

LAND USE CODE

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ARTICLE 1 – GENERAL PROVISIONS

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Article 1 – General Provisions

Sec. 1-1 Title

This ordinance establishes the regulations and standards governing the use and development of land within the City of Creede. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included are standards for site design, landscaping, parking and public infrastructure.

Sec. 1-2 Short Title

This ordinance shall be known and may be cited as the *Creede Land Use Code - 2006*. Within this ordinance the *Creede Land Use Code – 2006* shall simply be referred to as “this Code.”

Sec. 1-3 Authority

This Code is adopted pursuant to the authority contained in the Colorado Revised Statutes (C.R.S.), and the Colorado Constitution, Article XX, Section 6. Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 29, Article 20, *et seq.* and Title 31, Article 23, *et seq.* of the C.R.S., as amended. Additional statutory authority may also exist for specific types of land use regulation.

Whenever a section of the Colorado Revised Statutes that is referred to in this Code is later amended or superseded, this Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

Sec. 1-4 Jurisdiction

This Code shall be effective throughout the City of Creede’s corporate boundaries. The City’s planning jurisdiction includes all land within the City of Creede, and where applicable, the lands within three miles of the City’s boundaries with reference to a major street plan. For purposes of zoning and subdividing, this Code only applies to lands within the City’s corporate boundaries.

A copy of a map showing the boundaries of the City of Creede and the area within the three-mile planning jurisdiction shall be available for public inspection in the City of Creede offices.

Sec. 1-5 Purpose

The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the City’s character and further the citizens’ goals as identified in the City of Creede Comprehensive Plan. This Code is designed to:

- (a) Encourage the most appropriate use of land through the City of Creede;
- (b) Encourage innovative, quality site design, architecture and landscaping;
- (c) Encourage new developments to relate to City’s historic development pattern;

- (d) Promote compact, well-defined sustainable neighborhoods that enhance these City's character;
- (e) Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
- (f) Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
- (g) Provide a variety of lot sizes and housing types in every neighborhood;
- (h) Protect sensitive natural and historic areas and City's environmental quality;
- (i) Integrate a high quality natural environment into the developed portions of the community;
- (j) Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
- (k) Provide protection from geologic, flood and fire hazards and other dangers; and
- (l) Promote the health, safety, morals and general welfare of the City of Creede residents.

Sec. 1-6 Interpretation

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

Sec. 1-7 Applicability of Article

The provisions of the *Creede Land Use Code – 2006* shall apply to any and all development of land within the municipal boundaries of the City of Creede, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.

Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein. Whenever both the

provisions of this Code and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.

This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the *City of Creede Comprehensive Plan* and with adopted regulations, policies and other guidelines.

Sec. 1-8 Relationship to Existing Ordinances

All ordinances or resolutions or motions of the Board of Trustees of the City of Creede or parts thereof in conflict with this Code are to the extent of such conflict hereby superceded and repealed, provided that no such repealer shall repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby. The adoption of this Code shall not adversely affect the City's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

Sec. 1-9 Relationship to Comprehensive Plan

It is the intention of the City of Creede that this Code implement the planning policies adopted in the City of Creede Comprehensive Plan and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the City of Creede that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

- (a) Requirement for Comprehensive Plan Amendment. Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Future Land Use Plan Map in the *City of Creede Comprehensive Plan*.
- (b) Criteria for Evaluating Amendment Proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan.

Sec. 1-10 Effective Date

The provisions of this Code became effective on September 17, 2006 and were originally adopted on August 8, 2006. Development plans approved under previous regulations that received vested property rights through a site specific development plan shall be valid for the duration of that vested property right provided that all terms and conditions of the site specific development plan are followed. Existing legal uses that may become nonconforming by adoption of this Code shall become legal nonconforming uses subject to the provisions of Section 4-7.

Sec. 1-11 Fees

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Board of Trustees and is available at the City of Creede Office.

Sec. 1-12 Severability

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Board of Trustees hereby declares that it would have passed the Code including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Sec. 1-13 Computation of Time

In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.

If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

Sec. 1-14 Miscellaneous

As used in this Code, words used in the singular include the plural and words used in the plural include the singular. The words “must,” “shall” and “will” are mandatory; “may,” “can,” “should” and “might” are permissive.

Sec. 1-15 Enforcement

1-15-1 Responsible Enforcement Entity. The City of Creede Board of Trustees, or its designee, shall be responsible for enforcing the provisions of this Code. Any criminal enforcement shall be by the issuance of a complaint and summons to Municipal Court by a peace officer.

1-15-2 Authorization for Inspections. Upon presentation of proper credentials, the authorized City official or his or her designee(s) may enter any building, structure, real property, or premises to ensure compliance with the provisions of this Code. Such inspections shall be carried out during normal business hours unless the authorized City official determines there is an emergency.

1-15-3 Violations and Enforcement Procedures.

- (a) *Violations.* It shall be a violation of this Code to undertake any of the following activities:

(1) *Activities Inconsistent with Code.* Erecting, constructing, reconstructing, remodeling, altering, maintaining, expanding, moving, or using any building, structure, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign, or other regulation of this Code, including all required approvals;

(2) *Land Disturbing Activities Inconsistent with Code.* Excavating, grading, cutting, clearing, or undertaking any other land disturbance activity contrary to the provisions of this Code or without first obtaining all requisite land use approvals required by this Code or other applicable regulations;

(3) *Nonconforming Uses Inconsistent with Code.* Creating, expanding, replacing; or changing a nonconforming use, structure, lot, or sign except in compliance with this Code;

(4) *Making Lots or Setbacks Nonconforming.* Reducing or diminishing the lot area, setbacks, or open space below the minimum required by this Code;

(5) *Increasing Intensity of Use.* Increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this Code;

(6) *Activities Inconsistent with Permit.* Engaging in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, or other form of authorization required to engage in such activity; or

(7) *Activities Inconsistent with Conditions of Approval.* Failure to comply with any terms, conditions, or limitations placed by the Board of Trustees upon any final development plan, subdivision plat, permit, or other form of authorization.

(b) *Penalty for Violations.* Any person, including but not limited to the officers and agents of a corporation responsible for its actions or inaction, and the partners or members of a partnership, firm or joint venture, either as owner, lessee, occupant, or otherwise, who violates or causes the violation of any of the provisions of this Code, shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed, permitted, or continues. Any person convicted of a violation shall be subject only to the fines provided for in the City of Creede Municipal Code.

