

TOWN OF KERSEY

ORDINANCE 2026-0002

AN ORDINANCE AMENDING THE KERSEY LAND USE CODE REGARDING ACCESSORY DWELLING UNITS, LANDSCAPING, PLANNING COMMISSION PROVISIONS, MANDATORY CONNECTION TO PUBLIC SANITARY SEWER, AND MOBILE HOME PARK DISTRICT REGULATIONS

WHEREAS, the Colorado Department of Local Affairs (DOLA) reviewed the Town of Kersey's Accessory Dwelling Unit (ADU) regulations for compliance with recent state housing legislation; and

WHEREAS, the Town Planner has identified necessary "cleanup" amendments following one year of implementation of the updated Land Use Code to improve internal consistency and fix minor errors; and

WHEREAS, the Planning Commission has reviewed these amendments and found them consistent with the Town's Comprehensive Plan and recommended approval to the Board of Trustees.

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

Section 1. Amendment to Accessory Dwelling Unit Definitions and Standards

The Kersey Land Use Code is hereby amended as follows:

2.1. Addition of "Exempt Parcel" Definition

Chapter 19, Article II, Division 4, Section 19-36 "Definitions and Terms" is amended to add the following definition:

"Exempt Parcel means a parcel that is:

- a) Not served by a domestic water and sewage treatment system, as defined in C.R.S. Section 24-65.1-104 (5), as now existing or as hereafter amended, or is served by a well with a permit that cannot supply an additional dwelling unit;
- b) A historic property that is not within a historic district; or
- c) In a floodway or in a one-hundred-year floodplain, as then identified by the Federal Emergency Management Agency."

2.2. Removal of Subjective ADU Criterion

Chapter 21, Article V, Section 21-52 "Residential Uses," subsection (a) "Accessory Dwelling Units," is amended by deleting the following language:

"(5) The resulting accessory dwelling unit allows for the efficient use of property."

2.3. ADU Parking Requirements

Chapter 20, Table 20.10 "Paved Off-Street Parking Requirements" is amended to add the following exception for Accessory Dwellings:

Accessory Dwellings: 1 parking space per unit if all of the following are present or exist:

- a) There is no existing off-street parking space on site, including a driveway, garage, or tandem parking space, that could be used for an ADU;
- b) The property is in a zoning district that as of January 1, 2024, requires one or more parking spaces for the dwelling unit; and
- c) The property is located on a block where on-street parking is prohibited for any reason including ensuring emergency access for emergency services.

2.4. ADU Setback Exception in R-N District

Chapter 21, Section 21-21 "R-N Residential Neighborhood District," Table 21-21.1 "R-N Building Standards" is amended to add a 5-foot rear setback exception for attached or integrated accessory dwelling units, as an exception to the principal building rear setback requirement of 20 feet.

2.5. ADU Setback Exception in R-MU District

Chapter 21, Section 21-22 "R-MU Residential Mixed-Use District," Table 21-22.1 "R-MU Building Standards" is amended to add a 5-foot rear setback exception for attached or integrated accessory dwelling units, as an exception to the principal building rear setback requirement of 10 feet.

Section 2. Amendment to Landscape and Tree Preservation Standards

The Kersey Land Use Code is hereby amended as follows:

3.1. Professional Landscape Architect Requirements

Chapter 20, Article I, Section 20-16 "Landscape Design," subsection B "General Provisions" is amended to require that all land development applications, including building permits for single-family residential properties, shall be accompanied by a landscape plan prepared, stamped, and signed by a Professional Landscape Architect (PLA) licensed in the State of Colorado.

3.2. Tree Inventory, Preservation, and Replacement Standards

Chapter 20, Article I, Section 20-16 "Landscape Design," subsection B.2.i "Site Landscape Design" is amended to read, "Existing trees shall be preserved and protected to the greatest extent possible. All land development applications shall include a tree inventory and tree preservation plan. Any trees to be removed as part of site development shall be replaced, caliper for caliper, with new trees up to a maximum requirement of six (6) replacement trees per single removed tree."

Section 3. Amendment to Planning Commission Provisions

The Kersey Municipal Code is hereby amended as follows:

4.1. Deletion of Superseded Planning Commission Sections

Chapter 2, Article VII "Planning Commission," Sections 2-163 "Members," 2-164 "Terms," 2-165 "Removal; vacancies," 2-166 "Alternate member," 2-167 "Officers," 2-168 "Meetings," and 2-169 "Grant of Authority" are repealed and deleted in their entirety. Sections 2-161 "Creation" and 2-162 "Purpose" are retained.

