

CITY OF CRIPPLE CREEK, COLORADO

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRIPPLE CREEK, COLORADO AMENDING CHAPTER 18, ARTICLE 19 OF MUNICIPAL CODE OF THE CITY OF CRIPPLE CREEK AND RELATED PORTIONS OF THE CRIPPLE CREEK DEVELOPMENT CODE RELATED TO MANUFACTURED HOMES

WHEREAS, the City of Cripple Creek (the “City”) is a municipal corporation duly organized and existing under the Constitution and the laws of the State of Colorado; and

WHEREAS, the City Council of the City (“City Council”) is authorized to adopt this ordinance pursuant to state law, including but not limited to C.R.S. § 24-32-3301; and

WHEREAS, the City Council recognizes the public importance and significance of adequate housing options to strengthen the local economy, provide increased quality of life and build on local assets; and

WHEREAS, the City Council recognizes that manufactured housing and factory-built structures are important and effective ways to meet Colorado’s affordable housing needs and should be permitted uses in all residential zone districts; and

WHEREAS, the City Council desires to clarify existing Municipal and Development Code provisions to ensure that certified manufactured housing and factory-built structures are effectively treated the same as site-built homes; and

WHEREAS, the City Council finds it in the best interest of the public health, safety and welfare to amend the City’s Municipal Code and Development Code to more accurately and effectively address manufactured and factory-built structures.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRIPPLE CREEK, COLORADO, THAT:

Section 1. Chapter 18, Article 19 of the Cripple Creek Municipal Code is hereby amended to read as follows:

Article 19 – Manufactured Home Code

Sec. 18-19-10. – Definitions.

As used in this Chapter, the following words shall have the definitions ascribed to them, unless otherwise provided:

Factory-built residential structure means a manufactured home constructed to the building codes adopted by the State of Colorado housing board and designed to be installed on a permanent foundation, except for homes constructed to a federal manufactured home construction and safety standard and any home designated as a mobile home.

Manufactured home means any preconstructed building unit or combination of preconstructed building units or closed panel systems that:

- (a) Include electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
- (b) Is designed for residential occupancy in either temporary or permanent locations;
- (c) Is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, factory-built residential requirements, including those for multi-family structures, or mobile home standards;
- (d) Does not have motor power; and
- (e) Is not licensed as a recreational vehicle.

Mobile Home means a manufactured home built prior to June 15, 1976.

Mobile Home Certification Number. All mobile homes placed in the City prior to mobile homes being prohibited shall display a Mobile Home Certification Number.

Modular home means a factory-built residential structure.

Sec. 18-19-20. – Permits required.

- (a) Modular and manufactured homes as defined in Section 18-19-10 above require a building permit from the Community Development Department and are subject to the requirements of all applicable building codes and zoning requirements as set forth in the Cripple Creek Land Development Code in effect at the time of application. Building permits apply only to the modular or manufactured home for which it was obtained. Prior to the occupation of any modular or manufactured home, the modular or manufactured home shall be inspected by the Building Department and shall be in conformance with the requirements of this Article.
- (b) Modular or manufactured homes shall either have permanent foundations or be anchored in accordance with Section 18-19-30.
- (c) Modular and manufactured homes are permitted uses in all residential zones of the City.

Sec. 18-19-30. – Structural connections.

All modular and manufactured homes shall be anchored to the pad or ground by an approved anchoring system or installed on a permanent foundation in line with the following specifications:

(a) Anchoring and blocking systems:

- (1) Anchoring system: The anchoring system shall consist of no less than four (4) approved tie-downs for each unit (2 pairs) but shall require two (2) additional tie-downs for each twenty (20) feet or portion thereof over fifty (50) feet in length. Each anchor shall be capable of withstanding a three-thousand-five-hundred-pound force along its axis.
- (2) Blocking system: Blocking for support shall be as follows:
 - a. Bottom: 4" x 8" x 16" solid concrete blocks.
 - b. Intermediate: 8" x 8" x 16" hollow concrete blocks.
 - c. Top: 4" x 8" x 16" solid concrete blocks or 2" x 8" x 16" wood (nominal).
 - d. Shims (wood) may be used in conjunction with the above units but only to an accumulative depth of two (2) inches (nominal).

- (b) Foundation systems: Modular and manufactured homes may be installed on permanent foundation systems on privately owned tracts of land on which zoning regulations permit. Such permanent foundations systems shall be designed to comply with all applicable local standards and certified by an engineer licensed to practice in the State.
- (c) To the extent any standard herein deviates or conflicts with those promulgated by the Colorado Division of Housing or those found in Federal Manufactured Home Construction and Safety Standards, the applicable state or federal standards will control.

Sec. 18-19-40. – Design Standards.

All modular and manufactured homes shall comply with the following design standards:

- (1) Street facing front door. All modular and manufactured homes shall be oriented such that the front door of the home faces the main street.
- (2) Materials. All modular and manufactured homes shall be constructed of high quality, durable materials that are appropriate for the climate in the City, and that are earth-toned in color, and compatible with the surrounding structures in the City. Vinyl siding is not permitted.
- (3) Architecture. Modular and manufactured homes shall be designed in a manner that does not resemble single-wide trailers or mobile homes. If located within the Cripple Creek Historic District, the architecture of the homes shall be compatible with other structures in the Historic District. Second story homes and homes containing front porches are highly encouraged.

