

## SPECIAL WORK SESSION

# ORDINANCE ALLOWING TINY HOMES & AMENDING RV AND OUTDOOR STORAGE REGS

# About Upcoming Tiny Home Legislation

Over the past year, the Planning & Zoning Commission has been hard at work discussing the complex considerations regarding the "tiny home movement." The Commission wanted to be permissive and flexible, given our affordable housing shortage; however, they also wanted to be practical and protective of the interests of our community. The proposed result tries to achieve those goals.

The Ordinance itself is full of complicated language that is required to update our development code. In layman's terms, the aim of this legislation is to permit the use of safe and inspected tiny homes and rvs for residential use in some areas. These units must be registered by the department of motor vehicles, and if they are being used as a residence, they must obtain a CO from the Creede Building Department, which will ensure livability and appropriate inspections. They may only be used on vacant residential lots, and are only allowed as a Special Review Use in certain zones.

They must be hooked up to city utilities. They may not be used as an accessory dwelling structure on an occupied lot.

As many of you know, we adopted a new Development Code a few years ago, and have been keeping an eye out for further adjustments it needs to be appropriate in Creede. Throughout sorting tiny homes out, the Commission ran up against the highly restrictive language in our Development Code regarding RV storage and all types of other outdoor storage on private property. It was ultimately decided that those regulations were altogether far too restrictive for Creede, as it would prevent everyone from having campers on their property and would require elaborate screening for other outdoor possessions. The Commission is therefore proposing removal of some of those restrictions, thus the changes to Parking regulations, removal of outdoor storage language,

If you would like more information on the specifics of the changes, you can take a look at the Draft of Ordinance 405 Amending the Creede Development Code by Allowing Tiny Homes and Amending RV and Outdoor Storage Regulations. For a better illustration of changes to the code, please see the "CDC Tiny Homes Changes" document below, which is the Creede Development Code in its entirety overlayed with these changes, so you can see what is being stricken or amended. Please also take a look at the packet materials for the Planning & Zoning Commission over the past year or so to explore how they've arrived at this proposal. Finally, please contact Town Hall if you have any questions...

# RECOMMENDATION

To: Board of Trustees  
From: Planning Commission

Date: 10/10/17  
Re: Tiny Homes

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The Planning & Zoning Commission has developed the following recommendations (PZC2) to present to the Board of Trustees in response to the BOT's 8/15 response(BOT1) to PZC recommendation 1 (PZC1), approved by the PZC 10/10/17. PZC will fine-tune its technical legislative recommendations and formally recommend the ordinance authorizing them in November based on your input:

**PZC1-That RV regulations be thoroughly overhauled in consideration of the State of Colorado classification of tiny homes as RVs.**

BOT1-The Board of Trustees wanted statutory proof or other documentation of exactly how Colorado has “classified” tiny homes as RVs. Regardless, the Trustees were highly interested in changing the current RV restrictions to remove the 72-hour rule (but were not interested in extending the 24-hour on public roadway rule). In fact, they hoped to remove it at their September 5 meeting, but PH hearing restrictions prevented it. After discussing further, they opted for all changes to go through at once considering that the process is rather lengthy.

PZC2-We've tweaked the definition of RVs in the development code to restrict it to only those vehicles which could feasibly be used as a residence (trailer, motorhome, tiny home licensed as “recreational vehicle by the Colorado Department of Motor Vehicles,” all of which must have bathroom facilities, shower facilities, and water and sewer capability. In order to maintain use of lesser permitted camping structures such as tents in RV Parks, we added a “non-residential camping structure” definition to that section. This accomplishes clarification of the use of RVs as a residence.

Additionally, we removed the 72-hour rule and made some clarifications in that section, including that mobile homes that are not in a MH district must be removed within 7 days (formerly there wasn't a specific time for removal, but we figured since we are loosening the regs that this needed to be clear). ?

## **BOT2-Supported.**

**PZC1-That RV-type tiny homes are allowed in R1, R2, and MH as a permitted use and B1 and B2 as a special review use.**

BOT1-Instructed to proceed.

PZC2-We've identified the necessary legislative changes to accomplish this. To be more clear, recreational vehicles (see above) are allowed on vacant lots only, of course with MH “vacant lots” being a vacant trailer lot. **We need clarification on whether RV-type tiny homes can be “substituted” for an ADU.** We discussed and came to a tentative recommendation that they can be used as an Accessory Dwelling Unit if they comply with ADU regs (setbacks, water and sewer, etc) **and get a special review use.** Alternatively, we could not allow or permit without a special review use. ?