4.2. Typographical Correction

Chapter 22, Section 22-2 "Planning Commission," subsection 5)b is amended by correcting a typographical error. The text "They Mayor or Board of Trustees" is corrected to read "The Mayor or Board of Trustees."

Section 4. Mandatory Connection to Public Sanitary Sewer

The Kersey Land Use Code is amended to add a new section as follows, to be codified by the Town Clerk:

New Section: Mandatory Connection to Public Sanitary Sewer

- a) **Applicability.** This section applies to all developed and undeveloped lots or parcels within the Town where a public sanitary sewer main is located within four hundred (400) feet of any boundary line of the lot or parcel.
- b) **Connection required.** When a public sanitary sewer is available within four hundred (400) feet of a lot or parcel as described in subsection (a), the owner shall abandon any existing individual sewage disposal system serving structures on the property and shall connect all occupied structures generating wastewater to the public sanitary sewer system within one hundred eighty (180) days of written notice from the Town, unless a different reasonable or necessary compliance period is specified in such notice.
- c) **Measurement.** The distance to determine availability shall be measured in a straight line ("as the crow flies") from the nearest point on the property boundary to the nearest point on the public sanitary sewer main, without regard to existing improvements, streets, or topography.
- d) **Extensions.** Where the public sewer main is not within four hundred (400) feet of the property boundary, the Town may require main extension or oversizing as a condition of development approval, subdivision, or annexation, in accordance with the Town's utility and development standards.
- e) **Variances.** The Town Board of Trustees (or designated official/board) may grant a temporary variance from the requirement to connect where physical, engineering, or topographic constraints make connection infeasible or where connection would not materially advance public health or environmental protection, subject to reasonable conditions and a specified variance term.
- f) **Enforcement.** Failure to connect as required by this section constitutes a violation of the municipal code and may be enforced through the Town's code enforcement procedures, including assessment of penalties and, where authorized by law, certification of unpaid charges to the county treasurer for collection.

Section 5. Mobile Home Park (MHP) District Amendment

Section 21-23 "MHP Mobile Home Park District" of the Kersey Land Use Code is amended as follows. All references below to sections and subsections refer to subsections within Section 21-23:

6.1. Updated Intent

Subsection (a) "Intent" is amended to read:

"To provide stable, long-term neighborhoods of manufactured homes and tiny houses on individual spaces with shared amenities, safe and efficient internal circulation, and adequate off-street parking and storage, while preserving manufactured housing as an important source of attainable housing within the Town."

6.2. Updated Characteristics

Subsection (b) "Characteristics" is amended to read:

"This is a high density, small lot residential neighborhood with community open space, internal pedestrian connections, and well-managed parking areas, including designated guest parking and storage areas for oversized and recreational vehicles."

6.3. Updated Locational Criteria

Subsection (c) "Locational Criteria" is amended to read:

"MHP neighborhoods should be located near collector and arterial streets with access to major employment and activity centers, schools, and parks and shall be designed with safe vehicular and pedestrian access to those facilities, including coordinated driveway locations and, where practicable, shared access with adjoining development."

6.4. License Application Requirements - Landscape Plan and Parking Demand Study

Subsection (e)(3) "Application for License" is amended to add the following provisions after item g:

h. Landscape Plan. A landscape plan shall be submitted with the license application. The landscape plan shall: (i) be prepared and stamped by a Colorado licensed landscape architect; and (ii) demonstrate compliance with Chapter 20, Community Design and Development Standards, Article 1, Section 20-16, Landscape Design Standards, as amended. The plan shall show the location, type, and size of all proposed plant materials; irrigation concept; required buffers and screening; and landscaping within and around parking areas, internal streets, open spaces, and along the perimeter of the park. Final landscape and irrigation construction documents shall be submitted and approved prior to issuance of building permits or commencement of site development activities and shall be consistent with the approved plan.

i. Parking Demand Study.

- 1) **Applicability.** A parking demand study shall be required with any application for a new mobile home park, expansion of an existing mobile home park by more than ten (10) percent of its spaces, or a major redevelopment that reconfigures internal streets or common parking areas.