(c) *Civil Remedies and Enforcement Powers.* In addition to criminal prosecution for violations, the authorized City official or the Board of Trustees shall have the following civil remedies and powers to enforce this Code:

(1) *Notice of Violation and Corrective Action Order.*

a. *Non-emergency Violations.* In the case of violations of this Code that do not constitute an emergency or require immediate attention, written

notice of the nature of the violation and required corrective action to be taken shall be given to the property owner, agent, occupant, or to the applicant for any relevant permit. Notice shall be given in person, by certified U.S. Mail (return receipt requested) or by posting notice on the premises. The notice shall specify the Code provisions allegedly in violation, and shall state that the individual has a period of thirty (30) days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken. The notice shall also state any appeal and/or variance procedures available pursuant to this Code.

b. *Emergency Violations.* In the case of violations of this Code that constitute an emergency as a result of safety or public concern, or violations that will create increased problems or costs if not remedied immediately, the authorized City official or Board of Trustees may use the enforcement powers available under this Article without prior notice, but shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant, or to the applicant for any relevant permit.

c. *Extension of Time For Correction.* The Board of Trustees may grant an extension of the time to cure an alleged violation, up to a total of ninety (90) days, if the Board finds that due to the nature of the alleged violation, it reasonably appears that it cannot be corrected within thirty (30) days.

(2) *Deny/Withhold Permits.* The City of Creede authorized official may deny and withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements thereon until the alleged violation related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.

Where a property owner, agent, or other person has a record of an outstanding serious violation or violations of this Code, the authorized official and/or Board of Trustees shall be authorized to deny or withhold all permits, certificates of occupancy, or other forms of authorization for any use or development activity undertaken by such person until the outstanding violation is corrected. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.

The denial or withholding of a permit by the authorized official may be appealed to the Board of Adjustment as provided in Section 4-8 of this Code.

(3) *Revocation of Permits.*

a. *Public Hearing Required.* The Board of Trustees may revoke any development permit, building permit or other authorization, after notice and a public hearing.

b. *Notice of Public Hearing.* The public hearing on the revocation of a development permit, building permit or other authorization shall be conducted during a regular or special meeting of the Board of Trustees not less than seven (7) days, nor more than fourteen (14) days from the date the notice of the hearing is given. Notice of hearing shall be deemed given to the owner, the owner's agent or other person to whom the development permit was issued, upon deposit of said notice in the U.S. Mail, by certified mail, return receipt requested, addressed to the last known address of said person. Additional methods of service may also be utilized to give notice of the public hearing.

c. *Findings.* Following the public hearing, the Board of Trustees upon a finding of the following, may revoke any development permit, building permit or other authorization:

i. There is a departure from the approved plans, specifications, or conditions of approval; or

ii. There is a violation of any provision of the *Creede Land Use Code - 2006*; or

iii. The development permit was obtained by false representation; or

iv. The development permit was issued in error.

d. *Notice of Revocation.* Written notice of revocation shall be served upon the owner, the owner's agent, applicant, or other person to whom the permit was issued by certified mail, return receipt requested, or such notice may be posted in a prominent location at the place of the violation. No work or construction or use of the property shall proceed after service of the revocation notice.

(4) *Stop Work Order.*

a. *Issuance of Stop Work Order.* The City of Creede authorized official or Board of Trustees may issue a written order to stop work on any property on which there is an uncorrected violation of either a provision of this Code or a provision of a development permit, building permit or other form of authorization. The stop work order shall specify the Code provisions allegedly in violation. Service of the order shall be given in person, by certified U.S. Mail (return receipt requested) or by posting notice on the premises. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order. The

notice shall also state any appeal and/or variance procedures available pursuant to this Code.

b. *Timing/Notice.* The stop work order may be issued in conjunction with a notice of violation or subsequent to such notice. The stop work order may also specify a shorter time for correction of the violation than the thirty (30) day period specified in Section 1-15-3(c)(1)a. above. The stop work order shall also indicate that failure to comply with the order may subject the violator to criminal liability as penalty for the violation(s).

(5) *Abatement or Injunctive Relief.* The Board of Trustees, through the City of Creede Attorney, may initiate injunction or abatement proceedings or other appropriate legal action in the District Court or other court of competent jurisdiction to abate, remove, or enjoin such violation and to recover damages, costs, and reasonable attorney's fees incurred in the abatement and removal of such violation.

- (d) *Remedies Cumulative.* The remedies provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.
- (e) *Continuation of Prior Enforcement Actions.* Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the City of Creede pursuant to previous regulations.
- (f) *Appeals of Enforcement Actions.* Appeals of any order, requirement, decision, or determination made by an administrative official in the enforcement of this Article shall be made to the Board of Adjustment in accordance with the provisions of Section 3.9 of this Code.
- (g) *Liability of City of Creede.* This Code shall not be construed to hold the Town of Creede responsible for any damages to persons or property by reason of the inspection or reinspection, or failure to inspect or reinspect, or by reason of issuing a building permit, or by reason of pursuing or failing to pursue an action for injunctive relief.

Sec. 1-16 Vesting of Property Rights

1-16-1 Purpose. The purpose of this Section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended, which establishes a vested property right to undertake and complete development of real property under the terms and conditions of an approved site specific development plan. No vested rights shall be created within the City of Creede except through a site specific development plan.

1-16-2 General Provisions.

- (a) *Definitions.* As used in this Section, unless the context otherwise requires:

(1) "Landowner" shall mean any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests.

(2) "Property" means all real property subject to land use regulation by the City of Creede.

(3) "Site specific development plan" shall mean and be limited to the "final plat" of a subdivision or a "final site plan" for a development when approved by the Board of Trustees by ordinance duly adopted.

(4) "Vested property rights" shall mean the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

(b) *Request for Site Specific Development Plan Approval.* For those developments for which the landowner wishes the creation of vested property rights pursuant to Article 68 of Title 24, C.R.S., as amended, the landowner shall request the approval in writing at least thirty (30) days prior to the date said approval is to be considered. Failure of the landowner to request such an approval renders the plan not a "site specific development plan," and no vested property rights shall be deemed to have been created.

(c) *Notice and Hearing.* No site specific development plan shall be approved until after a public hearing called for that purpose, preceded by notice of such hearing published as provided by law at least fourteen (14) days before the hearing. Such notice may, at the City's option, be combined with any other required notice. At such hearing, all interested persons shall have an opportunity to be heard.

(d) *Approval, Conditional Approval, Effective Date, Amendments, Referendum and Review.*

(1) A site specific development plan shall be deemed approved upon the effective date of the ordinance granting final approval of the plan. The vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan including any amendments thereto.

(2) The Board of Trustees may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such conditional approval will result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights.

(3) In the event amendments to a site specific development plan are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site specific development plan, unless the Board of Trustees specifically finds to the contrary and

incorporates such findings in its approval of the amendment.

(4) The approval of vested property rights shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication of a notice to the general public of the site specific development plan and creation of vested property rights.

(e) *Notice of Approval.*

(1) Each map, plat or site plan or other document constituting a site specific development plan shall contain the following notice: "Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right.

(2) In addition, the City of Creede shall publish a notice describing generally the type and intensity of the use approved, the specific parcel or parcels of property affected and stating that a vested property right has been created. The notice shall be published once, not more than fourteen (14) days after approval of the site specific development plan, in a newspaper of general circulation within the City of Creede.