## **BOT2 – Declined to allow RV-type tiny homes as ADUs.**

**PZC1-That minimum square footage of all permanent-foundation homes and all accessory dwelling units in all zones be reduced to 400 square feet (for reference, approx. 20' x 20' home). Smaller square footage homes may be considered by special review use.**

BOT1-Did not support for primary residence. Directed us to keep the existing minimum square footage for each zone. Fully supported accessory dwelling unit use and recommended reducing the minimum square footage down to 250sf.

PZC2 – Fine-tuned ADU requirements and added them as a special review use in B-2 (previously not permitted). Two specific questions came up: One, there actually isn't an existing minimum allowable square footage for ADUs. There was a maximum, and we discussed making it consistent (it wasn't), but for both considerations, that size is highly dependent on individual lots and setbacks. To that end, we thought it best to not specify, and instead used: “Accessory building size shall be compatible with setback and lot size restrictions.” ?

## **BOT2 – Supported.**

**PZC1-That RV-type Tiny Homes used for a residence are be hooked up to city water and sewer.**

BOT1-Supported. Actually fairly easy to just regulate per our normal utility requirements, but we may want to find an appropriate place to state “Any RV used as a permanent residence must be connected to city water and sewer utilities and paying for such service accordingly.”

PZC2 – Added some language throughout to ensure water & sewer hookup, but for the most part, this requirement is already built into code. ?

## **BOT2 – Supported.**

**PZC1-That RV-type Tiny Homes used for a residence are permitted on vacant lots in R-1, R-2 MH and RV Parks and that use of an RV-Type tiny home as a residence may be permitted elsewhere by special review use.**

BOT1-Supported, proceed.

PZC2 - We've identified the necessary legislative changes to accomplish this.

PZC2 – We identified a possible process by which we could ensure that the RV-type tiny homes in which we are considering allowing residential use have a “certificate of occupancy” component. This would be a simple procedure by which these homes would be required to have either an “RVIA” inspection badge or a “NOAH” inspection badge, which means that their structural, electrical, plumbing, propane, etc. has been passed by the standards of the respective associations. Tiny home manufacturers are using one of these two processes on their homes. NOAH offers inspections for homemade tiny homes as well. Someone would apply for a RV CO (\$30?) if they want to use it for residential purposes (More than 6 months?), and the building inspector would check that it is inhabitable and has one of these inspections, and issue the CO. The current building inspector is in support of this strategy. ?

## **BOT2-Supported.**

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# CDC CHANGES TO ACCOMMODATE TINY HOMES

- 50 Under R-1 permitted use, add "(7) Residential Use of RV on a vacant lot"
- 52 Under R-2 permitted use, add "(5) Residential Use of RV on a vacant lot"
- 54 Under B-1 special review use, correct numbering, then add "(ii) Residential Use of RV on a vacant lot"  
FYI, single-family residence and ADUs are Special Review Uses in B-1.
- 56 Under B-2 special review use, add "(iii) accessory dwelling when associated with a permitted use and (iv) Residential use of RV on vacant lot"
- 57 Under MH permitted use, add "(6) Residential Use of RV on a vacant mobile home lot"
- 58 MH minimum per dwelling is 4,000 lot sf and 850sf. While we are at it, reduce to R-2 standard 1,500 lot sf and 350sf dwelling.
  - Under C permitted use, add "(5) Residential use of RV on vacant lot."
- 60 Under I permitted use, add "(19) Residential use of RV on a vacant lot."
- 65 In table, under residential uses, add "Residential RV use on a vacant lot....P, P, P, S, S, P, P, \*, \*" and under ADU, change B-2 to "S", special review use"
- 70 ADU size limit stricken.
- 71 Correct numbering to (5) and add "B-2" to (e)(1)(i).
  - Strike size limit and rename section so it makes sense with the rest of the language.
- 80-81 Strike 72-hour private property restriction. Discuss item (4) in light of removing 72-hour restriction...maybe limit time for Mobile Homes in areas not zoned for such?
- 91 RV Parks Recreational vehicle definition: Overhaul so only those vehicles which are acceptable for residential use. Add a "*Non-residential camping structure*" definition to RV Parks to allow in that zone only tents, pickup coaches, etc. See new definition.
- 103 Strikeout RV permanent residency restrictions
- 152 Do exactly the same as above to the definition of Recreational Vehicle in "Definitions."

