

**ORDINANCE NO. 338**

**AN ORDINANCE OF THE TOWN OF SPRINGFIELD, COLORADO, AMENDING ORDINANCE 321 (THE “ZONING ORDINANCE”), REPEALING SUBSECTIONS (21), (52), (53), (95), (96), and (97) OF SECTION 16-4 (DEFINITIONS), ADDING SUBSECTIONS (64.5), (68.5), AND (78.5), DEFINING MANUFACTURED HOME, MOBILE HOME SPACE, AND RECREATIONAL VEHICLE, RESPECTIVELY, AND AMENDING SUBSECTIONS (66) AND (67), DEFINING MOBILE HOME AND MOBILE HOME PARK, RESPECTIVELY, AMENDING SECTION 16-22(C)(10) REGARDING CONDITIONAL USE STANDARDS FOR MOBILE HOMES IN THE A-1 ZONING DISTRICT, AMENDING SECTION 16-24(B)(1) EXCLUDING MOBILE HOMES FROM THE R-2 ZONING DISTRICT, AMENDING SECTION 16-25(C)(5) REGARDING CONDITIONAL USE STANDARDS FOR MOBILE HOMES IN THE C-1 ZONING DISTRICT, AMENDING SECTION 16-26(B) AND (D), SECTION 16-29(D)(2), AND SECTION 16-44 TO UPDATE VOCABULARY, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Colorado Revised Statutes, Title 31. Government – Municipal, Powers and Functions of Cities and Towns, Article 23, Planning and Zoning, provides for each Colorado municipality to promote health, safety, morals or the general welfare of the community through the regulation of zoning;

**WHEREAS**, on May 4, 2017, the Town adopted Ordinance 332, imposing a temporary moratorium on the submission, acceptance, processing, and approval of certain applications related to the placement of a mobile home within the Town while the Town considers new regulations regarding same;

**WHEREAS**, on July 25, 2017, the Town adopted Emergency Ordinance 337, extending the temporary moratorium for an additional 60 days;

**WHEREAS**, the Town has studied the issues and hereby amends Ordinance 321, regarding zoning (the “Zoning Ordinance”), as provided herein;

**WHEREAS**, notice of the public hearing on this Ordinance was posted on the front entrance of the Springfield Town Hall as required;

**WHEREAS**, no outside referral agency review was required;

**WHEREAS**, the Planning Commission recommended approval of the provisions in this Ordinance; and

**WHEREAS**, this Ordinance complies with all Colorado Revised Statutes pertaining to Municipal Zoning Regulations.

**NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Springfield, Baca County, Colorado that:**

**Section 1.** In Zoning Ordinance, Section 16-4, **repeal** (21), (52), (53), (95), (96), and (97) as follows:

~~(21) Camping trailer means a vehicle used or so constructed as to permit being used as a conveyance upon the streets or highways and duly licensed as such and constructed in such a manner as will permit occupancy thereof for human habitation, dwelling or sleeping places for one (1) or more persons, and is not connected to any utilities or used for dwelling or sleeping purposes or as an accessory use when parked within the corporate limits of the Town.~~

~~(52) House trailer— See mobile home.~~

~~(53) House trailer park— See mobile home park.~~

~~(95) Trailer or trailer house means a vehicle used for living or sleeping purposes and standing on wheels or on rigid supports.~~

~~(96) Trailer, camping means a vehicle used or so constructed as to permit being used as a conveyance upon the public streets or highways and duly licenses as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwelling or sleeping places for one (1) or more persons, and is not connected to any utility or used for dwelling or sleeping purposes or as an accessory use when parked within the corporate limits.~~

~~(97) Trailer park— See mobile home park~~

**Section 2.** In Zoning Ordinance, Section 16-4, **add** (64.5), (68.5), and (78.5) as follows:

(64.5) *MANUFACTURED HOME* MEANS A SINGLE-FAMILY DWELLING WHICH MEETS ALL OF THE FOLLOWING STANDARDS:

