



Town of Carbondale

511 Colorado Avenue

Carbondale, CO 81623

(970) 963-2733

(970) 963-9140 Fax

CONDITIONAL USE PERMIT

Fee: \$25.00

Permit No. _____

Date Issued: _____

Permit Expiration Date: _____

PLEASE COMPLETE THE FOLLOWING INFORMATION:

Name of Applicant: _____ Date: _____

Address: _____

Phone Number: _____ Cell Phone: _____

Email Address: _____

Name of Representative (if different than applicant): _____

Phone Number: _____ Cell Phone: _____

Business Name: _____

Type of Business: _____

Address of Business: _____

Phone: _____

Date and Hours of Operation: _____

(Ordinance No. 3, Series of 2006 amends the Noise Abatement Standards, refer to section 9.45 of the Town of Carbondale Municipal Code for the Noise Abatement Standards; which are both attached).

Location of where business is being conducted: _____

If on private property or Town property, a letter is required to be submitted to the Town of Carbondale showing approval from property owner. Is there a letter attached to the Conditional Use Permit application? : _____ Yes _____ No

If not, explain: _____

PROVIDE A DESCRIPTION OF THE PROPOSED TEMPORARY USE IN THE SPACE PROVIDED BELOW:

Are you selling any products or goods? _____

If so, what are they? _____

Town of Carbondale Sales Tax License needed: Yes: _____ No: _____

Sales Tax License Number: _____

SIGNATURE OF APPLICANT: _____ **DATE:** _____

APPROVED BY: _____ **DATE:** _____

The Annual Temporary Conditional Use Permit Applications are based on The Town of Carbondale Municipal Code, section 18.75.020 and 18.75.25 Miscellaneous Conditional Use Criteria:

18.75.020 Miscellaneous conditional use criteria.

The following conditional uses shall show they meet the following criteria:

- A. Bed and breakfast establishments: The criteria outlined in Section 18.20.015(B).
- B. Office space in the commercial/retail/wholesale zone district:
 - 1. Office space shall be on the second or third floor of any structure;
 - 2. Applicants shall meet the municipal code parking requirements for all office space;
 - 3. Office space shall be limited to twenty percent of gross leasable area of retail/office and other allowed commercial uses on the site.
- C. Peddlers:
 - 1. Obtain town sales tax;
 - 2. Fill out all forms from the town clerk and obtain zoning approval;
 - 3. Any food push cart, wagon, etc., shall be properly licensed and approved by the State Department of Health and/or other local or state agency;
- 4. Operations in a commercial area requires being located on private property with permission of land owner;
- 5. Operating on town right-of-way, town property (pool, park, etc.) or in residential and industrial zone districts requires a license agreement to be approved by the town and signed by the applicant;
- 6. If operating on town property or right-of-way the following requirements must be met:
 - a. If on a sidewalk, at least four feet of unblocked area must be maintained for pedestrian clearance,
 - b. If on a street:
 - i. Traffic may not be blocked;
 - ii.No parking within twenty feet of an intersection.
- D. Antiques and collectible stores; apparel and/or accessory store; bookstore; package liquor store; barber shop/beauty salon; travel agency; special sales events; festivals fairs lasting less than three days.

The uses noted above may be approved as conditional use permits in the C/RW zone district if they meet the following criteria:

- 1. They are part of an existing, larger commercial project with more than one use;
- 2. There is adequate parking for the proposed use, as well as all other existing uses in the project;
- 3. The location of such use will not prevent future uses that meet the purpose statement of the CRW zone district (e.g., facilitate medium and larger retail uses that typically do not benefit from clustering with other retail uses and usually require adequate access to arterial type streets).

18.55.010 Conditional use permit.

Uses which require a conditional use permit are those which are allowed in the zone district in which they are listed but must satisfy certain conditions particular to that use.

A. Who Must Apply. The owner of the property or their authorized representative(s),

B. Process. When required, a conditional use permit shall be obtained by the following process.

1. Step 1-Preapplication Meeting. The applicant is encouraged to meet with the town building official or planning director, or their authorized representatives to become familiar with the town's requirements, criteria and regulations.