## OTHER

57, 59, 60, 66, 67, 72, 146

Outdoor storage direction never removed as recommended 10-11-16, add to ordinance to "strike all outdoor storage references in CDC."

# **ORDINANCE NO. 406**

## **AMENDING THE CREEDE DEVELOPMENT CODE BY ALLOWING TINY HOMES AND AMENDING RV AND OUTDOOR STORAGE REGULATIONS**

**WHEREAS**, the authority for the City of Creede (“City”) to adopt regulations concerning the use and development of real property is provided by Article 65.5 Notification of Surface Development; Article 20 Local Government Regulation of Land Use of Title 29; Article 15 Exercise of Municipal Powers; Article 16 Ordinances; Article 23 Planning and Zoning; and other applicable state and federal laws and regulations; and

**WHEREAS**, in accordance with the requirements of C.R.S. § 31-23-304, 305, and 306, the Creede Planning and Zoning Commission (hereinafter “Commission”) held a public hearing on November 14, 2017. After considering public comments received, and testimony and materials provided by City Staff, the Commission provided a recommendation to the Board of Trustees to amend the Creede Development Code by allowing Tiny Homes and Amending RV and Outdoor Storage Regulations; and

**WHEREAS**, in accordance with the requirements of C.R.S. § 31-23-304, 305, and 306, and after providing proper notice, the Creede Board of Trustees held a public hearing on December 5, 2017 and considered all public comments received and all testimony and materials provided by City Staff; and

**WHEREAS**, the Board of Trustees for the City of Creede, a Colorado Town, finds that amending the Creede Development Code by allowing Tiny Homes and Amending RV and Outdoor Storage Regulation is in the best interests of, and will thereby promote, the health, safety and general welfare of the Creede community.

**NOW THEREFORE, BE IT ORDAINED**, by the Board of Trustees of the City of Creede, a Colorado Town, the following:

**Section 1: Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees.

**Section 2:** The Creede Development Code is amended by the addition thereto of a new Section 9-04-060 (b) (7) which is to read as follows:

(7) Residential use of RV on vacant lot.

**Section 3:** The Creede Development Code is amended by the addition thereto of a new Section 9-04-070 (b) (5) which is to read as follows:

(5) Residential use of RV on vacant lot.

**Section 4:** The Creede Development Code is amended by the addition thereto of a new Section 9-04-080 (c) (2) (ii) which is to read as follows:

(ii) Residential use of RV on vacant lot.

**Section 5:** The Creede Development Code is amended by the addition thereto of a new Section 9-04-080 (c) (2) (iii) which is to read as follows:

(ii) Accessory dwelling when associated with a permitted use.

**Section 6:** Section 9-04-90 (b) (5) (vii) is amended to read as follows:

Equipment rental establishments.

**Section 7:** The Creede Development Code is amended by the addition thereto of a new Section 9-04-080 (c) (1) (iii) which is to read as follows:

(iii) Accessory dwelling when associated with a permitted use.

**Section 8:** The Creede Development Code is amended by the addition thereto of a new Section 9-04-080 (c) (1) (iv) which is to read as follows:

(iv) Residential use of RV on vacant lot.

**Section 9:** Section 9-04-90 (c) (3) (xiii) is amended to read as follows:

Retail and supply yard establishments.

**Section 10:** The Creede Development Code is amended by the addition thereto of a new Section 9-04-100 (c) (6) which is to read as follows:

(6) Residential use of RV on vacant lot.

**Section 11:** Sec. 9-04-100. Table “MH Zoning Standards” is amended to read as follows:

Minimum lot area per dwelling = 1,500 Square Feet

**Section 12:** Sec. 9-04-100. Table “MH Zoning Standards” is amended to read as follows:

Minimum floor area per dwelling unit = 350 Square Feet

**Section 13:** The Creede Development Code is amended by the addition thereto of a new Section 9-04-110 (b) (5) which is to read as follows:

(5) Residential use of RV on vacant lot.

**Section 14:** Section 9-04-120 (a) is amended to read as follows:

(a) **Intention.** This zoning district is intended to provide locations for a variety of workplaces and employment opportunities, including light industrial uses, research and development offices and institutions, manufacturing, warehousing and distributing, storage and a wide range of commercial and industrial operations. This district is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, child care and housing. Locations for this zone require good access to major arterial streets and adequate water, sewer and power. Additionally, this district is intended to encourage the development of planned office and business parks; to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and

streetscapes.

