

**ORDINANCE NO. 20
SERIES OF 2016**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF CARBONDALE, COLORADO
APPROVING ZONING CHANGES AND PLAT AMENDMENTS
FOR LOTS 3, 14, A, and B-H, COMMERCIAL/OFFICE ZONE DISTRICT,
CRYSTAL VILLAGE P.U.D.**

WHEREAS, pursuant to Section 2.4.3.C.4.3 of Chapter 17.02 of the Carbondale Municipal Code, George Lines (“Applicant”) has submitted an application to amend the zone district text for the Commercial/Office (“C/O”) Zone District within the Crystal Village P.U.D. (Lots 3, 14, A, and B-H are zoned C/O) in order to allow residential units on the ground floor in two existing mixed-use buildings on Lots 3 and 14 and to modify other zoning and development standards for these lots and Lots A and B-H; and

WHEREAS, in particular, in addition to allowing ground floor residential uses, if approved the requested zone changes would also update the zone district text for the C/O district to, among other things, prohibit marijuana businesses, prohibit short-term residential rentals, update parking requirements, impose outdoor storage restrictions, and otherwise update the C/O district processes and procedures to be consistent with the Unified Development Code (“UDC”) recently adopted by the Town as Chapter 17 of the Municipal Code, all as more specifically set forth on the amended zone district text attached hereto as Exhibit A; and

WHEREAS, fifty percent (50%) or more of the owners of properties within the zone district consented to the zoning change pursuant to Section 2.4.2.B.1. of Chapter 17.02 of the Municipal Code; and

WHEREAS, whereas, after required public notices, the Planning and Zoning Commission held a public hearing on this application on July 21, 2016, which hearing continued on August 18, 2016, September 8, 2016, and September 22, 2016, after which the Planning and Zoning Commission recommended to the Board of Trustees that this application be approved, with conditions; and

WHEREAS, after all required public notices, including posting, mailing to adjacent property owners, and newspaper publication, the Board of Trustees held a public hearing on this matter on October 25, 2016 and heard from staff, the applicant, and any other interested parties; and

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

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1. The proposed amendments will promote the public health, safety, and general welfare as residential uses are compatible in the C/O PUD zone district and will provide additional residential housing units near commercial areas;
2. The proposed amendments are consistent with the Comprehensive Plan and the purposes stated in the Unified Development Code; specifically, the proposed amendments will allow for a flexible mix of commercial and multiple story mixed-use buildings (Comprehensive Plan-New Urban) and conserve the value of buildings and property and encourages the most appropriate use of land in the C/O zone district;
3. The amendments are consistent with the stated purposes of the C/O zone district and increased residential uses would be compatible with the existing single family zone district along Clearwater Drive and Village Lane;
4. The amendments are not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated by ensuring adequate parking and water rights are available if residential units are constructed rather than commercial units;
5. The amendments are not likely to result in material adverse impacts to other properties adjacent to or in the vicinity of the subject properties; and
6. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are available to serve the subject properties while maintaining adequate levels of service to existing development.

WHEREAS, the Board of Trustees finds that certain conditions of approval should be imposed so that the entire Crystal Village P.U.D. will continue to be developed consistent with the purposes of Chapter 17 of the Carbondale Municipal Code (the UDC).

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

A. Approval of Amendments to the C/O zone district within the Crystal Village P.U.D.

The revised zone district text for the C/O zone district within the Crystal Village P.U.D. is hereby adopted upon the date that this Ordinance becomes effective.

B. Additional Conditions of Approval.

- (1) Except as expressly amended herein, all prior conditions of approval in ordinances and associated approval documents for Crystal Village P.U.D. Lots 3, 14, A, and B-H, including all prior zoning, subdivision,

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condominium, development and subdivision improvements agreements, shall remain in full force and effect.