- (f) *Duration of Vested Property Right.* A property right which has been vested as provided herein shall remain vested for a period of three (3) years; except that the Board of Trustees may, in their sole discretion, grant vested property rights for a longer period when warranted in light of all relevant circumstance, including but not limited to, the size and phasing of the development, economic cycles and market conditions. The vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the Board of Trustees in the ordinance approving such amendments.
- (g) *Other Provisions Unaffected.* Approval of a site specific development plan shall not constitute an exemption or waiver of any other provisions of this Code pertaining to the development or use of property.
- (h) *Payment of Costs.* In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a site specific development plan shall pay all costs occasioned to the City of Creede pertaining to such application, including but not limited to publication of notices, public hearing and review costs, county recording fees and review costs.
- (i) *Limitations.* Nothing in this Section is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Section shall be deemed to be repealed, and the provisions hereof no longer effective.

ARTICLE 2 –APPLICATION REQUIREMENTS 2

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Sec. 2-1 Purpose

The purpose of this Article is to consolidate application requirements for zoning actions (Article 4) and actions involving RV parks (Article 7). All applications shall be submitted to the City thirty (30) days prior to the Planning Commission hearing at which the application will be considered.

Sec. 2-2 Site/Plot Plans

A Site/Plot Plan is needed in order to apply for a building permit. The plan shows how the land will be developed and where proposed buildings or structures will be located so the City can make sure the site design will be in compliance with all City regulations.

2-2-1 Application Requirements.

- (a) **Map** - The map shall be a minimum of eleven (11) by seventeen (17) inches, include a vicinity map and provide the following information:
- (1) Title of project including address
 - (2) North arrow, scale and date of preparation.
 - (3) Name, address and phone number of property owner(s).
 - (4) Lot and block numbers and name of subdivision.
 - (5) Bearings and distances of all lot lines (including square footage)
 - (6) Legal description of property.
 - (7) Existing and proposed easements.
 - (8) Footprint and square footage of the proposed building or structure, dimensioned.
 - (9) Height of all proposed buildings
 - (10) Distance from the proposed buildings/structures to all lot lines.
 - (11) Drives and Access(s)
 - (12) Landscaping
 - (13) Existing and/or proposed water and sewer service lines on the lot.
 - (14) Existing and proposed curb cuts on the site and in the adjacent rights-of-way (on both sides of perimeter streets), all dimensioned.
 - (15) Location of all fire hydrants. If none exist on site, note distance and direction of the closest hydrant adjacent to the site within 500 feet.
- (b) *Community Design Principles Description* - Demonstrate in written and/or graphic form how the proposed structure is consistent with the applicable Community Design Principles and Development Standards found in Article 6 of this Code.
- (c) *Drainage Information* - Provide the City with information regarding how the lot will drain, if requested by the City Manager or City Council.

Sec 2-3 Vacation of Right-of-Way/Easement

The vacation of right-of-way or easement application process is used to vacate unnecessary rights-of-way and easements. The vacation of right-of-way or easement shall be in accordance with C.R.S. § 43-2-301.

2-3-1 Application Requirements.

The applicant shall submit one (1) complete copy of the vacation of right-of-way/easement application package to the City Manager and shall request that the application be reviewed by the City Council. The vacation of right-of-way/easement application shall include:

- (a) *Petition for Vacation of Right-of-Way/Easement* - A blank petition for vacation of right-of-way and a blank petition for vacation of easement are available at City Hall..
- (b) *Title Commitment* - The title commitment must be current and dated no more than thirty (30) days from the date of vacation of right-of-way/easement submittal.
- (c) *Surrounding and Interested Property Ownership Report* - For vacation of right-of-way applications (NOT vacation of easement applications), provide the City Clerk with a current (not more than thirty [30] days old) list of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record and oil and gas lessees for the property. The applicant shall certify that the report is complete and accurate.
- (d) *Map* - The vacation of right-of-way/easement map shall be a minimum of eight and eleven (11) by seventeen (17) inches and provide the following information:
 - (1) Title, North arrow, date of preparation and vicinity map.
 - (2) Legal description of right-of-way/easement to be vacated.
 - (3) Graphic representation of property to be vacated.
 - (4) Acreage or square footage of the right-of-way or easement to be vacated.
 - (5) Names and boundaries of adjacent subdivisions and streets.
 - (6) Lot and block numbers of adjacent lots and blocks.
 - (7) Existing & proposed rights-of-way in & adjacent to subject right-of-way or easement.
 - (8) Existing & proposed easements in & adjacent to subject right-of-way or easement.
 - (9) Existing and proposed utility lines.
 - (10) Existing structures and paved areas on the subject right-of-way or easement.
- (e) *Vacation of Right-of-Way/Easement Review Criteria Statement* - Provide a written description of how the vacation request addresses the four vacation of right-of-way/easement review criteria.
- (f) *Public Notification Envelopes* - If the application is for the vacation of right-of-way, provide the City Manager with self addressed stamped, addressed, certified (return receipt requested) envelopes for all adjacent property owners.

Sec. 2-4 Zoning Applications

2-4-1 General Application Requirements.

All applications for zoning amendments shall include the following:

- (a) Land Use Application Form, Zoning Amendment
- (b) Application Fee and Fee Agreement. A non-refundable fee is collected to cover the cost of review by the City Attorney, City Engineer, City Planner and any other expert whom the City may wish to employ; and notice and publication expenses. Actual costs may exceed the deposit; in this case, the applicant is liable for costs in excess of the application fee according to the fee agreement. The City shall provide applicants with a copy of the most current fee schedule and fee agreement form.
- (c) Title Commitment. The title commitment must be current and the date must be no more than thirty (30) days from the date of application submittal.
- (d) A written description of the proposed change to the text of this Article, including the citation of the portion of the Article to be changed and the wording of the proposed change. The description must provide the rationale for the proposed change, citing specific difficulties with the existing text and similar provisions in zoning codes of other jurisdictions that support the rationale of the proposed change.
- (e) A legal description for all property to be considered for rezoning;
- (f) Current proof of ownership in the form of title insurance issued within thirty (30) days of submission of the application (for zoning map amendments only).
- (g) A zoning amendment map of the area included in the proposed change, twenty-two (22) inches high by thirty-four (34) inches wide, with the following information:
 - (1) North arrow, scale (1" = 100' or 1" = 200'), and date of preparation.
 - (2) The subdivision or block and lot name of the area to be zoned (if applicable) at the top of each sheet.
 - (3) Legal description of area to be zoned (entire area and individual zoning districts). In un-subdivided property, zone boundaries shall be determined by a metes and bounds description.
 - (4) Location and boundaries, including dimensions, of the property(s) proposed for rezoning. Note: Zone boundaries are to be the center lines of physical streets, roads, highways, alleys, railroad rights-of-way, and channeled waterways, or such lines extended.