Sec. 18-19-50. – Heating.

All mechanical systems, to include gas appliances and piping, shall conform to the requirements of Article 2, Part 2, International Mechanical Code.

Sec. 18-19-60. – Electrical.

All electrical connections shall be compatible with the services provided. Any modifications shall be performed by properly licensed persons and inspected prior to connection.

Sec. 18-19-70. – Plumbing.

All plumbing shall conform to the requirements of the adopted plumbing code, and the following:

- (1) Water service connection. Water piping connection to the modular or manufactured home shall be not less than three-quarter-inch nominal diameter.
- (2) Sewer connection. A watertight connection between the modular or manufactured home drainage system and the water and sewer tap connection shall be made by means of a readily removable semi-rigid connector with a clean out.

Sec. 18-19-80. – Zoning.

Modular and manufactured homes must comply with all requirements of Chapter 16 of this Code and the City of Cripple Creek Development Code. Conditional Use Permits or Special Exception requests may be required in order to install a modular or manufactured home in non-residential zone districts. Mobile homes are not permitted in any zone district.

Sec. 18-19-90. – Additions and accessory structures.

No additions shall be made to an approved modular or manufactured home unless the addition meets all applicable building and zoning codes including those stated in the City of Cripple Creek Development Code. All additions and accessory structures over one hundred (100) square feet in size will require a permit for any electrical, plumbing, or mechanical work.

Sec. 18-19-100. – Setbacks.

Modular and manufactured homes shall be subject to the following setbacks:

- (1) Front setback. Must comply with the City of Cripple Creek Development Code for applicable zone district.
- (2) Side setback. Three (3) feet from the side property line with no encroachment into the setback. Minimum of six (6) feet between adjacent homes.
- (3) Rear setback. Must comply with the City of Cripple Creek Development Code for applicable zone district.

Sec. 18-19-110. – Application.

This Article shall apply to every modular and manufactured home within or outside the corporate limits of the City, over the use of which the City has jurisdiction and authority to regulate.

Sec. 18-19-120. – Interpretation.

This Article shall be interpreted and construed so as to effectuate its general purpose to make uniform the local modular and manufactured home regulations contained herein. Article and section headings of this Article shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of provisions of any article or section hereof.

Sec. 18-19-130. – Additional requirements.

Refer to Chapter 16 of this Code, as amended, and the City of Cripple Creek Development Code for other requirements.

Sec. 18-19-140. – Controlling Standards

To the extent any standard herein interferes with those promulgated by the Colorado Division of Housing or those found in Federal Manufactured Home Construction and Safety Standards, the applicable state or federal standards will control.

Section 2. Section 1.2.2 of the City of Cripple Creek Development Code is hereby amended to read as follows:

1.2.2 R1 Edge Residential

Intent and Applicability. The R1 district is intended for lower-density residential dwellings in a neighborhood setting. The regulations are designed to protect the neighborhood character and protect the primarily residential use of land.

1. The R1 district is applicable to the following areas:

- a. Areas of low-density residential that support nearby more dense development centers: Typically, this district is at the “edge” of the development pattern or in other limited applications that are still closely connected and integrated with the overall walkable pattern. In this application the district typically provides overall densities ranging from 3 to 8 dwelling units per acre. (Typically, 5,000 to 15,000 square foot lots). Modular and manufactured homes are permitted in this zone district; however, these homes must comply with the lower-density residential neighborhood character envisioned by the current zoning.
- b. Conventional subdivisions remote from or not closely integrated with more dense development centers: This district should be limited to accommodating existing neighborhoods planned around other amenities as a focal point for development, and typically provides overall densities ranging from 1 to 4 dwelling units per acre. (typically 10,000 to 40,000 square foot lots).
- c. Large uninterrupted applications of this district, without transitions to other centers or rural areas should be avoided so that significant populated areas that must rely solely on automobile travel and which are remote from necessary municipal services are not created. This district should be supported by a highly connected street network with street design types that use low design speeds and residential character streetscapes.

Section 3. Section 1.2.3 of the City of Cripple Creek Development Code is hereby amended to read as follows:

1.2.3 R2 Limited Residential

Intent and Applicability. The R2 district is intended for moderate to higher density residential dwellings in a neighborhood setting. The regulations are designed to protect the neighborhood character and accommodate a variety of dwelling types, including close coordination with services and amenities that support a mix of dwellings, including modular and manufactured homes.

1. The R2 district is applicable to the following areas:
 - a. Areas where more compact, walkable neighborhoods are desired to support nearby development centers: Typically, this district is adjacent to or proximate to the centers and provides overall densities typically ranging from 6 to 20 dwelling units per acre.
 - b. Conventional subdivisions remote from or not closely integrated with development centers: This district should be limited to accommodating areas where moderate to higher density residential uses are otherwise desired and should be planned around other neighborhood amenities as a focal point for development, and typically provides overall densities ranging from 5 to 12 dwelling units per acre. (typically 4,000 to 9,000 square foot lots).
2. Any permitted non-residential uses should be focused on intersections of primary streets or on blocks immediately abutting an associated center. Large uninterrupted applications of this district, without transitions to other centers or rural areas should be avoided so that significant populated areas that must rely solely on automobile travel and which are remote from necessary municipal services are not created. This district should be supported by a

highly connected street network with street design types that have a high degree of pedestrian amenities.