2. Step 2-Submittal of Application. A completed town application for a conditional use permit shall be submitted by the applicant to the town building official or planning director. The application shall include:

a. All required information as listed in the town application for a conditional use permit and any additional information requested at the preapplication meeting;

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 will conform with all applicable criteria, regulations and standards of the zone district in which they are located;

c. Other information which would enable the building official to determine how the physical impacts of the proposed use on the surrounding uses has been addressed, (see criteria in subsection (B)(3)(a));

d. Appropriate fee as listed in Section 18.55.075.

3. Step 3-Determination by the Building Official. The building official may require an inspection of the site and or buildings involved and or approval of the proposed plans by the planning director prior to making a determination. The building official shall either issue the conditional use permit or deny the request.

a. The conditional use permit may be approved upon finding of the building official that all of the following criteria are met:

i. The site, building(s) and use meet all criteria specified for the use and all applicable regulations and development standards as specified in this title and for the zone district in which the use is located;

ii. 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 18.65, Nonconforming Uses, Structures and Lots;

iii. The proposed use is planned in a manner which will minimize adverse impacts on the traffic in the neighborhood or surrounding uses;

iv. The proposed use is planned in a manner which will minimize any adverse impacts on the existing character of a residential neighborhood or surrounding uses;

v. The proposed plans in no way detract from the public health, safety and general welfare.

b. Upon approval of the application, the building official may impose such conditions as may be necessary to assure compliance with items listed in subsection (B)(3)(a).

c. Denial of a conditional use permit shall occur if the building official determines that the proposed use does not comply with applicable items listed in subsection (B)(3)(a).

C. Transferable. 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. A conditional use permit may be transferred to any other person to operate the same use per the same terms of the permit, upon notification to the building official, but may not be transferred to any other property or building.

D. Duration. 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.

1. The duration of a conditional use permit may be limited to a specific period of time if necessary to insure that the proposed use will meet the purposes in Section 18.05.015 for

protection of the public health, safety, and welfare or to meet the purposes of the zone district in which the use is located.

2. A conditional 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.

E. Revocation of Permit. The town building official 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 Section 18.55.010(B)(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.

F. Appeals of the decision of the building official will be heard by the board of adjustment per the process in Section 18.55.035. (Ord. 16-1993 (part)).

This is from the State of Colorado Department of Public Health and Environment. Note: This retail food establishment interpretation supersedes Retail Food Establishment Interpretation #01-3 (dated September 27,2001).

Farmers' markets have evolved over the years from venues for small vegetable and fruit producers to marketplaces that encompass much more than uncut fruit and vegetables. This letter is designed to provide guidance to local health departments so that vendors at farmers' markets are treated equitably throughout the State. The various food-related activities at farmers' markets can be divided into five categories, which are distinguishable by the products that are sold and/or the type of retail food establishment (RFE) license that is issued:

Category 1. Vendors who sell uncut **vegetables**. If a vendor is selling only uncut fruit and vegetables, the vendor is exempt from retail food establishment licensure pursuant to 25-4-1602(14)(j), C.R.S. (1998), even if offering samples.

Category 2. Vendors who sell **wrapped, non-potentially hazardous foods (Phf) for off-premises consumption**. If a vendor is selling only wrapped, non-potentially hazardous foods for off-premises consumption, the vendor is exempt from obtaining a RFE license, even if offering samples. For example, wrapped loaf bread falls in this category.

Category 3. Vendors who sell **unwrapped, non-potentially hazardous foods for off-premises consumption**. If a vendor is selling unwrapped non-potentially hazardous foods for off-premises consumption, the vendor must obtain a RFE license. For example, unwrapped loaf bread falls in this category.

Category 4. Vendors who sell **wrapped, potentially hazardous foods for off-premises consumption**. If a vendor is selling wrapped, potentially hazardous foods for off-premises consumption, the vendor must obtain a RFE license. For

example, cheese, shell eggs, frozen meats, and **roasted** chiles fall in this category.

Category 5. Vendors who sell ***potentially hazardous foods in individual portions for immediate consumption***. If a vendor is selling potentially hazardous foods in individual

ORDINANCE NO. 3

SERIES OF 2006

AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO
AMENDING THE TOWN'S NOISE ABATEMENT STANDARDS

WHEREAS, the Board of Trustees finds that the continuing urbanization of Carbondale requires reconsideration of the appropriate balance between the quiet enjoyment of private properties and appropriate noise levels associated with adjacent public and private land uses; and

WHEREAS, pursuant to the Town's police powers and the Carbondale Home Rule Charter, the Town is authorized to establish allowable noise levels within Town limits; and

WHEREAS, the Board of Trustees finds that it is in the interest of public health, safety and welfare to revise the Town's existing noise abatement standards and to add to these standards;

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

1. Existing Chapter 9.45 of the Carbondale Municipal Code is hereby revised to read as set forth on the attached Exhibit A, which is incorporated by reference.
2. If any other ordinance or parts of ordinances are in conflict with the standards set forth on Exhibit A, they are hereby repealed to the extent of such conflict only.