- (5) The acreage or square footage contained within the property proposed for rezoning.
 - (6) All existing land uses in the proposed rezoning area.
 - (7) Zoning and existing land uses on all lands adjacent to the proposed rezoning.
 - (8) The location and dimensions for all existing public rights-of-way including streets, and centerlines of water-courses within and adjacent to the rezoning.
 - (9) The names of all adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.
 - (10) Certificate blocks for Surveyor, Planning Commission, City Council, and Mineral County Clerk and Recorder.
 - (11) An AutoCAD™ drawing file (release 12 or higher) of the zoning amendment map on 3 1/2" IBM formatted disk or by other acceptable electronic transfer shall also be provided.
- (h) A written statement describing the proposal and addressing the following points:
- (1) Need for the proposed rezoning;
 - (2) Present and future impacts on the existing adjacent zone districts, uses, and physical character of the surrounding area;
 - (3) Impact of the proposed zone on area accesses and traffic patterns;
 - (4) Availability of utilities for any potential development;
 - (5) Present and future impacts on public facilities and services, including, but not limited to, fire, police, water, sanitation, roadways, parks, schools, and transit;
 - (6) The relationship between the proposal and the City Comprehensive Plan; and
 - (7) Public benefits arising from the proposal.
- (i) Surrounding and Interested Property Ownership Report - Provide the City Manager with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- (j) Public Hearing Notification Envelopes - two (2) sets of stamped, addressed, and certified (return receipt requested) envelopes. The envelopes shall have the City's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of

the property), mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.

It is the applicant's responsibility to ensure that accurate and complete information is provided.

2-4-2 Application Requirements for Conditional Use Permit.

The applicant shall submit one (1) copy of the complete conditional use application package to the City Manager and shall request that the application be reviewed by the Planning Commission and City Council. Conditional use requests shall include:

- (a) Written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.
- (b) A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.
- (c) Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.
- (d) Such additional material as the City Clerk may prescribe or the applicant may submit pertinent to the application.
- (e) Surrounding and Interested Property Ownership Report - Provide the City Manager with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.
- (f) Public Hearing Notification Envelopes - one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the City's address as the mailing address and return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, oil and gas lessees for the property, and the appropriate referral agencies.

Application Requirements for Wireless Telecommunication Services Facilities and Equipment

- (a) Site Plans. The site plans for a wireless telecommunication service facility shall be submitted on one (1) or more plats or maps, at a scale not less than 1" = 50', showing the following information:
- (1) The proposed size, location and boundaries of the commercial mobile radio service facility site, including existing and proposed topography at two (2) foot intervals, referenced to USGS data, state plane coordinates and a legal description of the proposed site;
 - (2) Elevations of all towers and equipment, indicating materials, overall exterior dimensions and colors;
 - (3) Locations and size of existing improvements, existing vegetation, if any; location and size of proposed improvements, including any landscaping;
 - (4) Existing utility easements and other rights-of-way of record, if any;
 - (5) Location of access roads;
 - (6) The names of abutting subdivisions or the names of owners of abutting, unplatted property within four hundred (400) feet of the site; zoning and uses of adjacent parcels; and
 - (7) Proof of ownership in a form acceptable to the City.
- (b) Vicinity Maps. The vicinity maps submitted with an application under this Article shall include one (1) or more maps showing the location of existing and planned commercial mobile radio service facilities belonging to the applicant, within five (5) miles of the proposed facility. Planned facilities may be identified in general terms and need not be address specific.
- (c) Written Narrative. The application shall include the following in narrative form:
- (1) The applicant's and surface owner's names, addresses, signatures and designation of agent, if applicable;
 - (2) An explanation of the need for such a facility, operating plan and proposed coverage area;
 - (3) If a freestanding facility is proposed, an analysis of alternatives to a freestanding facility within a one-mile radius of the facility;
 - (4) A list of all permits or approvals obtained or anticipated to be obtained from local, state or federal agencies other than the Federal Communications Commission (FCC);
 - (5) Affirmation that the proposed facility, alone or in combination with other like facilities, will comply with current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields;

- (6) Affirmation that the facility will comply at all times with current FCC regulations prohibiting localized interference with reception of television and radio broadcasts;
- (7) Affirmation that the facility will not interfere with any public safety frequencies servicing the City and its residents;
- (8) Affirmation that, if approved, the applicant and surface owner will make the facility available, on a reasonable basis, to other service providers; and
- (9) An explanation of compatibility with the City Comprehensive Plan.

2-6 Application Requirements for RV Parks

- (a) Before any permit is issued for construction and/or operation of any recreational vehicle park, a site plan and required documentation shall be submitted to and approved by the City Council. The plan shall be prepared by a registered land surveyor or a registered professional engineer, shall be drawn to a scale of no less than 1" = 100', and shall include as a minimum the following:
 - (1) Name, address and telephone number of applicant.
 - (2) Interest of the applicant in the proposed park.
 - (3) Location, address and legal description of the entire proposed recreational vehicle park site.
 - (4) Existing zoning of subject property and all adjacent properties.
 - (5) Names and addresses of adjacent property owners.
 - (6) Complete engineering plans and specifications of the proposed recreational vehicle park showing:
 - a. The area and dimensions of the entire tract of land.
 - b. The land uses occupying the adjacent properties.
 - c. The number, size and location of the proposed vehicle sites and other parking areas.
 - d. The location, right-of-way and surfaced roadway width, and surfacing material of roadways and walkways.
 - e. The proposed interior vehicular and pedestrian circulation patterns.
 - f. The location of service buildings, sanitary stations and any other existing or proposed structure.
 - g. The location of water and sewer lines and riser pipes.
 - h. Plans and specifications of the water supply, sewage disposal and refuse facilities.
 - i. The locations and details of lighting, electric and gas systems.
 - j. Plans for drainage, flood control and landscaping.
 - k. Plans and specifications of all buildings constructed or to be constructed within the recreational vehicle park.
 - l. Letters of review from utility agencies stating whether they can provide services to the recreational vehicle park.
 - m. Preliminary plat plan shall be drawn on twenty-two (22) inch by thirty-four (34) inch sheet size in blue or black ink.
 - n. An application fee of five hundred dollars (\$500.00).

- (b) Where a recreational vehicle park development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.

- (c) After final approval of the preliminary plat by the City Council, two (2) Mylar originals and seven (7) black on white or blue on white prints of the final plat with supporting documents shall be submitted to the City Clerk. The final plat shall conform to the preliminary plat as approved at public hearings, and shall include all changes specified thereon or alterations of the preliminary plat required by the City Council. One (1) original shall remain with the City Clerk for the City's records and one (1) original shall be recorded in the office of the County Clerk and Recorder. All recording fees shall be paid by the developer.

ARTICLE 3 – APPLICATION REVIEW PROCESS3

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Article 3 – Application Review Process

Sec. 3-1 Purpose

The purpose of this Article is to specify the procedures for review of other applications and certain zoning applications, including conditional uses and zoning amendments.