- A. IS PARTIALLY OR ENTIRELY MANUFACTURED IN A FACTORY;
- B. IS NOT LESS THAN TWENTY-FOUR (24) FEET IN WIDTH AND THIRTY-SIX (36) FEET IN LENGTH;
- C. IS DESIGNED FOR AND PLACED UPON AN ENGINEERED PERMANENT FOUNDATION;
- D. IS CONNECTED TO UTILITIES.
- E. HAS BRICK, WOOD OR COSMETICALLY EQUIVALENT EXTERIOR SIDING ON ALL EXTERIOR WALLS WHICH PROVIDES A CONSISTENT, CONTINUOUS FACADE FROM THE BOTTOM OF THE SOFFIT (TOP OF WALL SECTION) DOWNWARD TO THE EXPOSED PERIMETER WALL, FOUNDATION OR TO GRADE, WHICHEVER IS APPLICABLE, AND HAS A PITCHED ROOF; AND
- F. IS MANUFACTURED AFTER 1976 AND CERTIFIED PURSUANT TO THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974, 42 U.S.C. § 5401 ET SEQ., AS AMENDED (COMMONLY REFERRED TO AS THE "HUD" CODE; EFFECTIVE IN 1976) AND ALL REGULATIONS ENACTED PURSUANT THERETO, INCLUDING ANY LOCAL MODIFICATIONS THAT ARE EXPRESSLY ALLOWED BY FEDERAL LAW, OR WHICH HAVE BEEN CERTIFIED BY THE STATE AS BEING IN COMPLIANCE WITH THE REQUIREMENTS OF THE UNIFORM BUILDING CODE AS ADOPTED BY THE STATE AND ENFORCED AND ADMINISTERED BY THE COLORADO DIVISION OF HOUSING.

(68.5) *MOBILE HOME SPACE* MEANS A UNIT OF GROUND LOCATED IN AN APPROVED MOBILE HOME PARK, WHICH IS OWNED BY THE PARK OWNER, BUT RENTED TO THE MOBILE HOME OWNER FOR PLACING A MOBILE HOME.

(78.5) *RECREATIONAL VEHICLE* MEANS A VEHICULAR, PORTABLE STRUCTURE BUILT ON A CHASSIS, DESIGNED OR CONSTRUCTED TO BE USED AS A TEMPORARY DWELLING FOR TRAVEL AND RECREATIONAL PURPOSES. RECREATIONAL VEHICLES ARE TO BE LEGALLY LICENSED WITH CURRENT REGISTRATION AND PLATES AND NOT TO BE USED AS LIVING QUARTERS OR DWELLING UNIT OR NOT TO BE CONNECTED TO UTILITIES. THE TERM RECREATIONAL VEHICLE SHALL INCLUDE MOTOR HOME, CAMPER, RV AND FIFTH WHEELER.

**Section 3.** In Zoning Ordinance, Section 16-4, **amend** (66) and (67) as follows:

(66) *MOBILE HOME, ONE-FAMILY* MEANS A DWELLING UNIT WITH ALL THE FOLLOWING CHARACTERISTICS:

A. DESIGNED AS A DETACHED SINGLE-FAMILY DWELLING UNIT FOR LONG-TERM OCCUPANCY AND CONTAINING SLEEPING ACCOMMODATION, A FLUSH TOILET, A TUB OR SHOWER BATH, KITCHEN FACILITIES, PLUMBING, SEWER AND ELECTRICAL CONNECTIONS PROVIDED FOR ATTACHMENT TO OUTSIDE SYSTEMS;

B. DESIGNED TO BE TRANSPORTED AFTER FABRICATION ON ITS OWN WHEELS, ON FLATBED, OTHER TRAILERS OR DETACHABLE WHEELS;

C. ARRIVES AT THE SITE WHERE IT IS TO BE OCCUPIED AS A COMPLETE DWELLING AND IS READY FOR OCCUPANCY EXCEPT FOR MINOR AND INCIDENTAL UNPACKING AND ASSEMBLY OPERATION, LOCATION ON FOUNDATION SUPPORTS OR JACKS, UNDERPINNED, CONNECTIONS TO UTILITIES AND THE LIKE;

D. IS NOT LESS THAN EIGHT (8) FEET IN WIDTH AND THIRTY-TWO (32) FEET IN LENGTH, EXCLUDING TOWING GEAR AND BUMPERS;

E. IS WITHOUT MOTIVE POWER;

F. IS MANUFACTURED AFTER 1976 AND CERTIFIED PURSUANT TO THE "NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974," 42 U.S.C. § 5401 ET SEQ., AS AMENDED, AND ALL REGULATIONS ENACTED PURSUANT THERETO; AND

G. COMPLIES WITH CITY ORDINANCE MODIFICATIONS AS AUTHORIZED BY STATE OR FEDERAL LAW.

THE TERM MOBILE HOME SHALL NOT INCLUDE CAMPERS, MOTOR HOMES OR OTHER RECREATIONAL VEHICLES. THIS DEFINITION SHALL NOT APPLY TO THOSE UNITS DEFINED AS MANUFACTURED HOMES.

