:

1. Section 5.3, *Open Space*;
2. Section 5.4, *Landscaping and Screening*;
3. Section 5.5, *Transportation and Connectivity*;
4. Section 5.6, *Residential Site and Building Design*;
5. Section 5.7, *Commercial Site and Building Design*;
6. Section 5.8, *Off-Street Parking*;
7. Section 5.9, *Signs*; and
8. Section 5.10, *Exterior Lighting*.

#### C. Pre-Application Conference Required

An applicant proposing alternative compliance shall request and attend a pre-application conference prior to submitting application materials for the applicable permit(s) to discuss the project, the applicable Code standards, and the proposed method of alternative compliance. The application should include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance.

#### D. Decision-Making Responsibility

Final approval of any alternative compliance shall be the responsibility of the decision-making body responsible for deciding upon the application. Projects that require approval by the Director and that seek alternative compliance shall receive written approval of the alternative compliance from the Director.

#### E. Criteria

Alternative compliance may be approved if the applicant demonstrates that following criteria have been met by the proposed alternative:

1. Achieves the intent of the subject standard to a better degree than the subject standard;
2. Advances the goals and policies of the Comprehensive Plan and this Code to a better degree than the subject standard;
3. Results in benefits to the community that exceed benefits associated with the subject standard; and
4. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

**F. Historic Resources**

The owners of any structures of merit may use alternative compliance only when doing so will result in the preservation of the historically significant character of any affected structure of merit. As utilized herein, the terms "alteration" and "demolition" shall have the meanings defined in Chapter 19.10 of the Municipal Code.

**G. Effect of Approval**

Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

**5.2 SENSITIVE AREA PROTECTION****5.2.1. PURPOSE**

The Town contains many natural resources, including waterways, wetlands and drainages, wildlife habitat areas, agricultural lands, viewsheds, and hillsides, tree cover, and open space, all of which contribute to the Town's character and quality of life. The regulations of this section are intended to ensure that environmental features are protected and the natural character of the Town is reflected in patterns of development and redevelopment, and significant natural features are incorporated into open space areas.

**5.2.2. GENERAL SITE DESIGN**

Developments shall minimize impacts to sensitive natural resources and other unique and fragile site elements—including, but not limited to, wetlands, open space, steep slopes, and stands of trees. Such resources and features shall be preserved where practicable. Subdivisions and any development shall be designed to preserve existing waterways (lakes, rivers, and streams), primary vegetation (trees), rock formations, and other natural vistas, as well as other environmental resources and features.

**5.2.3. FLOOD HAZARD AREAS**

The Director shall keep on file and available to the public a set of maps clearly showing all known and identified areas of special flood hazard in the Town, as such become available. The Town shall not approve any proposed subdivision or development in either an identified area of special flood hazard or in an area suspected of being in an area of special flood hazard, unless the subdivider or developer can submit adequate evidence, prepared by a state-licensed professional engineer, that the proposed subdivision or development is not in an area of special flood hazard.

**5.2.4. GEOLOGIC HAZARD AREAS**

The Town shall keep on file and available to the public a set of maps clearly showing all known and identified geologic hazard areas in the Town, as such become available. The Town shall not approve any subdivision plan or site plan if the proposed subdivision or development is either in one of these identified geologic hazard areas or is in an area suspected of being in a geologic hazard area, unless the applicant can submit adequate evidence, prepared by a registered professional geotechnical engineer, that the proposed subdivision or development meets the following conditions:

- A. Provisions have been made for the long-term health, welfare, and safety of the public from geologic hazards to life, property, and improvements;

- B. The proposed development will not create an undue financial burden on the existing or future residents of the area or community as a result of damage due to geologic hazards;
- C. Structures designed for human occupancy or use will be constructed to prevent danger to human life or property;
- D. Permitted land uses, including public facilities serving such use, will avoid or mitigate geologic hazards at the time of initial construction; and
- E. Man-made changes will not initiate or intensify adverse natural conditions within a geologic hazard area.

### 5.2.5. WILDFIRE HAZARD AREAS

The Town shall not approve any subdivision plan or site plan if the proposed subdivision or development is in an area identified as a wildfire hazard area or is in an area suspected of being in a wildfire hazard area, unless the applicant can submit adequate evidence, prepared by a qualified professional forester, that the proposed subdivision or development meets the following conditions:

- A. Any development in which residential activity is to take place shall be designed to minimize significant wildfire hazards to public health, safety, and property;
- B. Any development will have adequate roads for emergency service by fire trucks, firefighting personnel, and fire breaks or other means of alleviating conditions conducive to wildfire hazard;
- C. Precautions required to reduce or eliminate wildfire hazards will be provided at the time of initial development;
- D. All subdivision and development will adhere to the Guidelines and Criteria for Wildfire Hazard Areas published by the Colorado State Forest Service; and
- E. Consideration will be given to recommendations of the State Forest Service resulting from review of a proposed subdivision or development in a wildfire hazard area.

### 5.2.6. WETLAND AND SURFACE WATER

- A. Buildings and site improvements, with the exception of Town-owned and -operated water and wastewater plants, shall not be located over or within a buffer established by the Town around or adjacent to wetlands, lakes, rivers, streams, or other bodies of water that support or could support fish or recreation. The buffer shall be measured from the ordinary high-water mark of the body of water.
- B. Exceptions:
  - 1. Buildings and associated site improvements specifically related to the use of the water including, but not limited to, piers, docks, fish hatcheries, and habitat restoration facilities, shall be permitted where the impacts of the construction and location adjacent to or over the water on the habitat is mitigated.
  - 2. Buildings and associated site improvements shall be permitted where a wetlands permit has been issued under a national wetlands permitting program or otherwise issued by the authority having jurisdiction.

### 5.2.7. TREES IN PUBLIC RIGHT-OF-WAY

#### A. Removal of Trees in Public right-of-Way Prohibited

No removal of trees shall occur in the public right-of-way without approval from the Public Works Department. Any tree to be removed shall be replaced with an appropriate tree at the discretion of the Public Works Director in accordance with the Tree Ordinance. The cost of replacement shall be borne by the developer. If a tree cannot be placed in the area from which it was removed, cash in-lieu shall be paid to the Town's dedicated landscape fund. An application for a tree removal permit shall be submitted to the Director of Public Works and reviewed by the Tree Board before any tree in the public right-of-way is removed.

#### B. Tree Protection During Development

During all development, the following standards shall apply:

1. Prior to excavation, locate a four-foot orange synthetic fence, a four-foot wooden lath snow fence, or a six-foot chain link panel fence a minimum of six feet from the trunk of existing trees designated for protection. Set posts of fencing at eight-foot intervals minimum. Where construction is within the drip line of the existing trees, locate the six-foot chain link fencing panel at excavation boundary. Where possible, fence trees as a group.
2. Stockpile construction materials and excavated materials outside drip lines, leaving an excess foot of vehicular parking of vehicles within drip line in order to ensure that any existing trees and other vegetation designated for protection are shielded against unnecessary cutting, breaking or skinning of roots, skinning or bruising of bark, or smothering. Do not clean out concrete trucks or put excess concrete near trees. Avoid cleaning of tools or emptying of buckets whose materials contact paint or solvents that may harm the tree.
3. During construction of any structure or improvement, it shall be unlawful for any person to place material, machinery, or soil deposits within six feet of any tree on Town property, unless waived by the Director.
4. During excavation, saw or cut roots off cleanly. Do not pull on roots with bucket of machine.
5. For trees adjacent to excavation and along access paths and roads, tie up branches of the trees so that machinery and trucks do not break off the branches. In places where workman's access will be crossing roots of trees, place four-inch depth of large bark mulch covered with double overlapping plywood sheets on path to reduce compaction on roots. Place bark and plywood prior to commencement of excavation.
6. Provide protection of roots over 1.5-inch diameters that are cut during construction operations. Temporarily cover exposed roots with wet burlap to prevent roots from drying out, and cover with earth as soon as possible.
7. Place protective fencing prior to removal of trees, shrubs, and other vegetation necessary for new construction. Cut minor roots and branches of trees to remain in a clean and careful manner, where such roots and branches obstruct installation of new construction. Use only hand methods for working inside drip line of trees indicated to remain.

8. As alternatives or supplements to the standards in this section, the applicant may provide recommendations from a certified arborist to the Director for consideration.

### 5.2.8. PARK LAND

- A. Site disturbance or development of land located within a public park shall not be permitted.
- B. Exceptions:
  1. Buildings and site improvements shall be permitted within a park where the building and site improvements serve a park-related purpose.
  2. Park lands owned and managed by the federal or state government shall be exempt from this prohibition.
  3. Privately held property located within the established boundary of a park shall be exempt from this prohibition.

## 5.3 OPEN SPACE

### 5.3.1. PURPOSE

- A. This section addresses the character of those portions of development that are not occupied by platted lots or streets and that are reserved for formal and informal open space, parks, and greenways.
- B. Open space serves numerous purposes, including preservation and protection of natural areas and features, providing opportunities for passive and active recreation, enhancing management of stormwater runoff to protect water quality and reduce flooding, and mitigating the heat island effect of developed areas.
- C. The purpose of this section is to ensure that portions of most development sites are set aside as either publically dedicated open space or private common open space. It is not the intent of this section to require both public open space and private common open space.

### 5.3.2. PUBLIC OPEN SPACE DEDICATION (RESIDENTIAL)

#### A. Purpose

The purpose of this section is to ensure that new residential subdivisions include or contribute to the provision of public recreation areas sufficient to meet the passive and active recreation needs of residents of the subdivision, as well of the surrounding neighborhood.

#### B. Applicability

This section shall apply to any development that contains 10 or more residential dwelling units and is subject to preliminary plat, final plat, or condominium plat approval pursuant to Section 2.6, *Procedures and Approval Criteria: Subdivisions*.

#### C. Land Dedication or Payment of Fee In-lieu Required

1. As part of the submission of preliminary plat, the developer of a subdivision subject to this section shall submit a proposal that provides for one of the following options:

a. **Dedication**

A dedication or conveyance by the subdivider to the Town of a minimum of 15 percent of the land within the residential subdivision for public open space. "Public open space" shall mean property that is dedicated for use by the general public for recreational purposes and shall include land designated for use as a park. All parks shall be developed by the subdivider according to the standards set forth in the park master plan for the Town of Carbondale as it may be amended from time to time. If the Town elects to accept a dedication of undeveloped park land, a park development fee, in addition to the dedication of land, shall be paid by the developer at the time of final plat approval based on the number of dwelling units created by any final subdivision plat or subdivision exemption plat.

b. **Payment of Fee In-Lieu**

In lieu of land dedication, or if the Town determines the proposed land dedication for park land does not meet the needs of the Town, the developer shall propose a payment to the Town in cash in an amount equal to the fair market value of the land at the time of final plat plus the amount of the park development fee as established by the Board of Trustees. In the event both parties cannot agree on a fair market value, the value shall be determined by a licensed appraiser, who shall be selected by the Town and whose fee shall be charged to and paid by the developer.

c. **Alternative Parcel**

The developer may offer another parcel of land equal in size and owned by him that is acceptable to the Town and pay the amount of the park development fee as established by the Board of Trustees.

2. Consideration may be given to the developer for reduction of land dedication and park development fee requirements if the developer provides a commercial recreation facility for general public use within the subdivision. The decision of whether or not to accept a payment in lieu of land dedication of public open space or to accept dedication of land outside the subdivision shall be made by the Board of Trustees in its sole discretion.

**D. Town Review and Consideration**

1. The developer's proposal shall be submitted to the Parks and Recreation Commission for review and recommendation to the Board of Trustees. The Parks and Recreation Commission and Planning and Zoning Commission shall consider the necessity for parks and public open space uses in connection with each plat and shall make recommendations based upon:
- a. Concurrence with the Town and parks and recreation master plans and Town mission statement;
  - b. Comments from other agencies and Town staff;
  - c. Consideration of whether the size of the development justifies the dedication and development of public open space;
  - d. Consideration of whether the proposed dedication is consistent with the needs and requirements of the citizens of the Town and the letter and intent of the Carbondale Municipal Code provisions dealing with such dedications;

- e. The location, geography, slope, usability by Town, and other factors will be considered.
- 2. All lands dedicated for public open space shall be free of all liens and encumbrances as evidenced by a current title insurance policy to be provided by the developer and shall be dedicated to the Town solely as public open space on the final subdivision plat.
- 3. The Board of Trustees shall make a determination of whether or not the proposal for dedication of public open space or a fee in lieu is acceptable. If not acceptable, the Board of Trustees may impose additional conditions or requirements in connection with the dedication of public open space lands or a fee in lieu thereof consistent with the provisions of this Code.

**5.3.3. PRIVATE COMMON OPEN SPACE (RESIDENTIAL, INSTITUTIONAL, COMMERCIAL, MIXED-USE, AND PUD)**

**A. Purpose**

The purpose of this section is to ensure that developments other than residential subdivisions include or contribute to the provision of common open space for the use and enjoyment of the development’s occupants and users.

**B. Applicability**

- 1. This section shall apply to any development containing an institutional use, a commercial use, a mixed-use development, or a residential use for a development that contains 10 or more residential units and when public open space is not required. This section does not apply to development in the HCC zoning district.
- 2. This section shall apply to any PUD rezoning.
  - a. A PUD that devotes up to 50 percent of its gross site area to residential uses shall be required to provide 25 percent of the site development area as open space pursuant to Section 5.3.3.C below.
  - b. A PUD that devotes 50 percent or more of its gross site area to residential uses shall be required to provide 25 percent of the site development area as open space pursuant to Section 5.3.2 above; however, 15 percent of the site area shall be in the form of a public dedication meeting the requirements of Section 5.3.2, *Public Open Space Dedication (Residential)*, above, with the remaining 10 percent required to meet the private common open space standards of this section.

**C. Amount of Open Space Required**

**1. Minimum Percentages**

Any development subject to this section shall set aside a minimum amount of total land area consistent with the following table, based on the development’s use classification.

<b>Table 5.3-1: Minimum Common Open Space Requirements</b>	
<b>Use Classification</b>	<b>Minimum Common Open Space</b>

	(as percentage of development site area)
Residential use (10 or more units)	15%
Institutional use	15%
Commercial use	15%
Mixed-use development	15%
PUD	25%

## 2. Alternate Requirements

The total amount of land set aside as common open space shall not be less than the applicable percentage in the above table, unless the Board of Trustees makes an individualized finding that supports an alternate requirement. Any such alternate requirement shall be reasonably related to the impacts upon the Town's parks and recreation system and infrastructure that will be generated by the residents and users of the subject development.

## D. Areas Counted as Common Open Space

The following features and areas shall be credited towards the common open space requirements of this section:

### 1. Natural Features

Where significant natural and scenic resource assets exist on a property, the subdivider, developer, or owner shall give priority to their preservation as common open space. In reviewing the proposed location of common open space areas, the Director shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected, with priority being given to the following areas:

- a. Water features, including wetlands, drainage canals, lakes, natural ponds, streams, rivers, and irrigation ditches;
- b. Designated wildlife habitat areas for threatened and endangered species; and
- c. Native trees and vegetation.

### 2. Active Recreational Areas

Land occupied by active recreational uses such as pools, ball fields, playgrounds, tennis courts, and jogging trails.

### 3. Required Landscape Areas

All areas occupied by required landscaping, except for landscaped areas within parking lots and areas occupied by right-of-way landscaping,

### 4. Formal Plantings, Public Art, and Gardens

Formally planned and regularly maintained open areas that include arranged plantings, gardens, gazebos or similar structures, fountains, sculpture, and other forms of public art.

### 5. Squares, Forecourts, Plazas, and Parks

Squares, forecourts, plazas, and parks designed in accordance with the standards in this section.

## 6. Outdoor Gathering Spaces

Outdoor gathering spaces shall include amenities that encourage pedestrian activity, such as benches, water features, drinking fountains, planters, public art, trash receptacles and bicycle racks. Figure 5.3.3-A shows a building with a range of outdoor gathering spaces.

Figure 5.3.3-A: Outdoor Gathering Spaces



## 7. Public Access Easements

Public access easements (often combined with utility easements) that are maintained and available for passive recreational activities such as walking.

## 8. Stormwater Management Devices

The land area occupied by stormwater management devices, including retention ponds and other bio-retention devices, may be counted towards the common open space set-aside requirement when such features are treated as a site amenity. To qualify, they shall support passive recreation uses by providing access, gentle slopes less than 4:1, and pedestrian elements such as paths and benches.

## E. Areas Not Credited

Lands within the following areas shall not be counted towards required common open space:

1. Private yards;
2. Public or private streets or rights of way;
3. Open parking areas and driveways for dwellings; and
4. Land covered by structures not intended solely for recreational uses.

#### F. Use of Common Open Space Areas

Common open space areas shall not be disturbed, developed, or improved with any structures or buildings, except for the limited purposes allowed below:

1. Facilities for active recreation (equipment for such uses shall be indicated on the site and/or subdivision landscape/amenity plan provided by the developer);
2. Open space areas may include passive recreational and educational purposes approved by the Town, including but not limited to walking, biking, picnicking, fishing, preservation of natural areas and scenic resources, parks, environmental education, and wildlife habitat protection.
3. Clearing of debris and the provision of walks, fountains, fences, restrooms and similar features are allowed.
4. Minimal clearance of native and existing vegetation and trees is allowed.
5. Outdoor dining areas are encouraged within plazas and along the perimeter of open spaces, building frontages, and street frontages. Outdoor dining areas should be oriented away from off-site uses affected by noise.
6. In projects of 10 units or more, a children's play area shall be developed at a minimum of 400 square feet or one percent of the required open space, whichever is greater (unless children are excluded from residing in the project). The play equipment shall be ADA and fall-attenuation compliant.

#### G. Design

Land set aside for common open space shall meet the following design criteria, as relevant:

1. The lands shall be compact and contiguous unless the land shall be used as a continuation of an existing trail, or specific topographic features require a different configuration. An example of such topographic features would be the provision of a trail or private open area along a riparian corridor.
2. Where open space areas, trails, parks, or other public spaces exist adjacent to the tract to be subdivided or developed, the common open space shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the existing trail, park, or other open area land.
3. In larger projects, open space should flow through the site linking recreation facilities to dwellings with uninterrupted green belts.

#### H. Location

1. Open space areas shall be located so as to be readily accessible and useable by residents throughout the development, unless the lands are sensitive natural resources and access should be restricted. A portion of the open space should provide focal points for the neighborhood.
2. Where possible, the open space should be designed as a single, contiguous space, rather than multiple smaller spaces.
3. Potential locations include near anchor tenants, transit stops (if applicable), as a centralized site feature, or as a continuation of an adjacent natural area, trail, or riparian corridor.

**I. Ownership**

All common open space areas shall be owned jointly or in common by the owners of the development, or may be in public ownership pursuant to an agreement approved by the Town.

**J. Maintenance**

1. The common open space required by this section may be owned and maintained by the property owners within the development, or by an organization chosen by the property owners.
2. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time fail to maintain the common open space in reasonable order and condition, the Board of Trustees may serve written notice upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within 30 days, and shall state the date and place of a hearing which shall be held within 14 days of the notice.
3. At the hearing the Board of Trustees may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in subsequent modifications are not cured within 30 days or any extension granted, the Board of Trustees in order to preserve the taxable values of the properties and to prevent the common open space from becoming a public nuisance, may enter the common open space and maintain it for a period of one year. The entry and maintenance shall not vest in the public any rights to use the common open space except when the same has been voluntarily dedicated to the public by the owners.
4. Before the expiration of the year the Board of Trustees shall, upon their initiative or upon the written request of the organization responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the development, to be held by the Board. At the hearing, the organization or the residents of the development shall show cause why maintenance by the Board of Trustees shall not, at the election of the Board of Trustees, continue for a succeeding year.
  - a. If the Board determines that such organization is ready and able to maintain the common open space in reasonable condition, the Board shall cease maintenance of such common open space at the end of the year.
  - b. If the Board of Trustees determines such organization is not able to maintain the common open space in a reasonable condition, the Board may, in their discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
5. The cost of maintenance by the Board of Trustees shall include actual cost, plus overhead, plus 25 percent, and shall be paid by the owners of properties within the development that have a right of enjoyment of the common open space, and any unpaid assessments shall become a tax lien on the properties. The Board of

Trustees shall file a notice of such lien in the office of the Garfield County Clerk and Recorder upon the properties affected and shall be such unpaid assessments to the County Commissioners and the Garfield County treasurer for collection, enforcement, and remittance in the manner provided for by law for the collection, enforcement, and remittance of general property taxes.

**5.4 LANDSCAPING AND SCREENING**

**5.4.1. PURPOSE**

This section is intended to ensure that new landscaping and the retention of existing vegetation are integral parts of all development and that they contribute added high quality to development, retain and increase property values, conserve water, and improve the environmental and aesthetic character of Carbondale. It is also the intent of this section to provide flexible requirements that encourage and allow for creativity in landscape design.

**5.4.2. APPLICABILITY**

This section establishes minimum standards for landscaping and screening. These requirements apply to all nonresidential uses and to multifamily projects containing three or more dwelling units.

**5.4.3. MINIMUM LANDSCAPING REQUIRED**

**A. Site Area Landscaping**

1. Any pervious area of a site not used for impervious surfaces such as buildings, parking, driveways, sidewalks, etc. shall be landscaped. All landscape material shall comply with landscaping as defined in Section 8.3.
2. All undeveloped building areas within partially developed residential, commercial, or industrial uses shall control dust and erosion by use of vegetative ground cover or other means.
3. Minimum site area landscaping may count towards a development’s common open space requirements, provided it meets the standards of Section 5.3: *Open Space*.

**B. Streetscape Landscaping**

1. Except in the HCC district and along local streets in the R/LD district, a landscape area shall be established along all streets between the public right-of-way and any buildings, parking lots, loading areas, storage areas, screening walls or fences, or other improvements in association with any use, in accordance with the following:

**Table 5.4-1:  
Minimum Width of Landscaped Area**

Adjacent To	Width (Feet)
Highway 133	10
Any other street	5

2. Necessary driveways and maneuvering areas for parking lots may be put in these areas with the approval of the Director. Parking spaces are not allowed in this area.
3. The required landscaped areas shall be planted with street trees. A list of trees desirable for planting in landscape areas has been established in the Town's Public Works Manual. The standards include species and size classes (small, medium, and large trees).
4. The required landscape areas shall be planted with street trees with the following spacing:
  - a. Small trees – 12 to 20 feet spacing;
  - b. Medium trees – 25 to 35 feet spacing; and
  - c. Large trees – 35 to 45 feet spacing.
5. Street trees shall be 2.5 inches diameter or larger. No trees other than small trees shall be planted on Town property under or within 10 lateral feet of any overhead utility wire.
6. These landscape areas shall take into account existing patterns of surrounding development and the existing landscape.
7. A minimum of 85 percent of required street frontage landscape areas shall be covered with cultivated landscaping and maintained.

#### **C. Parking Lot Landscaping**

1. **Landscaped Islands and/or Rain Gardens Required**

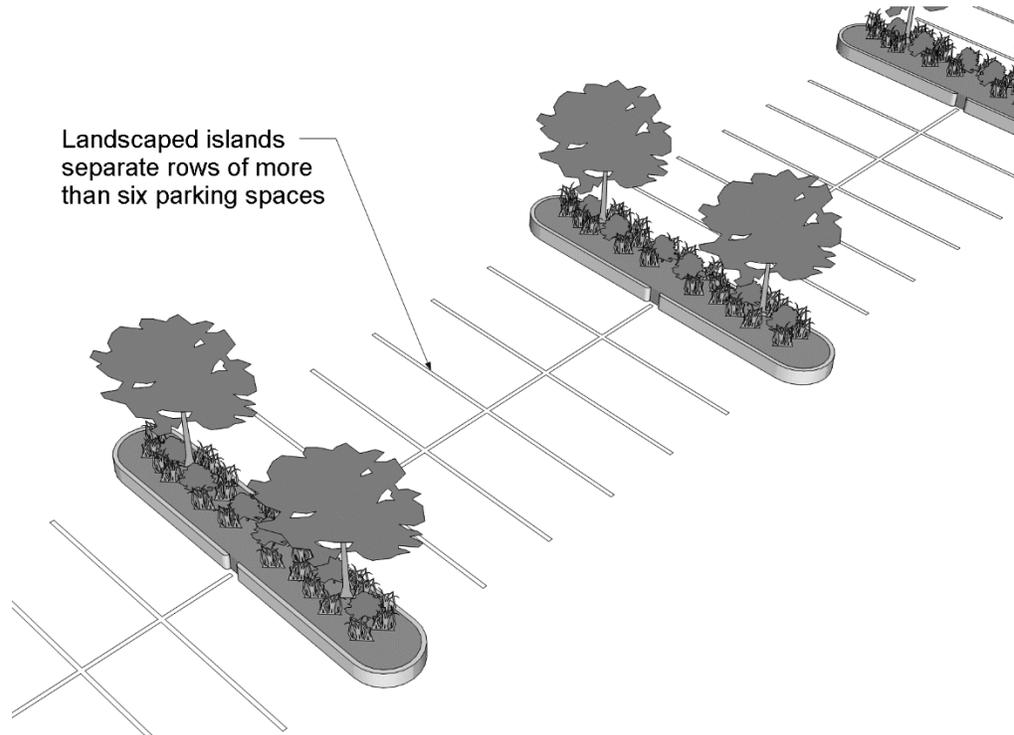
In all districts, landscaped islands and/or rain gardens shall be provided in parking areas along the ends of parking rows, adjacent to lot lines, and used to define the location and pattern of primary internal access drives. In addition:

  - a. **Nonresidential and Mixed-Use Districts**

In all nonresidential and mixed-use districts except the HCC district, landscaped islands and/or rain gardens shall be used to separate rows of more than 12 parking spaces.
  - b. **Residential Districts**

In all residential districts, landscaped islands and/or rain gardens shall be used to separate rows of more than six parking spaces (see Figure 5.4.3-A).

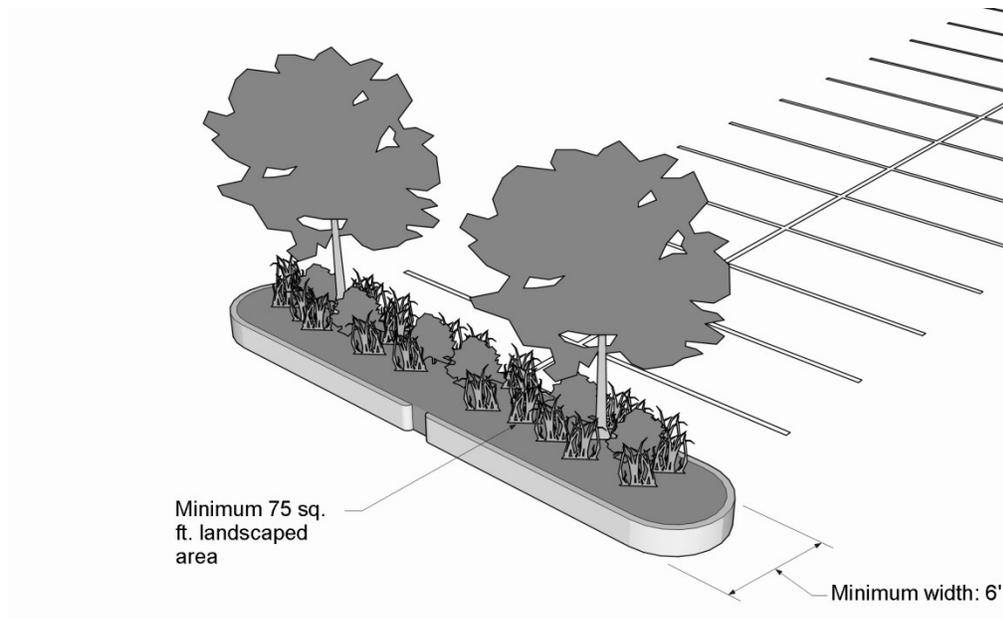
Figure 5.4.3-A: Landscaped Islands



2. Minimum Size of Landscaped Islands or Rain Gardens

Parking lot landscaped islands or rain gardens shall be a minimum of six feet wide and contain a minimum of 75 square feet in area (See Figure 5.4.3-B).

Figure 5.4.3-B: Landscaped Island Dimensional Standards



### 3. Planting Requirements in Landscaped Islands and Rain Gardens

Parking lot planting islands and rain gardens shall contain a minimum of one tree for every 12 parking spaces in nonresidential uses, and one tree per every six spaces in residential uses, exclusive of perimeter landscaping and street trees.

### 4. Design of Landscaped Islands and Rain Gardens

- a. Any landscaped area used for vehicular overhang shall not be counted towards the required landscaping or open space.
- b. All parking lots serving nonresidential uses shall be separated from adjacent residential zoning districts or uses by a minimum six-foot high fence, wall, or landscaping approved by the Director.
- c. The landscape islands or rain garden may be required to use raised borders if appropriate, at the discretion of the Director.

### 5. Alternative to Landscape Islands or Rain Gardens

Instead of landscaped islands or rain gardens, a development may provide 15 percent of the parking area in open space, if approved by the Director through the alternative compliance process in Section 5.1.3.

- a. All open space and landscaping in such parking areas may be credited towards the common open space requirement for any lot in any zoning district, provided it meets the criteria of Section 5.3: *Open Space*.

- b. The landscaping strip on private property adjacent to a public right-of-way as required by 5.4.3.B: *Streetscape Landscaping*, shall be counted as part of this calculation.
6. **Multi-family Developments**  
A five-foot wide landscape area shall be provided between parking areas and side and rear lot lines.
7. **Covered Parking Areas**  
Covered parking areas shall have an interior clear height dimension of at least seven feet and shall comply with design specifications approved by the Building Official through the building permit process.

**5.4.4. GENERAL REQUIREMENTS FOR ALL LANDSCAPING****A. Landscape Plan Required**

A landscape plan shall be submitted for developments. Plant materials shall be installed prior to issuance of a Certificate of Occupancy, unless the Director approves a temporary delay of installation until the planting season.

**B. Landscape Materials**

All landscape material shall comply with landscaping as defined in Section 8.3. Low-water, drought-tolerant, adaptive plants shall be used for all new landscaping. Materials shall be suitable for local soil conditions and climate.

**C. Minimum Plant Specifications**

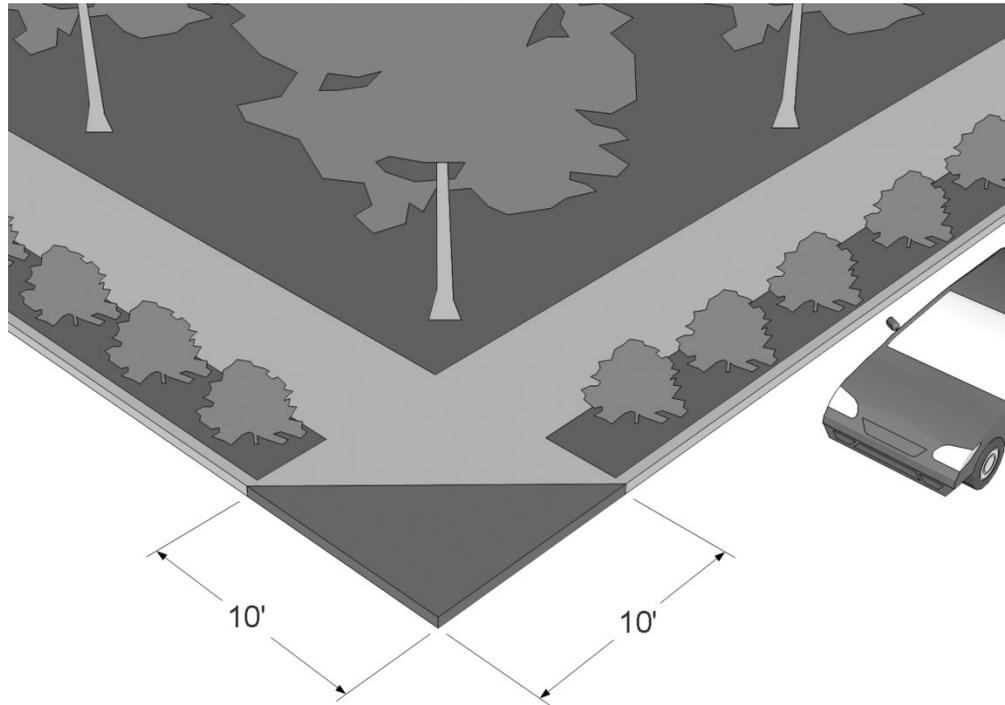
All plant materials installed to meet the requirements of this section shall meet the following minimum size requirements:

1. Trees: minimum caliper of 2.5 inches.
2. Shrubs: minimum of five gallons.

**D. Sight Triangle**

1. No walls, buildings, trees, shrubs, or other obstructions to view in excess of 24 inches in height shall be placed on any corner lot within a triangular area formed by the curb lines and a line connecting them at points 10 feet from the intersection of the curb lines. These standards are illustrated in Figure 5.4.4-A below. Plantings in this area should be selected for natural growth patterns that would not require maintenance to meet this requirement.

Figure 5.4.4-A: Sight Triangle



2. An exception is the HCC zoning district, where specific sight triangle measurements shall be approved by the Director.

#### E. Right-of-Way Encroachment

1. Landscaping allowed in the public right-of-way shall be a maximum height of 24 inches. Trees may be allowed if branches are trimmed up to eight feet above ground level.
2. To the maximum extent practicable, landscaping plans shall be coordinated with the placement of utilities to avoid conflicts with above- and below-ground utilities and overhead light fixtures.

#### F. Maintenance

1. Every property owner and any tenants shall keep their landscaped areas in a well-maintained, safe, clean, and attractive condition at all times. Such maintenance shall include, but is not limited to, the following:
  - a. Landscaped areas shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscape.
  - b. All plant material shall be maintained in a healthy and growing condition, and shall be replaced with plant material of similar variety and size (size not to be smaller than the minimum required by this Code at the time of replacement) if diseased, damaged, destroyed, or removed within 30 days of installation, or by an agreed-upon date if seasonal conditions prohibit replacement within the 30-day period.

- c. Proper pruning.
  - d. Watering on a regular basis.
  - e. Maintenance of landscape lighting in working order.
  - f. Maintenance of irrigation systems in working order.
  - g. Cleaning of abutting waterways and landscaped areas lying between public right-of-way lines and the property, unless such streets, waterways, or landscaped areas are expressly designated to be maintained by a designated governmental authority.
2. Failure to maintain landscaping that is required at the time of approval of any plan or permit shall be a violation of this Code and applicable penalties may be imposed.
  3. The maintenance of landscaping in the public right-of-way in all zoning districts shall be the responsibility of the adjacent property owner, whether an individual, corporation, or homeowner's association.

#### **G. Irrigation**

All landscaping improvements shall include a suitable method for irrigation. Underground drip irrigation systems are encouraged for all landscaped areas. Turf should be irrigated from a secondary, non-potable water source if available.

#### **H. Guidelines for Additional Landscaping**

Beyond the minimum requirements of this section, the following additional landscaping is encouraged to further enhance development projects:

1. Special landscape treatments at street intersections, public gathering spaces, and building entryways; and
2. Additional trees, beyond minimum Code requirements, to provide additional shade for parking areas, pedestrian walkways, and public gathering spaces.

### **5.4.5. SCREENING**

#### **A. Purpose**

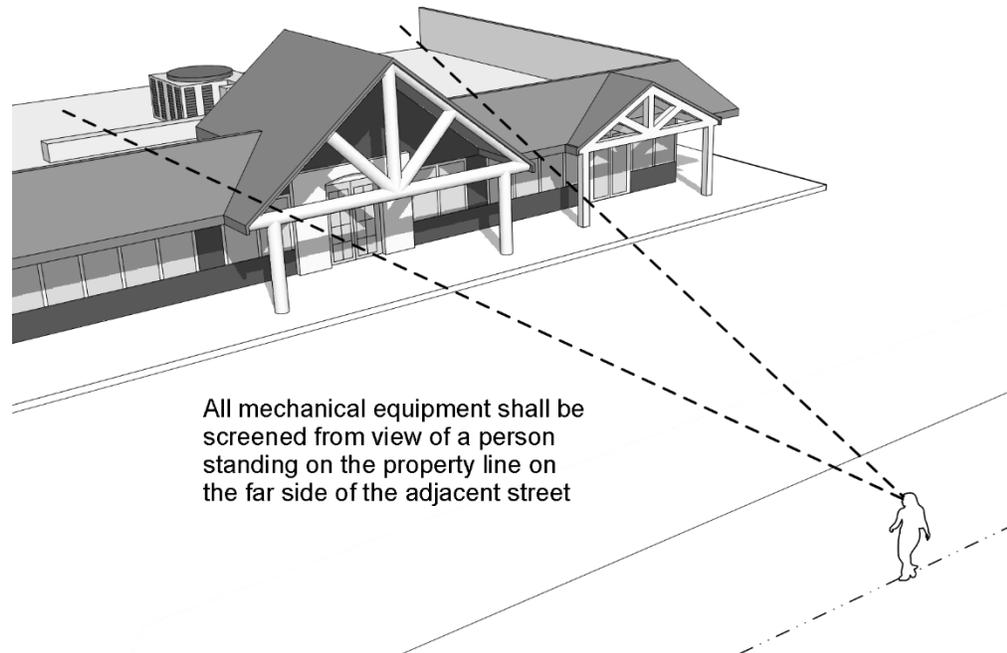
The purpose of screening standards is to completely hide stored materials from view of persons standing on the ground outside the storage area. If no particular location is specified, the standards shall be interpreted as based on the vantage point of a person standing on the ground 50 feet from the screening device on any side.

#### **B. Screening Requirements**

##### **1. Screening of Mechanical Equipment**

All mechanical equipment, either ground-mounted or located on a rooftop, shall be screened from the view of a person standing on the property line on the far side of an adjacent public street. Individual screening of rooftop mechanical equipment is prohibited. Units shall either be grouped together "penthouse style" or screened with a parapet wall the entire length of the building. Such a parapet wall shall be designed to be integral to the overall architecture of the building. See Figure 5.4.5-A below:

Figure 5.4.5-A: Screening of Mechanical Equipment



## 2. Storage, Recycling and Waste Collection, and Loading Areas

- a. Storage, recycling and waste collection, and loading areas shall be located at least 20 feet from any public street, public sidewalk, or building with a residential use, except in the HCC and mixed-use districts. Placement of storage, recycling and solid waste collection, and loading areas shall be sited so as not to interfere with vehicular visibility or circulation.
- b. Storage, waste collection, loading areas, and other service functions shall be incorporated into the overall design of the building and landscaping so that the acoustic impacts of these functions are contained to the maximum extent feasible, and so that such features are fully screened and out of view from public streets. Screening materials for solid waste collection and loading areas shall be of the same and of equal quality to the materials used for the primary building and landscaping.
- c. All waste collection or storage areas for multifamily projects with three or more units and for commercial or mixed-use buildings 2,500 square feet or greater shall be maintained within a structure on the property or enclosed by a six-foot solid wood fence or masonry wall. The enclosed trash storage areas are allowed within the setback so long as the enclosure is not covered and the fences or wall meet the allowed fence height. Trash storage areas immediately adjacent to public alleys may be allowed without screening.

**3. Storage of Recreational Vehicles**

The storage of recreational vehicles, including campers, motor homes, trailers, snowmobiles, boats, or similar vehicles (whether motorized or not), that are stored on private property but not on the designated driveway shall be permitted in all zoning districts, provided that the recreational vehicle is buffered from view with a solid fence at least six feet in height or dense shrubbery of equal height from all adjacent residential properties.

**4. Storage of Other Personal Property**

The storage of personal property, not considered trash or rubbish as defined in Title 7 of the Municipal Code, that are stored in the same location within a front yard for a period of 30 or more consecutive days shall be screened by a solid wood fence or wall, the height of which shall be consistent with the requirements of the zoning district within which the property is located. The fence also shall comply with all other materials, maintenance and other height requirements of this section.

**C. Screening Materials**

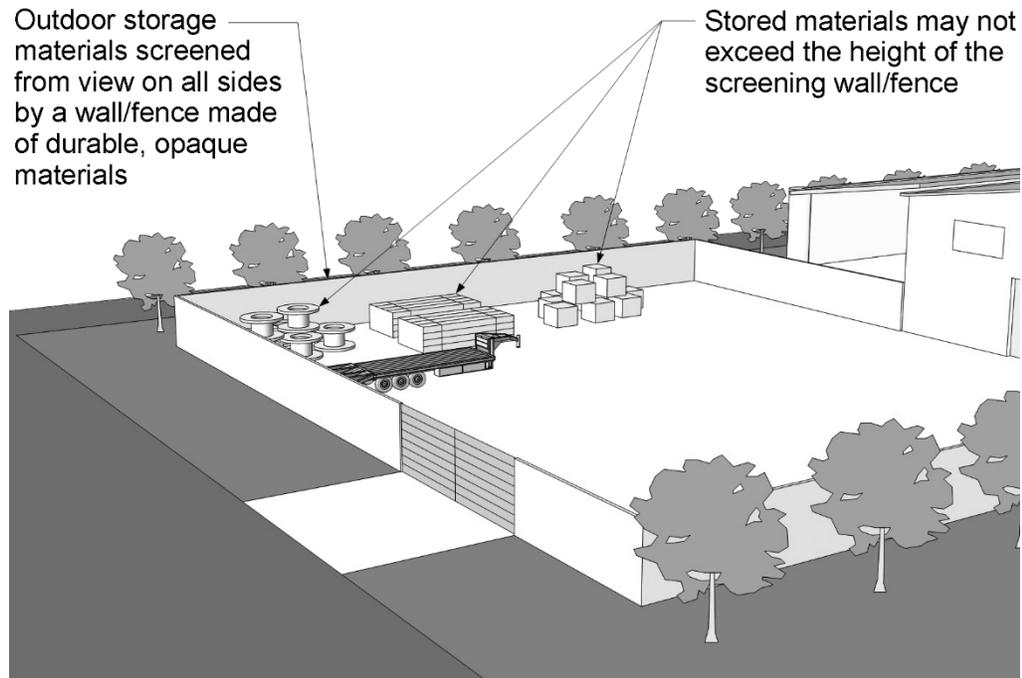
Screening walls, fences, or structures shall be constructed from durable materials suited to Carbondale's climate and that will require low maintenance. All screening devices shall be constructed of materials and in a manner that creates a completely opaque screen through which it is not possible to see any portion or silhouette of the items being screened. Unless otherwise specified, acceptable materials for screening may include:

1. Masonry walls with stucco or other acceptable finish or constructed from masonry units with an indigenous pattern or finish;
2. Rock walls;
3. Wooden fences constructed from pressure treated wood or native wood or any materials which can withstand exposure to the weather and which are approved by the Planning Director or Building Official shall be acceptable; or
4. Other materials which shall be approved by the Building Official or Director.