**Section 15:** Section 9-04-120 (b) (5) is amended to read as follows:

(5) Equipment rental establishments.

**Section 16:** Section 9-04-120 (b) (15) is amended to read as follows:

(15) Retail and supply yard establishments.

**Section 17:** The Creede Development Code is amended by the addition thereto of a new Section 9-04-110 (b) (19) which is to read as follows:

(19) Residential use of RV on vacant lot.

**Section 18:** Section 9-04-120 (d) (3) is amended to read as follows:

(3) Equipment and refuse areas shall be concealed from view from abutting rights-of-way and from adjoining residential districts.

**Section 19:** Section 9-04-170. Table “Permitted Uses” is amended by adding or amending underlined and bolded sections so that the table shall read as follows:

Churches or place of worship and assembly	S	S	*	P	P	P	*		*
Community facilities	S	S	*	S	S	S	*		*
Golf courses	S	S	*	S	S	*	S		*
Golf driving range	S	S	*	S	S	*	S	S	*
Parks and open space	P	P	P	P	P	P	P	P	P
Public and private schools for elementary, intermediate and high school education	S	S	*	S	*	S	*		*
Public and private schools, including colleges, vocational training and technical training	*	*	*	P	S	S	*		*
Public facilities provided that business offices and repair and storage facilities are not included	S	S	P	P	P	P	P		S
Public facilities with business offices, but without repair and storage facilities	*	*	*	P	P	P	P		*
Public facilities with business offices and repair and storage facilities	*	*	*	S	P	S	P		*
Transit facilities without repair or storage	*	*	*	*	P	P	*		*
<b>Business/Commercial/Retail Uses</b>									
Adult uses including product sales and entertainment	*	*	*	*	*	*	S		*
Artisan and photography studios and galleries	*	*	*	P	S	S	S		*
Auto, recreational vehicle, boat and truck sales	*	*	*	*	S	S	S		*
Auto, RV, boat and truck storage	*	*	*	*	S	S	P		*
<b>PERMITTED USES</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>B-1</b>	<b>B-2</b>	<b>C</b>	<b>I</b>	<b>H</b>	<b>O</b>
Bars and taverns	*	*	*	S	S	P	S		*

Bed and breakfasts	*	S	*	P	P	P	*		*
Boarding and rooming houses	*	S	*	P	P	P	*		*
Car wash	*	*	*	S	P	P	P		*
Child care centers	S	S	*	P	P	P	S		*
Clubs and lodges	*	*	*	S	S	P	*		*
Convenience shopping and retail establishments	*	*	*	P	P	P	S		*
Entertainment facilities and theaters	*	*	*	S	S	P	S		*
Equipment, rental establishments <u>without outdoor storage</u>	*	*	*	*	P	P	P		*
Equipment, truck and trailer rental establishments <u>with outdoor storage</u>	*	*	*	*	S	S	S		*
Food catering	*	*	*	*	P	P	*		*
Funeral homes	*	*	*	*	P	P	*		*
Gasoline stations	*	*	*	S	P	P	P		*
Health and membership clubs	*	*	*	P	P	P	*		*
Hospitals	*	*	*	*	S	S	*		*
Large retail establishments	*	*	*	*	P	P	*		*
Limited indoor recreation facility	*	*	*	P	P	P	*		*
Limited outdoor recreation facility	S	S	*	S	S	S	S	S	S
Lodging establishments	*	*	*	P	P	P	S		*
Long term care facilities	*	S	*	S	P	P	*		*
Medical and dental offices and clinics	*	*	*	P	P	P	*		*
<b>PERMITTED USES</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>B-1</b>	<b>B-2</b>	<b>C</b>	<b>I</b>	<b>H</b>	<b>O</b>
Mixed-use dwelling units	*	*	*	P	P	P	*		*