- 2) **Purpose.** The study shall demonstrate that the proposed number and configuration of off-street parking and storage spaces are sufficient to meet expected resident, guest, and service vehicle demand without causing chronic on-street overflow parking, obstruction of internal circulation, or interference with emergency access.
- 3) **Study content.** At a minimum, the study shall:
 - a. Describe the proposed number and type of dwelling units, bedrooms per unit, and any accessory uses expected to generate additional parking demand.
 - b. Identify proposed parking supply by type (resident designated space, resident common, guest, accessible, oversized/recreational vehicle storage).
 - c. Analyze expected parking demand using at least one nationally recognized data source (such as ITE Parking Generation or comparable empirical studies) and, where available, local data from existing manufactured housing communities of similar size and design.
 - d. Evaluate potential for shared parking among uses within the park and for reduced automobile ownership due to location near transit or services, if applicable.
 - e. Provide a site plan showing parking layout, dimensions, and pedestrian connections.
- 4) **Review and conditions.** The Town may require an increase or, where supported by the study and surrounding context, allow a modest reduction of up to twenty (20) percent in the minimum required parking, subject to conditions such as:
 - a. Provision of additional guest parking near recreation areas and community facilities.
 - b. Designation and enforcement of the oversized vehicle storage area.
 - c. Implementation of parking management practices (e.g., space assignment, towing policies consistent with state law) included in a recorded park management plan.

Former subsections h and i are renumbered as j and k respectively.

6.5. Updated Internal Street and Fire Access Standards

Subsection (f)(2) is amended to read:

"All mobile home spaces shall abut upon an internal private street or drive lane built to Town street or fire access standards, but in no case less than twenty-four (24) feet in width for two-way traffic and sixteen (16) feet for one-way traffic with posted one-way operation, exclusive of on-street parking areas. Curb radii, grades, and clearances shall comply with adopted fire code and emergency access requirements, and turnarounds shall be provided where dead end segments exceed the maximum length permitted by fire code. There shall be unobstructed access to and from each mobile home space to a public street, alley or highway. All driveways shall be paved or hard surfaced."

6.6. Enhanced Sidewalk and Pedestrian Connection Standards

Subsection (f)(3) is amended to read:

"Sidewalks of not less than five (5) feet in width shall be provided from all mobile home spaces to the service building and along all driveways. The sidewalks shall be paved or hard surfaced. Continuous sidewalks or pedestrian paths at least five (5) feet in width shall be provided on at least one side of all internal streets and along the primary access drive from the public street to the park interior, connecting all spaces to common facilities, mail kiosks, and recreation areas."

6.7. Off-Street Parking Requirements

Subsection (f)(5) is amended to add comprehensive off-street parking requirements as follows:

a) Minimum parking supply.

- i. **Resident parking.** A minimum of two (2) off-street parking spaces shall be provided per manufactured home or tiny house space. At least one (1) of the required spaces shall be located on, or immediately adjacent to, the individual space it serves.
- ii. **Guest parking.** A minimum of 0.25 guest parking spaces per manufactured home or tiny house space (1 space per 4 units) shall be provided in common parking areas dispersed throughout the park and clearly signed or marked for guest use. Where a parking demand study demonstrates higher guest parking demand, the Town may require additional guest parking.
- iii. **Visitor serving nonresidential uses.** Any community building, leasing office, or other nonresidential use within the park shall provide off-street parking in accordance with the Town's general off-street parking schedule, in addition to the spaces required for dwellings.

b) Dimensional and design standards.

- i. **Parking space dimensions.** Standard spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length. Compact spaces may be allowed only in common guest parking areas, up to 10 percent of the total supply, and shall be a minimum of eight (8) by sixteen (16) feet and clearly signed as "Compact."
- ii. **Surfacing.** All required parking spaces, drive aisles, and internal streets shall be paved with asphalt, concrete, or equivalent hard surface. Gravel surfacing is not permitted for required parking spaces, except in designated recreational vehicle storage areas where dust control measures are provided.
- iii. **Striping and signage.** All parking spaces in common areas shall be striped and maintained, and guest parking spaces shall be signed as such. Accessible spaces shall be provided and signed in accordance with the Americans with Disabilities Act and the Town's building code.
- iv. **Location.** Required parking may be located on individual spaces, along internal streets where width allows, or in common parking courts, provided that no dwelling is located more than 150 feet walking distance from at least one of its assigned spaces.

c) Oversized vehicles and storage.