- (2) Although a plat note on the plat entitled "Resubdivision of Lots 2 & 4, Crystal Village P.U.D. Filing No. 3, Town of Carbondale, Colorado" recorded on August 17, 2004 as Reception No. 658026 indicates that Lot A may not be used for residential purposes, pursuant to the zone changes approved herein, residential use upon said Lot A shall be allowed provided that, prior to the issuance of any residential building permits for Lot A, the owner of Lot A shall be required to process a Major Plat Amendment application with the Town pursuant to Section 2.6.7.B.1 of Chapter 17.02 of the Municipal Code for purposes of removing said plat note restriction from the subdivision plat for Lot A.
- (3) Prior to residential development or use upon the first floor of the mixed use buildings located upon Lots 3 and 14, the declaration of restrictive covenants for such buildings shall be amended to: (1) allow ground level unit owners to install, and to require the respective unit owners associations to maintain, sprinkler systems and fire-rating separation between units; (2) to prohibit storage of campers, trailers, recreational vehicles, and inoperable vehicles, in order to keep parking available for expanded residential uses within these buildings. The form and content of these covenant amendments shall be subject to review and approval of Town staff and the Town Attorney prior to recordation.
- (4) Prior to the conversion of any existing commercial units to residential use, or the construction of any new residential units upon Lot A, the Town may require additional water rights dedications, or fees in lieu of water rights dedications, in light of the anticipated increased water demands of residential units as compared to commercial units, as a condition of any subdivision, condominium, or building permit approval or authorization.
- (5) Any new or existing dumpsters shall be enclosed pursuant to Section 5.4.5 of Chapter 17.05 of the Municipal Code prior to the conversion of any existing units or the construction of any new units pursuant to this Ordinance.
- (6) The dumpster on Lot 14 shall be relocated to a different area so as not to block the Town's 20' access and utility easement prior to any building authorizations or unit conversions pursuant to this Ordinance, and the area within the access and utility easement shall not be used for private outdoor space.



Reception#: 886166
12/06/2016 11:03:38 AM Jean Alberico
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- (7) Any new development or redevelopment of a property must comply with the Community Housing Inclusionary Requirements in Section 5.11 of Chapter 17.02 of the Municipal Code.
- (8) The Applicant shall pay and reimburse the Town for all professional and staff fees incurred in reviewing this application pursuant to Section of the Municipal Code pursuant to Article 8 of Chapter 1 of the Municipal Code.
- (9) Unless otherwise provided herein, all representations of the Applicant in written submittals to the Town or in public hearings concerning this application shall also be binding as conditions of approval.


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C. Recording.


This Ordinance shall be recorded in the Garfield County real property records at the Applicant's expense. The terms and conditions hereof shall run with title to Lots 3, 15, A, and B-H, Crystal Village P.U.D., Town of Carbondale.

INTRODUCED, READ AND PASSED this 22ND day of November, 2016.

THE TOWN OF CARBONDALE

By: 
Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk

Attachment (Exhibit A—revised zone district text for C/O zone district)



EXHIBIT A

**CRYSTAL VILLAGE PUD
ZONE DISTRICT REVISION
COMMERCIAL/OFFICE ZONE DISTRICT**

Revised 11-16-16

STATEMENT OF INTENT

The Commercial/Office Zone District is intended to be a low-intensity Mixed Use, Commercial, or Residential District depending on long-term development trends. Uses and structures should be compatible with both the adjacent existing single-family zone district along Clearwater Drive, as well as the newly defined Residential Single-Family / 8000/Zone District, formerly a part of the Crystal Village Commercial/Special Zone District. Uses shall be low impact in terms of pollution, traffic generation, smoke, vibration, noise, odor, etc.

A. Permitted Uses:

1. Office and Professional:

Any office used for the conduct of a business or profession, general business and personal services, government office, medical or dental clinic, financial services and all other office uses.

2. Personal and Small Scale Services and Retail:

a) Personal Services:

Barbers/Beauty shops, photography studio, tailoring, laundromat without any dry cleaners, dry cleaning (pickup only).

b) Small Scale Services or Repair and Retail:

Including but not limited to catering, shoe repair, travel agency, upholstery shop, printing and publication/blueprint reproduction facility, watch, camera, bicycle, appliance repair, fabric, drapery, book, record, optical/eyeglasses, office-supply, upholstery, locksmith, auto window glass, arts and crafts.