INTRODUCED, READ AND PASSED this 25th day of April, 2006.

THE TOWN OF CARBONDALE



Stacey Patch Bernot, Mayor Pro-tem

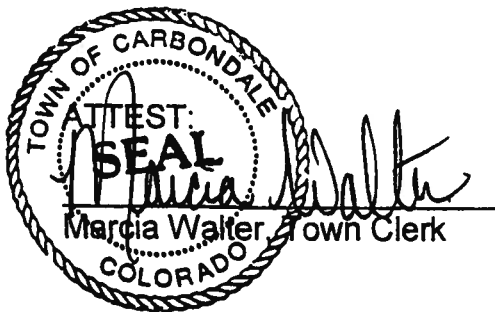


EXHIBIT A

Chapter 9.45

NOISE ABATEMENT

9.45.010 Prohibited noises.

A. It shall be unlawful, with penalties provided in the Carbondale Municipal Code, Section 1.01.080, for any person to create, cause, or allow the continuance of any unreasonably loud, disturbing, unusual, frightening, or unnecessary noise, which interferes with neighboring residents' reasonable use of their properties. Such noises include, but are not limited to, the following:

1. Horns and signaling devices. The intentional sounding of any horn or signaling device except as an emergency warning device.
2. The sounding of a security alarm for more than five (5) minutes.
3. The repair, rebuilding or testing of any motor vehicle between 9:00 p.m. and 7:00 a.m.
4. Operating any motor vehicle or motorcycle without a muffler.
5. Noisy parties. Congregating because of, or participating in any part of gathering of people, between 9:00 p.m. and 7:00 a.m. in such a manner as to disturb the peace.
6. The playing of any radio, musical instrument, outdoor speakers, televisions, or any such device in a manner as to disturb the peace of nearby persons.
7. Gasoline-powered blowers, including but not limited to lawn and leaf blowers.
8. The yelling, shouting, whistling or singing in the public streets or private property between 9:00 p.m. and 7:00 a.m. in such a manner as to disturb the peace.
9. Construction between the hours of 7:00 p.m. and 7:00 a.m. on Monday through Saturday in any zone district.
10. The use of explosives, firearms or similar devices which create loud sound.

11. Any noise which meets all of the following conditions is also declared to be excessive and unusually loud, and therefore unlawful:

(a) The source of the noise is located on privately owned property, regardless of whether the property is opened to the use of the public;

(b) The noise is measured at or beyond and outside the property line of property on which the noise source is located;

(c) The noise is measured as specified in subsection (11)(e) of this section (see *below* chart);

(d) The noise is continuous, continual, or essentially uninterrupted for at least five minutes, or persists for more than a total of fifteen minutes in any sixty minute period of time;

(e) The noise, at the point of measurement, exceeds the maximum permitted level according to the following:

**Table 9.45.010
Maximum Permitted Sound Level, dB(A)**

Zone District (Where source is located)	Seven a.m. To Eight p.m.	Eight p.m. To Seven a.m.
Residential	60 dB	55 dB
Accommodations	60 dB	55 dB
Commercial	75 dB	60 dB
Light Industrial	70 dB	65 dB
General Industrial	75 dB	65 dB
Heavy Industrial	85 dB	75 dB
Open Space	60 dB	55 dB

For PUD zone districts, the maximum permitted noise level on private property shall be as specified in this sub-section for the districts most similar to those listed as determined by the zoning administrator unless other standards are specifically established in the PUD ordinance.

9.45.020 Allowed Noises.

A. The following noises are allowed to exceed the Zone District noise levels during specified times of day unless deemed a disturbance of the peace by an enforcement officer:

1. Sounds emanating from an athletic event between 7:00 a.m. and 10:30 p.m.

2. Construction activities between 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday, with the following conditions:

(a) Noise levels do not exceed 80 dB.