Sec. 3-2 Site and/or Plot Plan

(a) For a Site Plan

i. *Building Permit.* A building permit shall be issued only when a site plan has been approved. However, with the approval of the City Clerk, an applicant may submit a building permit application concurrent with the site plan application. Building permits shall not be issued for any development that is not in conformance with the approved site plan.

ii. *Certificate of Occupancy.* When building construction and site development are completed in accordance with the approved site plan and building permit(s), a Certificate of Occupancy may be issued.

iii. *Phasing and Expiration of Approval.* The site plan shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in the written site plan approval. Building permits shall not be issued based on site plans that have an approval date more than three (3) years old. For multi-phased plans, building permits shall not be issued based on an approval date more than three (3) years from the date of Phase I approval.

(b) For a Plot Plan

(1) Step 1: Submit Plot Plan Application Package. Applicant shall submit one (1) copy of the complete application to the City Manager. The application must be submitted a minimum of thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed. Items required for applications are specified in Article 2.

(2) Step 2: Staff Reviews Plot Plan Application and Prepares Comments. Staff will review the plot plan map to make sure it is consistent with the plot plan review criteria. Following the review, Staff will prepare a written report outlining any changes that must be made to the plot plan before it can be approved.

(3) Step 3: Applicant Addresses Staff Comments. Applicant makes all necessary changes to the plot plan and resubmits a revised copy to the City.

(4) Step 4: Plot Plan Approval. Staff completes final review of plot plan to ensure that the Plan is complete. If the Plan is determined completed, it is approved by Staff.

Sec. 3-3 Zoning Review Procedures

(a) The procedures described in this subsection apply to the following types of zoning applications:

(1) Conditional Uses.

(2) Zoning Amendments.

(b) The procedures described below apply to a Conditional Use application.

(1) Step 1: Optional Pre-Application Conference. The applicant may attend a pre-application conference with a representative from the City. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.

(2) Step 2: Conditional Use Application Submittal. The applicant shall submit one (1) copy of the complete conditional use application package to the City Clerk and shall request that the application be reviewed by the Planning Commission and City Council. Items required for applications are specified in Article 2.

(3) Step 3: Conditional Use Application Certification of Completion and Report to Planning Commission. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the City Clerk. The original application and all documents requiring a signature shall be signed in blue ink. After a complete application is received, Staff shall prepare a report to the Planning Commission explaining how the application is or is not consistent with the conditional use application review criteria.

(4) Step 4: Planning Commission Review of the Conditional Use Application. The Planning Commission shall hold a meeting to review the application and determine if the application complies with the conditional use review criteria. The Planning Commission will then recommend to the City Council approval, approval with conditions or denial.

(5) Step 5: Set Conditional Use Public Hearing Date and Notify Public of Hearing. The City Clerk shall send notice of public hearing to the applicant, all

property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property, and to the appropriate referral agencies no less than forty-five (45) days before the hearing. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. The City Clerk shall also publish notice in a newspaper of general circulation. The City Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the conditional use request is accompanying another application which is scheduled for public hearing before the City Council, one public hearing may be held on both applications.

(6) Step 6: City Council Public Hearing and Action on the Conditional Use. The City Council shall hold a public hearing on the conditional use application. Following the public hearing, the City Council may approve, conditionally approve or deny the conditional use application based on the conditional use review criteria. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the City Council may prescribe. Conditions may include, but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds, and prescription of development schedules.

(7) Step 7: Record Conditional Use Map. The City Clerk shall record one (1) original mylar of the conditional use map in the office of the Mineral County Clerk and Recorder. The recording fee shall be paid by the applicant.

(c) The procedures described below apply to a Zoning Amendment application.

(1) Step 1: Optional Pre-Application Conference. The applicant may attend a pre-application conference with a representative from the City. The purpose of the meeting is to discuss the zoning amendment, submittal requirements and review process.

(2) Step 2: Zoning Amendment Application Submittal. The applicant shall submit one (1) copy of the complete zoning amendment application package to the City Clerk and shall request that the application be reviewed by the Planning Commission and City Council. Items required for applications are specified in Article 2.

(3) Step 3: Zoning Amendment Application Certification of Completion. Within a reasonable period of time, Staff shall either certify the application is complete and in compliance with all submittal requirements or reject it as incomplete and

notify the applicant of any deficiencies. Applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the City Clerk. The original application and all documents requiring a signature shall be signed in blue ink.

(4) Step 4: Final Staff Review and Report to Planning Commission. Staff shall complete a final review of the resubmitted materials and prepare a report to the Planning Commission explaining how the application is or is not consistent with the Criteria for Amendments to the Official Zoning Map or Criteria for Amendments to the Text of the Zoning Code.

(5) Step 5: Set Zoning Amendment Public Hearing and Complete Public Notification Process. The City Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property, and to the appropriate referral agencies no less than forty-five (45) days before the initial Planning Commission public hearing. Such notice shall not be required for text amendments. The City Clerk shall also publish notice in a newspaper of general circulation. For zoning map amendments, the City Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the zoning amendment request is accompanying another application which is scheduled for public hearings before the Planning Commission and City Council, one public hearing may be held on both applications.

(6) Step 6: Planning Commission Public Hearing and Action on the Zoning Amendment. The Planning Commission shall hold a public hearing to review the zoning amendment based on the Criteria for Amendments to the Official Zoning Map or the Criteria for Text Amendments to the Zoning Code. The Commission shall then make a recommendation to the City Council to approve, conditionally approve, or deny the zoning amendment application.

(7) Step 7: Finalize Zoning Amendment Based on Planning Commission Comments. The applicant shall revise the zoning amendment application based on Planning Commission's comments and submit it to the City.

(8) Step 8: Notify Parties of Interest. Not less than thirty (30) days before the date scheduled for the initial City Council public hearing, Staff shall notify: surrounding property owners within three hundred (300) feet, mineral interest owners of record, mineral and oil and gas lessees for the property, and other interested parties. The notice shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property, and the applicant's name. Such notice shall not be required for text amendments.

(9) Step 9: Set City Council Public Hearing and Complete Public Notification Process. The City Council shall schedule a public hearing for the purpose of taking action on the zoning amendment. The City Clerk shall publish notice in a newspaper of general circulation. The hearing shall be held no less than thirty (30) days from the date of advertising.

(10) Step 10: City Council Public Hearing and Action on the Zoning Amendment. The City Council shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the City Council shall consider the comments and evidence presented at the hearing and evaluate the application in accordance with the criteria listed below and approve, approve with conditions, or deny the application, in whole or in part.