3. Indoor Entertainment/Recreation:

Facilities such as athletic clubs, private clubs, restaurants and liquor sales in connection with dining with seating capacity of 25 or less.



4. Miscellaneous

- a) Church
- b) Schools: Dance studio, martial arts, community college, vocational, trade, professional, small daycare center.
- c) Specialty Food Sales: meat and fish, health-food, bakery and confections, ice cream shop.

5. Residential:

- Residential - Dwelling units
- Live/Work units

6. Home Occupation

7. Prohibited Uses: Short-term residential rentals, sale of marijuana and marijuana infused products, commercial kennel.

B. Special Uses:

Restaurant seating capacity over 25, including liquor sales when in association with restaurant dining.

C. Special Requirements:

1. All service, fabrication and repair operations are conducted within a building.

2. Storage:

All storage shall be within the principal structure erected on each lot and no outdoor storage shall be allowed.

3. Paving:

All vehicle parking areas shall be paved with asphalt, concrete, chip and seal or other type of hard surface.

4. No offensive or objectionable smoke, odor, dust, glare or mechanical vibration shall be projected beyond the site.

5. Noise:

Regulations regarding noise shall be enforced according to the procedure specified in the Carbondale Municipal Code, as amended. Standards for the C/O District are as follows:

Maximum Number of DB Per Minute 7 AM – 8 PM Monday – Saturday 65 dB	Maximum Number of decibels Per Minute 8 PM – 7 AM and all day Sunday 60 dB
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D. Procedure And Criteria For Special Use Review: Per procedures contained in Section 2.5.2 of the UDC as amended from time to time.

E. Minimum Lot Size:

18,000 SF

F. Setback Requirements:

1. Setbacks from West Main Street: 25 ft.
2. Setbacks:
 - a) Front Yard: 20 ft.
 - b) Rear Yard: 10 ft.
 - c) Side Yard Setback:
 - Interior Lot line: 10 ft.
 - Corner lot shall observe front setbacks on both abutting rights-of-way.
 - d) Other:

Setback from the northerly lot line of Lot 12, of the Final Plat of a Resubdivision of the Crystal Village PUD Filing No. 3, Lots 2 through 7: 20 ft.

3. Lot width, depth, and side yard setbacks may vary if approved through the subdivision process in order to allow townhomes to be subdivided. Zero lot lines may be established at the time of subdivision.

G. Lot Coverage Requirements:

1. Open Space:

A minimum of 10% of the total area for each lot shall not be covered with any impervious surface or gravel.

2. Impervious Surface:



Maximum of 90% (includes principal building, parking and gravel or water impervious surfaces).

H. Maximum Building Height:

27 feet as measured according to Section 3.8.4 of the UDC as amended from time to time.

I. Utility and Drainage Easements:

1. No structures, planting or other materials, except lot line fencing, shall be placed or permitted to remain within the utility and drainage easements which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow or obstruct or retard the flow of water in and through drainage channels located within the easements.
2. The easements within each lot and all improvements therein shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or one or more utility companies are responsible.

J. Parking:

1. The number, dimensions and specifications of all off – street parking spaces shall be those contained in Section 5.8 of the UDC as amended from time to time.
2. Tandem parking spaces may be used to satisfy parking requirements on all lots when space serves an identified and specific individual residential unit.
3. Designated parking garages are required to be available for the parking of vehicles. Designated parking spaces within the garage shall not be utilized for storage. This availability is required to be provided in the CCR's for the particular project.
4. Garages may not be converted into living space or office space.

K. Storage:

The storage of campers, trailers or storage equipment, miscellaneous materials or other personal property shall not be allowed outside of any building or designated storage area. Storage of inoperable vehicles as defined by the Carbondale Municipal Code is prohibited. These prohibitions

shall be included in any CCR's and shall only be changed with the permission of the Town of Carbondale.

L. Fencing:

Fences 6 ft. and under shall be allowed on all property lines except within the front yard (25 ft. setback) where fences shall observe a 42 inch maximum height.

M. Uses Not Listed: Refer to Section 4.2.4 of the UDC as amended from time to time.

N. Future Development/Redevelopment:

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