~~Mobile home (house trailer) means a vehicle used or so constructed originally or so altered thereafter as to permit being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof for human habitation, dwelling or sleeping places for one (1) or more persons, provided further that this definition shall include all portable contrivances used or intended to be used generally for living, working or sleeping purposes and which are capable of being moved by their own power or transported or towed by another vehicle.~~

(67) *MOBILE HOME PARK* MEANS A LOT, PARCEL, OR TRACT OF LAND UNDER SINGLE OWNERSHIP, WHICH IS DESIGNATED AND IMPROVED FOR THE PURPOSE OF PROVIDING A LOCATION AND ACCOMMODATIONS FOR TWO OR MORE MOBILE HOMES AND WITHIN WHICH SPACES ARE AVAILABLE TO THE GENERAL PUBLIC FOR RENT, LEASE, AND THE PLACEMENT THEREON OF MOBILE HOMES FOR OCCUPANCY.

MOBILE HOME UNIT SALES LOTS ON WHICH UNOCCUPIED MOBILE HOMES ARE LOCATED FOR INSPECTION OR SALE SHALL NOT BE CONSIDERED MOBILE HOME PARKS.

~~Mobile home park (house trailer park) means premises where one (1) or more mobile homes or house trailers are parked for living or sleeping purposes, or where spaces or lots are set aside or offered for sale or rent for use by mobile homes for said purposes, including any land, building structure, facility used by or activity engaged in by occupants of mobile homes on said premises.~~

**Section 4.** In Zoning Ordinance, Section 16-22, **amend** (c)(10) as follows:

(10) Mobile home ~~if located south of Eleventh Avenue~~ in a location which will not materially and adversely affect the surroundings. CRITERIA TO BE APPLIED TO DETERMINE AND MAKE FINDINGS OF APPROVAL AND WHICH WILL NOT MATERIALLY AND ADVERSELY AFFECT THE SURROUNDINGS ARE:

- A. THE USE IS IN HARMONY WITH THE CHARACTER OF THE NEIGHBORHOOD AND COMPATIBLE WITH THE SURROUNDING AREA;
- B. THE USE PREVENTS BLIGHTING/DETERIORATING INFLUENCES BY REDEVELOPING A PARCEL OR IMPROVES THE COMPATIBILITY OF THE USE WITH THE SURROUNDING NEIGHBORHOOD
- C. THE USE WILL NOT HAVE AN UNDUE BURDEN ON AVAILABLE INFRASTRUCTURE;
- D. THE USE WILL NOT RESULT IN UNDUE TRAFFIC CONGESTION OR TRAFFIC HAZARDS;
- E. ALL SANITATION REQUIREMENTS WILL BE MET;
- F. PARKING IS ADEQUATELY PROVIDED; AND
- G. THE USE WILL NOT OTHERWISE BE DETRIMENTAL TO THE HEALTH, SAFETY OR WELFARE OF THE PRESENT OR FUTURE INHABITANT OF SPRINGFIELD.

**Section 5.** In Zoning Ordinance, Section 16-24, **amend** (b)(1) as follows:

(1) Any permissive use permitted in the A-1 zone, ~~excepting: (i) agricultural and horticultural uses for purpose of profit, or (ii) mobile home.~~ ~~all~~ ALL permitted nonresidential uses shall follow all area requirements of the A-1 zone.

**Section 6.** In Zoning Ordinance, Section 16-25, **amend** (c) and (c)(5) as follows:

(c) Conditional Use. The following uses shall be permitted, provided that they are first approved by the Board of ADJUSTMENT as conditional uses:

\* \* \*

(5) ~~Mobile~~ A MOBILE home if located south of Eleventh Avenue in a location which will not materially and adversely affect the surroundings. CRITERIA TO BE APPLIED TO DETERMINE AND MAKE FINDINGS OF APPROVAL AND WHICH WILL NOT MATERIALLY AND ADVERSELY AFFECT THE SURROUNDINGS ARE:

A. THE USE IS IN HARMONY WITH THE CHARACTER OF THE NEIGHBORHOOD AND COMPATIBLE WITH THE SURROUNDING AREA;

B. THE USE PREVENTS BLIGHTING/DETERIORATING INFLUENCES BY REDEVELOPING A PARCEL OR IMPROVES THE COMPATIBILITY OF THE USE WITH THE SURROUNDING NEIGHBORHOOD

C. THE USE WILL NOT HAVE AN UNDUE BURDEN ON AVAILABLE INFRASTRUCTURE;

D. THE USE WILL NOT RESULT IN UNDUE TRAFFIC CONGESTION OR TRAFFIC HAZARDS;

E. ALL SANITATION REQUIREMENTS WILL BE MET;

F. PARKING IS ADEQUATELY PROVIDED; AND

G. THE USE WILL NOT OTHERWISE BE DETRIMENTAL TO THE HEALTH, SAFETY OR WELFARE OF THE PRESENT OR FUTURE INHABITANT OF SPRINGFIELD.

