

ORDINANCE NO. 149

AN ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER TO AMEND AND MODIFY THE ZONING ORDINANCE OF THE TOWN OF FLAGLER BY CREATING A RECREATIONAL VEHICLE PARK AND ESTABLISHING CERTAIN DEFINITIONS, REGULATIONS, AND RESTRICTIONS, APPLICABLE TO THE RECREATIONAL VEHICLE PARK, AND AMENDING PRIOR DESIGNATION OF MOBILE HOME PARKS.

**Whereas**, the Town of Flagler, (hereinafter referred to as the "Town"), located in the County of Kit Carson and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

**Whereas**, in May, 1966, the Board of Trustees of the Town of Flagler, hereinafter referred to as the "Board" did pass Ordinance No. 86, also referred to as the "Zoning Ordinance", which ordinance initially established four classes of zoning districts; and

**Whereas**, on May 11, 1999, the Board did pass Ordinance No. 138, which created an additional zoning district (R-3 Combined Use District), allowed for the creation of Planned Development Districts, defined and created three separate mobile home parks, amended the definition of "nonconforming uses", and created a procedure for special use review; and

**Whereas**, Article IX, Section 1 of the Zoning Ordinance and Colorado Revised Statutes, 31-23-301 through 31-23-305 give to the Board the authority to amend its zoning ordinances and regulations and proscribes the procedure for such amendments; and

**Whereas**, the Board has determined that the residents of the Town would benefit from a revision of the zoning ordinance so as to remove the designation of one existing mobile home park and to create a recreational vehicle park;

**IT IS THEREFORE ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLAGLER, COLORADO:**

**SECTION I: DEFINITIONS.**

Article II of the Zoning Ordinance, concerning definitions, shall be amended to include the following definition:

"Recreational Vehicle" means a vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. "Recreational vehicle" includes camping trailers, fifth wheel trailers, motor homes, travel trailers, and truck campers."

"Recreational Vehicle Park: Any parcel of ground upon which two or more recreational vehicles are parked and occupied for longer than two weeks."

## **SECTION II: RECREATIONAL VEHICLES.**

Article III of the Zoning Ordinance shall be amended to state that no recreational vehicles shall be used as dwellings within the Town of Flagler except in a Recreational Vehicle Park. This restriction shall not apply to recreational vehicles parked or stored at a residence or business and not being used as a dwelling or to recreational vehicles temporarily being used as a dwelling for no longer than two consecutive weeks in any four month period of time.

## **SECTION III: DESIGNATION OF RECREATIONAL VEHICLE PARK.**

The following portion of the Town of Flagler shall be designated as the recreational vehicle park:

Lots One (1) through Seven (7), Block Two (2), McGonigals Addition to the Town of Flagler.

## **SECTION IV: REGULATIONS AND RESTRICTIONS APPLICABLE TO RECREATIONAL VEHICLE PARK.**

All recreational vehicles located within a recreational vehicle park must comply with all applicable Town ordinances, must receive a permit from the Town Clerk and pay any applicable permit fee prior to locating in the park, and may not remain in the park for longer than four consecutive months in a one year period without the approval of the Town Board or its designated employee.

## **SECTION V: REDESIGNATION OF MOBILE HOME PARKS.**

The following portions of the Town of Flagler shall remain designated as mobile home parks:

- a. Lots Eleven (11) through (16), Block Twelve (12), Madoles Addition to the Town of Flagler.
- b. The West Half (W1/2) of Block Three (3); and Lots Eight (8) through Fourteen (14), Block Two (2), McGonigals Addition to the Town of Flagler.

Further, the following property previously designated as a mobile home park shall no longer be designated as a mobile home park and any mobile home located upon the property as of the effective date of the passage of this ordinance shall be considered a nonconforming use:

Lots Twenty Two (22) through Twenty Eight (28) Block Four  
(4), Original Town of Flagler.

**SECTION V: SEPARABILITY.**

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

**SECTION VI: ENFORCEMENT DATE.**

This Ordinance shall take effect thirty days after publication of the Ordinance as provided by law.

Adopted and Approved this 8 day of Jan 2001, 2000.

Signed James E. Hannebaum  
JAMES HANNEBAUM, Mayor

( S E A L )

Attest:

Dolly Mae Sharp  
DOLLY MAE SHARP, Town Clerk