(11) Step 11: Post Approval Actions.

a. Upon approval of an amendment to the official zoning map by the City Council, the City Clerk shall cause an appropriate revision of the official zoning map to be prepared for recording with the County Clerk and Recorder. In the event the zoning amendment was initiated by an interested party, the petitioner shall pay the City's cost for the preparation of the revision to the official zoning map.

b. Upon approval of an ordinance amending, changing or repealing part of the text of this Article, the City Clerk shall certify a copy of the ordinance and place it in the official records of the City_ and make appropriate supplements to this Article.

c. The applicant initiating the official zoning map amendment shall have thirty (30) days after approval of the amendment by the City Council to submit to the City Clerk two (2) original drawings of the approved zoning amendment map for recording, along with the recording fees and all other costs billed by the City relative to the zoning amendment.

The zoning amendment map shall be prepared by a licensed surveyor or engineer. Inaccurate, incomplete or poorly drawn plans shall be rejected. In addition, the petitioner shall submit one 11" x 17" Mylar reduction of the zoning amendment map and an AutoCAD™ drawing file (release 12 or higher) of the zoning amendment map on 3 1/2" IBM formatted disk, or by other acceptable electronic transfer.

d. Within thirty (30) days of receipt of the zoning amendment map, the City Clerk shall review the documents for compliance with the City Council's approval, obtain the City Officials' signatures and submit the approved zoning amendment map and the ordinance amending the official zoning map to the Mineral County Clerk and Recorder's Office for recordation.

ARTICLE 4 – ZONING

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Article 4 – Zoning

Sec. 4-1 General Provisions

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, convenience, comfort, prosperity and general welfare.

4-1-1 Purpose. The purpose of this Zoning Code is to create a vital, cohesive, well-designed community in order to enhance the City's small-town character and further the citizens' goals as identified in the City's Comprehensive Plan. These zoning regulations are designed to:

- (a) Encourage the most appropriate use of land throughout the City and insure a logical growth of the various physical elements of the City.
- (b) Regulate and restrict the location and use of buildings, structures and land for residence, business, trade, industry or other purposes.
- (c) Regulate and determine the size of building lots, yards and other open spaces.
- (d) Promote good design and arrangement of buildings or clusters of buildings and uses in residential, business and industrial development.
- (e) Encourage innovative, quality site planning, architecture and landscaping that reflect improvements in the technology of land development.
- (f) Prevent the overcrowding of land, poor quality in development, waste and inefficiency in land use, danger and congestion in travel and transportation and any other use or development that might be detrimental to the stability and livability of the community.
- (g) Promote the health, safety, and general welfare of residents.

4-1-2 Uniformity of Regulations. The regulations established by this Article within each zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this Article, the following interpretations shall apply:

- (a) No buildings, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, changed, constructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located. Where a lot is divided by a zoning district boundary line by the current official zoning map or by subsequent amendments to the zoning map, the zoning requirements may be extended within the lot for a distance of not more than twenty-five (25) feet.
- (b) No building or other structure shall be erected or altered:
 - (1) To exceed the height limitations;
 - (2) To accommodate or house a greater number of families;
 - (3) To have narrow or smaller rear yards, front yards, side yards, or other open

spaces.

- (c) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Article, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building unless specific exception therefore is stated in this Article.
- (d) No yard or lot existing or approved at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.
- (e) Any use not permitted in a zone either specifically or by interpretation by the Town Board.

4-1-3 Conflict with Other Provisions of Law. Whenever the requirements of this Article are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

4-1-4 Conflict with Private Covenants or Deeds. In case of a conflict between this Code and any private restrictions imposed by covenant or deed, the responsibility of the City shall be limited to the enforcement of this Code. When provisions within this Code are more restrictive than those imposed by covenant or deed, or when any such private instruments are silent on matters contained within this Code, the provisions of this Code shall rule.

4-1-5 Zoning of Annexed Land. Zoning of land during annexation will be done in accordance with the procedure and notice requirements of this Section. The proposed zoning ordinance shall not be passed before the date when the annexation ordinance is passed.

Sec. 4-2 Zoning Districts and Boundaries

4-2-1 Zoning Districts. In order to carry out the provisions of this Code, the City is divided into the following zoning districts:

DR	Developing Resource District
R-1	Residential District, Single-Family
R-2	Residential District, Two (2) Family and Multi-Family
B-1	Downtown Business District
B-2	Highway Mixed Use District
MH	Mobile Home Park District
C	Commercial District
I	Industrial District
H	Hazard Overlay District
O	Open District

4-2-2 Zoning District Map. The boundaries and classifications of districts established are as depicted on a map entitled City of Creede Zoning Map as may from time to time be revised, updated or redrafted. The official zoning district map adopted and to be used for present reference shall be that map bearing the most recent date of publication.

(a) Interpretation of Boundary Lines.

(1) Zoning District Boundaries – In the event uncertainty is deemed to exist on the zoning district map, district boundaries shall be on section lines, lot lines, the center lines of highways, streets, alleys, railroad rights-of-way or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map. Where a lot is divided by a zoning district boundary line at the time of enactment of the ordinance codified in this section or by subsequent amendments to that ordinance or this Article, either zone requirements may be extended within the lot for a distance of not more than twenty-five (25) feet.

(2) Hazard Overlay District Boundaries – Hazard district boundaries, as depicted by separate maps, are estimates based upon:

a. Data verified from the Colorado Geological Survey on geological hazards; and

b. Data verified from the Colorado Water Conservation Board, Federal Emergency Management Agency (FEMA) or the City Council on flood-prone areas.

(b) Amendment Upon Zoning or Modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the City shall amend the prior existing official map to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

(c) Cost For Amending Zoning. Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall bear the entire cost of amending the official zoning map, including all notification costs. The City shall provide applicants with a copy of the current fee schedule and fee agreement form.

(d) Public Inspection; Storage of Original. The official zoning district map shall be available and on display at the City Hall during normal business hours. In addition, one (1) original duplicate Mylar copy of the current official map, and all prior official maps having been adopted, shall be held under lock and in a secure place by the City Clerk, who shall act as custodian thereof, and the map shall not be amended, changed, updated or otherwise modified or let out of direct control of the City Clerk for any reason whatsoever. The secured map is to be released for inspection only upon authorization of the City Clerk.

Sec. 4-3 Principal and Conditional Uses Permitted by Zoning District

4-3-1 General Application of Uses. Uses designated as “permitted uses” are allowed in a zone district as a matter of right. Uses classified as “conditional uses” are permitted upon the City’s approval of a conditional use permit. Unless a use is designated as a “permitted use” or “conditional use” or is classified as a legal “non-conforming” structure or use, it is not permitted.

Land uses not otherwise identified in this Code may be proposed for development. In order to provide for such uses, the classification of any new or unlisted land use shall be made by the City Council to determine if the use can be reasonably interpreted to fit into a similar use category described in this Code. Unless such determination is made, the use is not permitted.

4-3-2 DR Developing Resource District.

- (a) Intent. The Developing Resource District is intended to provide for the annexation of those properties that are presently used for agriculture or other non-urban uses and for which there are no specific and immediate plans for development.
- (b) Permitted Uses.