Motor vehicle service and repair (minor repairs)	*	*	*	S	P	P	P		*
Motor vehicle service and repair establishments (major repairs)	*	*	*	*	S	S	P		*
Night clubs	*	*	*	*	S	S	S		*
Open-air farmers' markets	*	*	*	P	P	P	S		*
Parking lots and parking garages (as a principal use)	*	*	*	S	S	S	P		*
Personal and business service	*	*	*	P	P	P	S		*
Plant nurseries & greenhouses	*	*	*	*	P	P	P		*
Print shops	*	*	*	*	P	P	*		*
Professional offices, financial services	*	*	*	P	P	P	*		*
RV parks	*	*	*	*	S	S	*		*
Restaurants/standard & fast food without drive-thru	*	*	*	P	P	P	*		*
Restaurants with drive-thru	*	*	*	*	P	P	S		*
Retail and supply yard <u>with outdoor storage</u>	*	*	*	*	S	S	P		*
Sales and leasing of farm implements, heavy equipment sales, and heavy excavation equipment	*	*	*	*	*	*	S		*
Small animal boarding	*	*	*	*	*	S	S		*
Small grocery stores	*	*	*	P	P	P	S		*
Supermarkets	*	*	*	*	P	P	*		*
Tourist facilities	*	*	*	P	P	P	*		*
Veterinary facilities, small	*	*	*	*	P	P	*		*
<b>PERMITTED USES</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>B-1</b>	<b>B-2</b>	<b>C</b>	<b>I</b>	<b>H</b>	<b>O</b>
Veterinary facilities, large	*	*	*	*	*	*	P		*

Veterinary hospitals	*	*	*	*	S	S	S		*
<b>Industrial Uses</b>									
Dry cleaning plants	*	*	*	*	*	*	S		*
Enclosed mini-storage facilities	*	*	*	*	S	S	P		*
Manufacturing and preparation of food products	*	*	*	*	*	*	P		*
Manufacturing, assembly or packaging of products from previously prepared materials	*	*	*	*	*	*	P		*
Manufacturing of electric or electronic instruments and devices	*	*	*	*	*	*	P		*
Plumbing, electrical and carpenter shops	*	*	*	*	*	*	P		*
Recycling facilities	*	*	*	*	*	*	S		*
Research, experimental or testing laboratories	*	*	*	*	S	S	P		*
Resource extraction, processes and sales establishment	*	*	*	*	*	*	S	S	*
Sales and leasing of farm implements, heavy equipment sales, mobile/manufactured homes,	*	*	*	*	*	*	S		*
Warehouse, distribution and wholesale uses	*	*	*	*	*	S	P		*
Wireless telecommunications facilities	*	*	*	*	*	*	P		*
Workshops and custom small industry uses	*	*	*	S	P	P	P		*

**Section 20:** Section 9-04-190 (d) (3) is amended to read as follows:

**(3) Size.** No accessory building shall exceed the height of the site's principal structure. Accessory building size shall be compatible with setback and lot size restrictions.

**Section 21:** Section 9-04-190 (e) (1) (i) is amended to read as follows:

(i) **Districts Allowed.** Accessory dwelling units shall be allowed as accessory uses to principal residential uses in the following districts: R-1, R-2. Accessory dwelling units shall be allowed as special review uses in the following districts: B-1, B-2, and I.

**Section 22:** Section 9-04-190 (e) (1) (iii) is amended to read as follows:

(ii) **Interior Requirements.** An accessory dwelling unit shall contain private sanitary facilities with hot and cold running water and cooking and food storage facilities.

**Section 23:** Section 9-04-190 (e) (1) (iv) is amended to read as follows:

(i) **Limit on Number.** There shall be no more than two (2) accessory dwelling units on a lot in addition to the principal single-family dwelling.

**Section 24:** Section 9-04-190 (e) (3) "Outdoor Storage" is repealed in its entirety.

**Section 25:** Section 9-05-050 (c) is amended to read as follows:

**(c) Parking Restrictions for Excess Weight Vehicles and Recreational Vehicles.**

(1) The owner or operator of any vehicle weighing in excess of ten thousand (10,000) pounds, other than emergency vehicles, shall not park said vehicle on any public right-of-way or roadway except when making local deliveries.

(2) No boat, boat trailer, tractor, trailer, semi-trailer, motor home, bus or detached/dismounted camper shall be kept or parked upon any public right-of-way or roadway, except for visitation purposes not exceeding twenty-four (24) hours.

(3) No mobile home may be located for more than seven (7) days in any residential area unless it is zoned for the same.

**Section 26:** In Section 9-06-10 the following definition shall be added:

***Non-residential camping structure*** means a camping unit primarily designed as temporary living quarters for recreational, camping, or travel use. The following shall be considered a non-residential camping structure:

(a) **Camping trailer.** A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.