**D. Heights**

1. The height of a screening wall, fence, or structure shall be measured from the grade of the storage or parking area adjacent to the screen.
2. No materials, with the exclusion of vehicles, stored within an outdoor storage area or behind a screening fence, wall, or structure shall be stacked or stored in a manner in which they exceed the height of the screening walls, fence or structure (See Figure 5.4.5-B).

Figure 5.4.5-B: Outdoor Storage Screening



**E. Maintenance**

1. All walls, fences, or structures shall be maintained in good condition.
2. Any walls, fences, or structures used to enclose outdoor storage areas shall require a building permit and construction details shall be reviewed for compliance with the criteria in this section.

**5.4.6. FENCING**

**A. Maximum Fence Heights in Residential Districts**

**Table 5.4-2:  
Maximum Fence Heights in Residential Districts**

	Interior Lot	Corner Lot	Through Lot
Front yard	42 in.	42 in.	42 in.
Side yard	8 ft.	8 ft.	8 ft.
Rear yard	8 ft.	8 ft.	42 in.
Street side yard In front ½ lot		42 in.	42 in.

**Notes:**

[1] Fence heights for through lots and street side yards adjacent to an arterial street may be eight feet in rear yard if no access is provided and eight feet on rear half of side yard.

[2] Front yard fence height in AG and RR district may be up to six feet in height.

**A. Maximum Fence Heights in Nonresidential Districts**

1. Front yard: 42 in.
2. Rear yard: 8 feet
3. Side yard: 8 feet
4. Street side: 8 feet

**5.5 TRANSPORTATION AND CONNECTIVITY**

**5.5.1. PURPOSE**

The purpose of this section is to support the creation of a highly connected transportation system within the Town in order to:

- A. Provide choices for drivers, bicyclists, and pedestrians;
- B. Increase effectiveness of local service delivery and reduce emergency service times;
- C. Connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers;
- D. Reduce vehicle miles of travel and travel times;
- E. Improve air quality; and
- F. Mitigate the traffic impacts of new development.

These standards attempt to avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.

**5.5.2. STREETS AND VEHICULAR CIRCULATION**

**A. Purpose**

Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoid traffic congestion on principal routes. Within each development, the access and circulation system and a grid of street blocks should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, transit users, emergency responders, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Special attention in the design and planning of a project shall be given to addressing the needs of people with disabilities and the elderly.

**B. Street Standards**

All streets shall meet the standards in Chapter 17.06:*Subdivision*, and the Town's Public Works Manual.

**C. Street Connectivity**

**1. Purpose**

Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping. These connections should knit separate developments together, rather than forming barriers between them.

**2. Vehicular Access to Public Streets and Adjacent Land**

- a. All development shall provide public street connections to all existing, adjacent public streets.
- b. If there are no adjacent public streets, subdivisions and/or site plans shall provide for connections along each boundary abutting adjacent vacant land for future connections spaced at intervals not to exceed 1,000 feet for arterials, or 660 feet for other street types, or as otherwise approved.
- c. When connections to surrounding streets are proposed or required by the Town, public right-of-way shall be dedicated and streets developed to existing paved rights-of-way. The Town may also require temporary turnarounds to be constructed for temporary cul-de-sacs between development phases.

**3. Vehicular Interconnections to Similar or Compatible Adjacent Uses**

Every proposed public or private street system shall be designed to provide vehicular interconnections to all similar or compatible adjacent uses (existing and future) when such interconnections would facilitate internal and external traffic movements in the area.

- a. Such connections shall be provided during the initial phase of the project approximately every 1,250 to 1,500 linear feet for each direction (north, south, east, west) in which the subject property abuts similar or compatible uses.
- b. If the common property boundary in any direction is less than 1,250 linear feet, the subject property shall provide an interconnection if the Director determines that the interconnection in that direction can best be accomplished through the subject property.
- c. When the Board of Trustees or Planning & Zoning Commission deems a vehicular connection impractical, it can increase the length requirement and/or require pedestrian connections. The Town may delay the interconnection if such interconnection requires state approval or will result in significant hardship to the property owner.

**4. Cul-de-Sacs and Dead-End Streets Discouraged**

The design of street systems shall use through-streets. Permanent cul-de-sacs and dead-end streets shall only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical.

**5. Residential Streets**

- a. Local residential streets shall be laid out so that use by through-traffic will be discouraged. Traffic-calming techniques such as diverters, neck-downs, street gardens, and curvilinear alignments are encouraged to reduce speeds and cut-through collector or arterial traffic.
- b. Should topography or other constraints require the use of straight local streets that extend more than 660 feet without interruption, an oblong median, traffic-calming device, or similar feature shall be used to slow traffic. In addition, traffic-calming devices may be required to address public safety concerns.

- c. To the maximum extent practicable, residential streets shall be arranged to follow the natural contours of the site.

#### D. Driveways and Access

##### 1. General

- a. Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles, as well as for those needing access to the property in its intended use.
- b. All driveway entrances and other openings onto streets shall be constructed so that:
  - i. Vehicles may safely enter and exit from the lot in question;
  - ii. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized; and
  - iii. Joint driveways are desirable whenever possible in order to minimize the number of access points to streets and access easements.

##### 2. Residential

In addition to the above general requirements, all residential development shall be subject to the following:

- a. There shall be no direct driveway access (ingress or egress) from any single-family residential lots to any arterial street or highway unless no other legal access alternative is available.
- b. Multi-family development sites greater than five acres shall include a minimum of two through-access drives. An exception may be made where a site is landlocked by existing development or other physical constraints, or where existing natural features on the site require the use of protective measures that would otherwise make a second access drive infeasible.

##### 3. Non-Residential

In addition to the above general requirements, all non-residential development shall be subject to the following:

- a. All non-residential buildings, structures, and parking and loading areas shall be physically separated from all non-arterial or collector streets by vertical curbs and other suitable barriers and landscaping to prevent unchanneled motor vehicle access. Each property shall not have more than two access ways to any one street unless unusual circumstances demonstrate the need for additional access points. In addition, each access way shall comply with the following:
- b. The width of any access way leading to the full access of an arterial street should be median-divided to provide separation from incoming and outgoing traffic. Construction and maintenance of such on-site medians shall be the responsibility of the property owner/developer.
- c. Unless no other practicable alternative is available, all driveways and other openings shall be located a minimum of:
  - i. 75 feet from a street intersection; and
  - ii. 40 feet from another access driveway.

**4. Visibility at Intersections**

On all lots or parcels of land on which a front setback is required, no obstruction that will obscure the view of motor vehicle drivers shall be placed within the triangular area per Section 5.4.4.D, except that trees may be permitted within said triangular area provided that those trees are placed in the street planter strip and the limbs are pruned to at least six feet above the grade level of the adjacent street.

**E. Bicycle Circulation**

Bicycle lanes are required in the design of all arterial and collector streets. Appropriate signage is encouraged to identify and demarcate the bicycle lanes.

**5.5.3. PEDESTRIAN CIRCULATION****A. Sidewalks Required**

1. Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets (including loop streets and cul-de-sacs), and within and along the frontage of all new development or redevelopment.
2. This requirement shall not apply to local streets in the AG, OS, or OTR zoning districts or in steep-slope areas where sidewalks on one side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems.

**B. On-Site Pedestrian Connections**

1. All commercial, industrial, and multi-family development shall provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:
  - a. Entrances to each commercial, industrial, and multi-family building on the site, including pad site buildings;
  - b. Public sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development; and
  - c. Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.
2. On-site pedestrian walkways and crosswalks shall be identified to motorists and pedestrians through the use of one or more of the following methods:
  - a. Changing paving material, patterns, or paving color (does not include the painting of the paving material);
  - b. Changing paving height;
  - c. Decorative bollards;
  - d. Raised median walkways with landscaped buffers; or
  - e. Stamped or stained concrete.
3. Sidewalks shall be provided to:
  - a. Any adjacent public park, greenway, open space, trails, or other civic use such as schools, places of worship, public recreational facilities, or government offices; and

- b. Adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants.

**C. Stormwater Runoff**

All paved walkways and bicycle paths provided pursuant to this section shall be designed to minimize stormwater runoff. Materials and design of pervious and permeable pavement shall be approved by Town staff. If a paved sidewalk or bicycle path is located in a low area where runoff will be problematic, a drywell or other form of stormwater management shall be incorporated into the design.

**D. Trails**

All new development shall construct on-site portions of trails and multi-use paths that are identified in plans adopted by the Board of Trustees or connected to the Carbondale trails system, provided that any such improvements are directly related to the impacts of the proposed use or development and are roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.

## 5.6 RESIDENTIAL SITE AND BUILDING DESIGN

### 5.6.1. PURPOSE

The standards of this section are intended to promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; and promote the unique character of Carbondale's neighborhoods. Specifically, the standards:

- A. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods;
- B. Provide variety and visual interest in the exterior design of residential buildings;
- C. Enhance the residential streetscape and diminish the prominence of garages and parking areas;
- D. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences; and
- E. Improve the compatibility of infill projects, particularly attached and multi-family residential development, with the residential character of surrounding neighborhoods.

### 5.6.2. APPLICABILITY

#### A. General Applicability

Development of any structure that will contain a residential use shall comply with the general standards of Section 5.6.3: *General Standards for All Residential Development*. In addition, the following supplemental standards are applicable to properties within the listed areas or of the listed types:

1. Three or more single-family detached dwellings on one parcel: Section 5.6.4.
2. Multifamily: Section 5.6.5.

### 5.6.3. GENERAL STANDARDS FOR ALL RESIDENTIAL DEVELOPMENT

#### A. Private Common Open Space

All developments that contain 10 or more residential units that are not subject to preliminary plat, final plat, or condominium plat shall comply with the standards in Subsection 5.3.3, *Private Common Open Space (Residential, Institutional, Commercial, Mixed-Use, and PUD)*.

#### B. Mix of Housing Types

Developments shall promote a more diverse community through the provision of a variety of housing types, such as a combination of duplex, stacked tri-plex/quad-plex, live-work units, townhomes, apartments, and single-family units in a range of sizes. Developments are encouraged that are not dominated by a single type of home or dwelling unit.

#### C. Residential Compatibility Standards

##### 1. Applicability

These residential compatibility standards shall apply to development of a new residential use, or renovation of an existing residential use, either of which is not

part of a planned/phased development, on a site that is adjacent to or across a street from two or more lots with existing structures.

## 2. Garage Location and Design

- a. Alley-loaded garages are required on new dwellings with alley access. Front-loaded garages are prohibited on lots with alley access.
- b. Front-loaded garages are encouraged to be located parallel to or behind the plane of the dwelling entry. Non-recessed, front-loading garages are discouraged.
- c. Street-facing garages are discouraged.
- d. The primary dwelling entrance should be the principal element of the building façade, rather than the garage.

## D. Transitions Between Different Land Use Areas

When located adjacent to designated zoning districts, development shall comply with applicable height and setback transitional standards in Section 3.7.5: *Transitions Between Different Land Use Areas*.

## E. Underground Utilities

All on-site electric utility, cable television lines and all other communication and utility lines for buildings shall be placed underground pursuant to Section 6.2.12.

## F. Energy Conservation and Site Orientation Guidelines

1. Consideration shall be given to energy conservation in the building design. Use of solar space or water heating, or use of in-line hot water systems, efficient lighting systems, insulation and other energy efficient techniques are strongly encouraged.
2. Orientation of buildings and windows to improve solar access and energy conservation is strongly encouraged.
3. The site plan may be required to be modified so that view planes identified by the Town are preserved for as many structures as possible.
4. Appropriate landscape plant selection and placement should optimize solar access in the winter while offering shade in the summer.

## 5.6.4. SUPPLEMENTAL STANDARDS/GUIDELINES: ≥3 SINGLE-FAMILY DETACHED DWELLINGS ON ONE PARCEL

### A. Applicability

Any development that will include three or more single-family detached dwellings on one parcel shall comply with the general standards of Section 5.6.3: *General Standards for All Residential Development*, plus the standards and guidelines of this section.

### B. Building Separation

Units shall be arranged around the site to maximize privacy for each individual unit.

### C. Building Design

#### 1. Bulk Storage

Bulk storage shall be provided pursuant to Section 5.6.5.C.3.

#### 2. Conversion of Existing Structure

In conversion of an existing structure, any additions should respect the architectural character, detailing, lines, and proportions of the existing structure.

#### 3. Building Elevations

The following elements of design shall be considered and encouraged:

- a. The use of patios, trellises, etc., to provide relief and contrast to other similar buildings within the site shall be used to help provide private open space and an element of privacy.
- b. Other structures, such as carports and storage units, shall be designed in concert with the dwelling units by using similar details and design elements.
- c. Homes that comply with the requirements of 4.3.2.F, *Manufactured/Factory-Built Homes*, are allowed. The Town may require projects that are exclusively manufactured homes to have homes with different architectural features, sizes, roof lines, etc., in order to break the monotony.

#### 4. Circulation and Parking

- a. Landscaping should be utilized to break up large expanses of asphalt and provide shading. One landscape island up to five feet in width and 15 feet in length shall be provided for each six parking spaces. If a common parking lot is provided, a five-foot wide landscaped area shall be provided between parking areas and side and rear lot lines.
- b. Creation of parking courts and parking areas that have the character of a private parking area is encouraged as opposed to long stretches of parking spaces along common driveways.
- c. Projects that require parking areas with more than six parking spaces shall provide maneuvering areas that accommodate ingress and egress from the lot by forward motion of vehicles. Projects that allow parking that backs out directly onto a street may be allowed through the alternative compliance process, if an applicant can show this is a safe alternative.
- d. Conveniences typical of single-family dwellings are strongly encouraged. Examples are small storage areas for tools and auto supplies being incorporated into covered parking facilities.

### 5.6.5. SUPPLEMENTAL STANDARDS/GUIDELINES: MULTIFAMILY

#### A. Applicability

1. Any development (including site work such as earthwork, landscaping, paving, and utility services) or substantial renovation of multifamily residential structures shall comply with the general standards of Section 5.6.3: *General Standards for All Residential Development*, plus the standards of this section.
2. In the case of mixed-use buildings, these standards and the standards of Section 5.7: *Commercial Site and Building Design*, shall both apply.

3. The entire site or parcel shall be made to comply with all multifamily design standards and guidelines in this section if the application represents an expansion of more than 20 percent of the total number of multifamily units.

### **B. Private Outdoor Space**

In addition to complying with the standards in Section 5.3: *Open Space*, all multifamily development shall provide private outdoor space in compliance with this section.

#### **1. Definition**

"Private outdoor space" means the usable floor area of any patio, porch, or deck or enclosed yard attached to and accessible directly from a particular dwelling unit and that is for the exclusive private use by the residents of a particular dwelling unit.

#### **2. Requirements**

Private outdoor space shall be provided according to the following:

##### **a. First-Floor Units**

For units located on the first floor, the minimum size of private outdoor space shall be 80 square feet or 10 percent of the gross floor area of the unit, whichever is larger. The minimum dimension of such space shall be eight feet. Porches and entry patios that serve one dwelling may be considered private outdoor areas. However, any area necessary for walkways from outside the private outdoor area to the entrance of the dwelling unit shall be excluded from the calculation of the private outdoor space. Such walkways shall be assumed to be three feet in width.

##### **b. Units Above First Floor**

For units located above the first floor, the minimum size of private outdoor space shall be 60 square feet or five percent of the "livable" floor area of the unit, whichever is larger. The minimum dimension of such space shall be six feet.

#### **3. Design of Private Outdoor Spaces**

- a. The private intent of private outdoor spaces shall be clearly defined by the design.
- b. Private outdoor spaces shall be designed as an extension of the living unit. Its location and relationship to interior spaces should be given consideration.
- c. Where landscaped private outdoor space exceeds 10 percent of the floor area on the first floor, the excess private space may apply towards any common open space requirement.

### **C. Building Design Standards**

#### **1. Interior Space**

- a. Providing light into interior spaces from more than one direction, use of clerestories or sky lights, and passive solar heating is strongly encouraged.
- b. Use of features that expand the interior volume of the dwelling is strongly encouraged. This may include vaulted ceilings, bay window, alcoves, etc.

## 2. Building Elevations

### a. Architectural Details

- i. The character of the building should be created by use of architectural details. On large structures, allowing each individual dwelling unit to be identifiable is one way of providing character to an otherwise mundane elevation. However, care shall be taken to avoid monotonous repetition.
- ii. The use of balconies, overhangs, covered patios, and trellises can provide relief and contrast to the building and assist in breaking up large wall surfaces. When building elements such as decks and chimneys are repeated, some alterations to details of those elements such as varying orientation should be used within the context of the overall design to provide interest and avoid monotonous repetition.
- iii. The mass of the building shall be reduced by varying setbacks and building heights of individual units.

### b. Residential Character

- i. The residential scale and character of a project shall be emphasized. In larger projects, the identity of the individual units shall be evident in the elevation.
- ii. The individuality and privacy of units shall be emphasized through the use of identifiable private or semi-private entries.
- iii. Catwalks or long corridors lined with entrances to units are strongly discouraged.

### c. Roof Form

Long roof lines shall be varied by providing different heights or varying roof orientations. Parapet walls should be interrupted by setbacks or varying heights to provide variety to the roof line. Use of cap treatments can provide detail and character.

### d. Other Building Elements

- i. Entries and stairwells shall be an integral part of the building design. Consideration shall be given to partially screening stairwells or using architectural treatments that are compatible with the overall building elevation, adding to rather than detracting from the character of the building.
- ii. Other structures, such as car ports and storage units, shall be designed in concert with the dwelling unit by using similar details and design elements.
- iii. Patio walls and fences shall be an integral part of building design and shall match or be complimentary to the main building materials.
- iv. Mechanical equipment shall be located away from public view or be screened in a manner which is perceived as an integral part of the buildings. Mechanical equipment shall be located away from private outdoor areas.
- v. Exterior perimeter walls of a project facing public streets shall be compatible with the landscape theme and the main building materials.

**3. Conversion of Existing Structure**

In conversion of an existing structure, any additions shall respect the architectural character, detailing, lines, and proportions of the existing structure. Refurbishing on the existing building may assist in accomplishing this result.

**4. Bulk Storage**

- a. Bulk storage areas intended for storage of materials other than food and clothing, such as tools, bicycles, ski equipment, etc. shall be designed for this purpose. Such areas shall be free of encumbrances such as water heaters or other types of mechanical or electrical equipment.
- b. A minimum of one cubic foot of storage for each three square feet of gross area of the dwelling unit shall be provided for each unit not including areas for bedroom closets, kitchen cabinets, and food storage areas.
- c. Exterior or detached bulk storage areas shall be designed as an integral part of the project and be integrated with the architectural character of the dwellings on the site. Bulk storage areas shall incorporate storage facilities into garages, car ports, screening walls, and shall use materials and details similar to those of the dwelling unit to achieve an integrated appearance.
- d. The provision of additional storage beyond these minimum requirements is encouraged.

**5. Multi-Building Developments**

Multi-family developments with more than three buildings shall incorporate more than one distinction among building designs. Distinct building designs shall be easily distinguished through a minimum of two of the following:

- a. A variation in length of 30 percent or more;
- b. A variation in the footprint of the building of 30 percent or more;
- c. A distinct variation in color and use of materials;
- d. A variation in the type of dwelling unit contained in the building that results in a significantly different scale and mass (i.e., apartments vs. townhomes or duplexes); and/or
- e. A distinct variation in building height and roof form.

**6. Relationship of Project to Surrounding Land Uses**

The relationship between a multifamily project and adjacent uses shall take into account the type of adjacent uses, building scale, density and building heights. Particular sensitivity shall be used between a multifamily project and adjacent residential uses of lesser density to minimize the impact on those less dense areas.

- a. Multifamily buildings containing five or more dwelling units shall be limited to a height of two stories within 35 feet of the R/LD district.
- b. Active recreation facilities in a project shall be located to minimize the intrusion of noise into an adjacent residential area, or a method of mitigating noise from the recreation area shall be implemented.

- c. Multifamily buildings shall be oriented to take advantage of pleasant off-site views and minimize or screen poor or obtrusive views. Views from within the dwelling units or from balconies shall be given careful consideration.

7. Circulation and Parking

- a. A hierarchy of circulation in larger developments shall lead from public streets to private streets or access ways to parking areas. Avoid long straight streets or driveways in the project.
- b. Circulation shall be designed to minimize interaction between pedestrian/bicycle ways and automobile traffic.
- c. Pedestrian and bicycle circulation shall be given equal consideration as automobile traffic. Pedestrian and visual linkages shall be made between a project and off-site amenities.
- d. The project shall be designed to minimize negative traffic impacts on and of the surrounding uses.
- e. Creation of parking courts and parking areas which have the character of a private parking area is encouraged as opposed to long stretches of parking spaces along common driveways.
- f. Projects that require parking areas with more than six parking spaces shall provide maneuvering areas that accommodate ingress and egress from the lot by forward motion of vehicles. A request may be made to the planning and zoning commission to allow parking for such projects with parking that backs out directly onto a street if an applicant can show this is a safe alternative. The Commission shall review such proposals at a regularly scheduled meeting. An applicant may appeal a decision in writing to the Board of Trustees within seven days of the Commission's decision.
- g. Providing amenities such as small storage areas for tools and auto supplies and other such conveniences typical of single-family dwellings are strongly encouraged.
- h. The visual focal point of drives and walkways should be free of utilities, trash receptacles, outdoor storage areas, and/or any other unsightly facilities.

**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.

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

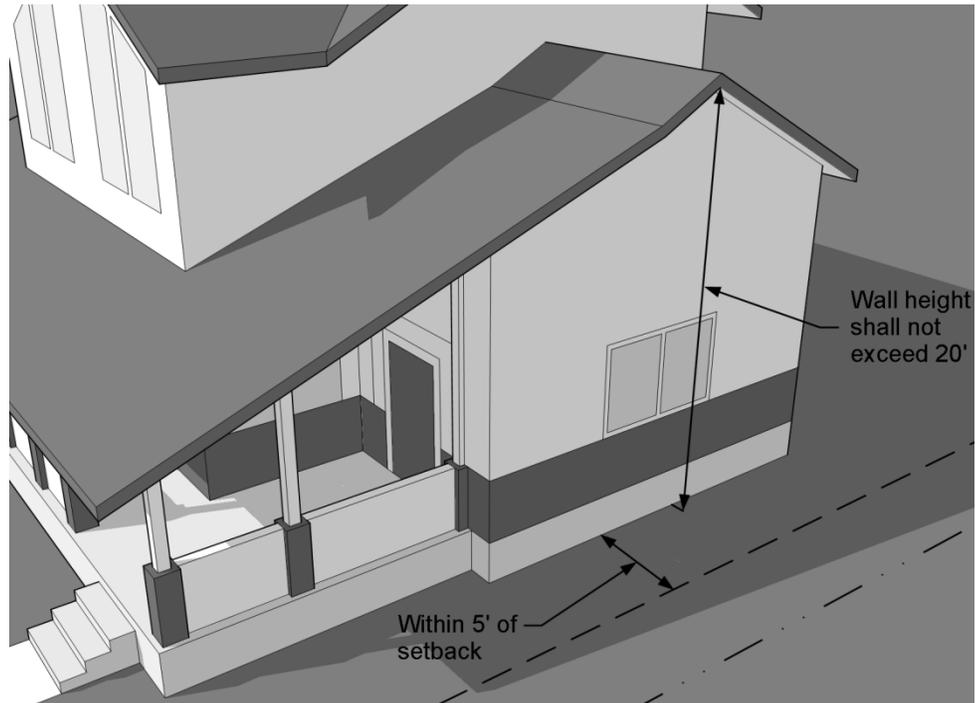
- 1. A minimum of one deciduous canopy tree (street tree) with a minimum of a 2.5-inch caliper and of a species that meets Town standards for street trees shall be provided in the public right-of-way immediately adjacent to the front yard of a property for each 25 feet of lot width, or fraction thereof. 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**

1. 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.
2. Entryways adjacent to streets shall be clearly defined through the use of porches, porticos, and prominent doors.
3. Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller components. Buildings shall incorporate a combination of two or more of the following techniques:
  - a. Variations in roofline;
  - b. Variety of building materials;
  - c. Setbacks for the upper floor; and/or
  - d. Transparent materials.
4. The roof line of any structures adjacent to an alley shall step down in scale as the structure approaches the alley.
5. 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).

Figure 5.6.6-A: Vertical Wall Height



## 5.7 COMMERCIAL SITE AND BUILDING DESIGN

### 5.7.1. PURPOSE

The intent of this section is to establish design and development standards that foster high-quality, attractive, and sustainable development along the Town's thoroughfares that is compatible with the Town's Comprehensive Plan principles and policies. The standards are intended to:

- A. Protect and enhance the character and quality of commercial and mixed-use areas in Carbondale;
- B. Protect and enhance the long-term market value of property within Carbondale;
- C. Enhance the human and pedestrian scale of commercial developments and ensure compatibility between residential neighborhoods and adjacent nonresidential uses;
- D. Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings and centers;
- E. Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles;
- F. Minimize negative impacts of on-site activities to adjacent uses; and
- G. Balance the community's economic and aesthetic concerns.

**5.7.2. APPLICABILITY**

- A. Development of any structure that will contain a commercial use or a mix of commercial and other uses shall comply with the general standards of Sections 5.7.3, *General Site Layout Standards*, and 5.7.4, *General Building Design*.
- B. In addition, the following supplemental standards are applicable to properties within the listed areas or of the listed types:
  - 1. Properties with frontage along Highway 133: Section 5.7.5.
  - 2. Buildings of 10,000 square feet or greater: Section 5.7.6.
  - 3. Properties within the HCC district: Section 5.7.7.
- C. In the case of mixed-use buildings, the standards of this Section 5.7 and the standards of Section 5.6: *Residential Site and Building Design*, shall both apply.
- D. In case of conflict, the more restrictive standard as determined by the Director shall apply.

**5.7.3. GENERAL SITE LAYOUT STANDARDS****A. Development Responsive to Site Conditions**

Development shall respond to specific site conditions and opportunities such as odd-shaped lots, location on prominent intersections, unusual topography, the presence view corridors identified by the Town, trees and vegetation, and/or other natural features to the maximum extent feasible.

**B. Transitions Between Different Land Use Areas**

When located adjacent to designated zoning districts, development shall comply with applicable height and setback transitional standards in Section 3.7.5: *Transitions Between Different Land Use Areas*.

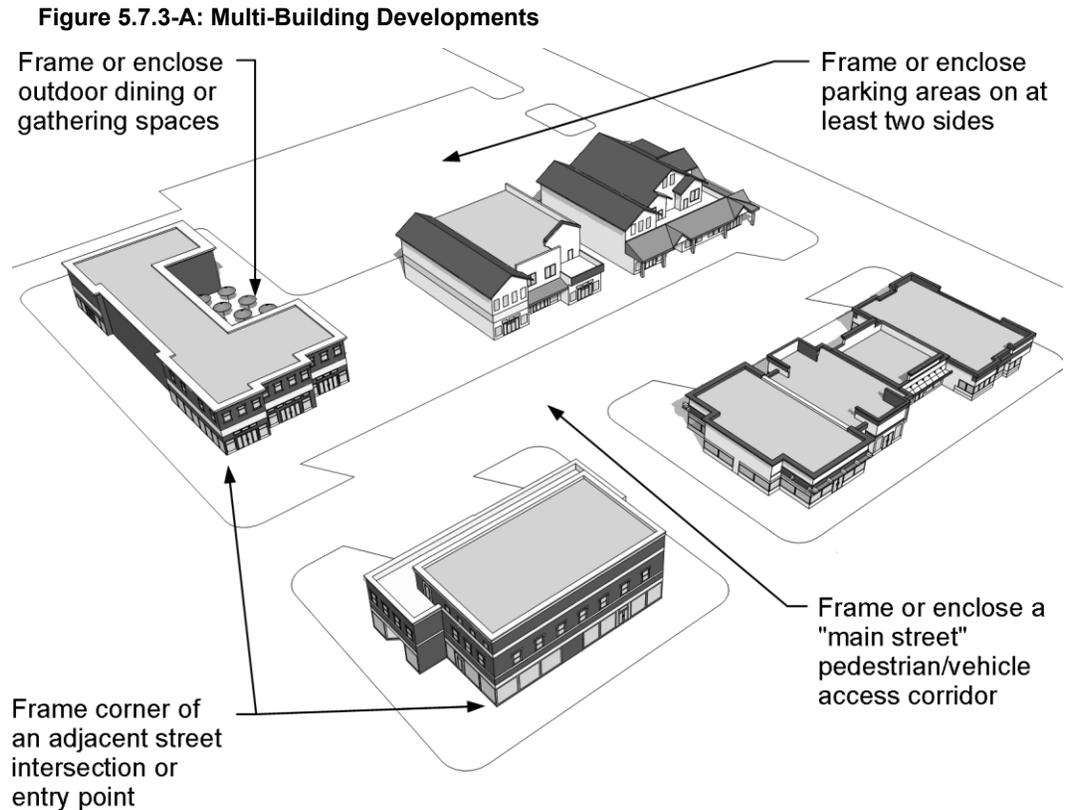
**C. Building Orientation**

Local climatic conditions shall be considered when orienting buildings. For example, north-facing facades are especially susceptible to winter snow and ice accumulation, and entries may require special treatment. Snow shed from roofs and snowpiling zones along streets shall be considered in arranging building elements on the site. Adequate solar access shall be considered when planning outdoor spaces, with shade and relief from glare provided by landscaping and overhead structures.

**D. Building Locations (Multi-Building Developments)**

Within developments that have three or more buildings, buildings shall be arranged and grouped using one or more of the following techniques (illustrated in Figure 5.7.3-A):

- 1. Frame the corner of an adjacent street intersection or entry point to the development;
- 2. Frame and enclose parking areas on at least two sides;
- 3. Frame and enclose outdoor dining and/or outdoor gathering spaces between buildings; or
- 4. On sites of 15 acres or more, frame and enclose a “main street” pedestrian and/or vehicle access corridor within the development.



### E. Public Street Frontages

A public street frontage shall include that portion of a building facing any public street right-of-way, but not an alley. Every public street frontage shall comply with the following:

1. Where they do not exist in good condition already, a raised curb and sidewalk that complies with Town public works standards shall be constructed within the public street right-of-way, except in the OTR district.
2. Street trees, related irrigation, and street lights that comply with Town public works standards shall be provided in the public right-of-way. Changes to the spacing of the trees to avoid visually obscuring shop fronts must be approved by the Public Works Director.
3. The Town will not issue certificates of occupancy for any buildings or units until all public improvements identified on the applicable building permit have been completed and accepted by the Town, or until the applicant enters into an improvements agreement in a form acceptable to the Town Attorney and the Board of Trustees that provides security to the Town to complete such public improvements within a reasonable time period if the applicant fails to do so. The performance guarantee shall comply with Section 2.6.5.C.2.c.i: *Security Guarantee*, of this Code.

**F. Pedestrian Environment**

1. New development shall be sited and designed to encourage pedestrian activity on the street.
2. The site design shall locate pedestrian routes connecting residential, recreational, and commercial uses to minimize contact with normal vehicular traffic. This can be achieved by designing crossings at traffic stop points, and/or by identifying crossings with signage, pavement changes, and landscape features.
3. Construction of and/or land dedication for pedestrian improvements may be required pursuant to the subdivision/development regulations and/or a development improvement agreement.

**G. Underground Utilities**

All on-site electric utility, cable television lines and all other communication and utility lines for buildings shall be placed underground pursuant to Section 6.2.12.

**5.7.4. GENERAL BUILDING DESIGN****A. Building Massing and Form**

Unless otherwise provided in this Code, building form may vary widely, as long as certain features of building form are considered:

1. Buildings shall vary in size and shape within a development that has more than one building.
2. Buildings shall incorporate human-scaled features at the ground level to encourage pedestrian use. Examples include articulated entries and windows, canopies, arcades, recessed entries, changes in color, material, or texture.
3. Façade modulation shall be utilized to reduce the apparent bulk of a large building, where applicable.
4. Large, unbroken expanses and long, continuous rooflines shall be avoided.

**B. Street Corners**

Buildings located on street corners shall recognize the importance of their location by:

1. Concentrating the tallest portions of the building at the intersection where they may “frame” the corner;
2. Employing architectural features, such as angled façades, prominent entrances, a stepped parapet wall, or other unique building features at the corner; or
3. Employing similar techniques as approved by the Director.

**C. Building Design Detail**

All building facades facing public streets shall be designed with a similar level of design detail. Blank walls void of architectural detailing shall not be permitted. Exceptions may be granted for those areas that the applicant can demonstrate are not visible from adjacent development or public rights-of-way.

**D. Primary Entrance**

Buildings shall be oriented so that the principal building entrance faces the principal street or the street providing main access to the site. In cases where the principal entrance does not face the principal street, the entrance shall connect to the street and adjacent parking areas with sidewalks.

**E. Architectural Style**

The architectural character of new buildings or additions shall complement the architectural character of adjacent existing buildings.

**F. Signage**

Signage shall be considered an integral design element of any building and shall be compatible with the exterior architecture with regard to location, scale, color and lettering style, in addition to complying with the standards of Section 5.9: *Signs*.

**5.7.5. SUPPLEMENTAL STANDARDS: PROPERTIES WITH FRONTAGE ALONG HIGHWAY 133****A. Applicability**

Development of any structure that will contain a commercial use or a mix of commercial and other uses and that has frontage along Highway 133, shall comply with the general site layout and building design standards of Section 5.7.3 above, plus the standards of this section.

**B. Setbacks****1. Highway Landscape Buffer**

All development shall be buffered from Highway 133 by a landscaped area a minimum of 10 feet deep, measured from the property line. Buildings and parking areas shall not be located in this buffer area. On sites with severe topographic constraints, this landscaped buffer may be reduced at the discretion of the Director.

**2. Building Orientation**

Uses with highway frontage shall have a strong internal focus, rather than a highway orientation. Entryways shall face towards the internal road system. A highway orientation will be permitted where shallow lot depths make it difficult to achieve an internal focus.

- a. Developers shall carefully consider building orientation to achieve effective overall site planning. Although legibility of signs identifying businesses from the highway is important, buildings shall be oriented towards focal points within the development itself. These focal points may include unique natural features, a building of central importance, internal streets, or planned open space.
- b. Adjacent residential land uses shall be considered when orienting buildings on properties with highway frontage. Service and utility entrances, mechanical support facilities, and unimproved building “back sides” shall not be located within view of neighboring residences or visible from highway right-of-way. Service and utility courts or alleys may contain these necessary support functions.

### 3. Access

Coordinated access points along Highway 133 shall be required in accordance with CDOT requirements. Location and design of these highway accesses will be based on projected traffic flows and CDOT guidelines.

## 5.7.6. SUPPLEMENTAL STANDARDS: BUILDINGS OF 10,000 SQUARE FEET OR GREATER

### A. Applicability

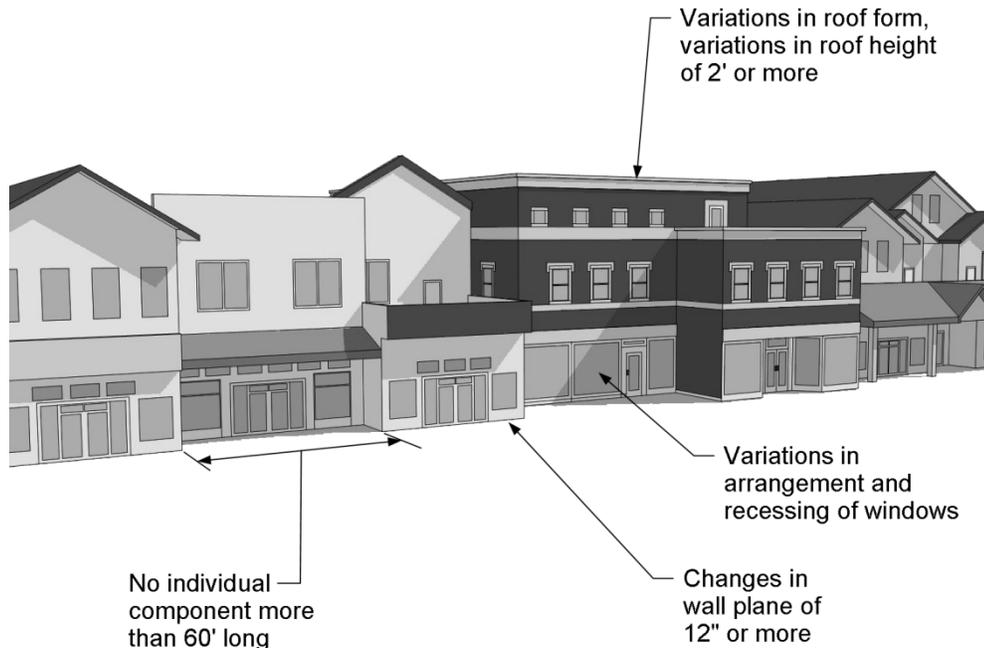
Development of any building that will be 10,000 square feet in size or greater shall comply with the general site layout and building design standards of Section 5.7.3 and the standards of this section.

### B. Horizontal Articulation

Buildings shall be designed to reduce apparent mass by dividing facades into a series of smaller components. No individual component shall have a length of more than 60 feet, measured horizontally. Components shall be distinguished from one another through two or more of the following (shown in Figure 5.7.6-A):

1. Variations in roof form or variations in roof height of two feet or more;
2. Changes in wall plane of 12 inches or more;

Figure 5.7.6-A: Horizontal Articulation



### C. Vertical Articulation

Buildings shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components. The component described as the body shall constitute a minimum of 50 percent of the total building height.

### D. Design for Pedestrians

The design of a new building or addition shall incorporate architectural features, elements, and details that are designed for pedestrian scale and pedestrian-oriented accesses.

#### 1. Primary Building Entrance

Buildings shall feature visually prominent primary building entrances. Unless otherwise provided in this Code, buildings shall incorporate a combination of two or more of the following techniques:

- a. Canopy, portico, archway, arcade, or similar projection that provides architectural interest and protection for pedestrians;
- b. Prominent tower, dome, or spire;
- c. Peaked roof;
- d. Projecting or recessed entry;
- e. Outdoor features, such as seat walls, landscaping with seasonal color, or permanent landscape planters with integrated benches; or
- f. Other comparable techniques.

#### 2. Pedestrian Amenities

Ground-floor facades that face public streets or other public areas (e.g., outdoor gathering spaces, parks or open space, parking areas) shall incorporate pedestrian-oriented design features along no less than 60 percent of their horizontal length. Pedestrian-oriented design features may include arcades, display windows, entryways, awnings, or other features. Shaded sidewalks that are part of the building design may be credited toward this standard.

#### 3. Transparency

On the façade facing the principal street:

- a. At least 30 percent of the ground floor wall area between two and 10 feet above grade shall consist of transparent glazing;
- b. At least 20 percent of each upper floor wall area shall consist of transparent or nontransparent glazing;
- c. If a single-story building has a façade taller than 20 feet, the façade area above 15 feet is subject to the same window requirement as the second-floor requirement in paragraph b;
- d. At least 15 percent of the façade facing the principal street shall consist of transparent or nontransparent glazing;
- e. Glazing required by this Code should be concentrated in areas of high pedestrian activity and, to maximize energy efficiency, should be used in conjunction with shade features such as awnings, shaded sidewalks, deeply recessed windows, and covered porches or arcades; and
- f. Except as otherwise permitted in this section and in Section 5.9: *Signs*, transparent glazing required by this Code shall be maintained without interior or exterior obstructions that substantially limit visibility, including, but not limited to, window signs, interior shelving, or window coverings (except

window blinds) during hours of business operation. This section shall not apply to signage, shelving, displays, or the like, set back at least three feet from the glazing surface.

### E. Architectural Elements, Materials and Color

#### 1. Roof Forms

Roof forms will be highly visible at a distance, and projects shall avoid large, unbroken expanses and long, continuous rooflines by variation in rooflines and height. The addition of dormers, balconies, deep eaves and overhangs may create visual interest. Box-like structures and flat roofs are discouraged.