(1) The following uses are permitted in the DR District:

a. No use shall be permitted on properties in the DR District except such use as existed on the date the property was placed into this zone district. No permanent structures shall be constructed on any land in this District, except that at the time of zoning or rezoning of the property into this District, the City Council may grant a waiver permitting the installation or enlargement of a permanent structure containing a use which was existing, or is ancillary to the use of the property, at the time of such zoning or rezoning upon the following conditions:

i. The owner of the property, prior to the City Council meeting at which the zoning or rezoning is to be heard, shall submit a site plan showing in reasonable detail the existing and proposed uses of such property.

ii. The City Council shall grant such waiver only upon a finding that the strict application of this Land Use Code relating to nonconforming uses would result in exceptional or undue hardship upon the owner of the property and that the waiver may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of the nonconforming use provisions of this Land Use Code.

b. After the property has been placed in the DR District, the City Council may grant a waiver in accordance with Section 4-9.

(2) The owner of any property in the DR District may at any time petition the City to remove the property from this zone district and place it in another zone district. Any such petition shall be referred to the Planning Commission to be considered consistent with rezoning procedures as established in Section 4-10 (Amendments).

(3) Any use which was nonconforming upon a parcel prior to placement into this zone district shall continue to be nonconforming upon removal of such parcel or property from this zone district unless such parcel is placed into a zone district where such use is listed as a permitted use.

4-3-3 R-1 Residential District, Single-Family.

- (a) Intent. This is a low-density housing district intended primarily for single-family uses on individual lots.
- (b) Principal Uses. Permitted principal uses in the R-1 District shall be as follows:
 - (1) Accessory buildings and accessory uses.
 - (2) Accessory dwelling when associated with a permitted use.
 - (3) Group homes for up to eight (8) developmentally disabled persons, handicapped individuals, children or senior citizens.
 - (4) Home occupations.
 - (5) Parks and open space.
 - (6) Single-family detached dwellings.
- (c) Conditional Uses. Permitted conditional uses in the R-1 District shall be as follows:
 - (1) Child care centers.
 - (2) Community facilities.
 - (3) Church or place of worship and assembly.
 - (4) Golf courses and or Golf driving range.
 - (5) Limited outdoor recreation facilities.
 - (6) Public and private schools for elementary, intermediate and high school education.
 - (7) Public facilities, provided that business offices and repair and storage facilities are not included.

4-3-4 R-2 Residential District, Two (2) Family and Multi-Family.

- (a) Intent. This is a high-density residential zone intended primarily for multi-family uses on individual lots. In order to facilitate appropriate higher densities near viable business centers, multi-family buildings are generally encouraged near a neighborhood commercial center. Street and open space designs in these areas shall be used to create compatibility among frontages, which encourage pedestrian interaction and discourage high automobile speeds. Multi-family residential developments shall be designed around or adjacent to open space (refer to Section 6-13 for details).

- (b) Principal Uses. Permitted principal uses in the R-2 District shall be as follows:
- (1) All permitted principal uses in the R-1 district.
 - (2) Two family dwellings
 - (3) Multiple-family dwellings (no more than twenty-four [24] units per building), provided that the density and dimensional standards for the R-2 Residential District are met (refer to Section 4-5 for details) and the lot upon which any such dwelling is located is of sufficient size so that twenty (20) percent thereof shall be devoted to functional open space.
 - (4) Senior housing provided that the density and dimensional standards for the R-2 Residential District are met (refer to Section 4-5 for details) and the lot upon which any such dwelling is located is of sufficient size so that twenty (20) percent thereof shall be devoted to functional open space. Senior housing is exempted from the maximum number of twenty-four (24) units per building requirement for multi-family dwellings.
- (c) Conditional Uses. Permitted conditional uses in the R-2 District are as follows:
- (1) All permitted conditional uses in the R-1 District
 - (2) Bed and breakfasts.
 - (3) Boarding and rooming houses.
 - (4) Long term care facilities.

4-3-5 B-1 Downtown Business District.

- (a) Intent. The Downtown District is intended to reflect the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community.
- (b) Principal Uses. Permitted principal uses in the B-1 District shall be as follows:
- (1) Residential Uses:
 - a. All permitted principal uses in the R-2 residential district except single-family residential and accessory dwelling.
 - (2) Institutional/Civic/Public Uses:
 - a. Church or place of worship and assembly.
 - b. Parks and open space.
 - c. Public facilities with or without business offices, with no repair or storage facilities.
 - d. Public and private schools, including colleges, vocational training, and technical training.
 - (3) Commercial/Retail Uses:
 - a. Artisan and photography studios and galleries.

- b. Bed and breakfasts.
- c. Boarding and rooming houses.
- d. Child care centers.
- e. Convenience shopping and retail establishments without fuel sales.
- f. Health and membership clubs.
- g. Limited indoor recreation facilities.
- h. Lodging establishments
- i. Medical and dental offices and clinics.
- j. Mixed use dwelling units.
- k. Open air farmers' market.
- l. Personal and business service shops.
- m. Professional offices and financial services.
- n. Restaurants - standard and fast food without drive-through facilities.
- o. Small grocery store.
- p. Tourist facilities.

(c) Conditional Uses. Permitted conditional uses in the B-1 District shall be as follows:

(1) All permitted conditional uses in the R-1 and R-2 districts.

(2) Residential Uses:

- a. Single-family residential, and accessory dwelling when associated with a principal use.

(3) Institutional/Civic/Public Uses:

- a. Community facilities.
- b. Public facilities with business offices and repair and storage facilities.

(4) Commercial/Retail Uses:

- a. Bars and taverns.
- b. Car wash
- c. Clubs and lodges
- d. Entertainment facilities and theaters.
- e. Gasoline stations.
- f. Limited outdoor recreation facilities.
- g. Long-term care facilities.
- h. Motor vehicle service and repair.
- i. Parking lots and parking garages as a principal use.

(5) Industrial Uses:

- a. Workshops and custom small industry uses.

4-3-6 B-2 Highway Mixed Use District.

(a) Intent. The Highway Mixed Use District is intended to be a setting for development of a wide range of community and regional retail uses, offices and personal and business services. Secondly, it can accommodate a wide range of other uses including multi-family housing and mixed use dwelling units. The B-2 District is intended to integrate various commercial and multi-family uses while

transitioning from the highway to adjacent lower density neighborhoods.

While some Highway Mixed Use Commercial District areas may continue to meet the need for auto-related and other auto-oriented uses, it is the City's intent that the B-2 District emphasize safe and convenient personal mobility in many forms, with planning and design that accommodates pedestrians. Further, the B-2 District is intended to function with, rather than compete with, the downtown area. The City Pattern Plan (Section 6-3 of this Code) is to be used as a guide to connect and strengthen both commercial districts.

The Highway corridor is a visible commercial area for the community; attention to the Community Design Principles and Development Standards outlined in Article 6 is required for approval.

(b) Permitted Uses. Permitted principal uses in the B-2 District are as follows:

(1) Accessory/Miscellaneous Uses:

- a. Accessory buildings.
- b. Accessory uses.