**Section 7.** In Zoning Ordinance, Section 16-26, **amend** (b)(4), (b)(8)a., (c), and (c)(6) as follows:

(b) \*\*\*

(4) MOBILE HOME PARK ~~Trailer court~~, provided that it complies with the minimum requirements enumerated for a MOBILE HOME PARK ~~trailer court~~ in the PLANNED UNIT DEVELOPMENT (PUD) zone, FOUND IN Section 16-29.

\* \* \*

(8) Uses which must have a solid wall or fence at least six (6) feet high along the side of all areas abutting or contiguous to an A-1, R-1 or R-2 zone:

a. Automotive, mobile homes or ~~trailer~~ RECREATIONAL VEHICLE sales or rentals, and service, ~~and repair~~, OR storage, provided that:

1. The area is graded and surfaced with two (2) inch blacktop or four (4) inch P.C. concrete over a four (4) inch stabilized sub-base.

2. Repair of automobiles, MOBILE HOMES, OR RECREATIONAL VEHICLES ~~or trailers~~ is conducted within a completely enclosed building.

(c) Conditional Uses. The following uses shall be permitted, provided that they are first approved by the Board OF ADJUSTMENT as conditional uses:

\* \* \*

(6) RECREATIONAL VEHICLE ~~Trailer~~ or mobile home.

**Section 8.** In Zoning Ordinance, Section 16-29, **amend** Section (d)(2) as follows:

(2) Mobile home parks. All HOME~~trailers~~ used as residences within the limits of the community and ~~all trailer~~-MOBILE HOME parks for such MOBILE HOME~~trailers~~ shall be required to conform to the following requirements:

a. The Planned Unit Development Master Plan shall require at least two thousand (2,000) square feet for each MOBILE HOME~~trailer~~ over thirty (30) feet long and at least one thousand (1,000) square feet for each smaller MOBILE HOME~~trailer~~. The lot or area shall be at least thirty-five (35) feet wide.

b. The spacing between trailers side by side shall be at least fifteen (15) feet and the end to end spacing at least ten (10) feet. The distances between any building and any MOBILE HOME~~trailer~~ must be at least fifteen (15) feet, except where the building is of two (2) hour fire wall construction as determined by the Mountain States Inspection Bureau or its successor having jurisdiction over this area.

c. All MOBILE HOME PARK~~trailer courts~~ shall be surrounded by a solid fence or wall at least six (6) feet high, and no MOBILE HOME~~trailers~~ shall be located nearer than ten (10) feet to said fence or wall.

d. Accessory or storage structures needed to serve each MOBILE HOME~~trailer~~ space, provided that the structures are built of two (2) hour fire wall construction as mentioned above, and provided that said structures are located at least five (5) feet from any MOBILE HOME~~trailer~~ or any buildings on the property.

**Section 9.** In Zoning Ordinance, Section 16-44, **amend** Section (a)(1)a. as follows:

a. Any MOBILE HOME PARK-~~trailer court~~ nonconforming as to use shall be removed within four (4) years after the effective date of the ordinance codified in this Chapter, unless it complies with the requirements enumerated for a MOBILE HOME PARK-~~trailer court~~ in this Chapter, and in such event it may be continued for a period of twelve (12) years after the effective date of the ordinance codified in this Chapter.

**Section 10. Severability.** If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses, or phrases are declared invalid.

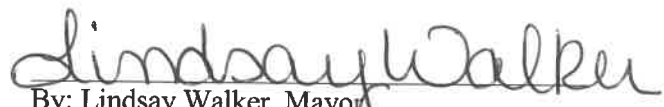
**Section 11. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Springfield or parts thereof, in conflict with this Ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution, or motion, nor revive any ordinance, resolution, or motion thereby.

**Section 12. Effective Date.** This ordinance shall become effective on October 7, 2017.

PASSED on first reading this 10th day of August, 2017.

ADOPTED on second reading this 7th day of September, 2017.

TOWN OF SPRINGFIELD, COLORADO

  
By: Lindsay Walker, Mayor

ATTEST:

  
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Rebecca P. Clark, Town Manager/Town Clerk