#### 2. Materials

The use of neon is prohibited for any architectural application, such as building trim. See Section 5.9.4.G: *Neon Signs*, for standards relating to the use of neon in signs.

#### 3. Color

- a. Bright colors shall be used minimally and may be considered only for accents and decorative details such as window details and entrances.
- b. Colors shall be used to coordinate the entire building façade as a composition.

## 5.7.7. SUPPLEMENTAL STANDARDS: HISTORIC COMMERCIAL CORE (HCC) DISTRICT

### A. Purpose

The purpose of the HCC development standards is to preserve the original commercial center of Carbondale as a unique commercial area with an historic character. The standards are designed to accommodate and encourage development in an attractive, pedestrian-oriented setting, following the turn-of-the-century design character and patterns of the historic downtown area.

### B. Applicability

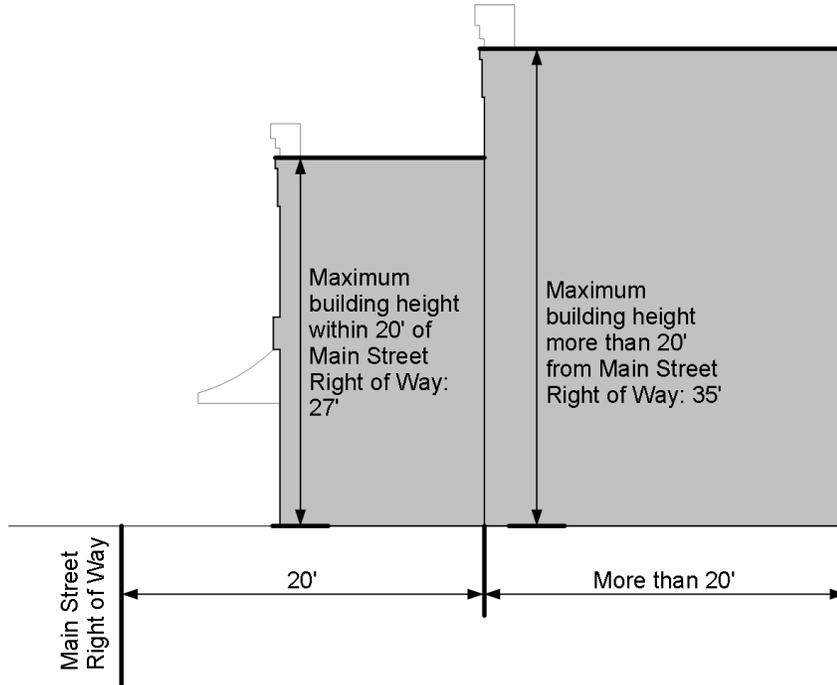
Development of any building in the HCC district shall comply with the general site layout and building design standards of Section 5.7.3 above plus the standards of this section.

### C. Building Height Limits

#### 1. Buildings Along South Side of Main Street

- a. To allow sunlight during winter months, and to ensure a desirable building scale and preserve views, all buildings or portions of buildings located within the HCC district along the south side of Main Street shall comply with the following maximum building height limits (also illustrated in Figure 5.7.7-A):
  - i. Within 20 feet of the Main Street right-of-way: 27 feet.
  - ii. More than 20 feet from the Main Street right-of-way: 35 feet.

Figure 5.7.7-A: Building Height on Main Street (South Side)

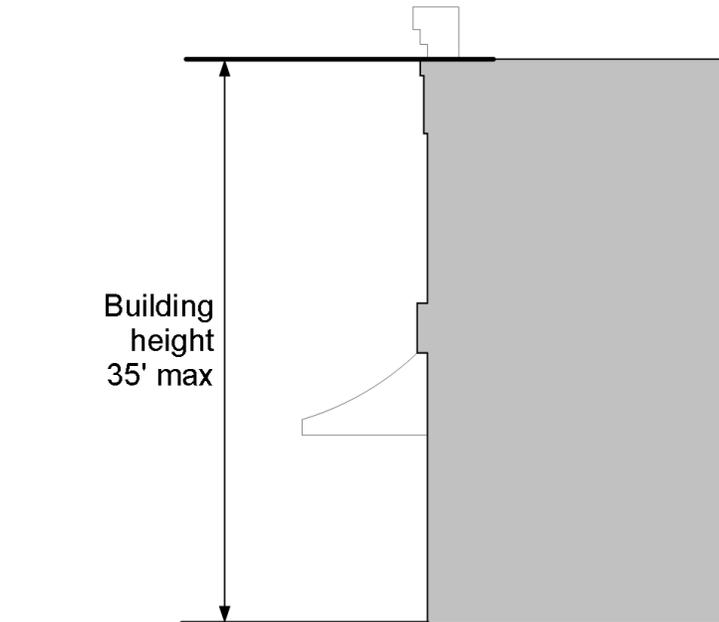


- b. Applicants may request an increase in the maximum height limit that applies beyond 20 feet from the Main Street right-of-way, from 35 feet to a maximum of 42 feet. Such requests shall be made using the alternative compliance process in Section 5.1.3. This increase shall not be available within the 20 feet adjacent to the right-of-way.

2. Other Buildings

- a. The maximum height of any building located within the HCC district that is not located adjacent to Main Street but is located immediately adjacent to any public street right-of-way, any pedestrian mall, or the portion of the public alley between Main Street and Garfield Avenue, shall be 35 feet. Figure 5.7.7-B shows building height measurement in the HCC district.

Figure 5.7.7-B : Building Height in the HCC



- b. An applicant may request increasing the maximum building height up to 42 feet through the alternative compliance process in Section 5.1.3. If approved, a minimum ten-foot setback from the building façade shall apply before the increased maximum height is allowed. The Director may approve minor encroachments into this ten-foot setback to allow architectural design flexibility (not to exceed 25 percent of the setback).

### 3. Additional Building Height Restrictions

Regardless of whether the building height in the HCC district is adjusted using the alternative compliance process, all development within the district shall comply with the following standards:

#### a. Architectural Appurtenances and Rooftop Equipment

No portion of a building shall exceed 42 feet except as follows:

- i. Cupolas, chimney ventilators, skylights, water tanks, elevator overrides, solar collection devices, and other necessary roof top mechanical appurtenances usually installed above the roof level may exceed the maximum building height by up to four feet.
- ii. In no instance shall any architectural appurtenances or rooftop mechanical equipment, including those set forth in subsection (i) above, project above the mandatory sunlight and view protection stepdown requirements in 5.7.7.C.1.
- iii. Fire separation walls may exceed the maximum applicable building height only by the minimum amount specified in the building code when required for fire separation.

**b. Cornice Required**

Within the maximum building height, a cornice shall be provided on each façade with a public street or pedestrian mall frontage to screen rooftop mechanical equipment. The cornice design shall be compatible with the historical character of the downtown. The Historical Preservation Commission shall review the cornice design.

**c. Commercial Space Height Requirement**

The minimum floor-to-floor height for all ground-floor commercial space shall be 14 feet.

**d. Three Stories Maximum**

No building shall exceed three stories above the level of an adjacent public street, sidewalk, or alley.

**4. Trash and Refuse Containers**

A building setback contiguous with the nearest alley as approved by the Director shall be provided on the site for the purpose of storing refuse containers pending collection.

**D. Design for Pedestrians**

Development within the HCC district shall comply with the standards in Section 5.7.6.D: *Design for Pedestrians*.

**E. Activities Allowed Adjacent to Right-of-Way**

The first 25 feet within the first floor or ground level of a structure adjacent to any public street right-of-way or adjacent to a pedestrian mall area shall be used for merchandizing and retail sales or as a lobby or office space in which services are provided. The manufacturing or creation of a product within the area described above shall be incidental to the display of items for sale. No residential dwelling shall occupy the area.

**F. Residential Unit Development Standards**

All residential dwelling units shall comply with the private outdoor space, interior space, and bulk storage requirements applicable to multifamily dwelling units as set forth in 5.6.5: *Supplemental Standards/Guidelines: Multifamily*.

**G. Preservation of Historic Character****1. HPC Guidelines**

Each building design is encouraged to be consistent with the "Historical Preservation Commission Guidelines" as adopted by the Historical Preservation Commission. The historic character of the commercial core should be preserved. New development and remodels in the historic commercial core shall give consideration to the historic, turn-of-the-century architectural style of the commercial buildings in this area.

**2. Demolition or Alteration of Structures 50 Years of Age or Older**

Proposals to demolish or alter a building 50 years of age or older shall require additional review by the Historical Preservation Commission consistent with Title 19 of the Municipal Code. As used here, the terms "alter," "alteration," "demolish" and "demolition" shall have the meanings defined in Title 16 of the Municipal Code.

### 3. Development Adjacent to Structures of Merit

When development is immediately adjacent to a historical structure of merit identified by the Historical Preservation Commission in either the HCC zoning district or immediately adjacent zoning district, if deemed necessary by the approving authority to mitigate any adverse impacts to the historic structure, the approving authority may require building setbacks in excess of the minimum requirements set forth in this Code, above-ground step backs of building façades in excess of the minimum requirements of this Code, and/or such additional development measures are necessary to mitigate any impact to the historic structure of merit.

## 5.8 OFF-STREET PARKING

### 5.8.1. PURPOSE

The regulations of this section are intended to ensure that off-street parking and loading facilities are provided in rough proportion to the generalized parking, loading, and transportation demands of different land uses. By requiring such facilities, it is the intent of this Code to help avoid the negative impacts associated with spillover parking into adjacent neighborhoods, while at the same time avoiding the negative environmental and urban design impacts that can result from parking lots and other vehicular use areas. The provisions of this Section are also intended to help protect the public health, safety, and general welfare by:

- A. Helping avoid and mitigate traffic congestion;
- B. Encouraging multi-modal transportation options and enhanced pedestrian safety;
- C. Providing methods to help reduce stormwater runoff and the heat island effect of large paved parking areas; and
- D. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the Town.

### 5.8.2. APPLICABILITY

#### A. Generally

Except when specifically exempted, the standards of this Section 5.8 shall apply to all parking lots and parking structures accessory to any building constructed and to any use established in every district, to all temporary parking lots, and to all parking lots and structures that are the principal use on a site.

#### B. Expansions and Enlargements

When an existing structure or use is expanded or enlarged, additional off-street parking and loading spaces may be required pursuant to Section 5.1.2.B: *Substantial Redevelopment*. In such cases, the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) must equal 100 percent of the minimum ratio established in Table 5.8-1: *Off-Street Parking Schedule A*, and shall not exceed any maximum standards established in this Section.

#### C. Change in Permitted Uses

A permitted use that does not meet the parking requirements of this section may be converted to another permitted use without full compliance with the required number of parking spaces through the alternative compliance process, provided:

1. The applicant provides the maximum amount of parking spaces possible without being required to remove or partially remove a structure;
2. If a structure or a portion of a structure is voluntarily removed, the resulting area shall be used to provide the additional parking spaces necessary towards fulfilling the requirements of Table 5.8-1: *Off-Street Parking Schedule A*; and
3. The amount of parking available for the new use is at least 80 percent of the parking required for the new use in Table 5.8-1: *Off-Street Parking Schedule A*.

**D. Minimum Standards**

The required parking standards in this section are minimum standards. It is the obligation of the owner of a use that generates the need for parking to provide sufficient quantities of off-street parking for the particular land use.

**5.8.3. OFF-STREET PARKING REQUIREMENTS**

**A. Schedule A**

Unless otherwise provided in this Code, off-street parking spaces shall be provided in accordance with Table 5.8-1: *Off-Street Parking Schedule A*.

<b>Table 5.8-1: Number of Off-Street Parking Spaces Required: Schedule A</b>		
<b>Use Category</b>	<b>Use</b>	<b>Number of Spaces Required</b>
<b>Residential Uses</b>		
<b>Household Living</b>	Dwelling, single family detached	1.25 per efficiency unit;
	Dwelling, duplex	1.5 per one-bedroom unit
	Dwelling, multifamily: Studio or 1 bedroom	1.5 per two-bedroom unit 800 SF or less
	Dwelling, multifamily: 2 or more bedrooms	1.75 per two-bedroom unit over 800 SF
	Mobile home park	1.75 per three-bedroom unit 900 SF or less 2.5 per three-bedroom unit over 900 SF
	Accessory dwelling unit	2 per ADU; may be reduced to 1 space only when there shall be reserved on the lot sufficient open space to accommodate the additional space should the Town, based on parking related complaints from nearby property owners, require said parking to be provided on the lot. The area reserved for the reserved parking space shall be included in the lot coverage calculation.
	Dwelling, live/work	1 per dwelling unit
<b>Group Living</b>	Group home, adult day care	1 per 400 SF GFA, and 1 additional space, reserved for pickup and delivery of adults, per 800 SF GFA
	Assisted living facility	1 per unit for independent living, plus 1 per 3 beds for memory care unit, plus 1 per employee on largest shift
	Nursing home	1 per 3 beds, plus 1 per employee on largest shift

**Table 5.8-1:  
Number of Off-Street Parking Spaces Required: Schedule A**

Use Category	Use	Number of Spaces Required
<b>Public, Institutional, and Civic Uses</b>		
<b>Community and Cultural Facilities</b>	Civic building	1 per 300 SF GFA
	Club or lodge	1 per 300 SF GFA
	Community center	4 per 1,000 SF GFA
	Convention hall	1 per 6 persons maximum fire-rated capacity
	Country club	1 per 200 SF + 1 per every 4 persons of maximum outdoor facility capacity
	Library	1 per 400 SF GFA
	Museum	1 per 400 SF GFA
	Places of worship, social clubs	1 per every 6 seats in worship area
<b>Transit Uses</b>	Transit stop	See Schedule C
	Transit terminal or station	See Schedule C
<b>Child Care Facilities</b>	Day care – fewer than seven children	1 space, plus 1 space for every vehicle used in operation of use (plus additional spaces for single-family dwelling, if allowed in dwelling)
	Day care – seven children or more	1 per employee at peak occupancy
<b>Health Care Facilities</b>	Hospital	1 per 2 inpatient beds + 1 per employee
	Medical or dental office	5 per 1,000 sq. ft. GFA
	Medical or dental clinic	Medical, dental or optical: 7 per 1,000 SF GFA
<b>Parks and Open Space</b>	Park, playground, open space	See Schedule B
<b>Educational Facilities</b>	Schools, academies, colleges trade or business schools	Elementary/middle: 1.5 per classroom
		High School: 5 per classroom College or university: 1 per every 200 sf
		Vocational or trade school: 1 per every 150 sf
<b>Commercial/Retail and Other Uses</b>		
<b>Agriculture and Animal-Related Services</b>	Animal husbandry	See Schedule C
	Commercial farming, plant husbandry, commercial greenhouse	See Schedule C
	Community garden See Agricultural and Animal-Related Services under Commercial Uses	1 per 5,000 SF of lot area
	Kennel	1 per 600 SF GFA
	Sale of produce and plants raised on premises	2 spaces for every 3 employees on the maximum shift, 1 space for every vehicle customarily used in the operation of the use or stored on the premises, and 5 spaces for every 1000 sq. ft. of indoor and outdoor sales areas
	Veterinary clinic	1 per 600 SF GFA
<b>Adult Entertainment Establishments</b>	Adult entertainment establishment	1 per every 200 sf
<b>Arts</b>	Art gallery	1 per 300 sq. ft. GFA
	Instructional or performing arts studio	1 per 300 sq. ft. GFA

**Table 5.8-1:  
Number of Off-Street Parking Spaces Required: Schedule A**

Use Category	Use	Number of Spaces Required
<b>Food and Beverage Services</b>	Bar, tavern, or lounge	1 per 150 SF GFA
	Microbrewery, distillery, and/or tasting room	1 space per 150 SF GFA
	Fast food restaurant	1 per 4 seats
	Restaurant	1 per every 150 SF (including outdoor waiting/ seating/dining areas)
	Restaurant with Outdoor dining and drinking areas	1 per every 150 SF (including outdoor waiting/ seating/dining areas)
<b>Funeral and Interment Services</b>	All uses	1 space for each 50 SF of floor space in slumber rooms, parlors or individual funeral service rooms
<b>Lodging Facilities</b>	Bed and breakfast	2 spaces + 1 per guest bedroom
	Boardinghouse	1 + 1 per guest bedroom
	Hostel	2 for every 3 guest rooms plus 1 for every 8 seats in all auxiliary rooms including restaurant and drinking establishments, banquet halls and meeting rooms
	Hotels and motels	1 per guestroom
<b>Maintenance and Repair Services</b>	Major repair establishment	1 per 1,000 sq. ft. of GFA
	Minor repair establishment	1 per every 300 sf
<b>Marijuana</b>	Medical marijuana center	See Retail Sales
	Medical marijuana infused product manufacturer	See Sched. B
	Optional medical marijuana cultivation premises	See Sched. B
	Retail marijuana cultivation facility	See Sched. B
	Retail marijuana products manufacturing facility	See Sched. B
	Retail marijuana store	See Retail Sales
	Retail marijuana testing facility	See Sched. B
<b>Offices, Business, and Professional Services</b>	Bank, financial institution	4 per 1,000 sq. ft. GFA
	General office	1 per 300 SF GFA
	Mail or package delivery service	1 per every 300 sf
	Printing shop, blueprinting, and copies	Retail or service
	Professional, government, or administrative office	1 per 300 SF GFA
<b>Personal Services</b>	Commercial laundry and dry cleaning	1 per 250 SF GFA
	Personal service, general	1 per 200 SF if under 2000 SF GFA 1 per 333 SF if over 2000 SF GFA
	Self-service laundromat	1 per 250 SF GFA
<b>Recreation and Entertainment, indoor</b>	Health and athletic clubs, aerobics, recreational	1 per 200 SF GFA
	Indoor recreational facility	4 per court plus 1 per 200 SF of remaining floor area
	Theater	1 per four seats of principal room. If no fixed seating, then based on maximum capacity under provisions of Uniform Building Code.
	Amusement and entertainment facilities, theaters and public assembly	1 per 300 SF GFA
<b>Recreation and Entertainment, Outdoor</b>	Campground and RV park	1 per space + 1 per employee
	Commercial outdoor facility	1 per 200 SF + 1 per every 4 persons of maximum outdoor facility capacity
<b>Retail Sales</b>	Building materials, feed, supply store	1 per 1,000 SF GFA

**Table 5.8-1:  
Number of Off-Street Parking Spaces Required: Schedule A**

Use Category	Use	Number of Spaces Required
	Convenience store, without fuel	1 per 300 SF GFA
	Grocery store	1 per every 300 SF
	Liquor store	1 per 300 SF GFA
	Non-bulk storage/sale of Liquefied Petroleum Gas (LPG) – less than 2,000 gallons	1 per every 400 sf
	General commercial and retail sales: if structure is:	
	1,500 SF or less:	1 per 200 SF GFA
	1,500-10,000 SF :	1 per 200 SF GFA
	over 10,000 SF :	1 per 300 SF GFA
	Wholesale material sales	1 per every 1,000 sf
<b>Vehicles and Equipment</b>	Automotive fuel sales	1 per every 400 SF and 1 per fuel pump
	Automotive parts and accessory sales	1 per 400 SF GFA
	Automotive repair shop	4 per bay (provided that all vehicles in custody of operator of business for purpose of service, repair or storage shall be stored on premises or on a separate off-street parking lot or building)
	Automotive sales or leasing	1 for every 300 SF GFA of sales and showroom area, 3 spaces for every service bay in repair garage areas, and one space for every vehicle customarily used in the operation of this use or stored on the premises. This shall not include space provided for vehicles for sale or lease.
	Auto wash	6 stacking spaces if automatic, 3 stacking spaces if self-service
	Equipment sales and leasing, farm and construction	1 per 400 SF
	Major repair establishment	1 per 1,000 SF GFA
	Minor repair establishment	1 per every 300 sf
<b>Industrial and Other Uses</b>		
<b>Industrial Services</b>	Asphalt and concrete batch plant operation	See Schedule B
	Bulk storage of Liquefied Petroleum Gas (LPG) - (2,000 gallons or more)	1 per 500 SF
	Contractor construction yard or facility	1 per 333 SF GFA
	Gravel and mineral extraction and processing	See Schedule B
	Motor or railroad freight depot	1 per every 2,000 SF
	Printing, fabrication plants, furniture store, warehousing	1 per 1,500 SF GFA
<b>Manufacturing and Production</b>	Assembly, fabrication, manufacturing, and/or testing	See Schedule B
	Brewery, bottling plant	1 per 1,500 SF GFA
	Data processing	1per 333 SF GFA
	Food processing plant	
	Indoor manufacturing and industrial uses, contractors offices, business services	1 per 1,500 SF GFA
	Microbrewery, distillery, and/or tasting room	1 space per 150 SFGFA
<b>Storage and Warehousing</b>	Outdoor storage	See Schedule B
	Storage facilities, storage and contractor yards	See Schedule B
	Self-storage (mini-storage) facilities)	3 spaces + 1 per every 100 units

**Table 5.8-1:  
Number of Off-Street Parking Spaces Required: Schedule A**

Use Category	Use	Number of Spaces Required
	Shipping, receiving, and distribution facility	1 per every 1,000 SF
	Warehousing	1 per every 2,500 SF
<b>Waste and Salvage</b>	Automotive salvage yard	See Schedule B
	Construction waste recycling and compacting facility	See Schedule B
	Recycling of metals, paper, plastic, or automotive oil	See Schedule B
<b>Utilities</b>	Radio or television tower	See Schedule C
	Solar energy device, primary use	See Schedule C
	Substation, receiving station, or switching station	See Schedule C
	Water and wastewater treatment facility	See Schedule C
	Water reservoir	See Schedule C
	Water storage tank	See Schedule C
<b>Accessory Uses</b>		
	Administrative, laboratory, and storage use related to public utility uses	1 per 500 SF GFA
	Automatic teller machine (ATM)	3 stacking spaces measured from teller machine
	Garage, carport, or utility shed	
	Home occupation	Not more than one customer's motor vehicle and additionally one motor vehicle associated with the home occupation shall be permitted in conjunction with the activity; (plus additional required spaces for single-family dwelling)
	Outdoor storage, accessory	See Schedule C
	Retail sales of products directly related to a primary industrial use	See Schedule C
	Satellite-receiving dish	See Schedule C
	Solar energy device, accessory use	See Schedule C
	Wind energy conversion system (WECS)	See Schedule C
	Other accessory uses, if determined by the Director to comply with the performance standards of the Code. See Section 4.3.1.	
<b>Temporary Uses</b>		
	Expansion or replacement facilities	See Schedule C
	Mobile vendor	See Schedule C
	Regularly operated open air and/or farmer's market	See Schedule C
	Temporary office space and equipment storage	See Schedule C
	Temporary special event	See Schedule C
	Tent structure for single-vehicle parking	See Schedule C

**B. Schedule B**

Uses that reference "Schedule B" in *Off-Street Parking Schedule A* shall provide the minimum number of off-street parking spaces listed in Table 5.8-2 below. Unless otherwise approved, lots containing more than one activity shall provide parking and loading in an amount equal to the total of the requirements for all activities.

<b>Table 5.8-2: Off-Street Parking Schedule B</b>	
<b>Activity</b>	<b>Number of spaces required</b>
<b>Office or Administrative Area</b>	1 per 300 SF
<b>Indoor Sales Area</b>	1 per 200 SF
<b>Outdoor Sales/Display/ or Storage Area (3,000 SF or less)</b>	1 per 750 SF
<b>Outdoor Sales/Display/ or Storage Area (over 3,000 SF )</b>	
Motor Vehicles/Equipment Sales	1 per 2,000 SF
Other Sales/Display/ Storage	1 per 1,000 SF
<b>Indoor Storage/Warehousing/Vehicle Service/Manufacturing Area</b>	
1 - 3,000 SF	1 per 250 SF
3,001 - 5,000 SF	1 per 500 SF
5,001 – 10,000 square feet	1 per 750 SF
10,001 and greater	1 per 1,250 SF

**C. Schedule C: Uses with Variable Vehicle Parking Demand Characteristics and Unlisted Uses**

For some listed uses, Table 5.8-1: *Off-Street Parking Schedule A*, refers to this subsection because the use has widely varying vehicle parking and loading demand characteristics, making it difficult to establish a single appropriate off-street vehicle parking or loading standard. On receiving an application proposing such a use, or proposing a use not expressly listed in Table 5.8-1, the Director is authorized to:

1. Apply the minimum off-street parking space requirement specified in Table 5.8-3 for the listed use that is deemed most similar to the proposed use; or
2. Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association or the American Planning Association; or
3. Establish the minimum off-street parking space requirement based on local or national best practices; or
4. Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on the recommendations of the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data, and that includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

**D. Off-Street Loading Requirements**

Off-street loading spaces shall be provided for all public/institutional, commercial, and industrial uses in accordance with the following table of minimum requirements:

**Table 5.8-3:  
Off-Street Loading Requirements**

Use size	Loading spaces required
Under 15,000 square feet	None
15,000–49,999 square feet	1
50,000+	2

### E. Maximum Parking Spaces Allowed

No commercial or industrial use shall provide off-street parking spaces in an amount that is more than 125 percent of the minimum requirements established in Table 5.8-1, *Off-Street Parking Schedule A*, unless mitigation is provided in the form of additional landscaping pursuant to subsection 5.8.3.E.3 below.

#### 1. Calculating Maximum Spaces

- a. For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement:
  - i. Accessible parking;
  - ii. Vanpool and carpool parking;
  - iii. On-street parking adjacent to the lot or lots on which the parking located; and
  - iv. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.
- b. For the purpose of calculating parking requirements, fleet vehicle parking spaces shall not count against either the minimum or maximum requirements.

#### 2. Exceptions to Maximum Parking Requirement

Exceptions to the maximum parking requirement may be allowed by the Director in situations that meet the following criteria:

- a. The proposed development has unique or unusual characteristics such as high sales volume per floor area or low turnover, that create a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;
- b. The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio;
- c. The request is the minimum necessary variation from the standards; or
- d. If application of the maximum parking standard would result in fewer than six parking spaces, the development shall be allowed six parking spaces.

#### 3. Enhanced Landscaping Required for Parking in Excess of Maximum

Parking that is provided in excess of the 125 percent of the maximum parking requirement shall be required to increase the internal landscaping requirements required in Section 5.4.3.C, *Parking Lot Landscaping*, and shall be required to

use pervious pavement for the number of spaces that exceed the maximum parking requirement and in the center rows between the wheel stops or curbs.

#### F. Computation of Parking and Loading Requirements

##### 1. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction exceeding 0.5 shall be rounded up to the next higher whole number.

##### 2. Multiple Uses

Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.

##### 3. Area Measurements

Unless otherwise specified, all square footage-based parking and loading standards shall be computed on the basis of gross floor area of the use in question. Structured parking within a building shall not be counted in such measurement.

##### 4. Computation of Off-Street Loading Spaces

Required off-street loading spaces shall not be included as off-street parking spaces in computation of required off-street parking space.

#### 5.8.4. PARKING ALTERNATIVES

The Director may approve alternatives to providing the number of off-street parking spaces required by this Code in accordance with the following standards.

##### A. Shared Parking

The Director may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards:

##### 1. Location

Shared parking spaces shall not be located farther than 600 feet of an entrance.

##### 2. Zoning Classification

Shared parking areas shall be located on a site with the same or a more intensive zoning classification than required for the primary uses served.

##### 3. Shared Parking Study

Those proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to staff that clearly demonstrates the feasibility of shared parking. The applicant shall also demonstrate that any parking reduction requested as part of the shared parking study will not result in the spillover of parking onto other properties or the public right-of-way.

##### 4. Agreement for Shared Parking

The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the Director as to form and content. The Director may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas

affected by such an agreement. Recordation of the agreement shall take place before issuance of a building permit for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of Table 5.8-1: *Off-Street Parking Schedule A*.

## B. Off-Site Parking

The Director may approve the location of required off-site parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

### 1. Location

- a. Off-site parking may be allowed only in the HCC district, or outside the HCC upon issuance of a permit for a special event.
- b. No off-site parking space may be located more than 600 feet from an entrance to a principal use (or more than 150 feet from residential uses in the HCC district), measured along the shortest legal pedestrian route. Off-site parking spaces shall be connected to the use by acceptable pedestrian facilities, as defined in Section 5.5.3: *Pedestrian Circulation*, of this Code. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway, a traffic signal, a shuttle bus, or other traffic control is provided or other traffic control or remote parking shuttle bus service is provided.

### 2. Control of Site

With the exception of the HCC zoning district, required parking spaces for residential uses shall be located on the site of the use or within a tract owned in common by all the owners of the properties that will use the tract.

### 3. Agreement for Off-Site Parking

In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required. An attested copy of the agreement between the owners of record shall be submitted to the Town for recordation in a form acceptable to the Town Attorney. Recordation of the agreement shall take place before issuance of a building permit or certificate of occupancy for any use to be served by the off-site parking area. In the event that an off-site parking agreement is terminated, all required off-street parking spaces shall be provided in accordance with the requirements of this chapter. No use shall be continued if the parking is removed unless substitute parking facilities are provided, and the Director shall be notified at least 60 days prior to the termination of a lease or agreement for off-site parking.

### 4. Ineligible Activities

Required parking spaces for persons with disabilities may not be located off-site.

### C. Structured Parking

#### 1. Maximum Parking Waiver

Where 75 percent or more of the parking accessory to a use is in structured parking, there shall be no maximum cap on the number of parking spaces in that structure.

#### 2. Height of Parking Structure

The height of a parking structure shall not exceed the height of the principal building it is intended to serve. Where no principal building exists, the maximum height of the parking structure shall be limited to the maximum building height allowed in the zoning district in which the structure is located.

### D. Sites in MU District

In the Mixed-Use district, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately, subject to the modifications set forth below. More than one of the reductions below may be applicable, but the maximum parking reduction on the site shall not be greater than 30 percent.

1. All uses within the MU district shall be eligible for a 15 percent parking reduction to reflect the reduced automobile use associated with mixed-use developments.
2. A 15 percent parking reduction for multifamily residential dwellings may be allowed if the proposed use is located within 300 feet of a transit stop.
3. For non-residential uses, the minimum parking requirement may be reduced 20 percent if the use incorporates a transit stop that meets minimum design standards established by the Town.
4. The total number of parking spaces required of a use or uses in the Mixed-Use district may be further reduced by the Director if the applicant prepares a parking evaluation that demonstrates a reduction is appropriate based on the expected parking needs of the development, availability of mass transit, and similar factors. The parking evaluation shall be prepared in a form and manner prescribed by the Director.

### E. Sites in the HCC District

In addition to complying with the general off-street parking requirements in Section 5.8: *Off-Street Parking*, the following standards shall apply in the HCC district:

#### 1. Residential

Off-street parking shall be provided for all residential dwelling units in the HCC district in amounts set forth in Section 5.8.3: *Off-Street Parking Requirements*.

#### 2. Commercial

All lodging uses shall provide parking in amounts set forth in Section 5.8.3: *Off-Street Parking Requirements*. These spaces can be provided onsite or by payment to the Town of a fee in lieu of onsite parking. Parking provided for residential dwelling units shall not be counted toward this parking obligation. Parking is not required for other nonresidential uses in the HCC district.

### 3. Parking Credits

The Board of Trustees may, in its sole discretion, grant a parking credit for reclaiming public right-of-way and/or providing parking spaces within the public street right-of-way within the HCC zoning district associated with any building permit for property adjacent to the area of public right-of-way proposed for parking improvements. Any applicant that desires to receive such a parking credit shall, along with a building permit application, submit to the Planning Director a written request, plan, and a draft improvements agreement in a form acceptable to the Town Attorney, which improvements agreement shall require security so that the Town could complete such public improvements within a reasonable time period if the applicant fails to do so. The applicant's request for a parking credit shall be referred to the Board of Trustees for consideration on its next available regular meeting agenda. The Board of Trustees may, in its sole discretion, approve, approve with conditions or changes, or deny any such parking credit proposal.

### 4. Residential Parking Requirements and Mitigation

#### a. Restriction on Surface Parking for Residential Parking

No more than 33 percent of the surface area of a lot or combination of lots shall be used for required on-site parking for residential dwelling units. Surface parking shall be to the rear of the lot or the combination of lots, and away from public frontages by at least 30 feet unless it can be demonstrated that other suitable solutions are not possible and that parking with the 30-foot setback is screened from view.

#### b. Number of Residential Parking Spaces Required

The number of parking spaces for all residential dwelling units shall comply with the requirements of Section 5.8, *Off-Street Parking*, with the exception that guest parking for multiple-family dwelling units shall not be required.

#### c. Any lot or any combination of lots located within the HCC zoning district that consists of less than 16,500 square feet of overall land area shall comply with the following residential parking requirements:

- i. A minimum of one parking space per residential dwelling unit shall be provided on-site.
- ii. Any required residential parking spaces not provided onsite shall be mitigated by a cash-in-lieu payment to the Town.

### F. District Parking

Minimum required off-street parking spaces may be waived or reduced for properties within the boundaries of a public parking or local improvement district that provides district-wide parking facilities, based on the projected parking demand to be addressed by the district-wide facility.

### G. Stacked, Tandem, and Valet Parking

1. Stacked, tandem, or valet parking for nonresidential uses is allowed if an attendant is present to move vehicles. In addition, a guarantee acceptable to the Town shall be filed with the Town ensuring that a valet parking attendant shall always be on duty when the parking lot is in operation.
2. Tandem parking is allowed for single-family, duplex, and triplex residential uses.

**5.8.5. GENERAL STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS****A. Accessible Parking Spaces for Physically Disabled Persons**

In each off-street parking area, a portion of the total number of off-street vehicle parking spaces shall be spaces specifically designated, located, and reserved for use by persons with physical disabilities (“accessible parking spaces”), in accordance with the standards adopted by the Town from time to time.

**B. Use of Off-Street Parking and Loading Areas**

Off-street vehicle parking areas required by this Section shall be used solely for the parking of licensed motorized vehicles in operating condition.

**1. Nonresidential Areas**

Required off-street parking spaces and loading spaces for nonresidential uses other than hotels shall not be used for:

- a. Overnight parking of vehicle or containers—including, but not limited to, semi-trailer trucks, semi-trailers, or recreational vehicles, mobiles homes, boats, and other vehicles providing transient residency, or similar uses;
- b. The display or storage of goods for sale or lease (except storage of vehicles as part of an automobile or recreational vehicle sales or rental use, or a temporary portable storage unit);
- c. The dismantling or service of any motor vehicles, recreational vehicles, or mobile homes; or
- d. Other vehicles or containers used for storage of building materials, equipment, or supplies.

**2. Residential Areas**

Within the OTR, R/LD, R/MD, and R/HD zoning districts (or within any PUD zoning district that allows residential use, unless such parking is otherwise allowed in the PUD zoning district text):

**a. Parking Within a Front Yard**

There may be one open or exterior parking space on a designated driveway permitted in front of each enclosed parking space.

**b. All Other Parking**

- i. All other open parking shall occur elsewhere on the lot outside of the front yard setback and on an improved area having a surface of asphalt, concrete, rock, gravel or other similar inorganic material, with a permanent border that defines the parking area and that is designed and constructed to prevent loose material, such as rock or gravel, from spilling onto any abutting public street, sidewalk, or adjoining property.
- ii. Any parking within a required front yard setback shall not exceed a maximum of 50 percent of the total area within said setback, measured in square footage. The Board of Trustees shall be authorized to exempt certain lots or blocks where it deems that other parking arrangements are appropriate.
- iii. No vehicles in excess of 10,000 pounds gross vehicle weight (GVW) shall be parked in any front yard of any lot.

- iv. No person shall park, or knowingly permit to be parked, any unsheltered motor vehicle, boat, or trailer in any front yard of any lot for any purpose except the washing of such vehicle or trailer, unless such motor vehicle or other nonmotorized vehicle or trailer is parked:
  - a. On the designated driveway that provides direct access to the garage from the street; or
  - b. On an improved area having an asphalt, concrete, rock, gravel or other similar surface which is intended for the parking of motor vehicles other nonmotorized vehicles or trailers, provided such space is buffered from the view of adjacent properties in accordance with Section 5.4.5; or
  - c. The temporary placement of the motor vehicle other nonmotorized vehicle or trailer in the front yard does not exceed a continuous 24-hour period within any month.
- v. Large Vehicles
 

The parking of one or more vehicles of more than five tons cargo capacity shall be considered a commercial use and is prohibited in all residential districts including approved home occupations.

### C. Temporary Storage

The temporary storage of materials or other goods may take place in a required parking space. However, the use of a required parking space for such purposes shall not exceed a period of 30 days within a calendar year.

### D. Maintenance of Off-Street Parking Areas

All off-street parking spaces, driveways, and maneuvering areas shall be properly graded and drained, maintained in good condition, free of weeds, dust, trash, and debris and shall not be improved, used or altered in any fashion so as to preclude their suitability for use as off-street parking.

### E. Limited Access Parking Areas

Where access is controlled by a guard house or entry gate, a conditional use permit shall be obtained to resolve any problems involving provision of police, fire, ambulance, refuse, and other services to the area of controlled access.

### F. Control over Parking Areas

Nothing in this Section shall be deemed to deprive the owners or operators of the affected property the right to maintain control over such property devoted to off-street parking not inconsistent with this Code or to charge whatever fees they deem appropriate to off-street parking users.

## 5.8.6. DESIGN OF OFF-STREET PARKING AND LOADING AREAS

### A. Location

#### 1. Same Lot Required

Required off-street parking, loading, and vehicle stacking spaces shall be located on the same lot as the principal use, except as otherwise provided in this subsection or as allowed in subsection 5.8.4: *Parking Alternatives*.

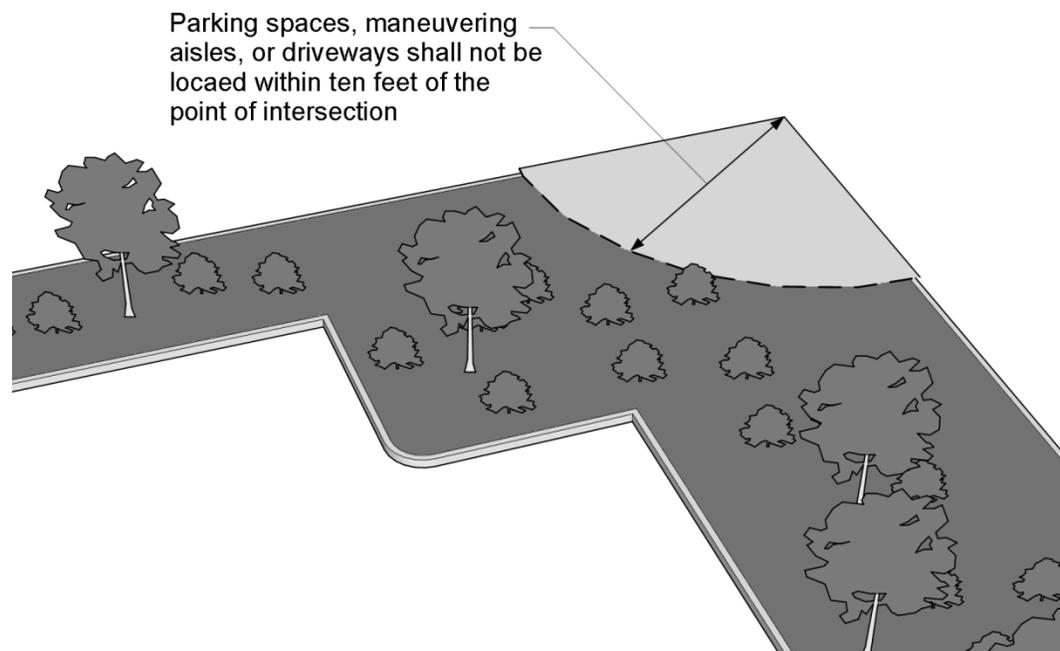
## 2. All Residential Uses

With the exception of the HCC zoning district, all required parking spaces for single-family and multifamily residential uses shall be located on the same lot as the dwelling for which they are provided.

## 3. Corner Lots

Parking spaces, maneuvering aisles, or driveways shall not be located within 10 feet of the point of intersection or the projected property lines of a street intersection. All vehicles shall be prohibited from parking on any corner lot within this radius. In nonresidential and multifamily uses the area within this radius is to be completely landscaped in accordance with landscape standards in Section 5.4, *Landscaping and Screening*. See Figure 5.8.6-A below:

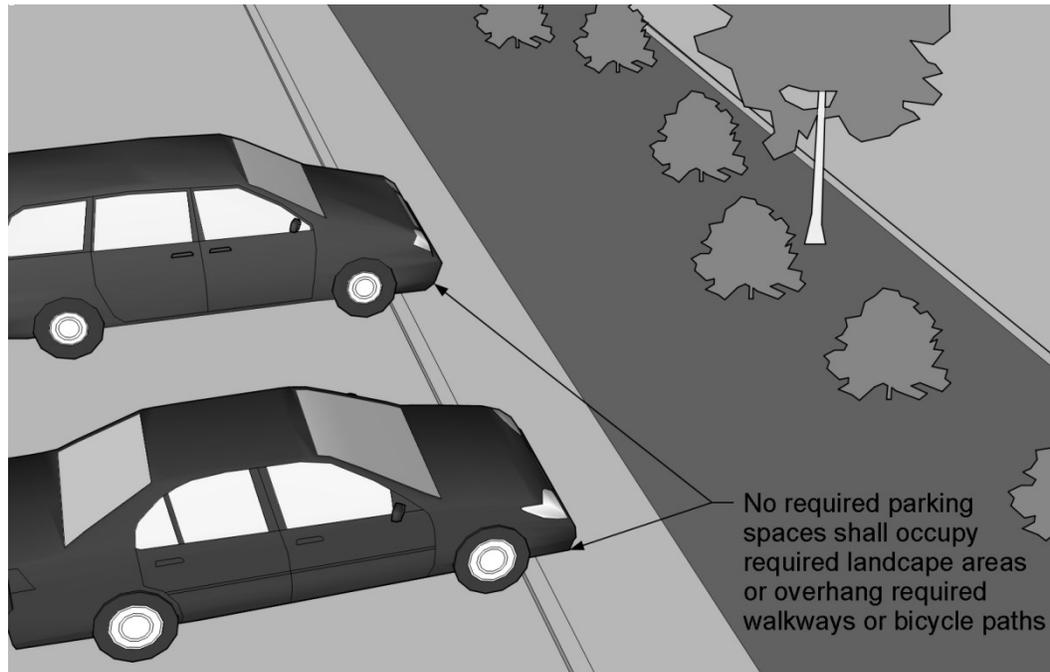
**Figure 5.8.6-A: Corner Lot Off-Street Parking**



## 4. Landscaped Areas, Walkways or Bicycle Paths

No required parking spaces including allowed overhangs and any maneuvering areas (except access driveways) shall occupy the required landscape areas in any zoning district. Parking spaces should not overhang required walkways or bicycle paths. Figure 5.8.6-B illustrates parking spaces in violation of these standards.