(b) **Pickup coach.** A vehicle designed to be mounted on or loaded into a truck chassis for use as a temporary dwelling for travel and recreation.

- (c) *Tent.* Protective fabric erected to provide protection from the elements.
- (d) *Travel trailer.* A towable vehicle designed as a temporary dwelling for travel and recreation.
- (e) *Travel trailer, self-contained.* A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

**Section 27:** In 9-06-10 the following definition shall be amended:

***Recreational vehicle*** means a vehicular type unit primarily designed as temporary living quarters for residential, recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):

- (a) *Motorized home, motor home and/or recreational bus or van.* A recreational vehicle consisting of a portable dwelling to be used for residential, travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the vehicle but also have the ability to connect to water and sewer systems outside the vehicle.
- (b) *Travel trailer.* A towable vehicular dwelling to be used for residential, travel, recreation and vacation uses. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.
- (c) *Tiny homes.* A dwelling to be used for residential, travel, recreation and vacation uses which is licensed as a recreational vehicle by the Colorado Department of Motor Vehicles. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.
- (d) Residential use of recreational vehicles in excess of six (6) months requires a Certificate of Occupancy from the Creede Building Department. A Certificate of Occupancy will only be issued to safely inhabitable vehicles with either a Recreational Vehicle Inspection Association plaque or a National Organization of Alternative Housing certification seal.

**Section 28:** In 9-06-10, the following definition shall be amended:

***Recreational vehicle park*** means a parcel of land specifically developed for locating recreational vehicles and non-residential camping structures on lots.

**Section 29:** Section 9-06-220 is amended to read as follows:

**Permanent Occupancy Actions Prohibited.**

- (a) Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes is hereby prohibited.

**Section 30:** In Section 09-09-010, General Definitions, the following definition shall be amended:

***Recreational vehicle*** means a vehicular type unit primarily designed as temporary living quarters for residential, recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):

- (a) *Motorized home, motor home and/or recreational bus or van.* A recreational vehicle consisting of a portable dwelling to be used for residential, travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the vehicle but also have the ability to connect to water and sewer systems outside the vehicle.
- (b) *Travel trailer.* A towable vehicular dwelling to be used for residential, travel, recreation and vacation uses. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.
- (c) *Tiny homes.* A dwelling to be used for residential, travel, recreation and vacation uses which is licensed as a recreational vehicle by the Colorado Department of Motor Vehicles. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which may be connected to water storage and sewage holding tanks located within the trailer but also have the ability to connect to water and sewer systems outside the vehicle.
- (d) Residential use of recreational vehicles in excess of six (6) months requires a Certificate of Occupancy from the Creede Building Department. A Certificate of Occupancy will only be issued to safely inhabitable

vehicles with either a Recreational Vehicle Inspection Association plaque or a National Organization of Alternative Housing certification seal.

**Section 31:** In Section 09-09-010, General Definitions, the following definition shall be amended:

***Home Occupation*** means an occupation or business activity which results in a product or service, is conducted in whole or in part in a dwelling unit, is subordinate to the residential use of the dwelling unit, and complies with the following standards:

- (a) Does not create impacts greater than customary residential use, including but not limited to vehicle traffic, noise, vibration, and odors;
- (b) Does not cause or require customers, delivery persons, or any person, to regularly enter the property on which the dwelling unit is located during normal business hour and does not cause or require any persons to enter the property during normal non-business hours;
- (c) Does not employ persons who are not residents of the dwelling located on the property;
- (d) Does not require alteration to the residence to satisfy applicable City, Fire or Building Codes, or County health regulations;
- (e) Does not require or allow any signs to be visible from the outside of the property; and
- (f) Does not change the appearance or residential character of the structure.

**Section 32:** In Section 09-09-010, General Definitions, the following definition shall be amended:

***Off-street Parking Area*** means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, operation of motor vehicles, including driveways or access ways in and to such areas, storage areas for landscaping and other bulk items or public streets and rights-of-way.

**Section 33: Codification Amendments.** The codifier of the City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Creede Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

**Section 34: Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provision or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

**Section 35: Effective Date.** This Ordinance shall take effect thirty days after adoption.

**Section 36: Safety Clause.** The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City of Creede, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative objective sought to be obtained.

**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, ON DECEMBER 5, 2017.**

**BY:**

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Jeffery Larson,  
Mayor

**ATTEST:**

Date

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Randi Snead,  
City Clerk

Date