(b) Equipment is operated in accordance with manufacturer's specifications and with all standard mufflers and noise-reducing equipment in use and in proper operating condition.

(c) Jack hammering, drilling, large compressors and other types of equipment that exceed 80 dB must be approved by the Town Manager in advance of such activity. In event such is approved, the Board of Trustees shall be notified by the Town Manager at their next regular meeting.

(d) The Town Manager or his or her designee is also authorized to issue a construction work noise permit allowing construction work noise to occur at a time other than the times set forth herein based on circumstances which necessitate such construction work. In the event the Town Manager issues such a permit, the Carbondale board of trustees shall be advised of such issuance at the next regular board meeting.

3. Special events or other events as to which the public is invited.

(a) The maximum noise level shall not exceed 100 dB;

(b) Amplified noise shall be created only between 9:00 a.m. and 9:00 p.m. (except during June, July and August, when such noise may be created as late as 9:45 p.m.).

(c) The arrangement of loudspeakers and instruments shall be such that it minimizes the disturbance to others.

(d) All reasonable measures shall be taken to baffle or reduce noise.

(e) Event organizers shall cooperate with the police in addressing noise complaints from neighbors, which may include termination of the event.

4. Private events as to which the public is not invited.

- (a) The maximum noise level shall not exceed 80 dB.
- (b) There shall be a maximum of two such events per week at any one property.
- (c) Amplified noise shall be created only between 9:00 a.m. and 9:00 p.m.
- (d) The arrangement of loudspeakers and instruments shall be such that it minimizes the disturbance to others.
- (e) All reasonable measures shall be taken to baffle or reduce noise.

5. Gasoline-powered outdoor tools, including mowers, snow blowers, chain saws, etc., but excluding gasoline-powered blowers:

- (a) Noise levels shall not exceed 80 db unless approved by the Town Manager or his or her designee. In event such is approved, the Board of Trustees shall be notified by the Town Manager at their next regular meeting.
- (b) Hours of operation are limited to between 7:00 a.m. and 7:30 p.m.
- (c) All such equipment shall be operated in accordance with manufacturer's specifications and with all standard mufflers and noise-reducing equipment in use and in proper operating condition.

9.45.030 Exemptions.

A. The following uses and activities are exempt from noise level regulations:

- 1. Emergency construction work that is necessary to restore property to a safe condition following a fire, accident or natural disaster, to restore utilities, or to protect persons or property from imminent danger.
- 2. The noise of safety signals, warning devices and pressure relief valves.
- 3. Noise resulting from any authorized emergency vehicle responding to an emergency.
- 4. Lawful fireworks.

5. Electric leaf blowers.
6. Water sprinklers.
7. Town operations.

9.45.040 Variances.

The Town Manager or his or her designee may grant a variance from the provisions of these regulations upon receipt of a variance request including reasons why the variance should be granted, how the public good will outweigh impacts on neighbors, and other factors supporting the request. Any such variance shall include all conditions upon which it is granted, including the effective date(s) and time(s), the location, the sound pressure level, and any equipment limitations. Decisions on variance requests may be appealed to the Board of Trustees by filing a written appeal within two days of the written denial or permit objected to. Such appeals shall be heard during a regular Board of Trustee meeting within 30 days following the written appeal.

9.45.050 Noise Measurements.

A. Noise measurements for the purpose of these regulations shall be taken on a decibel or sound level meter of standard design and quality operated on the "A" weighting scale. Measurements shall be made at the most appropriate location to determine compliance with the regulations of this title as listed below and a violation in any of the locations shall be a violation of this title:

1. At locations within other zone districts in the proximity of the source.
2. At a point located within a street or public right-of-way in the town at a distance of at least twenty-five feet from the noise source; and/or at the common property line of the property on which the noise source is located and the adjacent property.

9.45.060 Enforcement

A. Carbondale police officers may issue warning notices or summons and a complaint to any person in violation of this chapter.

B. Police officers shall have the right to inspect a property concerning any noise complaint.

9.45.070 Penalties

A. Any person violating any provision of this chapter may be punished by a fine, imprisonment, or both a fine and imprisonment, as set forth in Section 1.01.080 of this code. Any such violation may also be summarily abated as a public nuisance as provided therein. Each day of any violation shall constitute a separate offense.