Figure 5.8.6-B: Parking Space Location



#### 5. Nonresidential Uses

- a. Parking for nonresidential uses may be located in any other nonresidential zoning district if off-site parking is approved pursuant to Section 5.8.4.B, *Off-Site Parking*.
- b. Parking for nonresidential uses is prohibited in all residential districts.

#### B. Stacking Lanes

Where traffic flow is controlled by an entry gate, guard house or drive-through service facility, an adequate stacking lane, approved by the Director, shall be provided in a manner that does not interfere with maneuvering into parking spaces or traffic flow of aisles, streets, bike paths or sidewalks.

#### C. Dimensional Standards

1. All parking areas, including interior and exterior required parking spaces, driveways, and maneuvering areas shall be constructed to the dimensional standards set forth in this subsection.
2. Any one-car garage in which a required parking space is provided shall measure a minimum of 10 feet in width by 20 feet in depth.
3. Any two-car garage in which two required parking spaces are provided shall measure a minimum of 20 feet in width by 20 feet in depth.
4. No parking space shall cover a public sidewalk or in any way restrict pedestrian access to a public sidewalk.
5. All other parking areas, driveways, and maneuvering areas shall be constructed to the dimensional standards shown in Figure 5.8.6-C below:

Figure 5.8.6-C: Off-Street Parking Dimensional Standards

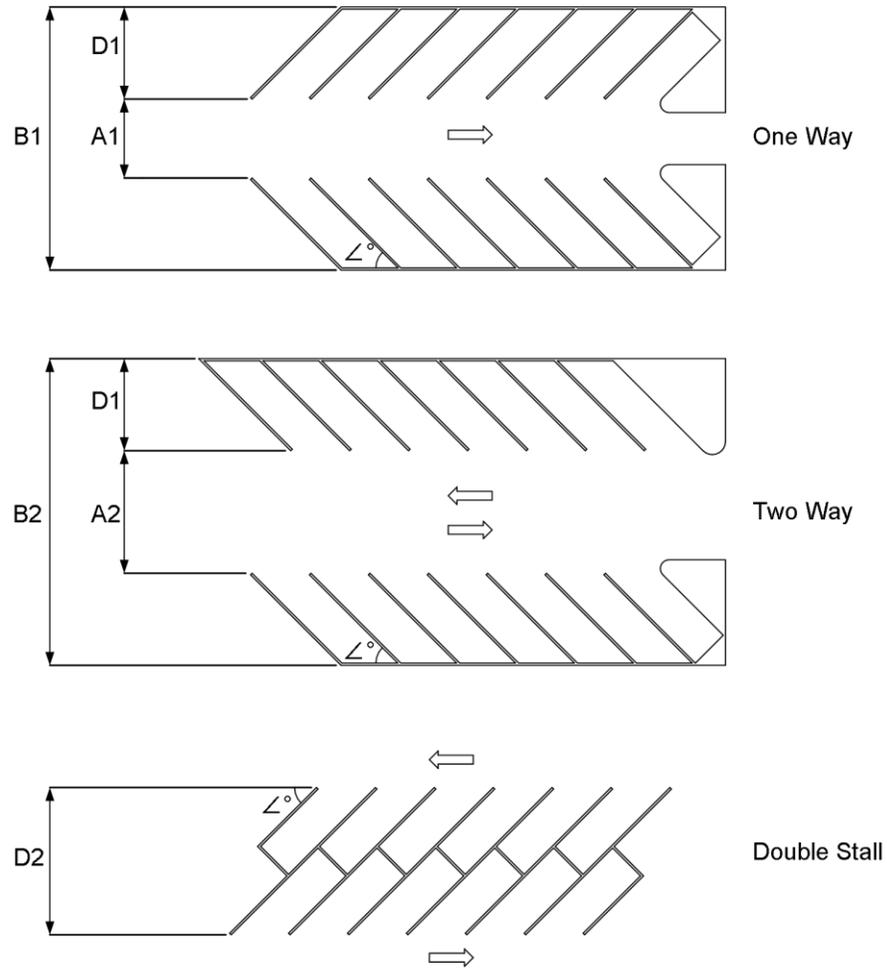


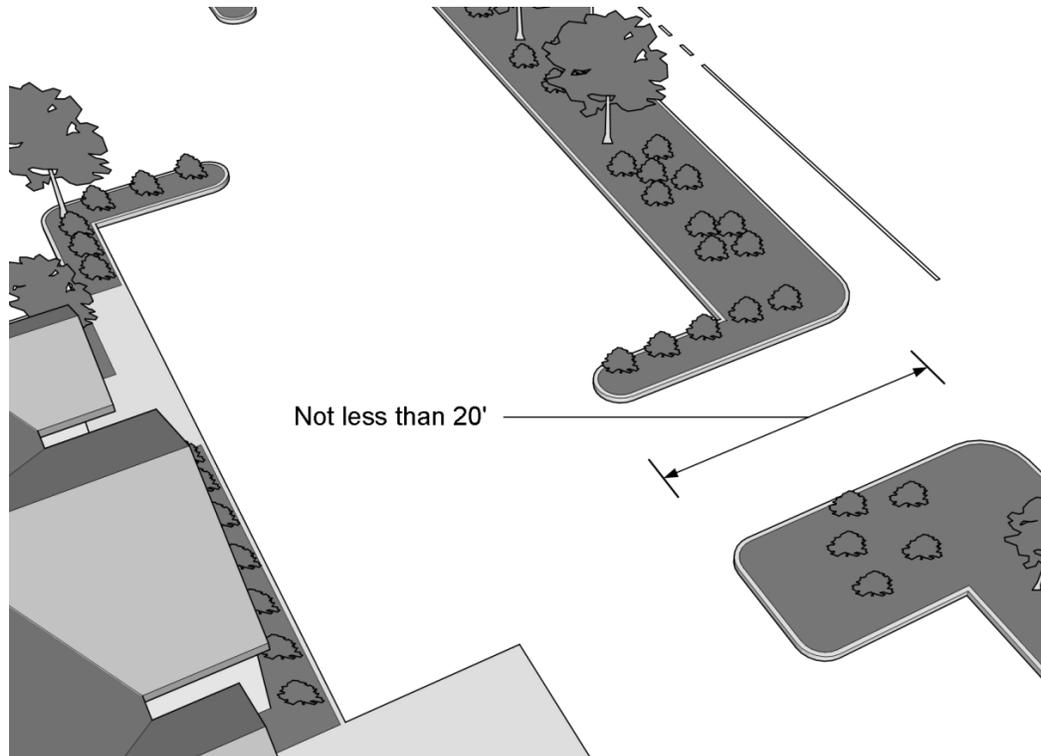
Table 5.8-4:

Off-Street Parking Dimensional Standards

Parking angle (degree)	Curb length	Stall depth		Aisle width		Bay width		Strip length
		Single (D1)	Double (D2)	One Way (A1)	Two Way (A2)	One Way (B1)	Two Way (B2)	
90	8'6"	18'	36'	23'	23'	59'	59'	18'
60	10'	20'	36'	17'	18'	57'	58'	23'
45	12'	18'6"	32'	13'	18'	50'	55'	26'6"
30	17'	16'6"	26'	12'	18'	45'	51'	32'8"
0	22'	8'6"	17'	12'	18'	29'	35'	8'6"

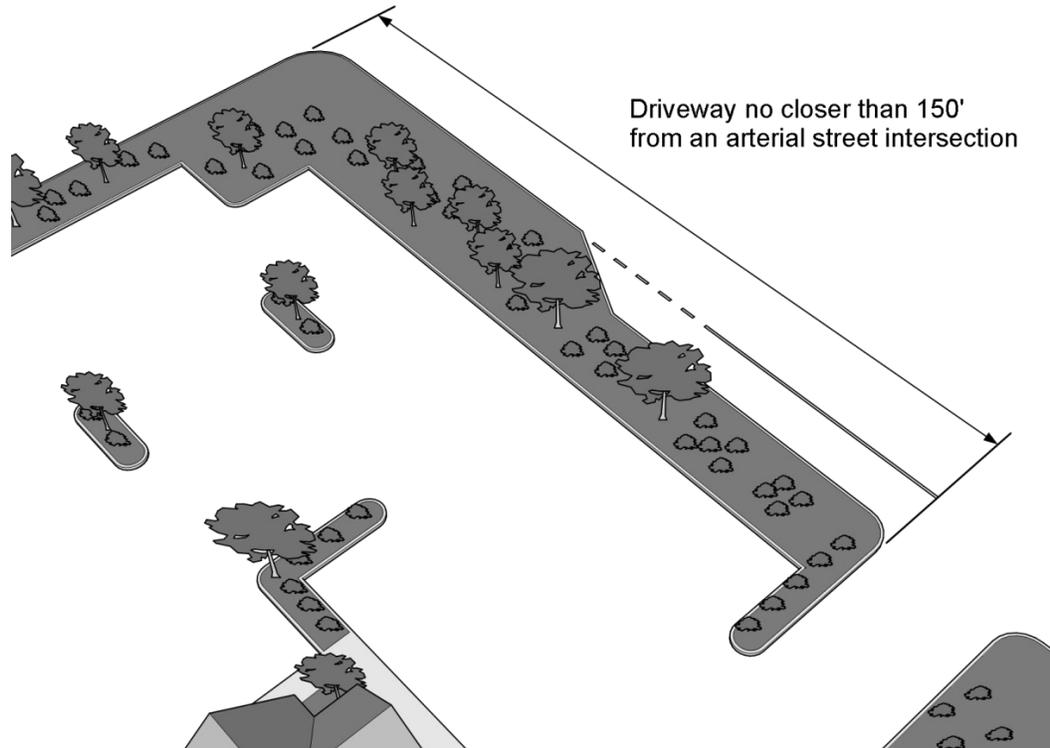
**D. Access to Public Rights-of-Way**

1. A permit is required from the Town prior to any access being established onto any public right-of-way.
2. All required off street parking spaces serving nonresidential uses shall be connected with a public street by a driveway that extends to a point not less than 20 feet within the property lines and that affords safe and convenient ingress and egress (see Figure 5.8.6-D).

**Figure 5.8.6-D: Driveway Depth**

3. A nonresidential use with more than two parking spaces shall be required to accommodate ingress and egress to and from the lot by forward motion of the vehicle. One or two parking spaces may be allowed to back out directly onto arterial, sub-arterial, collector or local streets upon approval by the Director. A request may be made to the Planning and Zoning Commission to review three or more parking spaces directly backing out onto a right-of-way.
4. Driveway curb cuts shall be limited to the fewest number necessary to provide workable access. Driveway curb cuts may vary from 10 feet to 35 feet in width as determined by the public works department or the Director.
5. Entrances and exits to the public rights-of-way shall be located and designed to minimize traffic congestion and safety hazards and to reduce the number and proximity of access points along roadways.
6. Driveways should not be located closer than 150 feet to an arterial street intersection (see Figure 5.8.6-E).

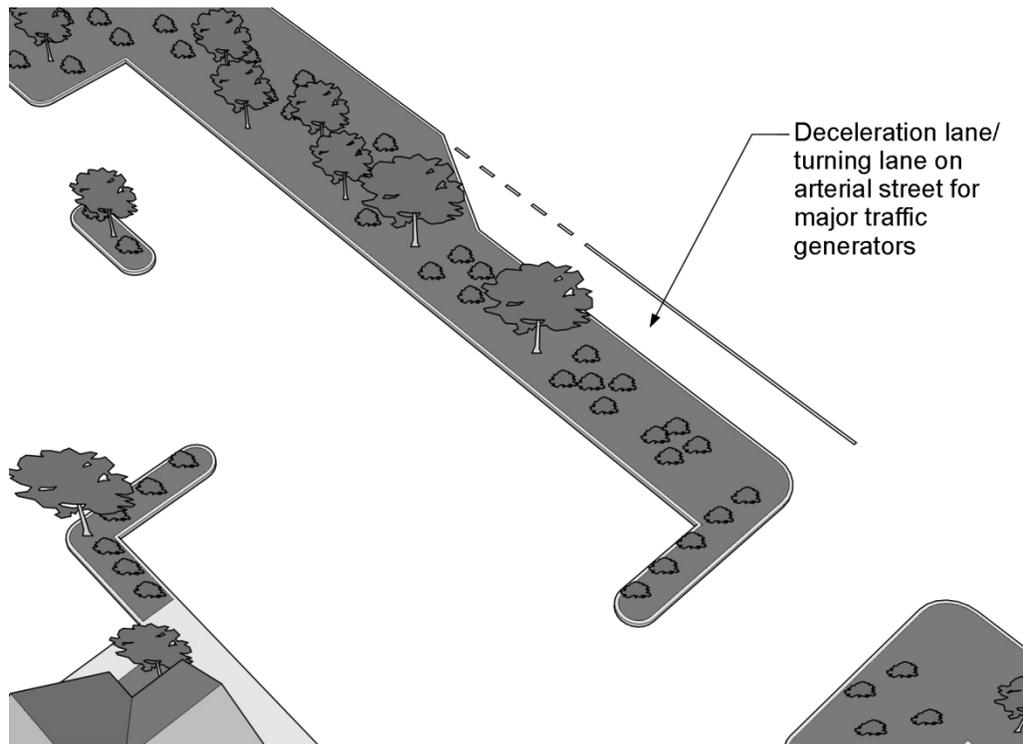
Figure 5.8.6-E: Driveway Location



### E. Access to Highway 133 and Major Arterial Streets

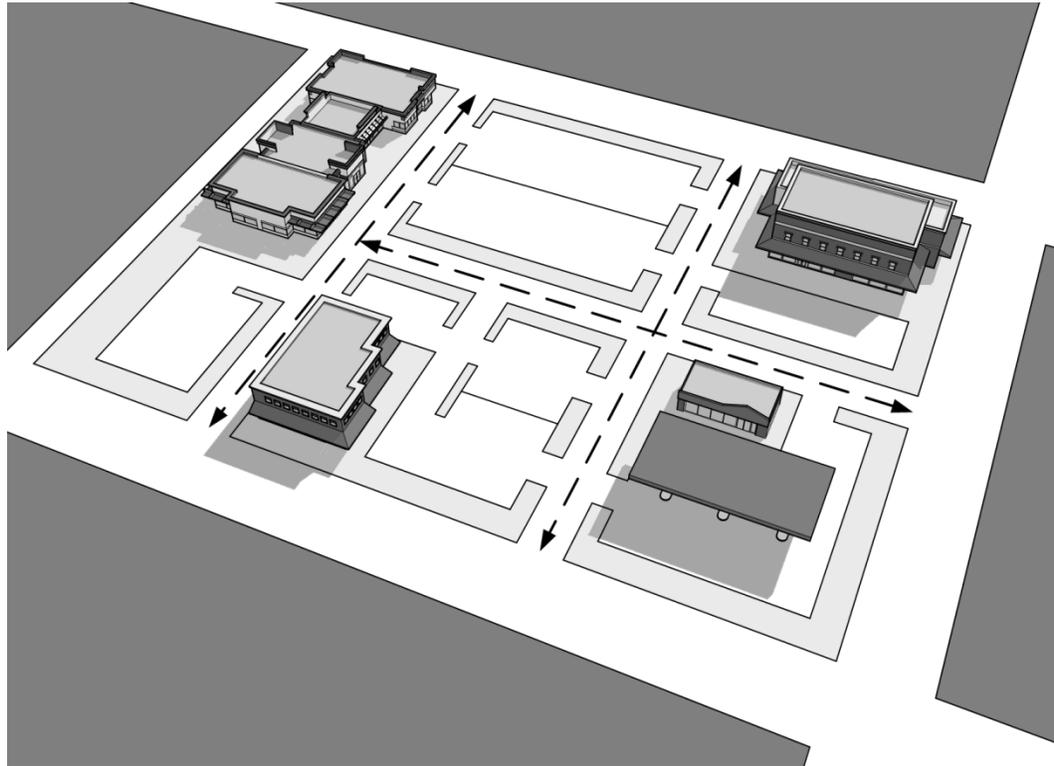
1. A permit from the Colorado Department of Transportation is required prior to establishing access onto Highway 133.
2. In planning access to arterial streets for developments and the subdivision of lots, the following criteria shall be applied. Shared access shall be planned wherever necessary to meet these criteria:
  - a. Driveways along the same side of an arterial street shall be located a minimum of 250 feet apart in 35-miles-per-hour or less zones and 400 feet apart in speed zones greater than 35 miles per hour.
  - b. Curb cuts on opposite sides of an arterial should be aligned directly across from each other or offset in a manner that does not create conflicting left turns.
  - c. Deceleration lanes or turning lanes should be provided on Highway 133 and major arterial streets for major traffic generators (see Figure 5.8.6-F).

Figure 5.8.6-F: Deceleration Lane



3. In service stations, restaurants, and other detached uses situated within a larger commercial development, circulation between the properties should be provided. Shared access to public rights-of-way should be used to the greatest extent possible (see Figure 5.8.6-G).

Figure 5.8.6-G: Commercial Development Circulation



4. No residential use should be allowed to access directly onto a major arterial street. Residential uses should use a hierarchy of streets providing access to major streets via a local or collector street.
5. Access to service areas, bay doors, and loading ramps shall be accommodated by maneuvering areas on-site, allowing ingress and egress to and from the lot by forward motion of the vehicles.

#### F. Surfacing

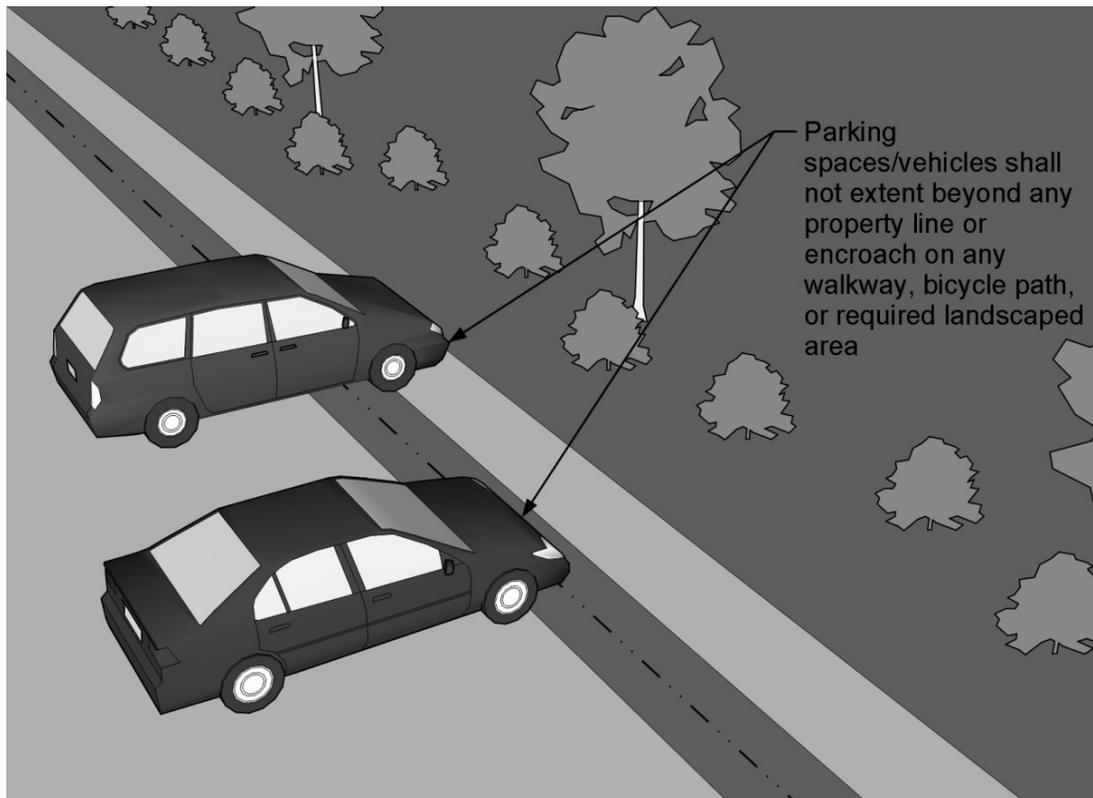
1. In single-family residential districts, off-street parking spaces shall have a minimum of three inches of  $\frac{3}{4}$ -inch road base gravel, asphalt or cement strips at least 18 inches wide or shall be fully surfaced with acceptable pervious surfaces as approved by the Director.
2. In multifamily residential, commercial, mixed-use, industrial, and other nonresidential uses, off-street parking areas, driveways, and maneuvering areas shall be surfaced with pavers, concrete, asphalt mat, chip and seal over road base, or other type of material impervious to water. A pervious surface system may be allowed if approved by the Director. In all nonresidential uses required parking spaces shall be adequately marked to show the dimension and location of each parking space.
3. Parking lots over 1,000 square feet in size shall incorporate Low Impact Development (LID) techniques to protect water quality and reduce run-off. Low impact development techniques may include infiltration pervious pavers, grass

crete, rain gardens, grass swales, or other porous landscape stormwater detention areas as approved by the Director.

### G. Encroachment into Pedestrian and Landscape Areas

In commercial, mixed-use, and industrial districts, parking spaces or a vehicle shall not extend beyond any property line, or encroach on any walkway, bicycle path, or required landscape area (see Figure 5.8.6-H). The Director may require construction of a curb or bumper guard at least six inches in height if the particular situation warrants. Vehicles may overhang a walkway or a bicycle path if a minimum unobstructed width of six feet remains on the walkway or eight feet remains on bike paths.

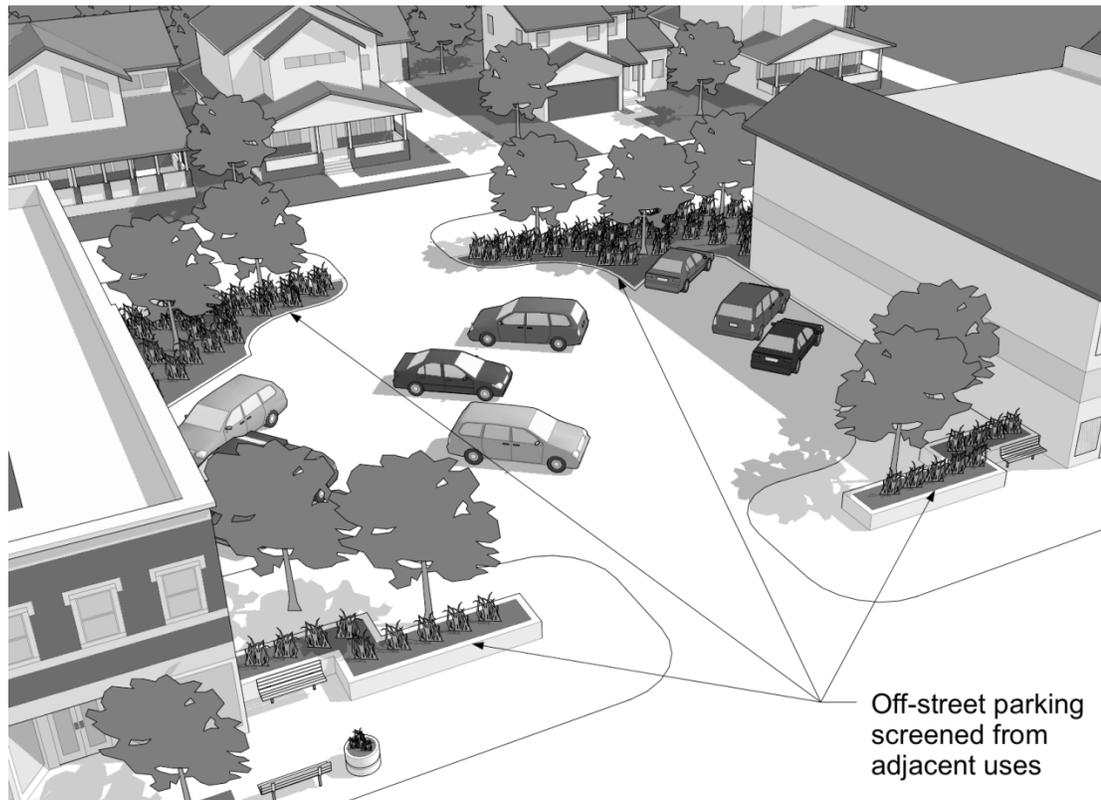
Figure 5.8.6-H: Parking Space Encroachment



### H. Screening

All nonresidential uses and all multifamily uses may be required by the Director to provide a fence, barrier, or landscaping of at least six feet in height that visually screens the off-street parking area from adjacent residential low-density uses or residentially zoned area (see Figure 5.8.6-I). All screening fences shall conform to the screening standards in Section 5.4.5, *Screening*.

Figure 5.8.6-I: Off-Street Parking Screening

**I. Exterior Lighting**

Lighted off-street vehicle parking and loading areas shall comply with the standards of Section 5.10: *Exterior Lighting*.

**J. Landscaping**

Except for driveways serving as off-street vehicle parking areas for single-family detached and single-family attached dwellings, all off-street vehicle parking and loading areas shall comply with the standards of Section 5.4.3.C: *Parking Lot Landscaping*.

**K. Design of Off-Street Loading Areas****1. Space Size**

Off-street loading spaces, excluding maneuvering areas, shall be at least 10 feet in width and 25 feet in length, unless off-street loading will involve the use of semi-tractor trailer combinations or other vehicles in excess of 25 feet in length, in which case loading spaces shall be at least 12 feet in width and 65 feet in length. A minimum vertical clearance of 14 feet shall be maintained. The Director may allow an equivalent amount of loading zone or dock space to fulfill the off-street loading requirement.

2. Surfacing and Maintenance

Loading areas and access drives shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.

3. Location

- a. Required off-street loading facilities shall be located on the same lot or parcel of land as the structure they are intended to serve. The required off-street loading space shall not be part of the area used to satisfy the off-street parking requirements.
- b. Required off-street loading areas may not be located in a required setback.
- c. A required loading space shall be accessible without backing a truck across a collector or arterial street property line unless the provision of turnaround space is infeasible.
- d. A loading space shall not intrude into any portion of a required aisle or access dimension.
- e. An occupied loading space shall not prevent access to a required parking space.
- f. To the maximum extent feasible, loading areas shall be located to the rear of a site and/or away from adjacent residential areas. On a site adjoining an alley, a required loading space shall be accessible from the alley.

4. Screening

Exterior loading areas shall be screened on three sides by a building, solid decorative screen wall a minimum eight feet in height, or landscaping five feet in width, adjacent to the screen wall.

5. Signs

The owners of the property shall provide, locate, and maintain loading signs as specified by the Director. Such signs shall not be counted against allowed advertising sign area.

**5.8.7. OFF-STREET BICYCLE PARKING**

**A. Applicability**

All public/institutional and commercial uses shall provide off-street bicycle parking spaces at a minimum ratio of one bicycle parking space per three vehicle parking spaces, and not less than two bicycle parking spaces per 25,000 square feet of gross building floor area. Accessory occupancy areas shall be included in the calculation of primary occupancy area.

1. Change in Occupancy

Where a change in occupancy results in an increase in the occupant load of the building, bicycle parking shall be equivalent to a new building of the new occupancy.

2. Exemptions

- a. No long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross building floor area.

- b. No bicycle parking is required for a commercial parking facility on a surface parking lot in the HCC district.

### 3. Additional Reductions

Subject to the approval of the Director, the number of bicycle parking spaces may be reduced because of building site characteristics including, but not limited to, isolation from other development.

## B. Arrangement and Design

Required off-street bicycle parking spaces shall be provided with bike racks, bike lockers, or similar parking facilities that comply with the following standards:

1. The parking facility shall be located in a visible, well-lit ground-level area that:
  - a. Is conveniently accessible to the primary entrances of a development principal building(s);
  - b. Does not interfere with pedestrian traffic; and
  - c. Is protected from conflicts with vehicular traffic.
2. The parking facility shall provide a space at least 18 inches by 60 inches for each bicycle.
3. The parking facility shall have an overhead clearance of at least seven feet and at least six feet of clearance around its perimeter.
4. The parking facility shall be anchored and designed to support parked bicycles securely and enable them to be locked.
5. Bicycle parking may be located in common open space areas required by Section 5.3: *Open Space*.

## C. Changing and Shower Facilities

Buildings with a total building floor area greater than 1,000 square feet and that are required to be provided with bicycle parking in accordance with this Code shall be equipped with onsite changing room and shower facilities. Not less than one shower shall be provided for each 20 long-term bicycle parking spaces, or fraction thereof. Where more than one changing room and shower facility is required, separate facilities shall be provided for each sex.

## 5.8.8. ADMINISTRATION OF PARKING AND LOADING REQUIREMENTS

- A. Proposed methods of complying with this Section shall be indicated on all plans required to be submitted to the planning department as a part of an application and on any plot plan submitted for a building permit.
- B. Plans shall be drawn to scale, dimensioned and show:
  1. Property lines, required setbacks and easements;
  2. All site improvements including but not limited to: location of the driveways; buildings; landscaped areas; fences; walls; arrangement of required or permitted parking spaces; sufficient area for turning maneuvers and ingress and egress to the parking space; ingress and egress from the parking lot; circulation from parking to the building being served; and other improvements;

3. Plans shall also indicate the gross floor area of the individual uses served by the parking, the method of calculating the required number of parking spaces, and the number of parking spaces provided by type.
- C. Construction of or modification to any required parking areas shall comply with plans approved by the Director.
- D. Whenever a building permit has been granted and the plans so approved for off-street parking, the subsequent use of such property shall be deemed to be conditional upon the continuance and availability of the parking provisions contained in such plans.

## 5.9 SIGNS

### 5.9.1. PURPOSE

The purpose of this section is to provide minimum regulations of signs in order to protect the public from unsafe signs, from signs that obscure or unreasonably distract motorists or conflict with traffic control devices, and to afford reasonable consideration for aesthetics. These regulations and their implementation are intended to:

- A. Provide signs that do not present a safety hazard to the public;
- B. Promote aesthetics in the community by encouraging signs that are compatible with their surroundings;
- C. Provide a reasonable balance between the need to advertise businesses, the need to protect the public from the effects of unsafe signs, and to encourage the aesthetic aspects of signs;
- D. Ensure that signs are integrated in the architectural design and consistent with the character of each development;
- E. Ensure that signs for multi-tenant or phased developments remain consistent in terms of materials, design features, and scale; and
- F. Reduce the visual clutter of numerous signs placed along arterial roadways.

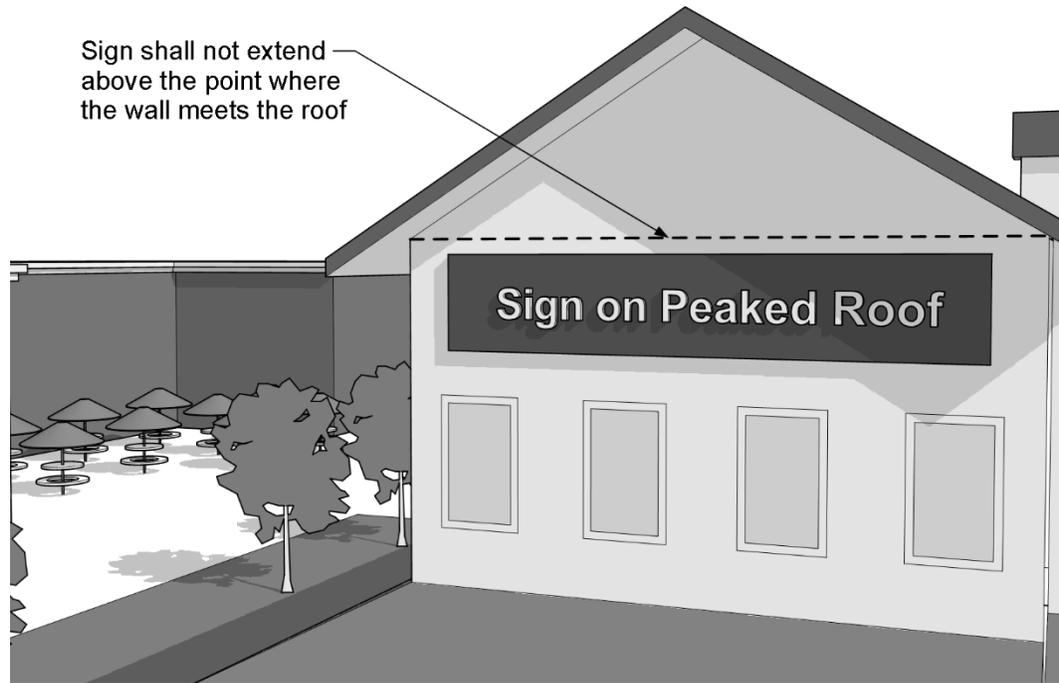
### 5.9.2. SIGN PERMIT REQUIRED

No person shall install or display any sign in any district without the prior issuance of a sign permit issued pursuant to Section 2.5.4: *Sign Permit*. The Director shall have the authority to issue individual sign permits based upon all applicable provisions of this Section. All signs shall comply with Section 5.10.5.C, *Nonresidential-Illuminated Signs*.

### 5.9.3. PROHIBITED SIGNS

- A. No animated or flashing sign shall be permitted.
- B. No sign with lights or illumination that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations shall be permitted.
- C. No sign shall be constructed on any roof, nor shall any wall-mounted or projecting sign extend above any roof line.
  1. In the case of peaked or irregular roofs, no sign shall extend above the point where the wall meets the roof (see Figure 5.9.3-A).

Figure 5.9.3-A: Signage on Buildings with Peaked or Irregular Roofs



2. In the case of a false front or a mansard-type front, the top of such structure shall be considered the roof line.
- D. No sign advertising a business or use shall be installed on any lot other than that on which the business is located unless allowed by subsection 5.9.4.B below, or unless approved by the Town as part of a wayfinding program.
- E. No billboards or advertising signs shall be installed or displayed that are not in compliance with this section and are not located on the property or business identified or advertised in the sign.
- F. No sign advertising a business or use, except for a temporary commercial sign in compliance with Section 5.9.15.F, shall be installed more than 30 calendar days in advance of the business becoming operational.

#### 5.9.4. TYPES AND MAXIMUM ALLOWABLE NUMBER OF PERMITTED SIGNS

##### A. Signs Facing Adjoining Roadways

Except as otherwise provided in subsections 5.9.11 and 5.9.12, a business may choose up to a maximum of two signs from the following list for each adjoining contiguous street or publicly used access road, but may not have more than one of any type of sign facing each adjoining street right-of-way:

1. Flush-mounted or projecting wall-mounted sign;
2. Freestanding sign;
3. Canopy, awning, or porch front sign (located on the vertical face only);

4. Pedestrian way sign;
5. Marquee (limited to business with changeable entertainment).

#### **B. Sandwich Board Signs**

In addition to the allowed signage listed above, a business may have a sandwich board not exceeding six square feet per side.

1. The sandwich board may only be placed on the lot where the business is located or in the Town right-of-way directly fronting the business or may be placed in front of another location with the property owner or business owner's permission.
2. The board may not be left out overnight.
3. The board may not interfere with pedestrian routes, building egress, line of sight at corners and intersections, or the viewing of public art as determined by staff.
4. Along the Highway 133 corridor, the sandwich board shall not exceed 12 square feet per side and may not be placed in the highway right-of-way per C.R.S. § 43-1-117(3). Any signage shall comply with the CDOT Outdoor Advertising Manual.

#### **C. Signs Facing Pedestrian Ways**

Each business fronting on a pedestrian way may choose only one of the three types of signs intended for use by pedestrians listed below.

1. A free-hanging sign not exceeding four square feet in total area;
2. A flush wall-mounted sign not exceeding 10 square feet in total area; or
3. A sandwich board meeting the requirements of 5.9.4.B: *Sandwich Board Signs*, above.

#### **D. Marquees and Changeable Lettering Signs**

Marquees and changeable lettering signs shall be limited to businesses such as theaters and nightclubs that have changeable entertainment. The marquee shall be constructed within the size and height limitations established by this Code and the Building Code, as adopted by the Town. No other signs shall be allowed that have a changeable logo or lettering or that are designed to allow frequent changes of content.

#### **E. Gas Price Signs**

In addition to signs permitted elsewhere in this Code, retail establishments dispensing vehicle fuel shall be permitted to display fuel prices in one location per street front. Numeral size shall be limited to 30 inches in height, and shall be installed no higher than the height of the island canopy.

#### **F. Banners**

1. Banners shall be limited to 40 square feet total, except along the Highway 133 corridor where they may measure 80 square feet total.
2. Banners shall not be placed in the highway right-of-way per C.R.S. § 43-1-117(3)(a).
3. Banners may be displayed for 20 days with two days between the next 20-day display cycle.
4. Only one banner shall be allowed facing each adjoining street.

5. Banners in violation of this Code shall be removed within 24 hours after notification by the Director. The banner must be well-maintained and not show any significant signs of wear. In the event that the regulations create a hardship on a business and there is no other placement option, the Director may review and administratively approve a different placement option.

**G. Neon Signs**

Neon or similar gas-filled signs shall be allowed as any type of sign that meets the requirements of this Section 5.9.

**5.9.5. FREESTANDING SIGNS**

**A. Maximum Sign Area**

The maximum sign area for freestanding signs shall be computed on the basis of height and distance from the street as shown in the charts shown in the figures below. The highest point of sign and the edge of the sign nearest the edge of the roadway shall be plotted on the graph. The point of intersection of these two measurements shall be used to determine the maximum allowable size of the sign in square feet, per face of the freestanding sign. See Figure 5.9.5-A and Figure 5.9.5-B.