Each mobile home park shall provide a separate, screened storage area for campers, boats, trailers, oversized work trucks, and similar vehicles or units, sized at a minimum of one (1) storage space per ten (10) dwelling spaces. Such vehicles shall not occupy required resident or guest parking spaces and shall not be parked within individual mobile home spaces, internal streets, or recreation areas.

6.8. Recreation Area Requirements

Subsection (f)(6) is amended to read:

"For any mobile home park there shall be set aside for playground and recreational facilities an area of at least two hundred (200) square feet for each mobile home space. Required recreation areas shall be centrally located where practicable, directly accessible by sidewalk, and improved with age-appropriate active and passive recreation amenities such as turf play areas, seating, and hard surface courts. This area shall be made available for use only by residents of the mobile home park and their guests and shall be open for such use during normal daylight hours."

6.9. Landscaping Requirements

A new subsection (f)(11) is added to read:

"Landscaping. All mobile home parks shall be landscaped in accordance with an approved landscape plan prepared by a Colorado licensed landscape architect and in full compliance with Chapter 20, Community Design and Development Standards, Article 1, Section 20-16, Landscape Design Standards. Required landscaping shall be installed prior to issuance of a certificate of occupancy for new parks or expanded phases, or in accordance with an approved phasing plan and any associated financial security."

6.10. Post-Licensing Maintenance and Management

Subsection (g) "Requirements after licensing" is amended to add or modify the following:

New subsection (g)(3): "The licensee shall maintain all required parking, drive aisles, and storage areas in a safe, operable, and properly striped condition, and shall enforce park rules to prevent parking in yards, recreation areas, or any location that blocks sidewalks, fire lanes, hydrants, or required clearances."

New subsection (g)(4): "Sidewalks, walkways, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, free from hazardous conditions, and graded and drained so as not to create erosion, ponding, or public nuisances."

Former subsections (g)(3), (g)(4), and (g)(5) are renumbered as (g)(5), (g)(6), and (g)(7), respectively, with internal references adjusted accordingly.

6.11. Legal Nonconforming Status and Phased Compliance for Existing Parks

Subsection (h) "Application to existing mobile home parks" is amended to read in its entirety:

"(1) This Article shall apply to any mobile home park in existence on the effective date of this amendment, as well as to any future mobile home parks constructed or proposed within the Town. Existing mobile home parks lawfully established prior to that date that do not conform to one or more of the dimensional, parking, circulation, or design standards of this Section shall be deemed legal nonconforming mobile home parks and may continue in operation, subject to the provisions of this subsection.

(2) Routine maintenance, repair, and replacement of individual manufactured homes within an existing mobile home park shall be allowed without triggering full compliance with the updated

standards of this Section, provided that such work does not increase the degree of nonconformity related to setbacks, spacing, parking, or circulation.

(3) Any expansion of an existing mobile home park that increases the number of spaces by more than ten (10) percent, or any major redevelopment that reconfigures internal streets, common parking areas, or recreation areas, shall require the expanded or redeveloped portion of the park to be brought into full compliance with the standards of this Section, including but not limited to parking, circulation, sidewalks, open space, and landscaping. To the extent practicable, such projects shall also reduce, rather than increase, existing nonconformities in the remainder of the park.

(4) As a condition of approval for an expansion or major redevelopment subject to subsection (3), the Town may require a phasing plan that identifies specific incremental improvements to parking, sidewalks, lighting, landscaping, and recreation areas within the existing portions of the park, to be completed within a defined schedule that is reasonably related to the scope and cost of the proposed project.

(5) Nothing in this subsection shall be construed to exempt existing mobile home parks from compliance with applicable health, safety, fire, building, or property maintenance codes, or from the parking management and maintenance obligations set forth in subsection (g)."

Section 7. Codification and Administrative Corrections

The Town Clerk is authorized to codify these amendments into the Kersey Municipal Code and Land Use Code and to make such non-substantive formatting, section numbering, and cross-reference adjustments as are necessary to effectuate the intent of this Ordinance, including renumbering of subsections and correction of internal cross-references as indicated in the amendment sections above.

Section 8. Repealer

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, but only to the extent of such conflict.

Section 9. Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10. Effective Date

This Ordinance shall take effect thirty (30) days after final adoption and publication as provided by law.

PASSED, APPROVED, ADOPTED, and ordered published, the 13th day of January, 2026.

TOWN OF KERSEY

By: Mayor Nathan Roth

ATTEST:

By: Town Clerk, Julie Piper