

SPONSORED BY TRUSTEE

TRUSTEE'S BILL

ORDINANCE NO.

NO. 08-09
Series of 2008

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TITLE: A BILL FOR AN ORDINANCE AMENDING THE HUDSON MUNICIPAL CODE TO PERMIT ON A TEMPORARY BASIS RECREATIONAL VEHICLES IN MOBILE HOME PARKS IN AN AREA NOT TO EXCEED 25% OF THE MOBILE HOME SPACES

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. Section 16-20, subsections (40) and (41) of the Hudson Municipal Code is amended to read as follows:

- (40) *Manufactured housing* shall mean a single-family dwelling which meets all of the standards for manufactured housing contained in this chapter and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401, et seq.
- (41) *Mobile home* shall mean a vehicle or similar portable structure, not including a Recreational Vehicle and not certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is used for temporary or permanent living purposes and is connected to water and sanitation facilities in compliance with the plumbing code and can be used for human occupancy on a continuous basis and does not fall within the definition of manufactured housing.

Section 2. Section 16-20 of the Hudson Municipal Code is amended by the addition thereto of a new subsection (46.5) to read as follows:

(46.5) *Recreational Vehicle* shall mean a vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Section 3. Section 16-45 of the Hudson Municipal Code is amended by the addition thereto of a new subsection (c)(6) to read as follows:

(6) Recreational vehicles within mobile home parks, temporary occupancy only as provided in subsection (h) of this Section 16-45.

Section 4. Section 16-45 of the Hudson Municipal Code is amended by the addition thereto of a new subsection (h) to read as follows

(h) Recreational Vehicles as a Special Permitted Use.

(1) Intent. This section is intended to provide a special permit process to allow up to twenty-five percent (25%) of the spaces within a permanent mobile home park to be used on a temporary basis by recreational vehicles, with one recreational vehicle permitted per space.

(2) Criteria for approval. The planning commission may approve a special permit for the use of a space within a permanent mobile home park for a period of not less than three (3) nor more than six (6) months, subject to reasonable conditions which include, but are not limited to, the following:

A. The recreational vehicle will not have any adverse impact on the health, safety or welfare of the town;

B. The special permit will not result in more than twenty five percent (25%) of the spaces in a mobile home park being occupied by recreational vehicles, with no more than once such vehicle occupying a space; and

C. Any recreational vehicle using a mobile home park space shall be required to connect to the mobile home park's water and sewer system.

(3) Limitations. The special permit authorized pursuant to this section shall be for a duration of time specified by the planning commission, but in no event shall the duration of time of the permit be less than three (3) months or more than six (6) months.

(4) Application. The property owner seeking a special permit pursuant to this section shall submit an application to be provided by the Town to the town clerk for referral to the planning commission. The application shall include the following:

A. Name and contact information for the owner of the mobile home park.

B. A narrative description of the proposed recreational vehicle use, including the proposed number of recreational vehicles and dates of occupancy.

C. A map of the mobile home park, clearly identifying the spaces proposed for temporary occupancy by recreational vehicles.

D. A fee deposit as determined by the Town.

(5) Planning commission action. The planning commission shall review the proposal as soon as practical at a public meeting with the applicant, and determine whether the issuance of a special permit is in the best interests of the health, safety and welfare of the town, based on the criteria set forth in this subsection (h) of Section 16-45. The planning commission shall then make a written determination of whether to issue a special permit, and shall specify the duration thereof. In the event the planning commission denies the request for a special permit, the applicant may appeal the determination to the board of trustees. Such an appeal must be filed within five (5) working days of receipt of the written determination by the planning commission.

(6) Expiration; Revocation. A special permit issued pursuant to this section may be revoked by the planning commission or the board of trustees in the event it determines at a public meeting after notice to the property owner that the property owner is not in compliance with the criteria for approval of the permit, or is otherwise a detriment to the public health, safety and welfare of the Town.

(7) Penalty. It shall be unlawful for a recreational vehicle to be placed overnight on a space within a mobile home park other than as provided herein. A violation of this subsection (h) shall be subject to the penalties set forth in Sections 1-51 and 1-53 of the Town of Hudson Municipal Code.

Section 5. Safety Clause. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the Town of Hudson, 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 object sought to be attained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ IN FULL, AND ADOPTED this 6 day of August, 2008.

TOWN OF HUDSON, COLORADO



Neal Pontius, Mayor

ATTEST:

Judith A. McGill
Judith A. McGill, Town Clerk Pro Tem

PASSED ON SECOND AND FINAL READING this 20 day of August,
2008, AND ORDERED PUBLISHED ONCE IN FULL.

TOWN OF HUDSON, COLORADO

Neal Pontius
Neal Pontius, Mayor

ATTEST:

Judith A. McGill
Judith A. McGill, Town Clerk Pro Tem

APPROVED AS TO FORM:

Corey Y. Hoffmann
Corey Y. Hoffmann, Town Attorney