**Figure 5.9.5-A: Freestanding Sign Adjacent to an Arterial Street**

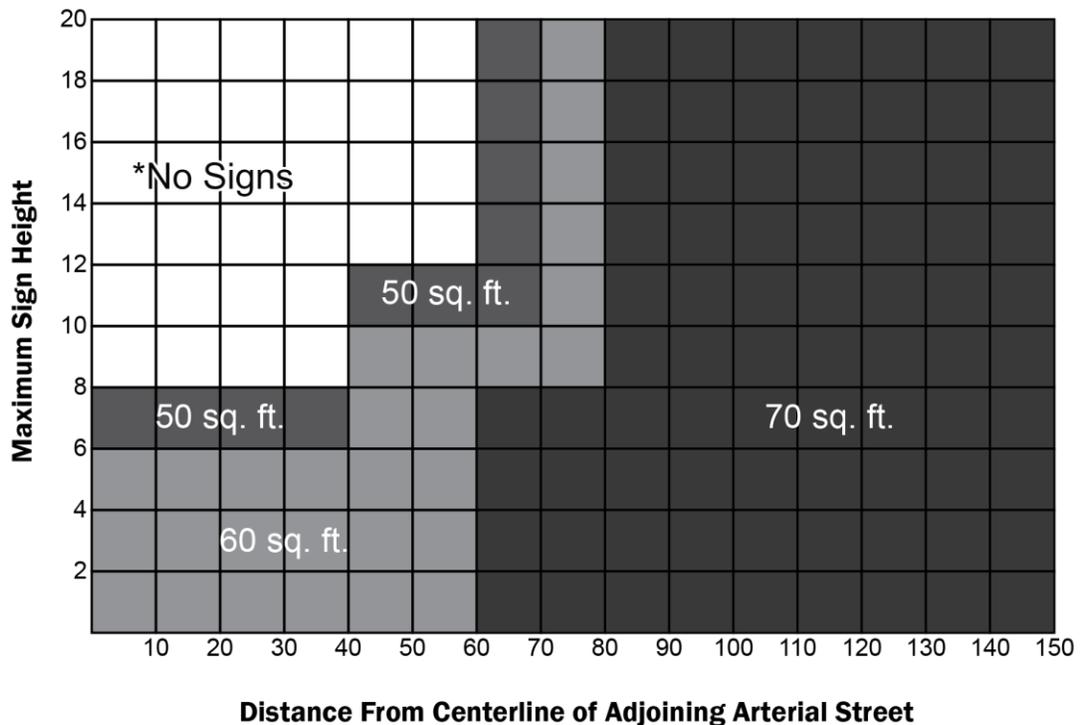
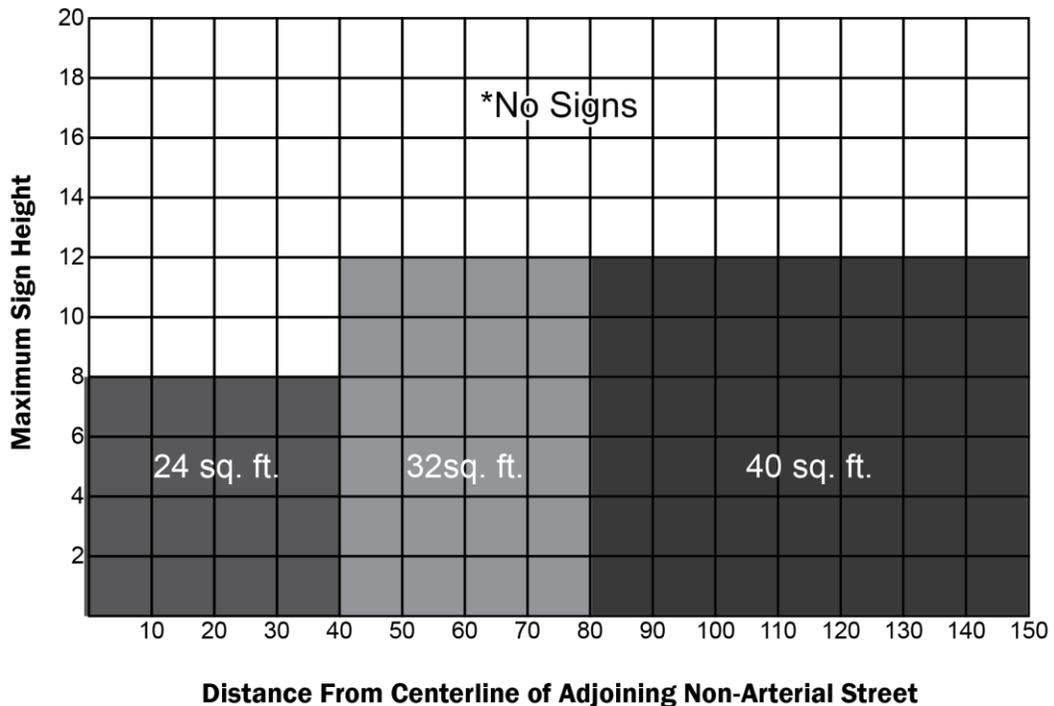


Figure 5.9.5-B: Freestanding Sign Adjacent to a Non-Arterial Street



**B. Maximum Sign Height**

The maximum sign height for freestanding signs shall be determined from the charts shown above and as follows:

1. No portion of any freestanding sign or additional architectural feature shall extend higher than the roof line of the principal building containing the business advertised, with the roof line determined as in subsection 5.9.3.C.
2. Signs above grade shall be measured from a point located one-half the actual distance between the road grade centerline and the finished building grade elevation of the structure the sign is advertising, but said measuring point shall never be more than six feet above grade at the centerline of the adjoining right-of-way.
3. Noncommercial architectural features enhancing the appearance of freestanding signs (such as canopy or mansard roofs) shall not exceed four feet additional height or width, and shall not be used in the computation of the maximum sign size or height. In no case shall any portion of any additional architectural feature extend greater than 20 feet above the road-grade as measured grade of the centerline of the nearest arterial street.

**5.9.6. Flush Wall-Mounted Signs****A. Sign Area Allowed**

Flush wall-mounted signs and projecting wall signs shall be allowed three quarters of a square foot of sign area for each lineal foot of building frontage used by the business being advertised adjacent to each public way, but total sign area shall not exceed the following:

**Table 5.9-1:****Flush-Mounted Wall Signs**

Distance to Street Centerline	Maximum Sign Area Allowed
< 40 feet	20 sq ft
≥ 40 ft - < 60 ft	35 sq ft
≥ 60 ft	70 sq ft

**B. Exceptions**

1. Businesses with building frontage less than 18 feet wide shall be allowed a sign area of 12 square feet.
2. Cutout letters shall be measured as the sum of the area of rectangles outlining each individual letter.

**5.9.7. CANOPY, PORCH FRONT, OR AWNING SIGNS**

- A. Canopy, porch front, and awning signs shall not cover more than three-quarters of facia or vertical portion of the canopy or awning.
- B. No lettering or logo shall extend below or above the limits of the facia or vertical portion of the canopy or awning and shall be limited as follows:

**Table 5.9-2:****Canopy, Porch Front, or Awning Signs**

Distance to Street Centerline	Maximum Sign Area Allowed
< 40 feet	6" high letters
≥ 40 ft - < 60 ft	9" high letters
≥ 60 ft	12" high letters

**5.9.8. MULTITENANT BUILDINGS**

- A. A building defined as a "multitenant structure" may be identified by one additional sign per common entrance, except that no multitenant structure shall be identified by more than one additional sign per contiguous street right-of-way or publicly used access road.
- B. The size and type of common entrance identification signs shall be limited as specified in subsections 5.9.6 and 5.9.7.
- C. In addition, businesses within the multitenant structure that share the common entrance may be identified by a directory sign, provided that the directory be constructed within the limits set forth in subsection 5.9.6, and be part of a

comprehensive sign plan for the multitenant structure submitted to and approved by the Planning and Zoning Commission.

**5.9.9. SUBDIVISION AND MOBILE HOME PARK SIGNS**

Subdivisions and mobile home parks may be identified by two street signs, except that no individual entrance of a subdivision or mobile home park may be identified by more than one street sign. Subdivision and mobile home park street signs are limited to 33 square feet in area and shall be limited in height by the provisions set forth in subsections 5.9.4 and 5.9.5 of this section.

**5.9.10. CONSTRUCTION SITE SIGNS**

A. On sites where construction projects are in progress, the following signs may be permitted:

<b>Table 5.9-3: Construction Site Signs</b>	
<b>Nonresidential Projects</b>	<b>Residential Projects</b>
1 sign identifying the project not exceeding 32 square feet for information such as the names of the project, owner, architect, and principal contractor; plus	1 sign identifying the project not exceeding 12 square feet in size for information such as the names of the principal contractor, architect, and any subcontractor.
1 sign for each subcontractor not exceeding 6 square feet in size.	

B. Construction signs may be erected when the building permit is issued for the project and shall be removed upon issuance of a certificate of occupancy or when work is otherwise.

**5.9.11. SIGNS IN RESIDENTIAL DISTRICTS**

Signs in conjunction with any permitted residential use in a residential-zoned district or any home occupational sign shall conform to the following requirements:

- A. Only one sign with a maximum area of two square feet shall be allowed for an individual use.
- B. The sign may be wall, projecting, or ground-mounted. Ground-mounted signs shall be at least six feet from any property line and at a maximum height of five feet from ground level to the top of the sign.
- C. If more than one business is located on the same lot, one additional professional directory with one listing for each profession or practitioner is permitted.

**5.9.12. SHOPPING COMPLEX SIGNS**

**A. Overall Signing Plan Required**

- 1. An application shall be submitted outlining an overall signing plan for the complex prior to submitting any application for a sign permit for any use within a shopping complex. The signing plan shall identify the method of allocating the square footage of signage for each business, the graphic design, sign type and style, sign colors, and contents to be permitted in the shopping complex.

2. The Director shall have the authority to approve any sign plan or sign application for a sign permit that conforms to the regulations of this section. Plans that do not comply with this section shall require approval by the Board of Adjustment.
3. Once approved, a signage plan shall not be altered in any way except by reapplication and approval in accordance with the regulations in this section. All subsequent applications shall conform to the approved signage plan or shall not be permitted unless an alteration to the signage plan is approved by the Director.
4. All applications for a street sign permit shall be submitted by an individual, business, or corporation having authority and responsibility for administering the affairs of the shopping complex as relate to zoning compliance; or, if no such individual, business, or corporation exists, shall be submitted with written approval of all occupants of the complex.

### **B. General Regulations**

1. Each individual establishment within any shopping complex is subject to the provisions of this section; except, that no individual business may install a separate freestanding sign.
2. An individual business within a shopping complex is allowed to install a street sign exceeding 0.75 square feet of area per lineal foot of building frontage adjacent to each public way, providing the following are met:
  - a. The sign does not exceed 20 square feet if the business is located 40 feet or less from the centerline of the adjoining street;
  - b. The sign does not exceed 35 square feet if the business is located more than 40 but less than 60 feet from the centerline of the closest adjoining street;
  - c. The sign does not exceed 70 square feet if the business is located more than 60 feet from the centerline of the nearest adjoining street;
  - d. The maximum combined area for all wall-mounted signs in the shopping complex does not exceed 0.75 square feet of street sign area for each lineal foot of building frontage for the entire shopping complex adjacent to the adjoining street.
3. No business within a shopping complex shall be identified by more than two signs.
4. In addition to the individual signs authorized in this section, and subject to approval of a signage plan, a shopping complex and its individual businesses may install one sign identifying the complex on each public street frontage upon which the complex is located.

### **5.9.13. INTERIOR WINDOW SIGNS**

Interior window signs are allowed in addition to other permitted signs. Window signs are exempt from the limitations established in this section regulating the number, size, letter size, content, and logo size and do not require a permit. There shall be no limitation on neon signs that are utilized as window signs.

### 5.9.14. PROJECTIONS

- A. No overhanging sign or sign support shall project more than 48 inches from the wall of the building to which the sign is attached.
- B. No overhanging sign shall extend into the airspace beneath which vehicular traffic passes or may pass without provision for adequate clearance.
- C. The minimum clearance between a sidewalk, bicycle path, or pedestrian way and the bottom of any overhanging sign shall be eight feet.

### 5.9.15. EXEMPTIONS

The following types of signs are exempted from all the provisions of this section, except for the construction and safety regulations and the following standards:

#### A. Public Signs

Noncommercial and public interest signs, such as directional signs and informational signs, regulatory signs, and warning signs.

#### B. Integral Signs

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent-type construction and made an integral part of the structure.

#### C. Real Estate Signs

Temporary real estate signs not exceeding six square feet in area located on the subject property and limited to one such sign for each frontage of a home, lot, parcel, or tract less than two acres in area. Lots, parcels, or tracts exceeding two acres in area shall be allowed real estate signs not exceeding 24 square feet. Signs shall be removed within seven days after sale. For property sought to be leased rather than sold, one permanent sign per parcel is allowed, with the signs subject to the size limitations stated in this paragraph.

#### D. Political Campaign Signs

Signs announcing candidates seeking public political office and other data pertinent are permitted. Size limitations are six square feet in a residential zone, and 20 square feet in a commercial or industrial zone. These signs shall be confined within private property and shall not be less than eight feet from the nearest edge of the pavement. These signs must be removed within seven days after the election for which the sign is intended.

#### E. Commercial Informational Signs

Up to two signs announcing business hours, vacancy status for hotels and motels, "open" and "closed" signs, and informational or directional signs of a noncommercial nature not part of a nonexempt sign. Such signs shall not exceed three square feet per sign.

#### F. Temporary Commercial Signs

Temporary commercial signs announcing openings, sales, and other promotions shall be allowed in addition to signs permitted elsewhere in this Code. Temporary commercial signs shall be limited to 40 square feet and may be displayed for up to 10 consecutive days but not more than 30 days in a calendar year. The building

inspector may order the removal of non-conforming temporary commercial signs within 24 hours after notification.

### 5.9.16. NONCONFORMING SIGNS

All nonconforming signs installed and in place on the effective date of any provision in this Code making such signs unlawful shall be removed at the cost of the owner within three years of the notification by the Town that a sign is nonconforming. The owner may apply for a variance for a preexisting, nonconforming sign in place prior to the effective date of any provision of this Code. Repairs to nonconforming signs shall be permitted subject to all other applicable provisions of the Carbondale Municipal Code and all codes adopted by reference, but no expansion or alteration of a nonconforming sign shall be permitted. If a nonconforming sign is damaged or requires maintenance that exceeds 50 percent of the replacement value the nonconforming shall be replaced by a sign conforming to all provisions of this code.

### 5.9.17. INSURANCE REQUIREMENTS

The owner of every ground-supported sign or any sign that extends over any public way shall be required to furnish the Town evidence of insurance or bond coverage indemnifying the Town from any liability incurred in the event of injury or damage resulting from the collision with or the fall or collapse of such overhanging sign by or onto persons or property within the public way. Such indemnification shall be required to be maintained in force as long as the sign extends over the public way.

## 5.10 EXTERIOR LIGHTING

### 5.10.1. PURPOSE

This section is intended to regulate exterior lighting to:

- A. Permit the use of exterior lighting at the minimum levels necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce;
- B. Ensure exterior lighting does not adversely impact land uses on adjacent lands by minimizing light trespass, obtrusive light, and glare;
- C. Ensure the safety of motorists by minimizing light spillage and glare onto adjacent streets;
- D. Curtail light pollution and preserve the nighttime environment for the enjoyment of residents and visitors;
- E. Protect the natural environment from adverse impacts of night lighting from gas or electric sources;
- F. Recognize that new technologies in lighting have resulted in higher-efficacy light sources (lumens per Watt), and encourage the use of high-efficacy light sources to conserve energy and resources to the greatest extent possible;
- G. Ensure security for persons and properties;
- H. Encourage citizens to use smaller light bulbs and avoid pointing them at neighbors; and
- I. Encourage indoor window treatments such as shades and drapes to reduce indoor lighting spill and provide insulation to windows.

## 5.10.2. APPLICABILITY

### A. General Applicability

1. All exterior lighting for any type of residential or nonresidential development shall comply with the standards of this Section 5.10 unless stated elsewhere in this UDC, stated in an approval of a development permit, required by federal or state law, or exempted in 5.10.2.D below.
2. All exterior lighting shall be installed in conformance with the provisions of this UDC, applicable Electrical and Energy Codes, and applicable sections of the Building Code.

### B. Compliance

#### 1. Nonresidential and Mixed-Use

The applicant for any new nonresidential or mixed-use development of 10,000 square feet or more in building size shall submit a lighting plan, as specified in Section 5.10.3.B, at the time of building permit, appropriate land use application, or state electrical permit application.

#### 2. Residential

##### a. New Development

All new properties shall be reviewed for compliance with the provisions of this section during the course of construction while a building permit is open. The Building Official will request specifics to ensure compliance with the requirements of this Section, such as: providing wattage, fixture descriptions, and placement details. Information may be required in a form suitable to the building department or through submission of a lighting plan as specified in Section 5.10.3.B.

##### b. Existing Properties

Property owners shall consider the impacts of their lighting on their neighbors' privacy. Existing residential properties whose lighting impacts immediately adjacent properties (those within 300 feet) will be required to comply with this Code if a lighting complaint is received by the Director. Existing residences receiving a complaint have 45 days to comply with this Section from the date of receipt of the complaint.

### C. Nonconforming Lighting

All existing outdoor lighting that does not conform to the requirements of this Section 5.10 shall be considered nonconforming. A property owner interested in bringing his/her lighting into compliance may request an onsite review of the property by the Town staff to identify specific concerns.

### D. Exemptions and Variances

#### 1. Permitted Exemptions

The following types of lighting are exempt from the requirements of this Section:

##### a. Holiday Lighting

Temporary winter holiday lighting that is illuminated only between November 1 and March 1 of each year in nonresidential zoning districts. Low-wattage holiday lighting is allowed in residential zoning districts between November 1

and March 1. Other temporary holiday lighting may be approved with an official request for exemption from the Town per paragraph 2, below.

**b. Single-Family Residential**

Soffit or wall-mounted luminaires with a light output of less than 1,000 lumens and permanently attached to single-family residential dwellings, not to exceed the height of the eave.

**c. Municipal**

Temporary municipal lighting installed for the benefit of public health, safety, and welfare, with a maximum duration of not more than 60 days.

**d. Landscape Lighting**

Low-voltage landscape lighting controlled by an automatic device that is set to turn the lights off at one hour after the site is closed to the public or at a time established by an application approval.

**e. Uplighting of Art**

Limited uplighting may be allowed by the Town to illuminate art installations. When upward aiming is used, low-wattage fixtures with shields shall be placed as needed, close to the art to minimize reflected light from surfaces that would be present from a flood design. All uplighting shall be subject to review and approval by the Board.

**f. Other Exemptions**

- i. Lighting for public monuments and statuary.
- ii. Repairs to existing luminaires not exceeding 25 percent of the total installed luminaires.
- iii. Temporary lighting for theatrical, television, performance areas, and construction sites.
- iv. Underwater lighting in swimming pools and other water features.
- v. Temporary lighting and seasonal lighting, provided that individual lamps are less than 10 watts and 70 lumens and that the space being lit is occupied.
- vi. Lighting that is only used under emergency conditions.

**2. Exemption Procedure**

Exemption requests from the standards of this Section 5.10 may be granted through the following procedure:

- a. Exemption requests shall be formalized by letter to the Director requesting an exemption and submittal of a lighting plan as set forth in Section 5.10.3.B.
- b. The request shall be considered and may be granted by the Planning and Zoning Commission at a regularly scheduled meeting. The Commission may impose conditions on any approval so the purpose and intent of this Section 5.10 is met as well as any specific sections of this Code.
- c. Review by the Planning & Zoning Commission may include recommendations by a professional lighting consultant selected by the Town and paid for by the applicant.
- d. Exemptions shall be reviewed in accordance with:

- i. Compliance with the purpose and intent of this Section and this Code; and
- ii. Any special conditions of the applicant, circumstances, or hardships that warrant the exemption.

### 5.10.3. GENERAL REQUIREMENTS

#### A. Establishment of Lighting Zones

Lighting zones are established to determine the limitations for lighting as specified in this UDC. The lighting zones shall be as follows:

##### 1. LZ0 - No Ambient Lighting

The LZ0 shall include areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. Lighting should be extinguished when not needed in the LZ0.

##### 2. LZ1 - Low Ambient Lighting

The LZ1 shall include areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. Most lighting should be extinguished or reduced as activity levels decline.

##### 3. LZ2 - Moderate Ambient Lighting

The LZ2 shall include areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience but it is not necessarily uniform or continuous. Lighting may be extinguished or reduced as activity levels decline.

##### 4. LZ3 - Moderately High Ambient Lighting

The LZ3 shall include areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. Lighting may be extinguished or reduced in most areas as activity levels decline.

#### B. Lighting Plans

Lighting plans including point-by-point calculations shall be submitted for any development of 10,000 square feet or more and/or 10 dwelling units or more. These calculations shall be performed by a registered professional engineer, lighting certified designer, manufacturer's representative, or manufacturer's application engineer. Lighting plans shall show the following:

1. The location and height above grade of light fixtures;
2. The type of light source (such as incandescent, fluorescent, high pressure sodium, metal halide, LED), rated lumens, and wattage of each light source;
3. The type of fixture (such as full-cutoff, cut-off, lantern, wall pack);

4. The Backlight, Uplight, Glare (BUG) rating for each fixture;
5. Calculations for site illumination resulting from the lighting, measured in foot-candles (see Exhibit 1 for examples) including minimum, maximum and average foot-candles and uniformity ratios;
6. If building walls are to be illuminated, or if façade-mounted fixtures are to be used, drawings of all relevant building elevations showing the fixtures and the portions of the walls to be illuminated calculated point-by-point and light levels; and
7. Other information deemed necessary to document compliance with the provisions of this Section.

### C. Light Pollution Abatement: Light Trespass and Controls

#### 1. Lighting Trespass

In order to minimize light trespass onto neighboring properties, the maximum light level at a property line shall not exceed:

- a. Within residential zoning districts, and industrial and commercial properties bordering residential zoning districts: 0.2 foot-candles (fc); and
- b. Within nonresidential zoning districts: 0.3 fc. Commercial and industrial properties may trespass onto public rights-of-way at main entrances or exits to a level not to exceed 0.5 fc and to a level not to exceed 0.4 fc at other portions of the right-of-way.

Light trespass shall be measured by vertical readings in foot-candles at the brightest point on the property line.

#### 2. Controls

To minimize the amount of excess lighting at night, the use of motion sensors, photocells, processor-based lighting control systems, astronomical timeclocks, and/or photocell/timers to control duration of nighttime illumination is encouraged.

##### a. Automatic Switching Requirements

Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch, or equivalent functions from a programmable lighting controller, building automation system, or lighting energy management system, all with battery or similar backup power or device.

##### b. Motion Sensors

Sensors must be triggered by activity within the owner's property lines and should be used with incandescent, LED, fluorescent, or halogen lamps.

##### c. Astronomical Timeclock

These activate the light source at dusk and turn it off at a selected time several hours later, at or before dawn.

##### d. Photocells

Use of photocells is appropriate when illumination is required all night for safety, their use is otherwise discouraged. These controls are activated by

sunlight, turning lights on at dusk and off at dawn and illuminate an area for the entire night.

e. **Non-Astronomical Timers**

These mechanisms are prohibited when used alone.

**D. Electrical Service**

Electrical service shall be placed underground unless the fixtures are mounted directly on utility poles.

**5.10.4. RESIDENTIAL LIGHTING STANDARDS**

The following lighting standards shall be applicable to residential properties:

**A. General Standards throughout All Residential Neighborhoods, Residential Zoning Districts, and all Lighting Zones**

1. **Signs**

Signs shall not be illuminated.

2. **Glare**

- a. All exterior lighting shall be designed so that the (bulb) point light source is not directly visible from adjoining properties or public rights of way. Placement of a fixture shall minimize light glare and trespass to an adjoining property-maximum of 0.2 fc at the property line.
- b. It is encouraged that any light source not exceed 3,000 degrees Kelvin (K) in Correlated Color Temperature (CCT), regardless of lamp type (LED, HID, fluorescent, halogen, incandescent, or neon).

3. **At Critical Entrances or Common Areas**

Photocells may be used in these locations for multi-family properties to turn on lights at dark and to extinguish lights at dawn. Motion sensors are preferred for this use.

4. **Flood Lights**

Flood lights shall be restricted as follows:

- a. The point light source shall not be visible from adjoining lots or streets.
- b. Lights shall be focused on the task, fully shielded, down-directed, and screened from adjacent properties in a manner that prevents light trespass.
- c. Incandescent light sources above 40W are prohibited. Use of LED sources is encouraged.
- d. Light level shall not exceed five foot-candles at grade.
- e. Flood lights shall be controlled by a motion sensor, astronomical timeclock, or building control system for uses after 10:00 p.m.
- f. LED floodlights shall not exceed 1,000 lumens per fixture and shall be controlled by a photocell, astronomical timeclock, or building control system.

**B. General Standards for New Construction****1. Height**

Outdoor lighting shall be 14 feet or less in height. Second-floor balconies and outdoor stairways can be lit with fully shielded, down-directed fixtures. Site, roadway, and pedestrian lighting fixtures shall comply with BUG ratings in Table 5.10-4 to eliminate light output behind the luminaire.

**2. Maximum Wattage**

Incandescent light sources including halogen shall not exceed 50 watts per fixture. LED light sources shall not exceed 20 watts per fixture. Outdoor lighting with HID light sources shall be prohibited.

**3. Maximum Color Temperature**

Any light source used outdoors shall not exceed 3,000 degrees Kelvin (K) in Correlated Color Temperature (CCT), regardless of lamp type (LED, HID, fluorescent, halogen, incandescent, or neon).

**4. Fixtures**

Fully shielded down-directed light sources are required. Point sources (bulbs) shall not be visible from adjoining properties or adjoining public rights of way. Clear, wavy, or seeded glass shall not be acceptable as shielding media. Frosted or translucent glass that does not show the light source is acceptable for retrofit applications.

**C. General Standards for Pre-Existing Dwellings****1. Unshielded Light Sources**

Pre-existing unshielded light sources can be used, in which case the fixture lens must be fit or sprayed with a non-clear material and the total fixture wattage must be 40 watts or less for incandescent sources and 15 watts or less for LED sources.

**2. Landscape Lighting**

Landscape lighting is limited to 20 watts incandescent or halogen, or 500 lumens for LED fixtures, per 150 square feet of landscaped area. Up-lighting is only permitted if the light distribution from the fixture is effectively contained by an overhanging architectural or landscaping element. Such elements may include awnings, dense shrubs, or tree canopies, which can functionally reflect illumination back to the ground. In such cases, the fixture is limited to 20 watts incandescent or halogen sources and 300 lumens for LED sources.

**5.10.5. Nonresidential and Mixed-Use Lighting Standards****A. General Requirements**

The following lighting standards shall be applicable to all nonresidential and mixed-use properties:

**1. Lighting Power Densities**

The lighting power densities for building exteriors shall comply with the standards in Table 5.10-1 below, based on IECC requirements:

**Table 5.10-1 :  
Lighting Power Densities**

Application	Lighting Power Densities
Parking lots and drives	0.10 watts per square foot
Walkways less than 10 feet wide	0.8 watts per linear foot
Walkways greater than 10 feet wide, plazas, and special feature areas	0.16 watts per square foot
Stairways	1.0 watts per square foot
Main entries	30 watts per linear foot of door width
Other doors	20 watts per linear foot of door width
Canopies (free standing, attached, and overhangs)	0.4 watts per square foot
Outdoor sales areas (including vehicle sales lots)	0.5 watts per square foot
Automated Teller Machines (ATMs) and night depositories	270 watts per location plus 90 watts per additional ATM location
Entrances and gatehouse inspection stations at guarded facilities	0.75 watts per square foot of uncovered area
Loading for law enforcement, fire, ambulance, or other emergency service vehicles	0.5 watts per square foot of uncovered area
Drive-up windows	400 watts per drive through
<b>Note:</b> Based on Table C405.5.2(2), IECC 2015, Zone 3 values	

2. Point Source Light Not Visible

Outdoor lighting used to illuminate parking spaces, driveways, maneuvering areas, or buildings shall be designed, arranged and screened so that the point light source shall not be visible from adjoining lots or streets. See Table 5.10-4.

3. Maximum Color Temperature

Any light source used outdoors shall not exceed 3,500 degrees Kelvin (K) in Correlated Color Temperature (CCT), regardless of lamp type (LED, HID, fluorescent, halogen, incandescent, or neon).

4. Lighting at Entrances and Storefront Windows

Maximum light level range including spillage from inside to outside shall be no more than 10 to 15 fc. Maximum light level reading shall be no more than 15 fc, measured at ground, between 2'-0" from the building façade and either the edge of the curb or 8'-0" from the building façade, whichever is closer to the building.

5. Maximum Foot-Candles for Specific Locations Other than Parking Lots

Maximum maintained illuminance shall not exceed the range specified below.

**Table 5.10-2:  
Maximum Maintained Illuminance**

Area/Criteria	Fast Food/Convenience	Under Gas Station/Hotel Canopy	General Commercial
<b>Average Maintained</b>	1.5-3.0	20-25	1.5-3.0
<b>Horizontal Illuminance Range (fc) at Grade</b>	No more than 3.0 fc	Canopy with dark surroundings: No more than 5 fc; Canopy with light surroundings: No more than 10 fc.	No more than 3.0 fc
<b>Notes:</b> Values are taken from the Illuminating Engineering Society of North America (IESNA)'s recommended illuminance values.			

**6. Reduce Light Levels with Reduced Activity**

Exterior lighting shall be reduced after hours (at the close of business or servicing or by 9:00 p.m., whichever is later). Light levels in the HCC may be maintained until midnight or close of business or servicing, whichever is later. Also see specific standards for security lighting in Section 5.10.5.B and parking lot lighting in Section 5.10.6.

**7. Walkways/Bikeways and Pedestrian Areas**

Illumination is not required for these areas. If an applicant chooses to illuminate areas, the following standards apply:

- a. The ground area shall be illuminated to a maximum level of five fc, no more than 0.5 fc average, measured at grade.
- b. The vertical illumination level at a height of five feet above grade shall be no more than 0.5 fc.
- c. Lighting shall be directed downward, pedestrian-friendly and fully shielded or with full cut-off luminaires. Light sources for luminaires mounted 12 feet above grade or lower shall have a maximum of 1,200 lumens. Light sources for luminaires mounted between 12 and 16 feet shall have a maximum of 3,000 lumens.

**8. Lower Light Levels in Mixed-Use Areas and the LZ1 and LZ2 zones**

Mixed-use areas that include residential occupancies shall comply with the residential standards on those floors or areas that are more than 50 percent residential based on square footage of uses.

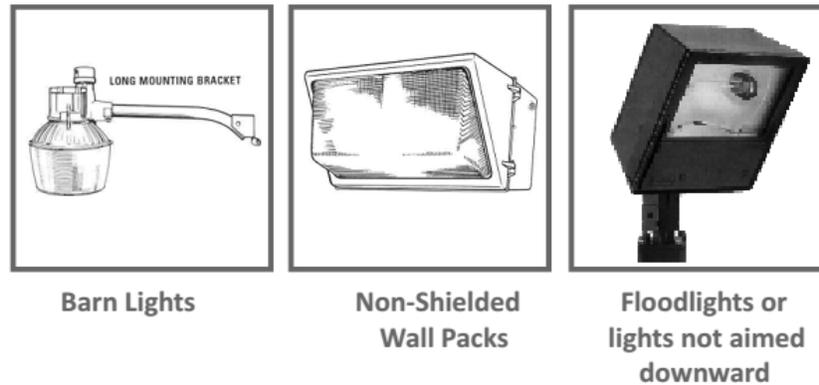
**9. Wattage Specifications**

Maximum bulb wattage shall be 50 watts incandescent or 30 watts LED, maximum two bulbs per fixture. HID light sources are not recommended.

**10. Fixture Types**

Fixtures shall be fully shielded or full-cutoffs and in compliance with the appropriate BUG rating. In certain applications cut-off fixtures with louvers or shields may be used for aesthetic purposes. Barn lights, non-shielded wall packs, and floodlights or lights that are not aimed downward (as shown below in Figure 5.10.5-A) are prohibited.

Figure 5.10.5-A: Prohibited Light Fixture Designs

**11. Fixture Height**

Outdoor lighting (except parking lot lighting) must be 16 feet or less in height unless it is:

- a. Building-mounted lighting fully shielded, directed downward at a sign or building façade; or
- b. Lighting on above grade decks or balconies shall be fully shielded.

**B. Nonresidential Security Lighting**

Security lighting is permitted. Security lighting shall be at a reduced level as activity decreases. After midnight, security lighting shall be motion-controlled.

**1. Maximum Light Level**

Lighting for entrances, stairways, and loading areas shall not exceed five fc and for parking lots shall not exceed two fc. Other areas of specific security concern can be lit at a level not to exceed 1.5 fc.

**2. Critical Entrances or Common Areas**

Photocells can be used in these locations for commercial, industrial and mixed-use properties to turn on lights at dark and to extinguish lights at dawn.

**3. Light Trespass**

At property lines within the nonresidential zoning districts, trespass shall be limited to a maximum of 0.3 fc; properties bordering residential zones are limited to a maximum of 0.2 fc.

**4. Permitted Security Lighting**

The following types of security lighting is permitted:

- a. Fully-shielded wall packs or other fixtures;
- b. Full cut-off fixtures on parking lot poles;
- c. Recessed lights under a canopy.

**5. Floodlights Not Permitted**

Floodlights are prohibited as security lighting.

### C. Nonresidential-Illuminated Signs

Signs should not create glare or unduly illuminate the surrounding area.

#### 1. Shut-off Time

Signs more than 28 square feet shall be extinguished one hour after business is closed or completed servicing, or by 9:00 p.m., whichever is later.

#### 2. Sign

The applicant shall provide Town staff with a sign permit, sufficient technical and design information to demonstrate that the following provisions are met:

##### a. Externally Illuminated Signs-Preferred Method of Illumination

- i. The average level of illumination on the vertical surface of the sign shall not exceed 10 foot-candles.
- ii. Point source of light shall not be visible to a passerby.
- iii. Lighting fixtures for illuminating signs shall be carefully located, aimed and shielded so that light is directed only onto the sign façade. Down directed lighting for signs is preferred. If ground mounted lighting is used, the light source must be fully shielded by landscaping or other means.

##### b. Internally Lit Signs

- i. Illumination sources shall not exceed a total of 9,600 lumens.
- ii. Color-changing, animated signs are prohibited.
- iii. Signs with visible (unshielded) light-sources are prohibited, except for holiday lighting, fueling station pricing, or informational signs owned by the Town or other governmental agency.
- iv. For boxed internally lit signs, backgrounds shall be dark with white, yellow, or light lettering.
- v. Pan channel-lit signs are preferred versus internally-lit signs. White lettering is not permitted.
- vi. Signs shall not be a means of distraction to drivers on adjacent roadways. Excessive glare, color-changing light sources, and visible lamps oriented toward the roadway are prohibited.
- vii. Light produced by signs shall comply with light trespass thresholds listed elsewhere in this Section 5.10.
- viii. Exterior sign lighting shall be reduced at the close of business or servicing, or by 9:00 p.m., whichever is later. Signs in the HCC may be maintained until midnight or close of business or servicing, whichever is later.

### 5.10.6. PARKING LOT LIGHTING

#### A. Fixture Type

A maximum of two luminaires shall be allowed per lighting pole.

#### B. BUG Ratings

All parking lot areas lighting shall comply with the BUG ratings in Table 5.10-4.

**C. Parking Lot Lighting Criteria**

Light levels and standards for various zoning districts and lighting zones are as shown in the following table:

<b>Table 5.10-3: Parking Lot Lighting Criteria</b>				
	<b>Industrial; LZ1</b>	<b>Commercial and Mixed Use; LZ2 and LZ3</b>	<b>Multifamily; LZ0</b>	<b>Other</b>
<b>Mounting height (max.)</b>	16 ft.	20 ft. <sup>1</sup>	14 ft.	Discouraged
<b>Average light levels (at ground)</b>	No more than 2.0 fc	No more than 1.5 fc	No more than 1.5 fc	
<b>Recommended average light level* (at ground)</b>	No more than 0.4 fc	No more than 0.3 fc	0.3 fc	Discouraged
<b>Allowable maximum light level (at ground)</b>	No more than 6 fc	No more than 5 fc	No more than 5 fc	
<b>Uniformity ratio (maximum:minimum)</b>	No more than 20:1	No more than 20:1	No more than 20:1	
<b>Uniformity ratio (average: minimum)</b>	8:1	8:1	8:1	
<b>Control</b>	Photocell/ timer	Photocell/ timer or motion sensor	Timer/motion sensor	
<b>Time limits</b>	More than ½ the fixtures off one hour after closing of active use or servicing or 9:00 p.m. whichever is later. Dimming systems that reduce light levels by 50 percent or more are acceptable.	More than ½ the fixtures off one hour after closing of active use or servicing or 9:00 p.m. whichever is later. Dimming systems that reduce light levels by 50 percent or more are acceptable.	Shut off by timer by 11:00 p.m. Motion sensor control after shut off is permitted. Critical applications may be activated by photocell.	

**D. Maximum Color Temperature**

Any light source used outdoors shall not exceed 3,500 degrees Kelvin (K) in Correlated Color Temperature (CCT), regardless of lamp type (LED, HID, fluorescent, halogen, incandescent, or neon).

**E. Schools**

Schools in residential zones shall comply with LZ2 zone lighting.

**F. Large Commercial Parking Lots**

Parking lots for any commercial use with more than 150 spaces shall have a maximum mounting height of 20 feet.

**G. Lighting Needs Based on Activity Levels**

Lighting needs, minimum light level, and uniformity ratio for individual parking lots may be lower depending on applicant's assessment of activity levels and concurrence of the Planning and Zoning Commission.

**5.10.7. LIGHTING OF GASOLINE STATIONS**

Lighting levels on gasoline station aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. The following light levels shall apply:

### A. Aprons and Canopies

#### 1. Light Levels

Areas around the pump islands and under canopies shall have average illumination as:

- a. Areas with dark surroundings (less than one fc): no more than five fc average, 20 maximum;
- b. Areas with light surroundings (more than two fc): no more than 10 fc average, 40 maximum, uniformity ration (average:minimum) shall not exceed 4:1.

#### 2. Fixture and Lamps

Lighting shall be provided with fully shielded fixtures. Light fixtures mounted under canopies shall be recessed with flat lenses so that the lens cover is flush with the bottom surface (ceiling) of the canopy.

#### 3. Lights on Top or Sides

Lights shall not be mounted on the top or sides of the canopy. The sides (fascias) of the canopy shall not be illuminated for any purpose with the exception of permitted signs as in Section 5.9, *Signs*.

#### 4. Retrofits

Existing fixtures may be retrofitted with metal side shields which extend below the bottom of the lens to fully shield fixtures and to avoid light shining from the side of the canopy. Canopies with drop sides may also be used to hide fixtures and to eliminate glare from the side of canopy.

### B. Other Areas in the Gas Station

1. Areas on the apron away from the gasoline pump islands, used for parking or vehicle storage, shall be illuminated in accordance with the requirements for parking areas.
2. Maximum light levels range for driveways and service areas (other than pump islands) are 1.5 - 3 fc. Average light levels at areas other than pump islands:
  - a. Areas with dark surroundings (less than one fc): not more than 1.5 fc, five maximum.
  - b. Areas with light surroundings (more than two fc): no more than two fc, seven maximum.

## 5.10.8. PROHIBITED LIGHTS

This section identifies applications of lighting that cause glare, decrease our ability to see in dark, low-level ambient light environments, or produce unattractive lighting environments or excessive light pollution. These types of lighting are prohibited.

### A. Roof Lights

Light sources shall not be affixed to the top of a roof, except where required by building code requirements.

### B. Unshielded Light Sources

This type is prohibited except as listed in residential section.

**C. Building Illumination**

Flood illumination of buildings shall be prohibited from the ground or on pole mounted lights or by lights mounted on adjoining structures. Buildings with exceptional symbolic (i.e. churches or public buildings) or historical significance may request exemptions to this prohibition.

**D. Nuisance Lights**

Lights that flash, move, revolve, blink, flicker, vary in intensity, or use intermittent electrical pulsation are prohibited unless specifically approved as part of the lighting code exemption. (Winter holiday lights are exempt).

**E. Other Lamps**

Mercury vapor and low-pressure sodium lighting shall be prohibited.

**F. Architectural Lighting**

Linear lighting such as: fluorescent awnings, rope light, or neon shall be fully shielded so that the light source is not visible.

**5.10.9. OUTDOOR RECREATIONAL FACILITIES**

If a recreational facility is requesting lighting for nighttime activities, the applicant must follow the exemption process and the following provisions apply:

**A. Lighting Plan**

Lighting for outdoor recreational facilities, a full lighting plan as per Section 5.10.3.A shall be submitted.

**B. Condition**

Conditions placed on the lighting for the recreational facility may include: limited hours of operation, limits on lighting intensity, specific requirements for fixture design and others.

**C. Light Trespass**

Designs shall limit light trespass on surrounding neighborhoods. Floodlights in this application shall not be aimed above 62 degrees from vertical. In order to minimize light pollution and light spillage into the neighborhood, the lights shall have louvers and external shields.

**D. Maximum Color Temperature**

Any light source used outdoors shall not exceed 3,500 degrees Kelvin (K) in Correlated Color Temperature (CCT), regardless of lamp type (LED, HID, fluorescent, halogen, incandescent, or neon).

**E. Maximum Wattage**

Wattage of lamps shall be 250 watts HID or less.

**5.10.10. STREET LIGHTING**

All lighting illuminating public rights-of-way, easements, and private streets shall comply with the following standards:

- A. All light fixtures shall be compliant with BUG ratings in Table 5.10-4.

- B. Any light source used outdoors shall not exceed 3,500 degrees Kelvin (K) in Correlated Color Temperature (CCT), regardless of lamp type (LED, HID, fluorescent, halogen, incandescent, or neon).
- C. Maximum fixture height shall be 16 feet. Street lights located at opposing corners of intersections may be permitted to a maximum height of 25 feet.
- D. A minimum of four times the mounting height of the light source shall be maintained between street light fixtures. Exemptions to this standard may be considered when fixtures are located on opposing corners of an intersection, at a pedestrian crosswalk, or where other unique conditions exist. Such exemptions shall only apply when the fixture type, placement, and light intensity are modified to comply with the intent of the minimum spacing requirement.
- E. Fixture types shall be selected from a list of Town-approved designs. Such list will be approved by the Board of Trustees.

**5.10.11. BACKLIGHT, UPLIGHT, AND GLARE (BUG) RATINGS**

**A. Components of BUG Ratings**

The components of BUG ratings are based on IES TM-15-07 (revised) described below and shown in Figure 5.10.11-A.

**1. Backlight**

Backlight creates light trespass onto adjacent sites. The B rating takes into account the amount of light in the BL, BM, BH, and BVH zones, which are in the direction of the luminaire opposite from the area intended to be lighted.

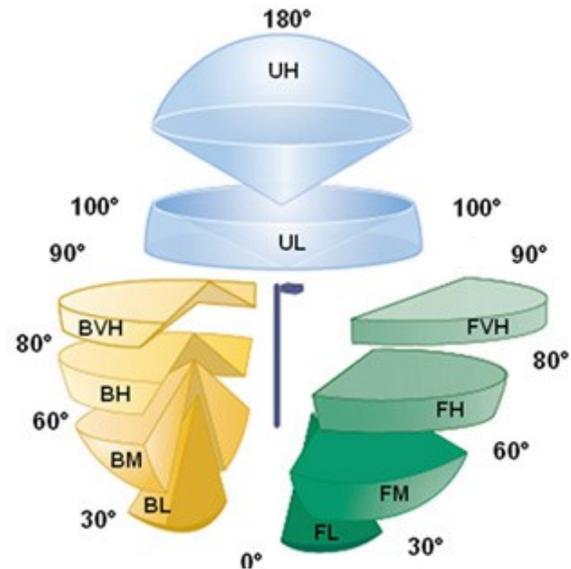
**2. Uplight**

Uplight causes artificial sky glow. Lower uplight (zone UL) causes the most sky glow and negatively affects professional and academic astronomy. Upper uplight (UH) not reflected off a surface is mostly energy waste. The U rating defines the amount of light into the upper hemisphere with greater concern for the light at or near the horizontal angles (UL).