Section 4. Section 1.2.4 of the City of Cripple Creek Development Code is hereby amended to read as follows:

1.2.4 R3/4 Neighborhood Residential

Intent and Applicability. The R3/4 district is intended for a healthy mix of residential and commercial environment, with a mix of complimentary and supporting services, located and sized so as to provide nearby residential areas with convenient access to stores, services and workplaces in close proximity to each other. The district is designed to accommodate a mix of uses that support this intent, to foster a pedestrian oriented community center, and accommodate businesses that primarily meet the needs of neighborhoods within walking distance. Residential density should be similar to the R2 district.

1. The R3/4 district typically includes a limited area of mixed-use development before transitioning to supporting residences or open areas for rural centers. Modular and manufactured homes are encouraged in this zone district.
2. The district should be spaced apart from other similar districts and centers, as conceptually indicated on the Master Plan. The R3/4 district requires a highly connected transportation network within the district and surrounding areas, with smaller blocks and pedestrian-oriented streetscapes on the primary streets.

Section 5. Section 1.4.3 of the City of Cripple Creek Development Code is hereby amended to read as follows:

1.4.3 Residential Uses

The residential use category is for buildings or portions of buildings that are used for dwelling units. Certain types of residential uses within this category may have building types that have more than one dwelling unit per building.

House: A permanent structure designed to house one family unit. For the purposes of this Development Code, house shall include a modular or manufactured home as defined in Section 18-19-10 of the Cripple Creek Municipal Code. A one family unit is defined as members related by birth, adoption, or legally enjoined parties (married or similar legal arrangement). No more than 4 additional parties not so related are allowed.

Duplex: A permanent structure designed to house 2 single family units.

Rowhouse: A series of 3 or more side by side Houses attached with common walls and facing the street or a common area. This includes dwelling units commonly known as Townhouses.

Condominium: A permanent structure that has 2 or more dwelling units that may be located side by side and/or one above another.

Apartment: A structure designed to house dwelling units in separate living units each of which may contain up to 3 bedrooms with individual kitchen and bathroom facilities in each unit.

Rooming House: A structure designed or modified to accommodate more than one dwelling unit such that individual bedrooms are provided and kitchen, bathroom, and other common area facilities may be shared. Any Rooming House is limited to 4 rooms unless a Conditional Use is approved.

Live/Work: A structure designed to have commercial or office use and a residential use. Commercial use shall be on the first floor.

Mixed Use: A structure designed to have residential, commercial, and office uses or some combination of any two uses.

Accessory Dwelling Unit: A detached structure on the same lot as a primary dwelling unit.

Section 6. Section 1.5.11 of the City of Cripple Creek Development Code is hereby amended with the addition of the following table:

Key Dimensional Requirements – Modular and Manufactured Homes

Dimension	Setback		R1	R2, R3/4
A	Front Setback		8' Min (see note 1)	5' Min, (see Note 1)
B	Side Setback	Street-Facing	3' Min.	3' Min
C	Rear Setback	With Rear Lane	5' Min	
		Without Rear Lane	10' Min	
D	Building Height	Minimum Stories	1	1
		Maximum Stories	2	2

Section 7. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance 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 City Council further determines that this Ordinance bears a rational relation to the property legislative object sought to be attained.

Section 8. 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 9. Effective Date. This Ordinance shall become effective thirty (30) days after passage and publication as required.

PASSED ON THE FIRST READING AND ORDERED PUBLISHED THIS 4 DAY
OF August 2021.

Janell Sciacca, City Clerk

PASSED ON SECOND READING AND ADOPTED BY THE CITY COUNCIL THIS
3 DAY OF November, 2021.

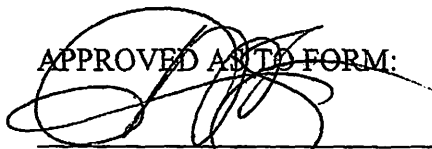


Milford Ashworth, Mayor

ATTEST:

Janell Sciacca, City Clerk

APPROVED AS TO FORM:



Erin M. Smith, City Attorney

123297

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF Teller

I, Lorre Cosgrove, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Pikes Peak Courier, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of Teller, and the State of Colorado, and which is called Pikes Peak Courier; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 08/25/2021

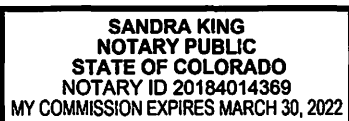


That said newspaper has been published continuously and uninterruptedly in said County of Teller for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.

Lorre Cosgrove
Sales Center Agent

Subscribed and sworn to me this 08/25/2021, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires March 30, 2022.

Sandra King
Notary Public
The Gazette



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