**3. Glare**

Glare can be visually disabling. The G rating takes into account the amount of frontlight in the FH and FVH zones as well as BH and BVH zones.

Figure 5.10.11-A: BUG Rating Diagram



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

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

**5.11 COMMUNITY HOUSING INCLUSIONARY REQUIREMENTS****5.11.1. PURPOSE**

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

### 5.11.2. APPLICABILITY

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

### 5.11.3. EXEMPTIONS

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

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

### 5.11.4. RESIDENTIAL DEVELOPMENT MITIGATION REQUIREMENTS

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

#### A. Mitigation of New Development

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

#### B. Fractional Remainders

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

#### C. Sequencing of Mitigation Units

The sequence of required mitigation units will be as follows:

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

### 5.11.5. PRIORITIZATION OF PREFERENCE FOR COMMUNITY HOUSING LOCATION

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

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

### 5.11.6. MINIMUM REQUIREMENTS

#### A. Deed Restrictions

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

#### B. Housing Guidelines

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

#### C. Timing of Occupancy

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

### 5.11.7. HOMEOWNERS' ASSOCIATION DUES AND ASSESSMENTS

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

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

### 5.11.8. HOUSING MITIGATION PLAN

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

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

#### 5.11.9. VARIANCES

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

#### 5.11.10. GUIDELINES FOR IMPLEMENTATION

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

#### 5.11.11. ADMINISTRATION

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

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

#### 5.11.12. APPLICABILITY OF OTHER PROVISIONS OF CODE

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

## 5.12 SOLAR ACCESS

### 5.12.1. INTENT

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

### 5.12.2. APPLICABILITY

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

### 5.12.3. SOLAR ACCESS ZONES ESTABLISHED

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

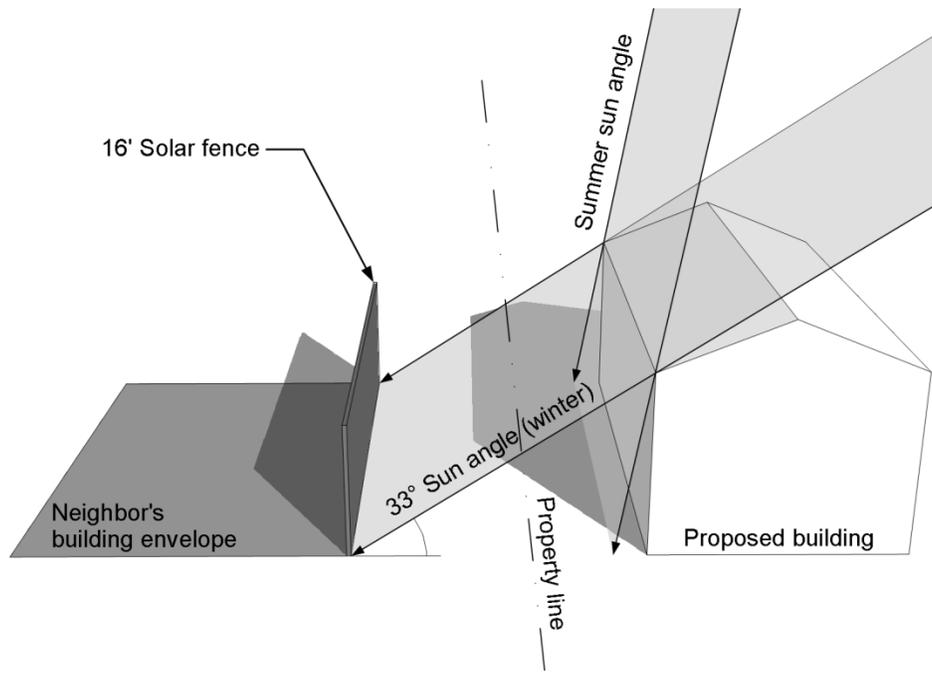
### 5.12.4. SHADING ANALYSIS

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

### 5.12.5. SHADE PROHIBITIONS

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

Figure 5.12.5-A: Solar Fence



- B. In SA zone II, no person shall erect a structure or object or allow vegetation that would shade any higher than a theoretical 25-foot high solar fence on the building envelope of the adjoining property during the solar use period, except as set forth in Sections 5.12.6, *Inconsequential Shade*, and 5.12.8, *Variations*. See example in Figure 5.12.5-A above.
- C. No restrictions are created by this section on erecting any object or structure that would shade a lot in SA zone III; however, any structure to be erected or any vegetation allowed in SA zone III after the effective date of this Code shall not shade a lot in a bordering OTR, R/LD, R/MD and R/HD zone to a greater degree than a solar fence 25 feet in height as stated in subsection B above.

### 5.12.6. INCONSEQUENTIAL SHADE

Notwithstanding other provisions of this section, a person may erect:

- A. Chimneys, utility poles, television or radio aerials, flag poles, or guy wires in any solar access zone district without violating this chapter if the resulting shade does not reduce by more than 10 percent of the total amount of solar energy in the protected area during the solar use period; or
- B. Temporary structures necessary for lawful construction or renovation for not more than 30 days in any calendar year per Section 4.5, *Temporary Uses and Structures*.

### 5.12.7. NONCONFORMING USES

- A. All objects and structures that are in place or for which a valid building permit has been issued as of the effective date of this Code and that exceed the shading

- prohibitions in 5.12.5, *Shade Prohibitions*, shall be deemed nonconforming solar access structures.
- B. The expansion or alteration in any way of a nonconforming solar access structure is prohibited to the extent that the enlargement or alteration will increase the amount of shade in a protected area during the solar use period.
  - C. A nonconforming solar access structure extensively damaged by sudden destruction beyond the control of the user or by fire may be reconstructed or replaced so long as the extent of nonconformity is not increased.

### 5.12.8. VARIANCES

- A. The Planning Commission shall have the power to hear and decide requests for variances from the provisions of Section 5.12.5, *Shade Prohibitions*, utilizing the procedures established in this section. The provisions of Section 2.7.1, *Variances*, shall not apply.
- B. A person may apply for a variance in order to erect an object or structure, or alter an existing object or structure, the result of which will interfere with the solar access protection established by Section 5.12.5, *Shade Prohibitions*.
- C. An application for a variance shall include:
  - 1. The name and address of the applicant;
  - 2. The name and address of the owner of the subject property if different from the applicant;
  - 3. A legal description of the subject property for which the variance is sought;
  - 4. Evidence of title;
  - 5. An improvement survey plat to scale showing lot lines, structures, solar systems, dimensions, and topography with such detail as is necessary to show the diminution of shade in an area protected by Section 5.12.5, *Shade Prohibitions*, on each lot that would be affected by the object or structure;
  - 6. A graphic representation of the shadows that would be caused by the proposed object or structure during the solar use period;
  - 7. A description of reasonable efforts of the applicant in designing and locating the proposed object or structure in a manner that will minimize the impact upon adjacent protected areas and structures;
  - 8. A list of all lots that may be affected by the proposed object or structure and the names and addresses of all of the owners of such lots; and
  - 9. Such other information as the Town may deem reasonably necessary to act upon the application.
- D. The Planning Commission shall conduct a public hearing after a notice as required by this code. At the hearing, if the Planning Commission finds that the application complies with subsection E below, it shall approve the application. If the Commission finds that conditions or restrictions are necessary to ensure compliance with subsection E below, it may grant the application and impose such conditions as are reasonably necessary to ensure compliance with subsection E below. If the Planning

Commission finds that the application does not comply with subsection E below, it shall deny the application.

- E. A variance may be granted if any of the following is found to exist:
1. Due to the topography, or prior structures creating shade, the protected area of the beneficiary's lot is already substantially shaded or is inherently unsuitable as a site for reasonable use of a solar energy system, or the proposed structure would shade only the west or east side of an existing structure on the beneficiary's protected area;
  2. The property for which the variance is sought cannot be reasonably used without the erection or alteration of the proposed structure or object, and the proposed action would afford economically feasible relief which would cause the least interference with the solar access to the protected area or structures of the beneficiary's lot;
  3. Potential shading of an existing solar system on the lot of the beneficiary will not impair the beneficiary's reasonable and efficient use of his solar energy system; or
  4. The grant of the application is necessary to relieve the applicant from unnecessary and undue hardship which is not self-induced, if all reasonable steps have been taken to minimize the reduction of solar access on the lot of the beneficiary.
- F. Notwithstanding any other provisions of this section, if a variance is sought for property which is at the time of the variance application the subject of an application for subdivision approval, for subdivision exemption, or for approval of a planned unit development, the variance shall be treated as part of the underlying application for approval of a subdivision, exemption, or planned unit development.
- G. Any person aggrieved by the grant or denial, with or without conditions, of a variance by the Planning Commission may appeal the decision to the Board of Trustees. The Board of Trustees shall promptly conduct a public hearing after notice as required by this Code. In making its decision, the Board of Trustees shall apply the standards in subsection E above of this section. The decision of the Board of Trustees shall be appealable to a court of law, in the manner permitted by law.

## 5.13 WIRELESS FACILITIES

### 5.13.1. INTENT

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Town finds that these regulations are necessary to:

- A. Provide for the managed development and installation, maintenance, modification, and removal of wireless facilities infrastructure in the Town with the fewest number of wireless facilities to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove wireless facilities;
- B. Promote and protect the public health, safety, and welfare by reducing the visibility of wireless facilities to the fullest extent possible through techniques including but not

- limited to camouflage design techniques and undergrounding of the equipment associated with wireless facilities;
- C. Encourage the deployment of smaller, less-intrusive wireless facilities to supplement existing larger wireless facilities;
  - D. Encourage design and locations standards so that facilities have a negligible impact to the community;
  - E. Encourage the location of towers in non-residential areas in a manner that minimizes the total number of towers needed throughout the community;
  - F. Encourage the collocation of wireless facilities on new and existing sites;
  - G. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively and efficiently;
  - H. Effectively manage wireless facilities in the right-of-way; and
  - I. Manage amateur radio facilities and over-the-air devices in the Town.

### 5.13.2. APPLICABILITY

The requirements set forth in this section shall apply to all wireless facility applications for base stations, alternative tower structures, freestanding tower structures, micro cells, ground based accessory equipment and small cell wireless facilities, all as defined in Chapter 17.08, *Definitions* and further addressed herein, and all other wireless facilities unless exempt under the paragraphs by which exempt certain wireless facilities. The requirements set forth in this section shall not apply to:

- A. Federally licensed amateur radio antenna, over-the-air receiving device (OTARD), and residential television reception/antenna towers provided that the requirement that the height be no more than the distance from the base of the antenna to the property line is met.
- B. Pre-existing wireless facilities. Any wireless facility for which a building permit or special review use has been properly issued, shall not be required to meet the requirements of this chapter, other than those in Section 5.13.3, *General Standards for all Wireless Facilities*. Changes and additions to pre-existing wireless facilities (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of this chapter.
- C. Miscellaneous antennas. Antennas used for reception of television, multi-channel video programming and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas, provided the height be no more than the distance from the base to the property line and that any generally applicable requirements contained in this title are met.
- D. A temporary wireless facility serving the general health, safety and welfare of the residents of the Town installed upon the declaration of a state of emergency by the federal, state, or local government or other written determination of need by the federal, state or local government.
- E. A temporary wireless facility installed for the purpose of providing sufficient coverage for a special event, subject to administrative approval by the Town through the special event permit process.

### 5.13.3. GENERAL STANDARDS FOR ALL WIRELESS FACILITIES

#### A. Federal Requirements

All wireless facilities shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the FCC and any other agency of the federal government with the authority to regulate wireless facilities. If such standards and regulations are changed, then the owners of the wireless facility shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the facility at the owner's expense.

#### B. Site Selection

Except for small cell facilities in the public rights-of-way, wireless facilities shall be located in the following order of preference:

1. First: Collocated on existing structures such as buildings, communication towers, flagpoles, cupolas, ball field lights, non-ornamental street lights such as highway lighting, etc.
2. Second: In locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
3. Least: On vacant ground or highly visible sites without significant visual mitigation and where screening/buffering is difficult at best.
4. Collocation
  - a. No wireless facility owner or operator shall unreasonably exclude a wireless competitor from using the same facility or location. Upon request by the Town, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.
  - b. Applicants are strongly encouraged to consider the possibility of present or future collocation of other wireless facilities by structurally overbuilding in order to handle the loading capacity of additional wireless facilities for the use of the applicant as well as other wireless service providers. Applicants shall use good faith efforts to negotiate lease rights to other users who desire to use an approved wireless facility site.

#### C. Eligible Facilities Request for Existing Towers and Base Stations

All eligible facilities request applications shall be reviewed and approved in compliance with federal rules in effect at the time the application is received.

#### D. Base Stations

If an antenna is installed on a structure other than a tower or alternative tower structure, such as a base station (including, but not limited to the antennas and accessory equipment), that structure shall be a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible, including but not limited to, painting the antennas and accessory equipment to match the structure. Additionally, any ground-mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Director, and may, where appropriate, require a flush-to-grade underground

equipment vault. Base stations shall also comply with the development standards included in Accessory Equipment in Section 5.13.3.E.

#### **E. Accessory Equipment, including Ground-Based Accessory Equipment**

All accessory equipment, including ground-based accessory equipment, that is associated with alternative tower structures, freestanding towers, or roof-mounted or wall-mounted facilities are subject to the following requirements:

1. All accessory equipment shall be a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible.
2. Accessory equipment shall be subject to the accessory structure setback requirements in the underlying zone district or the applicable design standards, whichever is stricter.
3. All accessory equipment shall be installed in an underground vault, or above ground with nothing projecting more than 36 inches above grade, or collocated within a traffic cabinet, unless the applicant demonstrates to the Director that it is not feasible. Ground-based accessory equipment located within a sight triangle area shall be no taller than 30 inches above grade. All above-grade ground-based accessory equipment shall be setback from trails and sidewalks a minimum of three feet.
4. The total footprint coverage area of the accessory equipment associated with the wireless facility shall not exceed 120 sq. ft.
5. Ground-based accessory equipment not fully enclosed in a building shall be fully screened with landscaping from adjacent properties and public rights-of-way with a screen wall constructed of high-quality materials to be architecturally compatible with existing structures on the property and character of the neighborhood.
6. Buildings containing ground-based accessory equipment shall be architecturally compatible with the existing structures on the property and character of the neighborhood.
7. Any necessary wiring or cabling shall be located within the structure or station or, if not technically feasible, located within a fully enclosed sheathing attached to the structure or station. Such sheathing shall be the same color as the structure or station, shall be limited in size to that necessary to cover the wiring or cabling and may not extend out from the structure or station more than four inches.

#### **F. Inventory of Existing Sites**

1. Each applicant for any wireless facility shall provide to the Town a narrative description and a map of the applicant's existing or current proposed wireless facilities within the Town, and outside of the Town within one mile of its boundaries. In addition, the applicant shall include in the narrative a general description of the areas in which it believes wireless facilities may need to be located within the next three years.
2. The information shall identify the site name, address, and a general description of the wireless facilities (i.e., alternative structure, wall-mounted, etc.).

3. This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of wireless facilities within the Town. This information will be used to assist in the Town's planning process and promote collocation by identifying areas in which wireless facilities might be appropriately constructed for multiple users.
4. The Town may share such information with other applicants applying for approval for wireless facilities; however, by sharing such information, the Town is in no way representing or warranting that such sites are available or suitable.

#### **G. Signal Interference**

All wireless facilities shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by adjacent residential and non-residential properties; nor shall any facilities interfere with public safety communications. The applicant shall provide a written statement from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the Town to monitor interference levels with public safety communications during this process. Additionally, the Applicant shall notify the Town at least 10 calendar days prior to the introduction of new service or changes in existing service, and shall allow the Town to monitor interference levels with public safety communications during the testing.

#### **H. Compliance with Applicable Law**

Notwithstanding the approval of an application for new wireless facilities, all work done must be completed in accordance with all applicable building, structural, engineering, electrical, and safety regulations set forth in the Town's Public Works Manual and the Town's Municipal Code and any other applicable laws or regulations. In addition, any work must be done in compliance with easements, covenants, conditions and/or restrictions on or applicable to the underlying property.

#### **I. Screening**

All wireless facilities equipment, including accessory equipment, shall be screened from adjacent and nearby public rights-of-way and public or private properties by the use of fencing, landscaping and/or berming, or in the case of wall-mounted or roof-mounted wireless facilities, the use of paint color selection, parapet walls, screen walls, and/or placing equipment in the structure.

#### **J. Lighting**

Wireless facilities shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the wireless facility is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

#### **K. Noise**

Noise generated by the wireless facility and associated accessory equipment shall not exceed the levels permitted in the Municipal Code, except that a wireless facility owner or operator shall be permitted to exceed allowed noise standards for a

reasonable period of time during repairs, not to exceed two hours without prior authorization from the Town.

#### L. Operation and Maintenance

To ensure the structural integrity of wireless facilities, the owner of a wireless facility shall ensure it is maintained in compliance with the standards contained in the international building codes and national electric code, as applicable and adopted by the Town from time to time. The owner of a wireless facility shall ensure ongoing compliance, operation and maintenance consistent with the Town's approval, including but not limited to the upkeep of site landscaping, paint and surface treatments, litter removal, fence or screening repair, and general maintenance to assure a clean, well-kept wireless facility.

#### M. Abandonment and Removal

If a wireless facility has not been in use for a period of three months, the owner of the wireless facility shall notify the Town of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any wireless facility that is not operated for a continuous period of six months shall be considered abandoned. The Town, in its sole discretion, may require an abandoned wireless facility to be removed. The owner of such wireless facility shall remove the same within 30 days of receipt of written notice from the Town. If such wireless facility is not removed within said 30 days, the Town may remove it at the owner's expense and any approved permits for the wireless facility shall be deemed to have expired. Additionally, the Town, in its sole discretion, shall not approve any new wireless facility application until the applicant who is also the owner or operator of any such abandoned wireless facility has removed such wireless facility or payment for such removal has been made to the Town. Nothing in this subsection shall limit an applicant from applying for an eligible facilities request on an existing eligible support structure.

#### N. Prohibitions

1. Lattice towers (i.e. a structure, with three or four steel support legs, used to support a variety of antennae; these towers generally range in height from 60 to 200 feet and are constructed in areas where great height is needed, microwave antennas are required or where the weather demands a more structurally sound design) are prohibited within the Town.
2. Installation of wireless facilities on public art or on art in the Town's rights-of-way is prohibited unless approved by the original artist, Carbondale Public Arts Commission and the Board.

### 5.13.4. SUPPLEMENTAL STANDARDS: WIRELESS FACILITIES IN THE RIGHT-OF-WAY

#### A. Applicability

Any wireless facilities in the right-of-way shall comply with Section 5.13.3, *General Standards for all Wireless Facilities* in addition to the standards of this section.

#### B. Eligible Facilities

Attachment of small cell facilities on an existing or replacement traffic light pole, street light standard, or other vertical or horizontal infrastructure shall be permitted following administrative review by the Director for conformance with this chapter, and provided that:

1. The facility utilizes camouflage and concealment design techniques; and
2. The facility shall not exceed the height of the existing infrastructure after installation by more than five feet or no more than 25 feet in total, whichever is more restrictive.

### C. Alternative Tower Structure for Small Cell Facilities

1. A new alternative tower structure for small cell facilities is permitted provided that:
  - a. The new structure is architecturally compatible with the surrounding area through application of camouflage and concealment design techniques; and
  - b. The facility height is not more than 25 feet or the facility does not exceed the average height of the existing infrastructure in the right-of-way within 600 feet by more than five feet, whichever is more restrictive.
  - c. The facility is separated from all other freestanding wireless facilities within the right-of-way by a distance of at least 600 feet, unless the facility replaces an existing traffic signal, street light pole, or similar structure as determined by the Director.
  - d. When placed near a residential property, the facility shall be placed adjacent to a common property line between adjoining residential properties, such that the facility minimizes visual impacts equitably among adjacent properties, unless landscaping, topography, other structures, or other considerations minimize visual impacts to a greater extent at a different location as determined by the Director.
  - e. The facility shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way or interfere with the Americans with Disabilities Act regulations.
  - f. No alternative tower structure may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the Town, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.
  - g. Any necessary wiring or cabling shall be located within the pole or, if not technically feasible, located within a fully enclosed sheathing attached to the pole. Such sheathing shall be the same color as the pole, shall be limited in size to that necessary to cover the wiring or cabling and may not extend out from the pole more than four inches.
2. The Director may allow a reduction in the separation requirement or an increase in the maximum height requirement if the applicant demonstrates through technical network documentation that the requirement cannot result in a feasible network. The Town may require that a Town-retained technical consultant complete a study at the applicant's expense to evaluate the applicant's technical network documentation and provide an independent opinion regarding the impact

on network feasibility. The request must also result in a facility that meets the following criteria:

- a. The request will not alter the essential character of the neighborhood or district in which the facility is located, nor substantially or permanently impair the appropriate use or development of adjacent property.
- b. Approval of the request is warranted by the design incorporated in the proposal and the benefit provided to the Town.

### 5.13.5. WIRELESS FACILITIES NOT IN THE RIGHT-OF-WAY

#### A. Applicability

Any wireless facilities not in the right-of-way shall comply with Section 5.13.3, *General Standards for all Wireless Facilities* in addition to the standards of this section.

#### B. Eligible Facilities

Attachment of small cell facilities on an existing or replacement traffic light pole, street light standard, or other vertical infrastructure shall be permitted following administrative review by the Director for conformance with this chapter, and provided that:

1. The facility utilizes camouflage and concealment design techniques; and
2. The facility does not exceed the height of the existing infrastructure on which it is mounted by more than five feet.

#### C. Small and Non-Small Cell Wall-Mounted Wireless Facilities

All wall-mounted wireless facilities shall comply with the following:

1. All wireless facilities shall be located and designed to be compatible and blend in with surrounding buildings and existing or planned uses in the area through the use of camouflage and concealment design techniques.
2. Such facilities shall be architecturally compatible with and textured and colored to match the building or structure to which they are attached.
3. The antenna shall be mounted as flush to the wall as technically possible. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be two feet.
4. Panel antenna shall not extend above the building wall or parapet to which they are attached.

#### D. Small and Non-Small Cell Roof-Mounted Wireless Facilities

All roof-mounted wireless facilities shall comply with the following:

1. All roof-mounted wireless facilities and accessory equipment shall be fully screened from view with existing parapets or with the addition of architecturally compatible screening walls or other structures as viewed at ground level at all adjacent property boundaries, including property lines across adjacent rights-of-way.
2. Any screen walls shall be set back from the parapet or roof edge so that visibility from the street or adjacent residential properties is minimized to the greatest extent possible.

3. Roof-mounted communication facilities and accessory equipment shall not be permitted on a sloped roof, unless it can be demonstrated that it is not visible from the street or adjacent residential areas.
4. Roof-mounted communication facilities are subject to the following height regulations:
  - a. Roof-mounted antenna and accessory equipment can be located behind an existing parapet or existing screen wall that is at least as tall as the antenna and accessory equipment. Expansions to existing screen walls may be authorized by the Director, if the applicant can demonstrate that any expansion does not result in any additional height and is in compliance with the design standards above.
  - b. Roof-mounted antenna and accessory equipment not meeting the standard above are subject to the maximum building height for the zoning district or applicable design standards, whichever is stricter.
  - c. Roof-mounted panel antenna shall not extend more than six feet above the roof parapet.
  - d. Roof-mounted whip antenna shall not extend more than 10 feet above the building to which they are mounted.

#### E. Alternative Tower Structure

1. A new alternative tower structure is permitted provided that:
  - a. The new structure is architecturally compatible with the surrounding area through application of camouflage and concealment design techniques; and
  - b. The facility height is not more than 25 feet or the facility does not exceed the allowed building height in the zone district.
  - c. Freestanding wireless facilities shall not be permitted between the principal structure and the street.
  - d. The minimum setback from property lines for alternative tower structures shall be one of the following:
    - i. At least 50 feet from any property line; or
    - ii. An alternative setback, approved by the Director, where the facility replaces or proposes an accessory structure to an established principal use, to include, but not limited to, signs, light poles, and flagpoles, where it is evidenced that the siting and location of the alternative tower structure allows for camouflage and concealment design techniques to a greater extent than would be achieved by application of the principal structure setback.
  - e. The facility is separated from all other freestanding wireless facilities by a distance of at least 600 feet.
  - f. The facility shall not alter vehicular circulation or parking on the site or impede vehicular, bicycle, or pedestrian access or visibility or interfere with the Americans with Disabilities Act regulations.
  - g. Any necessary wiring or cabling shall be located within the pole or, if not technically feasible, located within a fully enclosed sheathing attached to the

pole. Such sheathing shall be the same color as the pole, shall be limited in size to that necessary to cover the wiring or cabling and may not extend out from the pole more than four inches.

2. The Director may allow a reduction in the separation requirement or an increase in the maximum height requirement if the applicant demonstrates through technical network documentation that the requirement cannot result in a feasible network. The Town may require that a Town-retained technical consultant complete a study at the applicant's expense to evaluate the applicant's technical network documentation and provide an independent opinion regarding the impact on network feasibility. The request must also result in a facility that meets the following criteria:
  - a. The request will not alter the essential character of the neighborhood or district in which the facility is located, nor substantially or permanently impairs the appropriate use or development of adjacent property.
  - b. Approval of the request is warranted by the design incorporated in the proposal and the benefit provided to the Town.

#### F. Freestanding Tower Facilities

1. The applicant shall demonstrate that freestanding wireless facilities are necessitated by exceptional circumstances which prohibit the installation of a wall-mounted structure, roof-mounted structure or alternative tower structure and that the visual impact of a freestanding wireless facility is negligible from surrounding properties and streets. If such a finding is made, a new freestanding tower structure is permitted provided that:
  - a. The new structure is architecturally compatible with the surrounding area through application of camouflage and concealment design techniques; and
  - b. The facility height is not more than 25 feet.
  - c. Freestanding wireless facilities shall not be permitted between the principal structure and the street.
  - d. The minimum setback from property lines for alternative tower structures shall be one of the following:
    - i. At least 50 feet from any property line; or
    - ii. An alternative setback, approved by the Director, where the facility replaces or proposes an accessory structure to an established principal use, to include, but not limited to, signs, light poles, and flagpoles, where it is evidenced that the siting and location of the alternative tower structure allows for camouflage and concealment design techniques to a greater extent than would be achieved by application of the principal structure setback.
  - e. The facility is separated from all other freestanding wireless facilities by a distance of at least 600 feet.
  - f. The facility shall not alter vehicular circulation or parking on the site or impede vehicular, bicycle, or pedestrian access or visibility or interfere with the Americans with Disabilities Act regulations.



## Chapter 17.06: Subdivision

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### 6.1 GENERAL PROVISIONS

#### 6.1.1. PURPOSE

This chapter sets forth minimum standards for the design and improvement of land subdivision projects to ensure that each building site is capable of accommodating a structure for the intended use of land and is consistent with the land use regulations of the Town; is appropriately mitigated from natural hazards; is adequately served by a street network providing safe and convenient access; and has accessible utility installations.

#### 6.1.2. APPLICABILITY

This chapter shall apply to all divisions of land into two or more parcels, building sites, tracts, or lots.

#### 6.1.3. EXISTING SUBDIVISION AGREEMENTS AND COVENANTS

- A. Subdivisions filed and recorded on a final plat prior to the effective date of this Code shall not be regulated by this chapter unless proposed for any resubdivision meeting the minimum applicability standards per subsection 6.1.2.
- B. Large tracts or blocks contained within a recorded subdivision and intended or designed for resubdivision to small tracts, lots, or building sites shall comply with all provisions of this chapter unless already satisfied prior to the filing of the original subdivision plat.
- C. This chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of private agreements or restrictive covenants running with the land. Where this chapter imposes a greater restriction than that imposed by existing provisions of law, contract, or deed, the provisions of this chapter shall control.

### 6.2 DESIGN AND IMPROVEMENT STANDARDS

All subdivisions shall be designed, developed, and improved in accordance with the standards in this section.

#### 6.2.1. COMPLIANCE WITH ZONING REQUIREMENTS

The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within all proposed subdivisions shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation, protects wetlands and critical wildlife habitat, and otherwise accomplishes the purpose and intent of this Land Use Code and of the zone district in which the subdivision is located. Applicants shall refer to the general development standards in Article 17.05 and shall apply them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

### 6.2.2. MINIMAL STANDARDS

The design standards in this section are minimum standards. The Town may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this Code.

### 6.2.3. SUITABILITY OF LAND FOR SUBDIVISION

Land subject to natural hazards such as flooding, wildfire, falling rock, landslides, and avalanches shall be considered unsuitable for any occupancy that may impair the health, safety, or welfare of the inhabitants. Where such hazardous conditions exist on or adjacent to lands proposed for subdivision, the proposal may be denied unless potentially hazardous conditions are appropriately mitigated per Section 5.2, *Sensitive Area Protection*.

### 6.2.4. LOT AND BLOCK DESIGN

- A. Each lot shall be designed to provide an adequate accessible building site for a structure devoted to the intended use of the land.
- B. Each lot shall meet or exceed the minimum requirements of the applicable zoning district unless otherwise approved.
- C. The use of an easement for principal access to a lot shall not be allowed, unless allowed by the approving authority during the subdivision process.
- D. For individual water and sewage systems proposed for each lot, the minimum lot area as provided under applicable zoning district may be increased to minimize health hazards.
- E. Blocks exceeding 1,000 feet in length shall include pedestrian crosswalk easements to facilitate pedestrian circulation.
- F. Sidewalks and pedestrian connections shall be provided in compliance with Section 5.5.3.

### 6.2.5. STREET DESIGN

- A. The street pattern shall be designed to:
  - 1. Afford safe and convenient access to all lots within the subdivision;
  - 2. Relate to natural topography; and
  - 3. Intersect at right angles or as closely to right angles as possible.
- B. Proposed streets that are extensions of existing public rights-of-way shall be designed to effect a smooth transition from existing to proposed improvements and shall match the names of the extended public right-of-way.
- C. Where developable but unplatted land is separated by a proposed subdivision from an existing public right-of-way, the street pattern of the proposed subdivision shall include streets extended to the boundary common to both tracts to prevent land locking of the unplatted tract.
- D. Where a proposed subdivision borders on arterial or sub-arterial roadways, intersections of proposed streets with such arterials shall be limited.

- E. Lots bordering arterial and sub-arterial roadways may either be reverse-facing on an internal street within the subdivision or be served by a frontage road providing for the collection of traffic at a designated intersection.

### 6.2.6. ALLEYS AND EASEMENTS

#### A. Alleys

1. Alleys may be required in any subdivision.
2. Minimum width of alleys shall be 20 feet.

#### B. Utility Easements

1. Utility easements may be required along all rear lot lines except those bordering dedicated streets and alleys.
2. Utility easements may be required along any of the side lot lines except those bordering dedicated streets and alleys.
3. Side lot easements shall measure a minimum of five feet in width on each lot and rear lot easements shall measure a minimum of seven and one-half feet in width on each lot.

### 6.2.7. STREET IMPROVEMENTS

All streets and alleys proposed for dedication to the public shall be improved according to the Public Works Manual.

### 6.2.8. DRAINAGE EASEMENTS

- A. Drainage easements shall be designed to accommodate expected runoff.
- B. Drainage easements and improvements shall be designed by a State-licensed engineer.
- C. Drainage easements and improvements shall be installed to the specifications of the Public Works Manual.
- D. All drainage improvements described herein shall be the financial responsibility of the subdivider, subject to the provisions under Section 2.6.5.C.1.d.

### 6.2.9. BRIDGES

- A. Any bridge planned as part of a proposed subdivision shall be designed and constructed in accordance with AASHO recommendations for an H-20 live load.
- B. Where an existing bridge is a part of a proposed subdivision and does not meet specifications of this chapter, it is the responsibility of the subdivider to repair or replace such bridge as necessary to meet the requirements of a H-20 live load prior to acceptance by the Town for maintenance,
- C. No lot served by such bridge shall be built upon or occupied until such improvements have been completed.
- D. The width of any bridge shall be the same as the width of its roadway approaches.

### 6.2.10. WATER DISTRIBUTION

- A. Water distribution systems shall be designed to connect with the Town water system and make water available to each lot in the proposed subdivision.
- B. Fire hydrants shall be located to ensure protection of each lot based on utilization of existing Carbondale Fire District firefighting equipment.
- C. Design of the system shall be the responsibility of the subdivider with all plans subject to approval of the Town.
- D. Installation of the system shall be to Town's Public Works Manual.
- E. Financial responsibility for the water distribution system shall be subject to existing Town regulations and agreements executed by Town and subdivider.

### 6.2.11. SANITARY SEWAGE COLLECTION

- A. Where the Town sanitary sewage collection system is accessible, the sewage collection system shall be designated to connect with the Town's system and provide service for each lot of the proposed subdivision. Design of the system shall be the responsibility of the subdivider with all plans and specifications subject to the approval of the Town. Installation of the system shall be to the specifications of the Public Works Manual.
- B. Financial responsibility for the sanitary sewage collection system shall be on the subdivider, subject to any regulations of the Town, and also subject to any agreements executed by the Board of Trustees and the subdivider pursuant to Section 2.6.5.C.1.c.

### 6.2.12. UNDERGROUND UTILITIES

#### A. On-site Utility Lines

All on-site electric utility, cable television lines and all other communication and utility lines for buildings serving residential and non-residential development shall be placed and maintained underground, where feasible.

#### B. Transmission Feeder Lines

Overhead transmission feeder lines are not allowed unless they are located:

1. In the OTR district;
2. Adjacent to a public or private street where overhead lines exist;
3. Along the perimeter of a subdivision where overhead lines exist; or
4. Along the perimeter of a subdivision that has existing underground feeder lines only if the proposed development provides the entire width of the utility easement necessary to accommodate the proposed utility.

### 6.2.13. CONSERVATION SUBDIVISIONS

#### A. Purpose

This section provides an optional process and standards for conservation subdivision development, or "cluster development." A conservation subdivision is a residential subdivision in which some or all of the lots are allowed to be smaller (in area and width) than otherwise required for the underlying zoning district, in exchange for the

protection of common open space. Clustered lots should occur near the edges of property close to planned or existing development. The Town encourages conservation subdivision design through a density bonus approach, in which these regulations offer higher density in exchange for greater amounts of open space preserved.

**B. Applicability**

The conservation subdivision option is only available within the AG district for development of single-family detached residential dwellings, duplex dwellings, and single-family attached dwellings (up to four units/lot).

**C. Approval of Cluster Development Plans**

In lieu of the major subdivision conceptual plan required by Section 2.6.3, the developer shall prepare and submit an application for conservation subdivision, which shall include an existing resource and site analysis map delineating steep slopes, hydrology, vegetation, and significant natural and cultural features. A conservation subdivision plan shall be submitted consistent with requirements for sketch, preliminary, and final as defined in this Code and the user’s manual.

**D. Basic Requirements for Conservation Subdivisions**

1. Under the conservation subdivision option, a minimum of 40 percent of the total area of the subdivision shall be set aside as common open space. Higher densities are allowed with greater percentages of protected open space. The total area of common open space set aside shall determine the maximum allowed density on the site, as shown in the following table:

District	Common Open Space Protected (% of Gross Acreage)	Maximum Density (DU/ acre)
AG	40	0.4
	50	0.6
	60	0.8
	70+	1.0

2. In order to determine the maximum number of lots permitted on a tract of land, the net buildable area (calculated as the gross acreage, minus the common open space protected) shall be multiplied by the maximum density shown in the table above. Lot sizes shall be established by the Town at the time of approval of the conservation subdivision. No lot shall be smaller in area than 6,000 square feet. The minimum lot width shall be 30 feet.
3. Where possible, structures shall be oriented with respect to scenic views, natural landscape features, topography of the site, solar energy, and natural drainage areas, in accordance with an overall plan for site development.
4. There shall be no further subdivision of land in an area approved for conservation subdivision. However, easements for public utilities may be permitted.

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

**E. Provision and Maintenance of Common Open Space and Facilities**

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

**F. Use of Open Space**

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

**G. Characteristics of Open Space to be Reserved**

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

**6.3 FEE EXEMPTIONS FOR QUALIFIED DEVELOPERS OF AFFORDABLE HOUSING**

**6.3.1. INCENTIVES FOR AFFORDABLE HOUSING PROJECTS**

**A. Qualified Developer**

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

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

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

**B. Exemption from Fees**

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

**C. Application for Exemptions-Contract Required**

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

**D. Compliance with Other Code Requirements**

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

**E. Exemption from Additional Fees**

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

### 6.3. Fee Exemptions for Qualified Developers of Affordable Housing

#### 6.3.1. Incentives for Affordable Housing Projects

##### 6.3.1.F Board of Trustees Discretion to Decline Exemption

#### CHAPTER 17.06: SUBDIVISION

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

#### **F. Board of Trustees Discretion to Decline Exemption**

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

## Chapter 17.07: Nonconformities

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### 7.1 PURPOSE

The purpose of this chapter to regulate and restrict uses, structures, lots, site characteristics, and signs that were established legally prior to the effective date of this Code but do not conform to the requirements of this Code. All such situations are collectively referred to in this chapter as “nonconformities.” While nonconformities may continue, this chapter is intended to minimize substantial investment in nonconformities and bring about their eventual elimination in order to preserve the integrity of this Code and the character of the Town.

### 7.2 NONCONFORMITIES GENERALLY

#### 7.2.1. AUTHORITY TO CONTINUE

##### A. Generally

Any nonconformity that lawfully existed as of the effective date of this Code and that remains nonconforming, and any nonconformity that is created as a result of the adoption of this Code or any subsequent amendment to the text of this Code, may be continued or maintained as a nonconformity only in accordance with the terms of this chapter.

##### B. Exception Due to Variances or Minor Modifications

Notwithstanding paragraph A above, where a variance or minor modification has been granted that results in a development standard or feature that does not otherwise conform to the requirements of this Code, that development standard or feature shall be deemed conforming and this chapter shall not apply.

#### 7.2.2. DETERMINATION OF NONCONFORMITY STATUS

In all cases, the burden of establishing the existence of a nonconformity shall be solely upon the owner of the nonconformity, not the Town.

#### 7.2.3. NONCONFORMITIES CREATED THROUGH GOVERNMENT ACTION

If a structure, use of land, use of structure, or characteristic of use does not comply with the requirements of this Code solely as a result of an acquisition of land or other action by a government agency for a public purpose, then such structure, use of land, use of structure, or characteristic of use on land not acquired by the government shall be deemed conforming.

#### 7.2.4. CHANGE OF OWNERSHIP OR TENANCY

Changes of ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the provisions of this chapter.

### 7.2.5. MAINTENANCE AND MINOR REPAIR

Minor repairs or maintenance of nonconformities are permitted and encouraged, provided that the minor repairs and maintenance do not increase the extent of nonconformity. For purposes of this section, “maintenance or minor repair” shall mean:

- A. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or exterior or interior appearance of a building or structure without expanding the building or structure;
- B. Maintenance of land areas to protect against health and environmental hazards; and
- C. Repairs that are required to remedy unsafe conditions that cause a threat to public safety.

## 7.3 NONCONFORMING USES

### 7.3.1. NONCONFORMING USE OF STRUCTURE

#### A. Expansion of Structure Occupied by Nonconforming Use

No existing structure occupied by a nonconforming use shall be enlarged, moved, or altered except by changing the use of the structure to a use permitted in the district in which it is located.

#### B. Expansion of Unpermitted Use

Expansion of a use not allowed in the zoning district in which it is located shall not be permitted.

#### C. Change of a Nonconforming Use

Change of a use not permitted in a zoning district in which it is located to any use permitted in the applicable zoning district is allowed in accordance with the following:

1. The change in use shall not create any additional nonconforming situations nor increase the extent of nonconformance. For example, if the new use requires more parking spaces than the previous use, all additional parking spaces shall be provided by the new use prior to issuance of a building permit or certificate of occupancy, unless a variance is granted.
2. Any new improvements, other than maintenance of existing facilities, necessitated by the change in use shall conform to all applicable regulations of the zoning district in which it is located. Existing site improvements that do not conform to the applicable regulations of the zoning district are not required to be brought into compliance except as required in paragraph 4 below, Sections 7.5 and 7.6, and other applicable parts of this chapter.
3. Any expansion involved with the change in use shall comply with the applicable regulations of this chapter.
4. Unless otherwise approved by the Board of Trustees, a change in use to a use that requires a special use permit, conditional use permit, PUD approval, and or general rezoning shall be allowed only if all proposed and existing site improvements, other than existing nonconforming structures, comply with all applicable regulations and development standards specified in this Code for the zoning district in which the use is located.

**D. Manufactured Homes**

Manufactured homes located in zoning districts not permitting their use may be continued to be used as a residential dwelling after the effective date of this Code, unless abandoned as a dwelling for the period of 180 days or more. Manufactured homes may be replaced per Section 7.4.2.D.

**7.3.2. NONCONFORMING USE OF LAND**

Where, at the effective date of adoption or amendment of this Code, lawful uses of land exist that are no longer permissible under the terms of this Code as enacted or amended, such uses may be continued so long as they remain otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Code.

**7.3.3. ABANDONMENT OF NONCONFORMING USE**

- A. If a nonconforming use is not used for a period of 180 consecutive days after the date it is rendered nonconforming, then that use shall not be renewed or reestablished and any subsequent use of the parcel of land or structure shall conform to the regulations of the zoning district in which it is located.
- B. A property owner whose nonconforming use has not been used for a period of 180 consecutive days may request an administrative determination from the Director whether the nonuse of the property was due to some conduct within the control of and attributable to the property owner or a previous property owner. A determination that the nonuse was not due to some conduct within the control of and attributable to the property owner or a previous property owner shall mean that the nonconforming use may be renewed or reestablished. In addition to intentional acts, conduct in the control of and attributable to the property owner may include negligent or inadvertent acts and/or engagement in civil or criminal misconduct that the property owner know or should know could lead to involuntary closure.
- C. Appeal of the Director's decision may be made to the Board of Trustees following procedures under Section 2.7.2, *Appeals*.

**7.4 NONCONFORMING STRUCTURES****7.4.1. CONTINUED USE**

Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the property, such structure may be continued so long as it remains otherwise lawful, subject to the provisions of this Section 7.4.

## 7.4.2. ALTERATION, REPAIRS, OR REPLACEMENT

### A. External Expansion

An expansion of a nonconforming structure may be allowed only if the expansion can be accomplished in compliance with all applicable regulations of this Code, including, but not limited to, setback, lot coverage, height, and site development standards. No expansion may increase the level of nonconformity.

### B. Movement of Nonconforming Structure

Should a nonconforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district(s) in which it is located after it is moved.

### C. Interior Remodeling and Alteration

Interior remodeling or alteration within a nonconforming structure is allowed, provided that such alteration does not create any nonconforming use or situations nor increase the intensity of the nonconformance per paragraph A of this section, and all applicable regulations of this Code are met.

### D. Manufactured Homes

Manufactured homes located in a residential zoning district and that constitute a nonconforming structure may be replaced by a Manufactured home that conforms with the standards contained in Title 16 of Carbondale's Municipal Code and if all regulations of the zoning district in which it is located are satisfied.

### E. Building Code

All modifications made to a nonconforming structure shall be made in accordance with the provisions of this Code, and all other applicable codes and ordinances of the Town.

### F. Nonconforming Accessory Structures

A nonconforming accessory structure shall not be converted into a primary use in any zoning district unless and until a variance is approved for the nonconforming structure.

## 7.4.3. DAMAGE OR DESTRUCTION

- A. If a nonconforming structure is damaged or destroyed by any means to an extent greater than 50 percent of its replacement cost at the time of damage or destruction, then such structure shall not be re-established unless it is made to conform to the requirements of this Code.
- B. Where a nonconforming building is damaged by 50 percent or less of its replacement cost at the time of damage, it may be repaired or restored, provided any such repair or restoration is started within 180 days and is completed within 18 months from the date of partial destruction.
- C. The Town's Chief Building Official shall determine the above reconstruction costs. The cost of land or any factors other than the cost of the structure are excluded from the determination of cost of restoration for any nonconforming structure. Appeal of the Chief Building Official's determination may be made to the Board of Trustees following the procedures under Section 2.7.2, *Appeals*.

**7.5 NONCONFORMING SITES OR LOTS**

**7.5.1. CHANGE IN USE OR EXPANSION OF USE OR STRUCTURE**

On a site or lot that does not conform to the standards of the zoning district in which it is located, a change in use or expansion of a use or structure requires a conditional use permit from the Director and shall comply with the following:

- A. If the total cumulative area of all expansions occurring after the effective date of this Code increases the gross floor area or developed site area of the use by more than 20 percent of that existing prior to the effective date of this Code, all existing site improvements, except existing nonconforming structures, shall be made to comply with the applicable development standards of this Code.
- B. All new improvements shall comply with applicable development standards of this Code and with all applicable regulations of this chapter.

**7.5.2. NONCONFORMING SITE OR LOT CREATED BY ENACTMENT OF THIS CODE**

If a site or lot is made nonconforming by virtue of the enactment of this Code, the lot may be built upon or developed as long as the owner meets all development criteria except lot size and/or minimum dimensions.

**7.6 NONCONFORMING PARKING**

Any parking spaces and/or access to public rights-of-way lawfully existing on the effective date of this Code that do not conform to the parking requirements, development standards, and access standards of Section 5.8, *Off-Street Parking*, are nonconforming and may be continued to be used subject to the following:

**7.6.1. CHANGE IN USE**

A change in use or expansion of any conforming or nonconforming use or structure shall only be permitted if the additional number of parking spaces necessitated by the expansion or change in use are provided as stipulated in Section 5.8.2.

**7.6.2. EXPANSION**

Nonconforming parking shall not be expanded or enlarged. When additional parking spaces are necessitated by expansion, modification, change in use, or by new uses, all new parking areas shall comply with the development standards of this Code and the access to the lot from public rights-of-way, including access to existing parking areas, shall be brought into compliance with this Code and other standards adopted by the Town.

**7.6.3. TWENTY PERCENT LIMITATION**

If the total cumulative area(s) of all expansions or changes in use on a site occurring after the effective date of this Code increases the gross floor area or developed site area of any existing use by more than 20 percent of that existing prior to the effective date of this Code, or increases the required number of parking spaces by more than 20 percent above that provided prior to the effective date of this Code, all parking facilities, including new and existing parking areas, shall be made to comply with all applicable development

standards including access, landscaping, surfacing materials, lighting, screening, and other standards as specified in this Code.

#### 7.6.4. LEASED PARKING

If parking requirements for a conforming or nonconforming use are met through leasing of parking facilities and such lease terminates, the owner of the use shall be allowed 90 days from the date of such termination to provide the required number of parking spaces. If the required number of parking spaces is not provided within 90 days after the termination of the parking lease, all such uses shall be deemed in violation of this Code and shall not be considered a nonconforming use.

### 7.7 NONCONFORMING EXTERIOR LIGHTING

#### 7.7.1. EXISTING EXTERIOR LIGHTING

Any exterior lighting existing on the effective date of this Code that does not conform to the requirements and standards of Section 5.10, *Exterior Lighting*, shall be nonconforming.

#### 7.7.2. REMOVAL OR REPLACEMENT OF NONCONFORMING EXTERIOR LIGHTING REQUIRED

Such lighting shall be removed or replaced with exterior lighting that conforms to the requirements and standards of Section 5.10, *Exterior Lighting*, within five years of the effective date of this Code.

## Chapter 17.08: Definitions

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### 8.1 RULES OF CONSTRUCTION

#### 8.1.1. MEANINGS AND INTENT

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general purpose set forth in Section 1.3 and the specific purpose statements set forth throughout this Code. When, in a specific section of this Code, a different meaning is given for a term defined for general purposes in this chapter, the specific section's meaning and application of the term shall control.

#### 8.1.2. HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

#### 8.1.3. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

#### 8.1.4. COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town. References to days are calendar days unless otherwise stated.

#### 8.1.5. TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

#### 8.1.6. MANDATORY AND DISCRETIONARY TERMS

The words "shall," "must," and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

#### 8.1.7. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions, or events apply; and
- B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

### 8.1.8. TENSES, PLURALS, AND GENDER

Whenever appropriate with the context, words used in the present tense include the future tense. Words used in the singular number include the plural. Words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

## 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.

## **8.2.2. COMMERCIAL USES**

### ***A. Agriculture and Animal-Related Services***

Agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal husbandry. Animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

### ***B. Adult Entertainment Establishments***

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

### ***C. Arts***

Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts or skilled in an applied art or craft.

### ***D. Food and Beverage Services***

Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

### ***E. Funeral and Internment Service***

Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead other than in cemeteries or religious assembly uses. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial or cremation, crematoriums, columbariums, and funeral homes.

### ***F. Lodging Facilities***

For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period.

### ***G. Maintenance and Repair Services***

Establishments primarily engaged in the provision of repair services to individuals and households, sometimes including businesses, but excluding automotive and equipment repair types.

### ***H. Marijuana Uses***

Uses primarily engaged in cultivating, manufacturing, or sales of medical or retail marijuana.

### ***I. Offices, Business, and Professional Services***

Uses that provide executive, management, administrative, or professional services, but do not involve the sale of merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

### ***J. Personal Services***

Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location.

### ***K. Recreation and Entertainment, Indoor***

Uses that provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.

### ***L. Recreation and Entertainment, Outdoor***

Uses providing recreation or entertainment activities outside of an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities.

### ***M. Retail Sales***

Uses involving the sale of a product directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale.

### ***N. Research and Development***

Uses involving the investigation and development of technologies and processes to aid in scientific research, commerce, and industry.

### ***O. Vehicle and Equipment***

Uses include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

## **8.2.3. INDUSTRIAL USES**

### ***A. Industrial Services***

Uses include the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage.

### ***B. Manufacturing and Production***

Uses including all transformative processes, regardless of whether or not the new product is finished or semi-finished. Production is typically for commercial wholesaling rather than for direct sales. Manufacturing and production uses include the following:

***C. Storage and Warehousing***

Uses that are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

***D. Waste and Salvage***

Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

***E. Utilities***

All lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local level.

**8.2.4. WIRELESS FACILITIES**

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless facility does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this UDC. A wireless facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, base stations, support equipment, and towers. It does not include the support structure to which the wireless facility or its components are attached if the use of such structures for wireless facilities is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this UDC.

## 8.3 OTHER TERMS DEFINED

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

### 95<sup>th</sup>-Percentile Rainfall Event

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

## A

### Access

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

### Accessory Building

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

### Accessory Dwelling Unit

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

### Accessory Use

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

### Addition

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

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

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

### Adult Day Care

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

### Adult Entertainment Establishment

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

### Affordable

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

**Alley**

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

**Alteration**

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

**Amendment**

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

**AMI**

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

**Anchor Tenant**

The major or prime tenant of a shopping center.

**Annexation**

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

**Arcade**

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

**Architectural Feature**

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

**Art Gallery**

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

**Asphalt and Concrete Batch Plant Operation**

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

**Assembly, Fabrication, or Manufacturing**

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

**Assisted Living Facility**

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

**Automatic Teller Machine (ATM)**

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

**Automotive Fuel Sales**

An establishment where fuel and other supplies for motorists are sold. Minor repair services such as lubrication, oil and tire changes may be provided, but major repairs such as vehicle bodywork or painting or repair of engines or drive trains may not be provided. A fueling station may include a convenience store.

**Automotive Parts and Accessory Sales**

An establishment that sells primarily new parts, tires, and other accessories for automobiles, light trucks, motorcycles, and similar vehicles. This use does not include establishments dealing primarily in used parts, including junk or salvage operations

**Automotive Repair Shop**

An establishment primarily engaged in providing vehicle repair, body work, mechanical servicing, and/or painting within a building.

**Automotive Sales or Leasing**

Premises on which new or used passenger automobiles, trailers, or trucks in operating condition are displayed for sale, lease, or rental.

**Automotive Salvage Yards**

A service in which towing or emergency services are provided to disabled automotive vehicles or equipment. This definition includes activities such as junk or salvage storage or operation; vehicle wrecking and salvage operation; shredder; and vehicle storage (wrecked or inoperable).

**Auto Wash**

The use of a site for washing, cleaning, and detailing of passenger vehicles, recreational vehicles, or other light-duty equipment.

**Average Daily Trips (ADT)**

The estimated or known trip average of the number of one-way trips generated by a particular use during a 24-hour period.

**Awning**

An exterior shading device attached to and supported entirely from a building facade that projects outward from the facade, commonly above (and sometimes to the side of) a window or door to block or minimize direct sunlight reaching the window or door. An awning may also overhang and provide shelter to people using sidewalks and outdoor seating areas. An awning may be a basic awning made up of opaque or translucent nonrigid materials except for the supporting framework, or may be a horizontal or vertical louvered awning.

**B****Balcony**

An unenclosed platform structure supported by and projecting from or inset into the exterior of a building gaining sole access from said building, and designed and intended for either decorative purposes or lounging, dining, and similar activities.

**Bank, Financial Institution**

An establishment that provides retail banking, mortgage lending, financial services, and/or check cashing services to individuals and businesses.

**Banner**

A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing.

**Bar, Tavern, or Lounge**

An eating/drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and where the sale of food products such as sandwiches and light snacks is secondary.

**Base Zoning District**

One of any number of contiguous geographic areas within which the standards of this Code apply uniformly to each property within that designated area. Also referred to as “Zoning District.”

**Bed and Breakfast**

A residential building containing not more than five guest rooms that provides sleeping units and meals for transient guests, and that is managed and occupied by the owner of the property.

**Bicycle Lane**

A portion of a street that has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicycles.

**Bike Path**

A designated accessway reserved for bicycle travel that is not within a street roadway or other vehicular accessway. A bike path may be within a greenway or may parallel a street or other vehicular accessway, but are typically separated from them by landscaping.

**Bike Rack**

A device built of metal, wood, or some other permanent material for the purpose of providing safe parking and security for bicycles.

**Board of Adjustment**

See Section 2.8.4.

**Board of Trustees**

See Title 2, Chapter 2.04.

**Boardinghouse**

A building, other than hotels, motels, bed and breakfasts, or multifamily dwellings, arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

**Brewery, Bottling Plants**

A facility that brews and bottles ales, beers, meads, and/or similar beverages on site.

**Buffer**

A varying width (depending on use and surrounding uses) landscaped area between subject's property and any and all neighboring properties.

**Building**

Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Envelope**

The area on any lot in which a building can be erected consistent with applicable easement and setback requirements for front, side, and rear yards.

**Building Frontage**

The linear distance along the exterior building wall that faces a public right-of-way abutting the lot on which the building is located.

**Building Height**

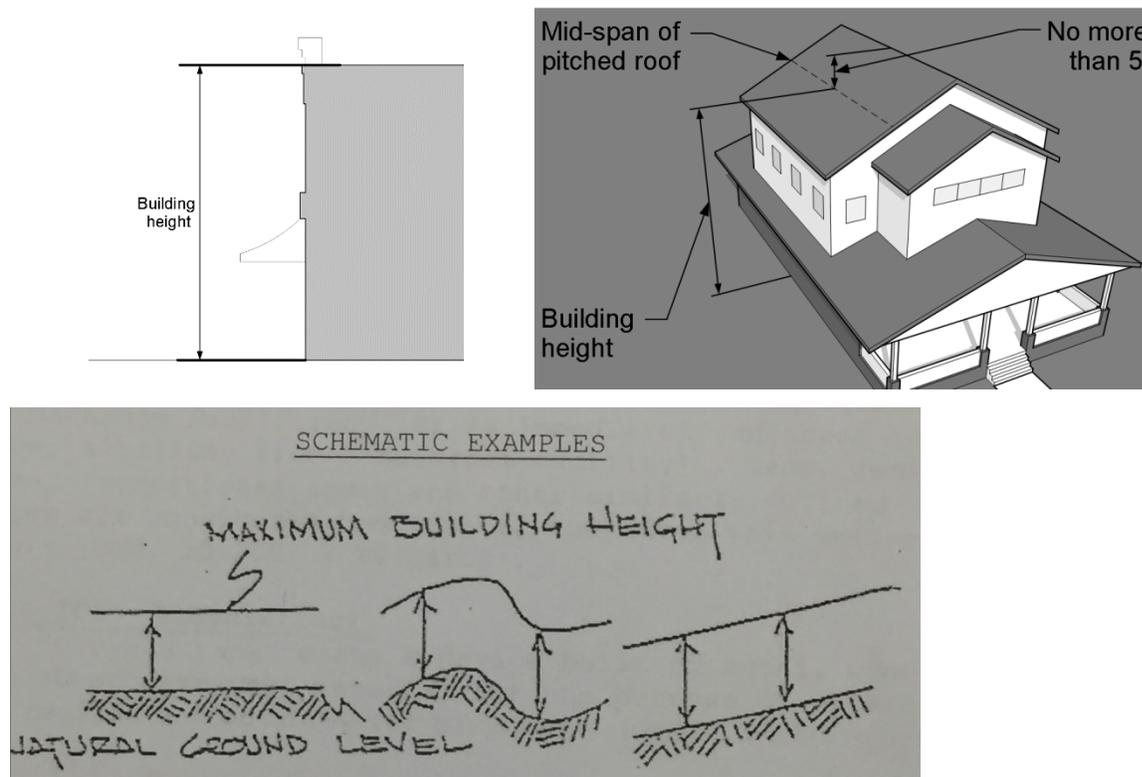
The height of a building is measured as the vertical distance above the preconstruction grade or undisturbed natural ground level above which no part of any building may extend except as provided within this definition or as provided in Section 3.7.5 of this Code. The height of a building shall be measured to the top of a flat roof, deck line of a mansard roof, or to mid-span of the highest gable of a pitched roof or hip roof with the provision that a peak may only extend up to five feet above the specified maximum building height for any zoning district.

Undisturbed natural ground is the preconstruction grade for any lot prior to application for a building permit. For new subdivisions, undisturbed natural ground level or grade will be considered after provision of utilities and infrastructure when there is an approved grading plan for the subdivision.

The schematic examples below are meant to provide guidance for interpreting this definition.

**SCHEMATIC EXAMPLES**

**Figure 8.2.4-A: Building Height Examples**



**RELATIONSHIP OF NATURAL GRADE TO BUILDING HEIGHT**

A topographic map will be required when the average grade across the lot is more than 10 percent and is suggested when grade is greater than seven percent. The topographic map shall be of a quality that is acceptable to Town staff and does not necessarily need to be drawn by a registered land surveyor.

**Building Lot Coverage Area**

The ground area encompassed by the perimeter of the vertical projection of the walls of a structure from ground level, excluding roof overhang, but including cantilevered functional space.

**Building Materials, Feed, Supply Store**

An establishment engaged in the storage, distribution, and sale of building materials such as lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Feed and supply stores include commercial sale of feed and supplies related to the agricultural industry. Accessory uses may include repair or delivery services and outside sale of equipment, plants, and gardening supplies.

**Building Official**

See Section 2.8.5.C.

**Building, Principal**

A building or buildings in which the primary use of the lot is conducted or is intended to be conducted.

**Building, Public**

Any building held, used, or controlled for public purposes by any government, whether state, county, or municipal, without reference to the ownership of the building or of the land on which it is situated.

**Building Setback**

The minimum horizontal distance required between the front, side, or rear lot lines and the wall of any building as specified by the regulations of a particular zoning district.

**Bulk Storage of Liquefied Petroleum Gas (LPG) - 2,000 Gallons or More**

A permanent facility for the storage of gasoline, propane, butane, or other petroleum products offered for wholesale distribution (not for direct sale to the general public).

**Business Research and Development**

A facility including research, synthesis, analysis, development and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment and components incidental or convenient or necessary to the conduct of such activities.

**C****Caliper**

Diameter measurement of a tree-trunk taken at six inches above ground level for trees up to and including four inches in caliper. For trees larger greater than four inches in caliper, measurement of caliper shall be taken at 12 inches above ground level.

**Campground and RV Park**

An outdoor facility designed for overnight accommodation of human beings in tents, motorized vehicles, rustic cabins and shelters, or trailers for recreation, education, naturalist, or vacation purposes. Office, retail and other commercial uses commonly established in such facilities and related parking structures shall be allowed as accessory appurtenances.

**Centerline**

For purposes of the sign regulations of this Code, the centerline of the adjoining right-of-way closest to the sign.

**Certificate of Occupancy**

The final permit or authorization issued by the Town allowing occupancy or use of a building, and certifying that the building has been constructed in accordance with all applicable requirements.

**Civic Building**

A building that provides for community meetings and/or activities including, but not limited to, Town Hall, post office, school administration building, and other public buildings owned or operated by the Town, state or federal government, or other public agency.

**Club or Lodge**

Nonresidential organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues, or regular meetings. This definition includes uses such as fraternal lodge; singing society; and social membership club. This definition shall not include residential facilities.

**Code Amendment**

See Section 2.4.1.

**Color Rendering Index (CRI)**

A Quantitative measure of the ability of a light source to reproduce the colors of various objects faithfully in comparison with an ideal or natural light source.

**Commercial Farming, Animal Husbandry, Plant Husbandry**

The raising of food and feed crops and products, and including tree and vine products, animal husbandry including beekeeping, dairying, poultry, and pasturage. This use includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include fat rendering, meatpacking, or tanning, cutting curing, cleaning or storing of green hides or skins, slaughtering or meatpacking of animals not raised on the premises, or poultry dressing of animals not raised on the premises.

**Commercial Laundry and Dry Cleaning**

An establishment that cleans garments, fabrics, draperies, etc., with a liquid other than water. The plant is generally not visited by individual customers, but rather by commercial dry cleaning drop-off facilities. This definition includes uses such as rug cleaning or repair service; pressing of garments or fabrics; tailoring or alterations; carpet or upholstery; power laundry; industrial launderers; and linen supply.

**Commercial Outdoor Facility**

Commercial recreation conducted out-of-doors for amusement or sport, and which is operated for financial gain; including but not limited to miniature golf, batting cages, waterslides, skateboard parks, driving ranges, go-kart tracks, and rafting operations.

**Commercial Parking Lot (surface or structured)**

Facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking not connected to the use is also classified as a commercial parking lot.

**Common Elements**

In a condominium or cooperative, all portions of the condominium or cooperative other than the units. In a planned community, any real estate within a planned community owned or leased by the association, other than a unit

**Common Elements, General**

Those common elements designated in the declaration as being owned in common by multiple lot or unit owners. This includes: the land or interest therein on which a building or buildings are located; the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of such building or buildings; the basements, yards, gardens, parking areas, and storage spaces; the premises for the lodging of

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

### **Common Elements, Limited**

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

### **Common Open Space**

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

### **Community Center**

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

### **Community Garden**

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

### **Community Housing**

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

### **Comprehensive Plan**

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

### **Conceptual Plan**

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

### **Condominium**

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

**Condominium Map**

That part of a condominium declaration that depicts all or any portion of a common interest community in three dimensions, is executed by a person that is authorized by this Code to execute a declaration relating to the common interest community, and is recorded in the real estate records in Garfield County. A map is required for a common interest community with units having a horizontal boundary. A map and a plat may be combined in one instrument.

**Condominium Unit**

A physical portion of a common interest community that is designated for separate ownership or occupancy and the boundaries of which are described in or determined from the declaration. If a unit in a cooperative is owned by a unit owner or is sold, conveyed, voluntarily or involuntarily encumbered, or otherwise transferred by a unit owner, the interest in that unit that is owned, sold, conveyed, encumbered, or otherwise transferred is the right to possession of that unit under a proprietary lease, coupled with the allocated interests of that unit, and the association's interest in that unit is not thereby affected.

**Conditional Use**

A use permitted in a zoning district subject to discretionary review and approval by the Director. Conditional uses are typically uses that may have unique or widely varying operating characteristics, may have potential operational or other impacts on adjacent properties, or may have unusual site development demands.

**Conditional Use Permit**

Uses that require a conditional use permit are those indicated in Table 4.2-1 which are allowed in the zoning district but must satisfy certain conditions particular to that use. Such uses shall only be allowed with prior issuance of a conditional use permit by the Director.

**Construction Waste Recycling and Compacting Facility**

A lot or parcel of land, with or without buildings, where wastes are recovered in a process designed to provide an acceptable reuse of all or part of the waste. This use includes, but is not limited to, facilities for processing or recycling metal, wire, concrete, roofing materials, drywall, asphalt, siding, insulation, wood, demolition debris, paper, and glass.

**Contiguous**

In contact with or sharing a common border, boundary, or property line.

**Contractor Construction Yard or Facility**

Contractor activities and incidental storage on lots other than construction sites. Also includes landscape contractors and landscape maintenance businesses and the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware.

**Convenience Store, Without Fuel**

A retail establishment offering for sale a limited line of groceries and household items intended for the convenience of a small geographic area or neighborhood.

**Convention Hall**

A facility specially designed to host conferences, exhibitions, events, large meetings, seminars and training facilities.

**Cornice**

The uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or a portion of a building.

**Correlated Color Temperature (CCT)**

The color temperature of a light source is determined by comparing its chromaticity with that of an ideal black-body radiator. The temperature (usually measured in kelvin (K)) at which the heated black-body radiator matches the color of the light source is that source's color temperature. Yellow-red colors are considered warm, and blue-green colors are considered cool.

**Country Club**

An establishment operated for the benefit of members and as nonprofit business entities, typically associated with a golf course that is intended as a place of social and recreational gatherings for members of a private club.

**Covenant**

A private legal restriction on the use of land contained in the deed, plat and other legal documents pertaining to the property.

**Crosswalk**

A pedestrian pathway that cuts across a block to facilitate pedestrian access to adjacent streets and properties.

**Cul-De-Sac**

A short street designed to have one end permanently closed; the closed end terminated by a vehicular turnaround.

**Cut-off Fixture**

A fixture where a maximum of 2.5 percent of the light occurs above 90 degrees from the vertical, a maximum 10 percent between 80 and 90 degrees from the vertical and a minimum of 90 percent of the light below 80 degrees from the vertical.

**D****Day Care – Fewer Than Seven Children**

A facility licensed by Garfield County and/or the State of Colorado that is maintained for a whole or part of a day for the care of more than two but less than seven children under the age of 16 years not related to the owner, operator, or the manager of the facility. Includes facilities operated with or without compensation for day care services.

**Day Care – Seven Children or More**

A facility licensed by Garfield County and/or the State of Colorado that is maintained for a whole or part of a day for the care of seven or more children under the age of 16 years not related to the owner, operator, or the manager of the facility. Includes facilities operated with or without compensation for day care services.

**Deciduous**

Plant material that seasonally drops (loses) its leaf material.

**Deck**

A roofless outdoor space built as an above ground platform, freestanding or attached, projecting from the wall of a structure and supported by posts or pillars.

**Declaration**

An instrument recorded under the Condominium Ownership Act of the state which defines the character, duration, rights, obligations and limitations of condominium ownership.

**Dedication**

A transfer, by the owner, of a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance by the Board.

**Directional Sign**

A sign located outdoors, that guides, instructs, or directs viewers to a place or event not located on the same premises.

**Director**

Planning Director. See Section 2.8.5.B.

**Ditch**

A narrow channel dug in the ground, typically used for drainage alongside a road or the edge of a field.

**Drainage Plan**

A plan prepared in graphical format showing existing and proposed grading, drainage control, flood control and erosion control information in sufficient detail to determine project feasibility as required by the Director or Town Engineer.

**Driveway**

A private accessway providing access between a street and destinations points within an adjacent property.

**Dry Cleaning Pick-Up**

An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers but not including any on-site cleaning or dry cleaning activities.

**Dwelling**

A structure or portion of a structure that is designed, occupied, or intended to be occupied as living quarters and includes facilities for cooking, sleeping, and sanitation; but not including hotels, motels, clubs, boarding houses, or any institution, such as an asylum, hospital, or jail, where human beings are housed by reason of illness or under legal constraints.

**Dwelling, Duplex**

Two residential dwelling units, other than mobile homes, within a single building and under a single roof.

**Dwelling, Efficiency**

A dwelling unit consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.

**Dwelling, Four-plex**

Four residential dwelling units, other than mobile homes, within a single building and under a single roof.

**Dwelling, Live/Work**

A dwelling unit containing an integrated living and working space that is intended to function predominantly as business workspace with incidental residential use occupied by the business owner or operator. The unit typically has a store-front, with the workspace, public display area, or show-room on the ground floor of the unit and the majority of the residence located either on the upper floor if there are two floors, or the back of the unit if there is only one floor.

**Dwelling, Manufactured/Factory-Built Home or Modular Structure**

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

**Dwelling, Multi-Family**

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

**Dwelling, Single-Family Attached**

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

**Dwelling, Single-Family Detached**

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

**Dwelling Unit**

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

**E****Easement**

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

**Effective Date**

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

**Elevation**

The front, side, or rear of a structure

**Employee Dwelling Unit**

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

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

**Environmentally Sensitive Areas**

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

**Equipment Sales and Leasing, Farm and Construction**

An establishment engaged in the sale of equipment, tools, supplies, and small appliances designed for use in construction, farming, or agriculture. This use includes the sale of farm-specific vehicles such as tractors, tillers, farm trailers, back hoes, graders, boom lifts, and front-end loaders.

**Equivalent Performance Engineering Basis**

By using engineering calculations or testing, following commonly accepted engineering practices, all components and subsystems of a manufactured home will perform to meet health, safety, and functional requirements to the same extent as required for other single-family housing units.

**Existing Development**

Development not otherwise exempted by this ordinance that it either is built or has established a statutory or common-law vested right as of the effective date of this Code.

**Existing Tree Canopy**

Tree canopy that existed for at least two years prior to development as evidenced by the aerial photography and/or satellite imagery on file with or approved by the Town of Carbondale.

**Expansion or Replacement Facility**

See definition in 4.5.6.B.

**F****Facade**

The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.

**Family**

"Family" means: (1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship and act as a single housekeeping unit, together with their customary household servants (relationship may include husbands, wives, parents, children, grandparents, grandchildren, brothers, sisters, aunts, uncles, nephews, nieces, and first cousins); or (2) two unrelated people, who are not a family as defined above, and any number of children related to either or both of them; or (3) not more than four unrelated persons.

**Fence or Wall**

An artificially erected freestanding barrier used to enclose (and protect) an area, restrict or prevent access to an area, to conceal or screen an area, and/or for decorative purposes. A fence may be open or solid and generally consists of wood, metal, concrete, or plastic posts connected by boards, rails, panels, wire, or mesh. A wall is generally solid and consists of masonry, stone, brick, tile, concrete, or plaster. Natural growth barriers such as hedges are not considered fences or walls.

**Finished Grade**

The final elevation of the ground surface after completion of authorized development and associated man-made alterations of the ground surface such as grading, grubbing, fillings, or excavating.

**Fixture**

An assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**Fixture Height or Mounting Height**

Height of the fixture shall be the vertical distance from the ground or paved surface, whichever is lower, directly below the centerline of the fixture to the lowest direct light emitting part of the fixture.

**Flammable Liquid**

A liquid that has a flash point below 100 degrees Fahrenheit and includes all forms of alcohol and ethanol.

**Floodplain Designation and Flood Damage Prevention**

See Section 3.5.3.A.

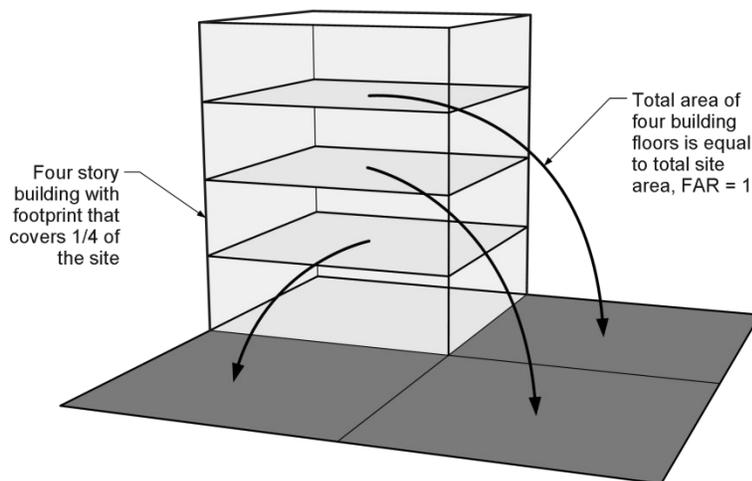
**Floor Area**

The sum of the gross area for each of a building's stories under roof measured from the exterior limits or faces of the building.

**Floor Area Ratio**

A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the lot area.

**Figure 8.2.4-B: Floor Area Ratio**

**Fluorescent Lamp or Tube**

A gas-discharge lamp that uses electricity to excite mercury vapor. The excited mercury atoms produce short-wave ultraviolet light that then causes a phosphor to fluoresce, producing visible light. Due to mercury content, these lamps must be disposed of as hazardous waste pursuant to Federal Law.

**Food-Based Extraction**

Producing marijuana concentrate by extracting cannabinoids from marijuana through the use of propylene, glycol, glycerin, butter, olive oil, or other typical cooking fats. Except as otherwise provided in 4.3.4.T, flammable liquids may not be used in food-based extraction.

**Food Processing Plant**

The sorting, treatment, or preparation of food products for sale or as inputs to further processing, but not including the slaughtering of small or large livestock or confined animal feeding operations.

**Foot-Candles (fc)**

A unit of illumination of a surface that is equal to one lumen per square foot. For the purposes of these regulations, foot-candles shall be measured at a height of three feet above finished grade as measured by a digital light meter except while specifically stated "at ground."

**Forecourt**

A courtyard or open space area located in front of a building or group of buildings that is intended as an entry feature or as a way to buffer the building entrance from street traffic.

**Front or Frontage**

That side of a lot abutting on a street or way, and ordinarily regarded as the front of the lot.

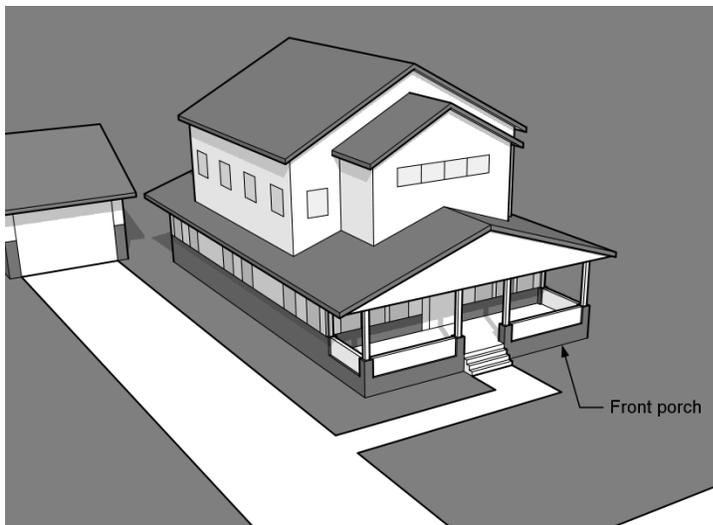
**Front-Loaded Garage**

A garage with vehicular access doors primarily oriented toward the same street right-of-way or private street as the front facade of the principal structure.

**Front Porch**

A covered entrance to a building or a roofed structure projecting from the exterior wall or walls or a principal structure and supported by piers, posts, or columns, but no side or front enclosure.

Figure 8.2.4-C: Front Porch

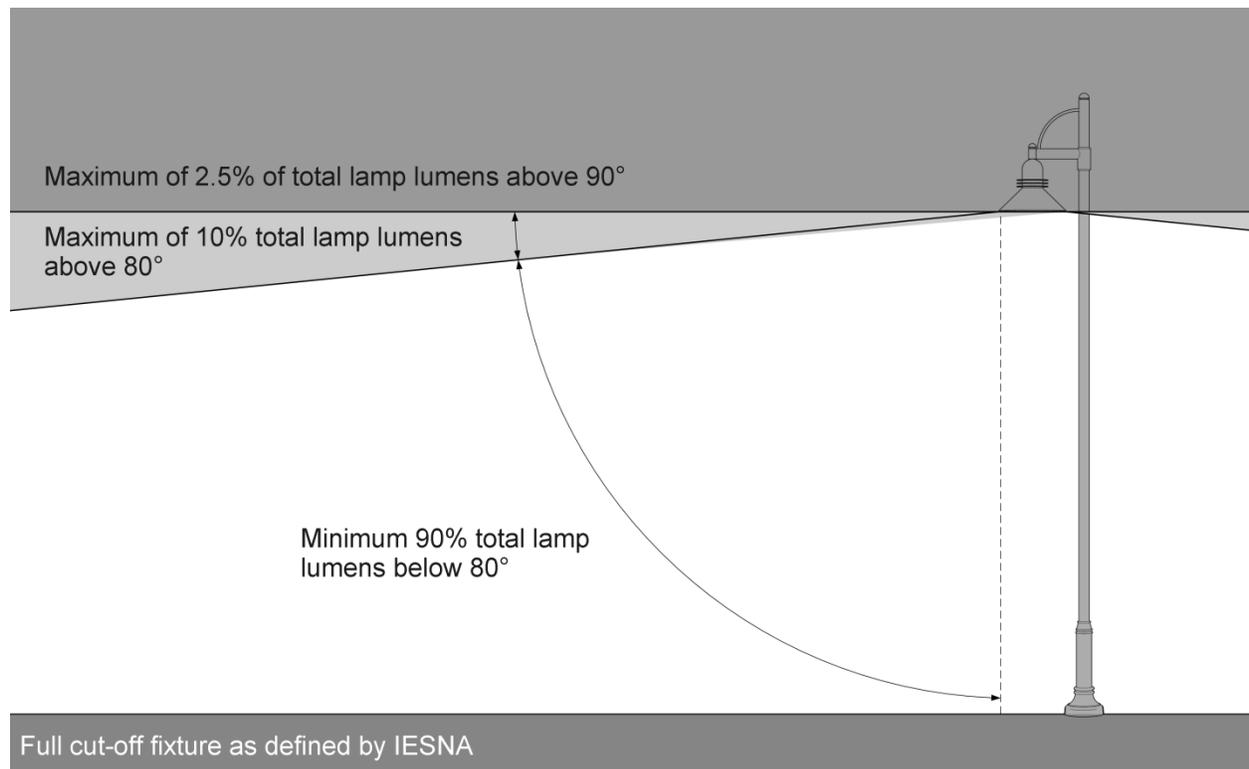
**Fully Shielded**

To provide internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles. Light should be directed downward. Exemptions from this definition may be allowed for aesthetic lighting elements such as shades with perforated patterns and opaque diffusers.

**Full-Cutoff Fixture**

A fixture where zero light occurs above or at an angle of 90 degrees above vertical. In addition no more than 10 percent of the total lumens can be above the vertical angle of 80 degrees from the vertical. This applies to all lateral angles around the fixture.

Figure 8.2.4-D: Full-Cutoff Fixture



## G

**Garage, Private**

An accessory building, or portion of a building, designed for parking or storage of motor vehicles used by the tenants of the building, or buildings on the premises.

**Garage, Public**

A building other than a private garage, designed or used for servicing, repairing, or storing motor vehicles.

**Glare**

The sensation produced by brightness within the field of vision that is sufficiently greater than the light level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**Grading Plan**

A plan showing existing surfaces of the land, including topography, and how surfaces will be altered to specified elevations, dimensions, and/or slopes; includes stripping, cutting, filling, stockpiling and shaping or any combination thereof.

**Gravel and Mineral Extraction and Processing**

Mining or extraction of mineral or aggregate resources from the ground and preliminary processing for transportation or use off-site.

**Greenfield Site**

Areas that have not previously been developed and are not surrounded by existing development. Also includes large parcels of previously undeveloped land surrounding partially developed or underdeveloped areas.

**Grocery Store**

A commercial establishment, primarily engaged in the retail sale of canned foods and dry goods, such as tea, coffee, spices, sugar, and flour; fresh fruits and vegetables; and fresh and prepared meats, fish and poultry. This definition includes uses such as supermarket, food store, and delicatessen. Accessory uses may include providing services to customers such as banking and check-cashing, rental of household equipment or medical supplies, pharmacy services, bakery services, or eating establishment or food preparation.

**Group Home**

A residential dwelling that houses a number of related and/or unrelated persons who share a common characteristic, the purpose and intent of which is to provide a residential program emphasizing family-style living. Unless otherwise defined as a specific type of group home pursuant to this chapter, the occupants of any group home (excepting any on-site manager(s) or attendant(s)) must possess a common disability as defined under the Federal Fair Housing Act, the Fair Housing Amendments Act of 1988, or the Americans with Disabilities Act ("ADA"), as amended. Group homes shall be for the exclusive use of up to eight persons, including any on-site manager(s) or attendant(s). No treatment, services or programs shall be provided within a group home for nonresidents of the facility. Group homes shall also be subject to any other residential occupancy standards that may be adopted by the Town.

**Group Home—Aged**

A group home for the exclusive use of persons 60 years of age or older that do not need skilled or intermediate care facilities, with the exception that there may be on-site manager(s) or attendant(s).

**Group Home—Developmentally Disabled**

A group home for individuals having cerebral palsy, multiple sclerosis, mental retardation, autism, epilepsy, or other similar developmental disabilities, or any combination of these, with the exception that there may be on-site manager(s) or attendant(s).

**Group Home—Resident Health Care Living Facility**

A group home for teen-age mothers, victims of domestic violence, or those with mental illness, who choose to live in a support environment of a group home with individuals experiencing the same condition or disability. Such persons do not require continuous and specialized nursing care or service provided by other categories of health care facilities, including but not limited to nursing homes.

**Group Home—Sober Living Facility**

A group home where only people recovering from alcohol or chemical dependency live, with the exception that there may be on-site manager(s) or attendant(s).

**H****Handicap Ramp**

A ramp or similar structure that provides ADA-compliant access to a building.

**Hazardous Material**

Materials that could cause injury or death; damage or pollute land, air, or water; or that are ignitable (flammable), corrosive, toxic, explosive, or reactive (i.e., react with air, water, or acids or bases).

**Health Club**

A non-medical service establishment intended to maintain or improve the physical condition of persons. Contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

**Heat Island Effect**

Developed and/or built up areas in Town that are hotter than undeveloped or rural areas due to the sun's effect on dry exposed surfaces such as roofs and pavement. Heat islands typically occur during the day and at night, and are stronger during the hot summer months. Conversely, shaded and moist areas tend to remain closer to surrounding air temperatures.

**Hedge**

A group of shrubs planted in line or in groups that forms a compact, dense, visually opaque living barrier that demarcates and/or screens an area from on-site or off-site views.

**Height, Building**

See Building Height.

**High Intensity Discharge Light Source (HID)**

Light sources characterized by an arc tube or discharge capsule that produces light, with typical sources being metal halide, high pressure sodium, and other similar types which are developed in accordance with accepted industry standards.

**High Water Table**

The upper limit of the portion of the soil that is completely saturated with water.

**Home Occupation**

A lawful use conducted in a residential zoning district in or on the premises of a dwelling unit, with such use being subordinate to the use of the dwelling for dwelling purposes.

**Horizontal Mixed Use**

A property developed with both residential and non-residential uses integrated adjacent within a single-story building or across a single development site.

**Hospital**

An institution or place where sick or injured in-patients are given medical or surgical care, at either public or private expense, but excluding a nursing home and excluding institutions where persons suffering from permanent types of illness, injury, deformity or deficiency or age are given care and treatment on a prolonged or permanent basis.

**Hostel**

Any building or portion of a building other than a private home where temporary sleeping accommodation with cooking facilities or meals is provided to adults, but does not include a hospital, bed and breakfast, boardinghouse, hotel, motel, adult day care, assisted living facility, group home, or nursing home.

**Hotel**

A building other than a boardinghouse that contains more than five rooms where, for compensation, lodging is offered and provided to members of the general public, and where 75 percent or more of the rooms are accessed through a supervised inside office or lobby.

I

**IESNA**

The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

**Illuminance**

The amount of light falling on a surface as measured in foot-candles.

**Impervious Lot Coverage**

Portions of a lot or parcel covered by buildings, parking areas, carports, driveways, accessory structures, covered porches, sidewalks, cantilevered portions of building, and other areas covered by water-impervious surfaces.

**Improvements**

For the purposes of this Code, the community public works and facilities determined to be necessary in relation to proposed development, including, but not limited to; access drives, landscaping, parking facilities, sanitary sewers, site and street lighting, storm drainage facilities, street facilities, traffic control facilities, and water facilities. All required improvements shall conform to current requirements and standards as established in this Unified Development Code and other applicable sections of the Carbondale Municipal Code.

**Incandescent or Halogen Light Source**

The emission of light (visible electromagnetic radiation) from a hot body due to its temperature. Incandescence occurs in incandescent light bulbs because the filament resists the flow of electrons. This resistance heats the filament to a temperature where part of the radiation falls in the visible spectrum.

**Indoor Recreational Facility**

Commercial recreation conducted entirely within an enclosed structure for amusement or sport, and which is operated for financial gain; including but not limited to bowling alleys, skating rinks, pool halls, video and pinball parlors, and private gymnasiums.

**Infill Development**

New development that is sited on vacant, undeveloped, or underutilized land within an existing community, and that is surrounded by previously developed areas. Infill is further defined to include development as indicated in Chapter 4 of the Town's Comprehensive Plan.

**Infiltration**

The process of water percolation or movement into the soil subsurface.

**Instructional or Performing Arts Studio**

An enclosed space used by anyone engaged in artistic employment or instruction in painting, sculpture, photography, music, dancing, dramatics, literature, or similar activities.

**Invasive Plant Species**

Botanical species included on the Town's invasive species list that is maintained and updated by the planning department, as provided under this Code.

**J**

reserved

**K****Kennel**

Any establishment where dogs and/or cats are bred or raised for sale, or boarded, cared for, and/or groomed commercially, exclusive of veterinary care.

**L****Landscaped Area, Minimum**

The pervious area of a site which must be improved with landscaping.

**Landscaping**

Planting materials, including but not limited to, trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials. At least 60 percent of the landscaping area must be covered by live plant materials at the time of plant maturity.

**Laundromat, Self-Service**

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public. This definition includes automatic, self-service only, or hand laundries.

**Library**

A facility for storing and loaning books, periodicals, reference materials, audio and video media, and other similar media. A library may also include meeting rooms, offices for library personnel, and similar support facilities.

**Light-Emitting Diode (LED)**

A semiconductor diode that emits light when an electric current is applied in the forward direction of the device. The effect is a form of electroluminescence where incoherent and narrow-spectrum light is emitted.

**Light Fixture**

An electrical device used to create artificial light or illumination.

**Light Source**

The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

**Light Pollution**

The excess illumination of the nighttime environment that results in the loss of visibility of the stars.

**Light Trespass**

The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

**Liquor Store**

An establishment primarily for the retail sale of alcoholic beverages for off-premises consumption.

**Loading Area**

An area where merchandise and/or supplies are delivered and unloaded.

**Logo**

Any picture, design, emblem, object or initials observable from any roadway or public right-of-way or public property used for identification of any business, premises, establishment, product, service or other identification purposes.

**Lot**

A parcel of land, not including a public or private street, that may be a platted lot of a recorded subdivision, a site condominium lot, or a parcel or tract of land that meets the requirements of this Code.

**Lot Area, Minimum**

The total area within the boundaries of a lot.

**Lot, Corner**

A lot that occupies the interior angle at the intersection of two streets that make an angle of less than 135 degrees with each other, and either or both of said streets provide primary access to the property.

**Lot, Interior**

A lot other than a corner lot or a through lot, with only one frontage on a street.

**Lot Coverage**

The percentage of a lot area occupied by the ground area of principal and accessory buildings or structures on such a lot.

**Lot Line, Adjustment**

A lot line or boundary adjustment is a process for making adjustments to lot lines per Section 2.6.7.

**Lot Line, Front**

The property line of a lot dividing said lot from the adjoining street that provides primary access to the property. Corner lots shall be considered as having two front lot lines.

**Lot Line, Rear**

The property line of a lot opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be considered to be a line of not less than 10 feet in length parallel with or tangent to the front property line.

**Lot Line, Side**

Lot property lines connecting the front and rear lot lines.

**Lot, Through**

A lot that fronts two parallel streets, or two streets that do not intersect at the boundaries of the lot.

**Lot Depth**

If the front and rear lot lines are parallel, lot depth shall be the shortest distance between the front and rear lot lines. If the front and rear lot lines are not parallel, lot depth shall be the average horizontal distance between the front and rear lot lines.

**Lot Width**

Lot width refers to the horizontal distance between side lot lines. If the side lot lines are parallel, lot width shall be the shortest distance between the side lot lines as measured at the building setback. If the side lot lines are not parallel, lot width shall be the distance between the side lot lines measured at the building setback perpendicular to a line connecting the mid-points of the front and rear lot lines of the lot.

**Lumen**

A quantitative unit measuring the amount of light emitted by a light source. A lamp is generally rated in lumens.

**Luminaire**

A complete lighting unit consisting of one or more electric lamps, the lampholder(s), any reflector or lens, ballast or transformer, and any other components and accessories.

**M****Mail or Package Delivery Service**

An establishment primarily engaged in the delivery of individually addressed letters, parcels, and packages.

**Major Arterial Street**

A high-capacity roadway designated by the Town.

**Marijuana**

All parts of the plant of the genus cannabis whether growing or not, including but not limited to the seeds, leaves, buds, flowers, and any mixture or preparation thereof, without regard for cannabinoid concentration levels.

**Marijuana Concentrate**

Hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.

**Masonry**

Stonework, brickwork, or concrete masonry unit (CMU) bonded with mortar by a mason.

**Medical or Dental Clinic**

An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.

**Medical Marijuana Center**

A business that is licensed to operate that sells or otherwise distributes marijuana to registered patients or primary caregivers as defined in Section 14 of Article XVIII of the State Constitution and/or in Title 12 Article 43.3 of the Colorado Revised Statutes.

**Medical Marijuana Facility**

A Medical marijuana center, optional medical marijuana cultivation premises, and/or medical marijuana-infused product manufacturing, or any combination thereof.

**Medical Marijuana Infused Product**

A product infused with medical marijuana that is intended for use or consumption by medical marijuana patients other than by smoking, including, but not limited to, edible products, ointments, and tinctures.

**Medical Marijuana Infused Product Manufacturer**

A facility where a medical marijuana-infused product is manufactured or produced.

**Microbrewery, Distillery, and/or Tasting Room**

A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers.

**Mobile Home, Conforming**

1. A “HUD” mobile home built in accordance with the specifications of the HUD manufactured home construction and safety standards. A mobile home must display a “HUD” label and a data compliance sheet as required by the HUD MHCSS verifying compliance with Colorado standards.
2. Any future type of mobile home unit which meets approved standards adopted or established by the Colorado Division of Housing.

**Mobile Home Park**

Any tract of land or series of contiguous tracts under common control or ownership upon which five or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether a fee is charged for such accommodations.

**Mobile Home Replacement**

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.

**Mobile Vendor**

Any person, whether or not a resident of the Town, who offers merchandise or services for sale on the street, on private property, or door-to-door, including by carrying goods in a push-cart, wagon, or truck, or pedestrian sales. The term “mobile vendor” shall include peddlers, solicitors, and transient or itinerant merchants.

**Motel**

A building other than a boardinghouse that contains more than five rooms where, for compensation, lodging is offered and provided to members of the general public, and where less than 75 percent or more of the rooms are accessed through a supervised inside office or lobby.

**Motor or Railroad Freight Depot**

An area and related facilities connected with the assembly or disassembly of trains or trucks, including without limitation passenger or freight terminals, operations and maintenance shacks, train sheds, and classification yards. This use includes areas or buildings where cargo is stored and where trucks, including tractor trailer units, load and unload cargo on a regular basis. Also includes truck stops or fueling stations where diesel fuel is primarily sold.

**Multitenant Structure**

A building where more than one business is served by a common entrance, and where such businesses may not be located on the ground floor or otherwise not have frontage located on a public right-of-way.

**Museum**

A non-profit, non-commercial establishment operated as a repository for a collection of nature, scientific, or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

**N****Non-Bulk Storage/Sale of Liquefied Petroleum Gas (LPG) – Less than 2,000 Gallons**

Storage of gasoline, propane, butane, or other petroleum products offered for sale to individual customers (the general public) and not for wholesale distribution.

**Nonconforming Use**

See Section 7.3.

**Nursing Home**

A state-licensed group living facility regulated as a skilled nursing facility, as defined in C.R.S. §26-4-103(11), as amended from time to time.

**O****Occupancy**

The purpose for which a building or structure is used or intended to be used; and, in the case of residential uses, such term can also refer to the number of persons who reside within a building, dwelling unit, or other structure.

**Optional Medical Marijuana Cultivation Premises**

The premises specified in an application for a medical marijuana center with related growing facilities in Carbondale for which the licensee is authorized to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the State Constitution.

**Operational Business**

Operational shall mean the business is open to the public or to the business' private members for active business, is available to provide products and services associated with the business during the hours and days that are customary for that category of business, and is actively providing those products and services.

**Original Townsite**

The area contained within the original townsite of the Town of Carbondale, as shown on the map of that name maintained by the Garfield County Clerk and Recorder.

**Outdoor Storage**

Storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or personal property of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises.

**Outdoor Storage, Accessory**

Outdoor storage, as defined above, as an accessory use subordinate to a lawful primary permitted, conditional, or special use.

**Overlay District**

A unique set of zoning regulations that is superimposed on one or more established base zoning districts, shown on the zoning map, and subsequently imposes in addition to or in place of the regulations of the underlying district. The underlying base zoning district does not change.

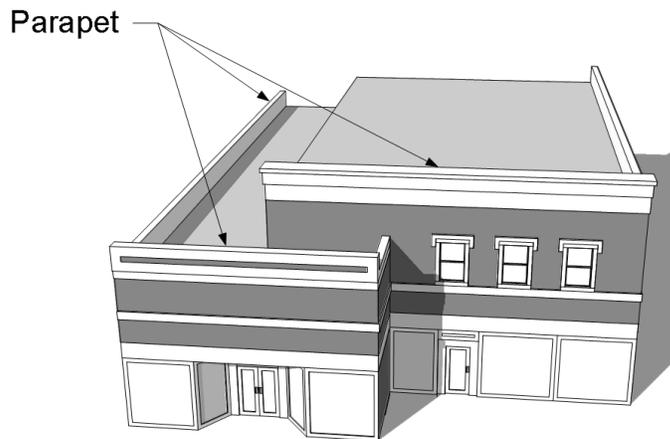
**Owner**

As applied to a building, land, motorized vehicle, animal or other real or personal property, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety or any other person with a possessory interest in the whole or a part of such building, land, motor vehicle, animal or other real or personal property.

**P****Parapet**

That portion of a wall that extends above the roof line.

Figure 8.2.4-E: Parapet

**Parcel**

A lot or series of contiguous lots held in common ownership under a single conveyance.

**Park, Playground, Open Space**

A facility built and maintained either by a unit of government or as a part of a larger subdivision or development of land for the use of the inhabitants thereof and/or the general public. Uses include a neighborhood park, an urban park or plaza, a historic site, a community-wide park, an aquatics facility, and/or a natural area.

**Parking Space, Accessible**

A space designated for the parking or temporary storage of one motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person in accordance with the standards of the Federal Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) and Colorado Revised Statutes, and any equipment needed for that purpose.

**Parking Space, Off-Street**

A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way, vehicular travel way, or parking aisle.

**Passive Solar**

The use of the sun's energy for the heating and cooling of living spaces, where the building itself or some element of it takes advantage of natural energy characteristics in materials and air created by exposure to the sun.

**Performance Guarantee**

Cash or other surety in a form acceptable to the Board, in its discretion, provided by an applicant in lieu of completing the construction or installation of public infrastructure or required private site features before application for final plat approval for a subdivision or issuance of a building permit or other development approval.

**Permit, Building**

A permit to allow construction, alterations, or expansions of buildings, as set forth more specifically in the International Building Codes as adopted by the Town.

**Permit, Conditional Use**

See conditional use permit.

**Permit, Special Use**

See special use permit.

**Person**

Any individual, lessee, firm, partnership, association, joint venture, corporation, or agent of the aforementioned groups, or the State of Colorado or any agency or political subdivision thereof.

**Personal Service, General**

An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include beauty and barbershops, nail salons, shoe repair shops, tailor shops, and tanning salons.

**Pervious Surface**

The sum of areas of a lot or parcel that are landscaped with vegetative material and other areas not covered by buildings, parking areas, carports, driveways, accessory structures, sidewalks, or other areas covered by impervious surfaces.

**Planned Unit Development**

A development designed to accommodate varied types of residential or non-residential development including single, two-family, and multiple-family housing, commercial, or industrial uses, and related accessory uses and special uses commonly found in similar developments, in patterns or layouts not otherwise permissible in other zoning districts of this Code. Planned unit developments are designed to provide substantial additional public amenities or benefits to the Town in return for flexibility in the design, layout, and dimensions of the development.

**Planning and Zoning Commission**

See 2.8.3.

**Plat**

A map or diagram and other writing(s) containing all the required descriptions, locations, specifications, dedications, provisions and information required by state law and prepared for the purpose of dividing property through subdivision or partition.

**Plat, Preliminary**

A plat showing the proposed land subdivision including the character and proposed layout of land in conformance with the requirements of this Code.

**Point Light Source**

The exact place from which illumination is produced (i.e., a light bulb filament or discharge capsule).

**Porch**

A projection from an outside wall of a dwelling covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached).

**Pre-application Meeting**

A meeting between an applicant, the Director, and other municipal staff or entities as deemed necessary. A pre-application meeting is intended to familiarize all parties with conceptual plans or proposals and the necessary regulations and requirements applicable to a proposed application.

**Primary Entrance**

The place of pedestrian ingress and egress to a building, parcel, or development used most frequently by the public.

**Primary Use**

The primary purpose or function that a lot serves or is intended to serve.

**Printing and Publishing Facility**

An establishment that reproduces a large quantity of copies of books, magazines, newspapers, and/or other printed material. This use does not include the on-site manufacture of paper products, but does include the receiving of paper products and the shipping or distribution of finished materials.

**Printing Shop, Blueprinting, and Copies**

A retail establishment that includes a quick print shop or the operation of offset printing and other related equipment including reproduction machines, paper cutters, collating machines, multi-colored press equipment, plate burners, binding, and photographic developing equipment.

**Professional, Government, or Administrative Office**

Places where a service is provided and/or business is conducted with the public by certified, licensed, registered or trained professionals including, but not limited to, government offices, insurance agents, lawyers, architects, real estate agents, accountants, tax return preparation, and travel agents.

**Public Hearing**

A formal meeting held under public notice, intended to inform and obtain public comment.

**Public Improvements**

Any facility that is within Town right-of-way, on Town property, or maintained by the Town after final acceptance, including streets, alleys, sidewalks, greenways, water and sewer lines, electric facilities, storm drainage facilities, arterial right-of-way landscaping, and bikeways.

**Public Open Space**

Land dedicated or reserved for the use by the public, including but not limited to parks, greenbelts, recreation areas, and natural areas.

**Public Utility**

A building, structure or use of land for pipelines, power transmission lines, telephone and telegraph lines, railroad tracks, but not a railroad yard, and such related public utility structure or station necessary for the installation and maintenance of franchised utility services.

**Q****Quasi-Public Open Space**

Open space privately owned and maintained also open to use by the general public.

**R****Radio or Television Tower**

A structure that is designed and constructed primarily for the purpose of supporting one or more antennae that transmit information (audio, video, data, but not personal wireless communications) in the form of electromagnetic signals to one or more receivers without the use of a physical connection between the transmitting and receiving source. The term includes but is not limited to: lattice towers, guyed towers, and monopole towers. The term does not include a wireless communication tower, clock tower, bell tower, steeple, light pole, power pole, water tower, or similar structure that incidentally supports antennae.

**Rain Garden**

A planted depression or a hole that allows rainwater runoff from impervious areas such as roofs, driveways, walkways, parking lots, and compacted lawn areas the opportunity to be absorbed.

**Real Estate Sign**

Any on-premise sign pertaining to the sale, rental, development, or lease of a lot, tract of land, one or more structures, or a portion thereof, to which the sign is located.

**Recycling of Metals, Paper, Plastic, or Automotive Oil**

A facility, excluding salvage yards, where recyclable materials are collected, separated, and processed for shipment to a recycling plant or other facility for eventual reuse into new products.

**Redevelopment**

Any development of previously-developed land.

**Regularly Operated Open Air and/or Farmer's Market**

An occasional or periodic market held in an open area or structure where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

**Religious Use**

Uses primarily engaged in providing meeting areas for religious activities. Examples of religious uses include churches, chapels, mosques, temples, and synagogues. Affiliated preschools are classified as day care uses. Affiliated schools are classified as schools.

**Repair**

The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

**Repair Establishment, Major**

Maintenance or repair of larger household or business-related items including washers/dryers, dishwashers, refrigerators, copy machines, or other large appliances or mechanical items.

**Repair Establishment, Minor**

Maintenance and repair of smaller household or business-related items including watches, musical instruments, vacuums, computers, televisions, furniture, or other similar items.

**Restaurant**

An eating establishment where customers are primarily served at tables or self-served and food is consumed primarily on the premises, and that does not have a drive-in or drive-through facility to serve patrons food while seated in their vehicles.

**Restaurant, with Outdoor Dining Facility**

Any restaurant with an outdoor eating and drinking area that is associated with and incidental and subordinate to a primary use of that parcel or lot. This use may include removable tables, chairs, planters, or similar features and equipment.

**Retail, General, 10,000 sf or less**

Retail sales containing not more than 10,000 sf of gross floor area.

**Retail, General, over 10,000 sf**

Retail sales containing more than 10,000 sf of gross floor area.

**Retail Marijuana Cultivation Facility**

"Retail marijuana cultivation facility" shall have the same meaning as set forth in subsection 16(2) of article XVIII of the Colorado Constitution under "marijuana cultivation facility" (an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana

stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers), as amended.

#### **Retail Marijuana Products Manufacturing Facility**

“Retail marijuana products manufacturing facility” shall have the same meaning as set forth in subsection 16(2) of article XVIII of the Colorado Constitution under “marijuana products manufacturing facility (an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers), as amended.

#### **Retail Marijuana Store**

“Retail marijuana store” shall have the same meaning as set forth in subsection 16(2) of article XVIII of the Colorado Constitution (an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers), as amended.

#### **Retail Marijuana Testing Facility**

“Retail marijuana testing facility” shall have the same meaning as set forth in subsection 16(2) of article XVIII of the Colorado Constitution under “marijuana testing facilities” (an entity licensed to analyze and certify the safety and potency of marijuana), as amended.

#### **Retail Sales of Products Directly Related to a Primary Industrial Use**

The sale of products to individual customers or businesses as an incidental or subordinate use to a primary industrial use. Examples include showrooms, equipment sales, and sales of supplies and materials.

#### **Rezone**

The changing of the zoning district classification of particular lots or parcels of land in the Town of Carbondale.

#### **Right-of-Way**

An area of land designated for public use for access across property, or location of private or government-owned utilities, including streets, roads, alleys, walkways, etc.

#### **Road-Grade, or Grade**

Shall be measured at the centerline of the road right-of-way for the purpose of measuring height of signs in this Code.

#### **Roof Form**

The shape of a roof, of which there are many variations. The most common roof forms are sloped roofs (roofs constructed of flat sections that are sloped) and flat roofs. Sloped roofs may be side gable roofs or end gable roofs (based on whether the gable ends are on the sides or front and back of the building), and may have dormers. The edges of flat roofs (particularly along the front of a building) are commonly defined by parapets and/or cornices.

#### **Roofline**

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding any cupolas, chimneys, or other minor projection.

#### **Rooftop Mechanical Equipment**

Heating, ventilating and air conditioning systems, generators, connection boxes, satellite dishes, antennas, and other similar features that are mounted on the roof of a building.

## S

**Sale of Produce and Plants Raised on Premises**

On-site sale of feed, grain, fruits, flowers, vegetables, ornamental plants, or similar goods.

**Satellite Receiving Dishes**

A round or parabolic antenna and its supporting structure for the purposes of sending or receiving radio or electromagnetic signals.

**School, Public or Private**

Any public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten through grade 12 and that are licensed through the State of Colorado. This definition includes colleges and college campuses, and licensed preschool facilities in which the primary use of the property is for preschool. This does not include home-schooling facilities that are located within residential structures or other structures on a part time basis.

**Screening**

A method of visually shielding or obscuring a nearby structure, building or use on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.

**Self-Storage Facility (Mini-Storage)**

A building or group of buildings consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for self-service storage of personal property.

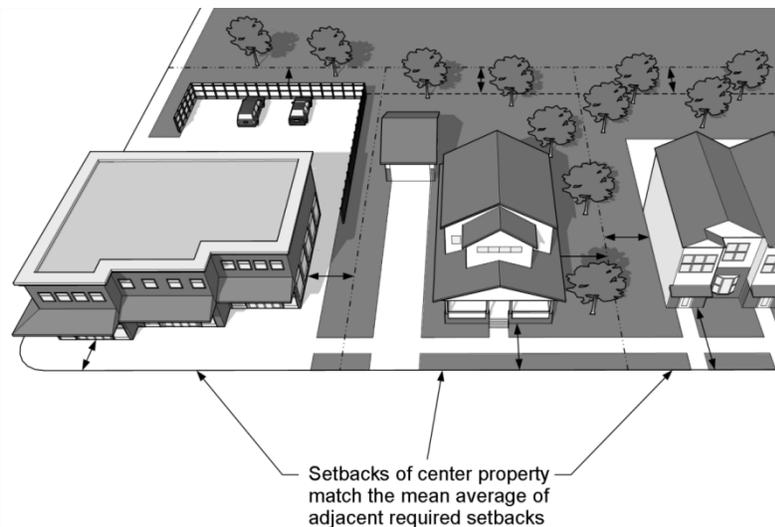
**Setback, Adjacent to Alley**

The minimum distance that a structure must be setback from the alley right-of-way line.

**Setback, Contextual**

The minimum distance that a structure must be setback from the front, side, or rear lot lines, based on the mean average of required setbacks on adjacent properties.

Figure 8.2.4-F: Setback, Contextual

**Setback, Front**

The minimum distance that a structure must be setback from the front lot line. The front setback extends across the full width of the lot.

**Setback, Rear**

The minimum distance that a structure must be setback from the rear lot line. The rear setback extends across the full width of the lot.

**Setback, Side**

The minimum distance that a structure must be setback from a side lot line. The side setback extends the full depth of the lot from the front property line to the rear property line.

**Shaded**

The blockage of solar radiation which would otherwise reach the surface of the area to be protected.

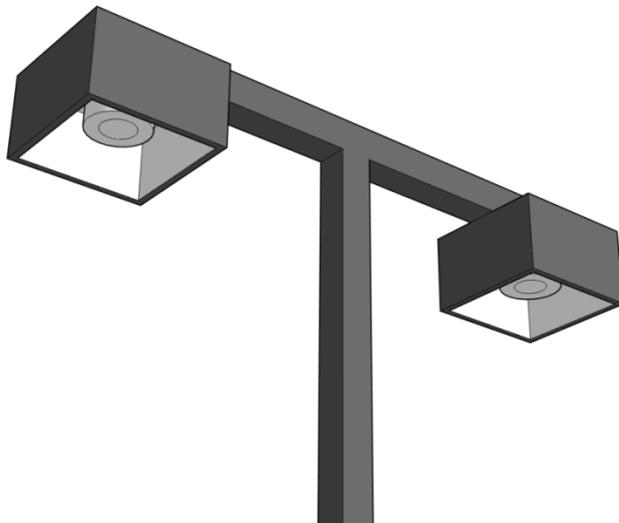
**Shipping, Receiving, and Distribution Facility**

A permanent facility for the storage and movement of products, supplies, and equipment offered for wholesale distribution (not for direct sale to the general public).

**Shoebox Fixture**

A rectangular shaped fixture that has a flat glass lens on the bottom to emit light.

Figure 8.2.4-G: Shoebox Fixture

**Shopping Complex**

A group of three or more retail, wholesale, or professional business establishments occupying a building or group of buildings located on one commonly owned or controlled parcel of land provided with privately controlled and privately maintained parking area or areas.

**Sidewalk**

A hard-surfaced, all-weather pedestrian way, usually within a right-of-way line.

**Sign**

Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

**Sign Area**

The area of the smallest plane geometric figure that encompasses the facing of a sign, including copy, insignia, background and borders. Cutout letter shall be measured as the sum or the area of rectangles outlining each individual letter.

**Sign, Canopy, Awning, or Porch Front**

A sign which is mounted on a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

**Sign, Changeable Lettering**

Any sign capable of conveying messages to the public by means of changing the individual letters or numbers.

**Sign, Flush-Mounted**

Any sign attached to, painted on or erected against the wall of a building in such a manner that the sign face is parallel to the plane of the wall and is wholly supported by the wall.

**Sign, Freestanding**

Any sign supported by structures or supports that are placed on or anchored in the ground and are not attached to any building or structure.

**Sign, Marquee**

A sign displayed, erected, or supported upon an overhanging marquee or other similar cover or shelter. Marquee signs limited to businesses with changeable entertainment.

**Sign, Projecting Wall-Mounted**

A building mounted sign with the faces of the sign projecting from and not parallel with the building fascia.

**Site Area, Gross**

The total site area including any proposed portions to be dedicated for public use such as streets, alleys, easements, and public open space.

**Site Area, Net**

The remaining of gross site area after deleting all portions of the property to be dedicated for public use.

**Site Disturbance**

Any grading, scraping, excavating, trenching, filling of land, dumping of fill materials (including but not limited to dumping of soil, concrete, and construction debris), bulk outdoor storage, clearing of trees or vegetation and any construction in preparation for development, reconstruction, or significant alteration of a structure.

**Site Plan**

A plan drawing or set of drawings indicating the layout of buildings, circulation system, parking, walls, landscaping, open space and any other appropriate information as required by the Town.

**Small Engine Repair**

An establishment that is involved with the maintenance and repair of low-power internal combustion engines (gasoline/petrol) or electric engines. This includes, but is not limited to, chain saws, string trimmers, leaf blowers, snow blowers, lawn mowers, wood chippers, go-karts and sometimes more powerful engines used in outboard motors, snowmobiles, and motorcycles.

**Solar Energy Devices**

A system including solar panels and related equipment, pipes, and wiring that converts sunlight to heat or electricity.

**Solar Fence**

A theoretical “solar fence” of either 16 feet or 25 feet on the building envelope of the adjoining property.

**Solar Use Period**

A four-hour period between 10:00 am and 2:00 pm on December 21 (the winter solstice, when the sun is the lowest in the sky and the shadows it casts are the longest) where the sun angle is 33 degrees measured from the base of the solar fence.

**Special Use Permit**

A permit issued by the Town after public hearings and a determination that the uses, where proposed, satisfy the intent and provisions of this Code.

**Stream**

A body of concentrated flowing water in a natural low area or natural channel on the land surface.

**Street**

A dedicated public right-of-way, other than an alley, that provides a primary access to adjacent property.

**Street, Primary Arterial**

Primary arterials provide direct connections to highway arterials and the regional roadway system. Minimum roadway intersection spacing is typically  $\frac{1}{4}$  to  $\frac{1}{2}$  mile, speed limits ranging from 35 to 45 miles per hour and a prohibition on parking. Limited access serves individual developments, but is generally controlled to ensure adequate through-traffic. Access is controlled using signalized intersections, two-way opposing stops and turn lanes.

**Street, Secondary Arterial**

Secondary arterials interconnect with and augment the primary arterials system. These roadways typically accommodate trips of shorter lengths and lower levels of services. They interconnect residential, shopping, employment and recreational activities within the community. Minimum roadway intersection spacing is typically 300 feet to  $\frac{1}{4}$  mile with speed limits ranging from 25 to 30 miles per hour, or less depending on adjacent land uses, intersections and pedestrian/bicycle traffic.

**Street, Collector**

Collector streets provide land access and movement within residential, commercial and industrial sites. Collectors penetrate, and continue through residential neighborhoods. Minimum intersection spacing is typically 300 feet, with speed limits ranging from 20 to 35 miles per hour, depending on lane widths, cross-sections and opposing traffic volumes. Parking is generally limited, and access is controlled by two or four-way stop signs.

**Street, Local**

Local streets provide access to residential streets. Movement on local streets is incidental and involves traveling to or from a collector street. Therefore, trip length on local streets is short and volumes and speeds are generally low. Minimum intersection spacing is typically 300 feet, with speed limits ranging from 20 to 25 miles per hour. Parking is permitted, and access is controlled by two or four-way stop signs.

**Streetscape**

A varying width (depending on street type) landscaped strip parallel to the recorded or proposed street right-of-way containing plantings of trees and shrubs, and other pedestrian amenities in accordance with this Code.

**Street-Facing Façade**

The face(s) of a building that has frontage on a public street. Buildings on a corner lot may have two street-facing facades.

**Structure**

An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. Truck trailers or other motor vehicles are not structures.

**Subdivider**

Any person, firm, partnership, joint venture, association or corporation who participates as the owner or agent of the owner in the platting, planning, development, promotion, sale, or lease of a subdivision.

**Subdivision**

The division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including any resubdivision, and, when appropriate to the context, the process of subdividing or the land subdivided.

**Substation, Receiving Station, or Switching Station**

A hub or distribution facility for any physically connected utility systems such as electricity, gas, cable/fiber optic communications, telephone, and water services, including facilities that transform electric voltage or natural gas pressure. This definition also includes receiving stations intended to receive and transmit radio, electromagnetic, and/or other signals and the necessary parabolic, round, or quasi-parabolic antennae and supporting structures.

**Surface Water**

Water on the surface of the Earth, such as rivers, lakes, ponds, streams, and creeks, exposed to natural elements.

**T****Temporary Office Space and Equipment Storage**

A facility or area used as a temporary office with or without storage for the purpose of selling land or buildings within a specified area or subdivision.

**Temporary Special Event**

A temporary commercial or festive activity or promotion at a specific location, that takes place typically no more than once per year including, but not limited to, commercial outdoor activities, carnivals, circuses, fairs, festivals, Christmas tree sales, and fireworks sales.

**Tent Structure for Single-Vehicle Parking**

A tent allowed pursuant to this Code as a temporary structure for single-vehicle parking.

**Theater**

A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

**Tract**

An area, parcel, site, piece of land, or property that is the subject of a development application. For subdivisions, the term is used for units of land created for and limited by deed restriction or dedication to a specific use, including access, utility placement, open space, or natural resource areas.

**Transit Stop**

Public transit stops and transfer points without vehicle repair or storage.

**Transit Terminal or Station**

A facility where public transit vehicles load and unload patrons, and where patrons may transfer from between public transit lines, when that is the principal use of the property. This use may include park & ride or ride-sharing facilities, but does not include public transit vehicle repair or maintenance facilities, bus stops located on public property, or bus stops accessory to a principal use of the property.

**Travel Home**

Vehicles and structures built to ANSI 119 standards which are 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.

**Tree, Street**

Any shade tree placed in a street right-of-way.

**Twenty-five Year Storm**

A flood having a recurrence interval that has a four percent chance of being equaled or exceeded during any given year. The term does not imply that the flood will necessarily happen once every 25 years.

**U****Uniformity Ratio**

The ratio of average illumination to minimum illumination.

**Utility Plan**

A plan corresponding to the preliminary plat showing the line location, size and gradient for the proposed water distribution, sewage collection mains, and other public and private utilities within the proposed subdivision in relation to existing Town installations and also in relation to existing installations of any special district.

**V****Variance**

A license granted by the Town to deviate from the literal requirements of a regulation of this Code, pursuant to Section 2.7.1.

**Vertical Mixed Use**

A property or structure developed with both residential and non-residential uses integrated vertically within a multi-story building.

**Vested Right**

The right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan as described in Section 2.7.3.

**Veterinary Clinic**

An establishment that provides medical treatment and care to animals, and that may include temporary or overnight boarding of animals that are recuperating from treatment.

**Vocational School or Training Center**

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

**W****Wall Pack**

A type of light fixture typically flush-mounted on a vertical wall surface.

**Warehousing**

An establishment where the storage of residential, commercial, industrial, or other goods, including inventory and/or finished products, is the primary use and where no such goods are sold either at wholesale or at retail. This use does not include the storage of goods incidental to a different primary use on the same lot, which is considered an accessory use.

**Water-Based Extraction**

Producing marijuana concentrate by extracting cannabinoids from marijuana through the use of only water, ice, or dry ice.

**Water and Wastewater Treatment Facilities**

An establishment to treat water or wastewater from a defined service area, and that typically has employees at the site, including but not limited to water treatment plants, sewage treatment plants, and sewage disposal plants.

**Water Reservoirs**

Any water retention structure that requires a permit by the Colorado State Engineer's office.

**Water Storage Tanks**

A tower or other facility for the storage of water for supply to a water system.

**Wetland**

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**Wholesale Material Sales**

An establishment in an enclosed building primarily engaged in the sale or distribution of goods and materials in large quantity to retailers, or other businesses for resale or distribution to individual or business customers. Outdoor storage may be allowed as an accessory use.

**Wind Energy Conversion Systems (WECS)**

The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, wind tower, wire, or other component used in the system. This use shall also include the collection, transmission lines, and any related accessory use, building, or structure.

**X**

*reserved*

**Y****Yard**

An unoccupied area, open and unobstructed from the ground or any floor level to the sky, on the same lot as a building.

**Yard, Front**

A yard extending across the full width of the lot between the front lot line and the front yard setback.

**Yard, Rear**

A yard extending across the full width of the lot between the rear lot line and the rear yard setback.

**Yard, Side**

A yard extending from the front yard to the rear yard between the side lot line and the side yard setback.

**Z****Zoning District**

A specifically delineated area or district within which uniform standards govern the use, placement, spacing, size, and form of land and buildings.

**Zoning Map**

The official zoning map adopted by the Town of Carbondale by ordinance, as amended.

**8.4 DEFINITIONS FOR WIRELESS FACILITIES****Accessory Equipment**

Any equipment serving or being used in conjunction with a wireless facility, including utility or transmission equipment, power supplies, generators, batteries cables, equipment buildings, cabinets and storage shelters or other structures.

**Alternative Tower Structure**

An existing or proposed wireless facility that is compatible with the natural setting and surrounding structures and that uses camouflage and concealment design techniques to significantly reduce the visual impacts of such facilities and can be used to house or mount antenna. Examples include man-made trees, clock towers, bell steeples, light poles, traffic signals, buildings, existing utility poles and transmission towers and similar alternative design mounting structures. The term also includes any antenna or antenna array attached to an alternative tower structure or a stand-alone pole in the right-of-way that accommodates small cell facilities to the extent the pole meets the camouflage and concealment standards included in the definition of *Camouflage and Concealment Design Techniques*.

**Antenna**

An exterior transmitting or receiving device used in communications that radiates or captures wireless signals.

**Base Station**

A structure or equipment at a fixed location that enables Federal Communications Commission (FCC)-licensed or authorized wireless communications between user equipment and a communications structure. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station includes:

3. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the Town under this chapter, has been reviewed and approved by the Town under the applicable zoning and approval process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
4. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including

distributed antenna systems and small-cell networks) that, at the time the relevant application is filed with the Town under this chapter, has been reviewed and approved by the Town under the applicable zoning or approval process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that does not support or house equipment described in the definitions of Accessory Equipment or Alternative Tower Structure.

### **Camouflage and Concealment Design Techniques**

Measures used in the design and siting of wireless facilities with the intent to significantly reduce the visual impacts of such facilities to surrounding uses so that the presence of the wireless communications facility is not readily apparent. A wireless facility utilizes camouflage and concealment design techniques when:

1. The facility is integrated within, or incorporated on, an architectural feature of an existing structure, such as a tower, clock tower, bell steeple, cupola, penthouse, architectural feature or other similar structure and is not readily apparent;
2. The facility is integrated within, or incorporated on, vertical or horizontal infrastructure located in the right-of-way such as a traffic signal, flag pole, light pole, manhole cover or other similar structure and is not readily apparent; or
3. The facility uses a design which mimics and is consistent with landscaping features (such as artificial rocks, trees, and other vegetation), maintains authenticity in its application and is not readily apparent.

### **Collocation**

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

### **Eligible Facilities Request**

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

### **Eligible Support Structure**

Any tower or base station, provided that it is existing at the time the eligible facilities application is filed with the Town.

### **Existing or Pre-existing**

A constructed tower or base station that was reviewed, approved and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed, is existing.

### **Freestanding Tower Structure**

A wireless facility that consists of a stand-alone support structure or tower, antennas and accessory equipment that is not considered an alternative tower structure.

**Micro Cell Wireless Facility**

A small cell wireless facility that is no larger in dimensions than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, that is no more than 11 inches in length.

**Pole-mounted Small Cell Facility**

A small cell facility with an antenna that is mounted and supported on an alternative tower structure, which includes a replacement pole.

**Radio Frequency Emissions Letter**

A letter from the applicant certifying that the proposed wireless facility will comply with federal law on radio frequency emissions.

**Readily Apparent**

For purposes of determining whether a wireless facility is readily apparent, the phrase means that the facility, in the discretion of the Director, will not be easily recognizable as a wireless facility to a reasonable person viewing the facility as a whole and in the context of any adjacent improvements and landscaping from publicly accessible locations. Methods of design and construction that may assist in reducing the visibility of a facility and reaching a conclusion that a facility is not readily apparent include the use of color mimicking surrounding structures and landscaping, minimizing facility size to the greatest extent feasible, integrating the facility into any adjacent or attached improvements, and positioning the facility in a manner that limits the degree to which the facility projects away from any adjacent structures or landscaping. Due to differences in site characteristics, a determination that a particular wireless facility will not be readily apparent at one location shall not establish a precedent for the same determination for a facility of the same or similar design or construction at a different location.

**Replacement Pole**

An alternative tower structure that is a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a wireless facility or small cell facility or micro cell facility or to accommodate collocation, and replaces a pre-existing pole or structure.

**Roof-mounted Wireless Facility**

A wireless facility that is mounted on the roof or any rooftop appurtenance of a legally existing building or structure.

**Site (Wireless Facility)**

The current boundaries of the leased or owned property surrounding the tower (other than towers in the right-of-way) or eligible support structure and any access or utility easements currently related to the site. A site, for other alternative tower structures, base stations, micro cell facilities, and small cell facilities in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

**Small Cell Wireless Facility**

A wireless facility where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements that could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are not larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power

systems, grounding equipment, power transfer switch and cut-off switch. A small cell facility includes a micro cell wireless facility. Small cells may be attached to alternative tower structures, replacement poles, and base stations.

### Signal Interference Letter

A letter from the applicant certifying that the proposed wireless facility will comply with federal law on signal interference.

### Substantial Change

A modification that substantially changes the physical dimensions of an eligible support structure if after the modification, the structure meets any of the following criteria:

1. For towers other than alternative tower structures or towers in the right-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater;
2. For towers other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. For any eligible support structure, it entails any excavation or deployment outside the current site;
5. For any eligible support structure, it would defeat the concealment elements of the eligible support structure. For purposes of this definition, any change that undermines concealment elements of an eligible support structure shall be interpreted as defeating the concealment elements of that structure; or
6. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (1), (2), and (3) of this definition. For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station.

### Tower

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety

services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

### **Transmission Equipment**

Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

### **Wall-mounted Communication Facility**

A communication facility that is mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features such as parapets, but does not include mechanical screens, chimneys and similar appurtenances.

### **Wireless Facility**

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless facility does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this UDC. A wireless facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, base stations, support equipment, and towers. It does not include the support structure to which the wireless facility or its components are attached if the use of such structures for wireless facilities is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand-held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this UDC.