(2) Residential Uses:

- a. Group homes.
- b. Multiple family dwellings.

(3) Institutional/Civic/Public Uses:

- a. Church or place of worship and assembly.
- b. Parks and open space.
- c. Public facilities, with or without business offices or repair and storage facilities.
- d. Transit facilities without repair or storage.

(4) Commercial/Retail Uses:

- a. Artisan and photography studios and galleries.
- b. Bed and breakfasts.
- c. Boarding and rooming houses.
- d. Car wash.
- e. Child care centers.
- f. Convenience retail stores with or without fuel sales.
- g. Equipment rental establishments (without outdoor storage).
- h. Food catering.
- i. Funeral homes.
- j. Gasoline stations.
- k. Health and membership clubs.
- l. Limited indoor recreation facilities.
- m. Lodging establishments.
- n. Long term care facilities.
- o. Medical and dental offices and clinics
- p. Mixed use dwelling units.
- q. Motor vehicle service and repair (minor repairs).
- r. Open-air farmers' markets.

- s. Licensed Personal Care and business service shops.
- t. Plant nurseries and greenhouses.
- u. Print shops.
- v. Professional offices and financial services.
- w. Restaurants, with or without drive-through facilities.
- x. Large retail establishments.
- y. Small grocery stores.
- z. Supermarkets.
- aa. Tourist facilities.
- bb. Veterinary facilities, small animal clinics.

(5) Industrial uses:

- a. Workshop and custom small industry uses.

(c) Conditional Uses. Permitted conditional uses in the B-2 District include the following:

(1) Residential Uses:

- a. Single-family dwellings.
- b. Two-family dwellings.

(2) Institutional/Civic/Public Uses:

- a. Community facilities.
- b. Golf courses and/or Golf Driving Ranges.
- c. Public and private schools.
- d. Public facilities with business offices and repair and storage facilities.

(3) Commercial/Retail Uses:

- a. Auto, RV, boat and truck sales.*
- b. Auto, RV, boat and truck storage*
- c. Bars and taverns.
- d. Clubs and lodges.
- e. Entertainment facilities and theaters.
- f. Equipment, truck and trailer rental establishments.
- g. Hospitals.
- h. Limited outdoor recreation facility.
- i. Motor vehicle service and repair (major repairs).
- j. Nightclubs.
- k. Parking lots and parking garages.
- l. RV parks
- m. Retail and supply yard establishments with outdoor storage.
- n. Veterinary hospitals.

*Automobile sales and rental uses shall be limited to ten (10) percent of the total linear frontage along Highway within the City limits.

(4) Industrial Uses:

- a. Enclosed mini-storage facilities.
- b. Research, experimental or testing laboratories.

4-3-7 MH Mobile Home Park District.

- (a) Intent. This is a high density residential district on a parcel of land under single ownership or control on which two (2) or more mobile homes are occupied as residences.
- (b) General Requirements. Requirements applicable to MH Districts include the following:
 - (1) The minimum number of acres which may constitute a MH district shall be one (1) acres.
- (c) Principal Uses. Permitted principal uses in the MH District include the following:
 - (1) Accessory buildings and accessory uses.
 - (2) Home occupations.
 - (3) Mobile homes.
 - (4) Parks and open space
 - (5) Public facilities, provided business offices and repair and storage facilities are not included.

4-3-8 C Commercial District

- (a) Intent. This is a commercial district intended to provide for the location of auto-oriented and auto-dependent uses and/or uses which provide a wide range of general retail goods and services for residents of the entire community, as well as businesses and highway users, primarily inside of enclosed structures.

The intent of these provisions is to facilitate convenient auto and pedestrian access, minimize traffic congestion and give consideration to site and architectural aesthetics. Locations for this zone require good access to major arterial streets and adequate water, sewer and power.

- (b) Principal Uses. Permitted principal uses in the C District are as follows:
 - (1) All permitted principal uses in the B-2 District
 - (2) Bars and taverns.
 - (3) Clubs and lodges.
 - (4) Entertainment facilities and theaters.
- (c) Conditional Uses. Permitted conditional uses in the C District are as follows:
 - (1) All permitted conditional uses in the B-2 District.
 - (2) Public and private schools for elementary, intermediate and high school education.
 - (3) RV parks.
 - (4) Small animal boarding (kennels).
 - (5) Warehouse, distribution and wholesale uses.

4-3-9 I Industrial District.

- (a) Intent. 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, indoor and outdoor 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.

- (b) Principal Uses. Permitted principal uses in the I District shall be as follows:

- (1) Accessory buildings and accessory uses.
- (2) Auto, RV, boat and truck storage
- (3) Car wash.
- (4) Enclosed mini-storage facilities.
- (5) Equipment rental establishments without outdoor storage.
- (6) Gasoline stations.
- (7) Manufacturing and preparing food products.
- (8) Manufacturing, assembly or packaging of products from previously prepared materials.
- (9) Manufacturing of electric or electronic instruments and devices.
- (10) Motor vehicle service and repair establishments (minor and major repairs).
- (11) Parking lots and parking garages (as principal use).
- (12) Parks and open space.
- (13) Plant nurseries and greenhouses.
- (14) Plumbing, electrical and carpenter shops.
- (15) Public facilities with or without business offices and repair and storage facilities.
- (16) Research, experimental or testing laboratories.
- (17) Retail and supply yard establishments with outdoor storage.
- (18) Veterinary facilities, large animal clinics.
- (19) Warehouse, distribution and wholesale uses.
- (20) Wireless telecommunications facilities (as permitted in Section 4-11 in this Code).
- (21) Workshops and custom small industry uses.

- (c) Limitations. Any use in this district shall conform to the following requirements:

- (1) All manufacturing and similar uses shall be carried on entirely within a completely enclosed structure.
- (2) Dust, fumes, odors, smoke, vapor and noise shall be confined to the site and be controlled in accordance with the state air pollution laws.

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

(4) Travel and parking portions of the lot shall be surfaced with asphalt, concrete, compressed gravel or equivalent, maintainable surfacing with erosion control.

(5) Light fixtures in parking areas shall be hooded and mounted not more than twenty-five (25) feet above the ground level and oriented in such a manner as not to shine into residential areas. Lighting shall conform to the requirements in Section 6-21 of this Code.

(d) Conditional Uses. Permitted conditional uses in the I District shall be as follows:

- (1) Accessory dwelling when associated with a permitted use.
- (2) Adult uses including product sales and entertainment.
- (3) Artisan and photography studios and galleries.
- (4) Automobile, recreational vehicle, boat and truck sales.
- (5) Bars and taverns.
- (6) Child care centers.
- (7) Convenience shopping and retail establishments.
- (8) Dry cleaning plants.
- (9) Entertainment facilities and theaters.
- (10) Equipment, truck, trailer rental establishments with outdoor storage.
- (11) Golf courses and/or Golf Driving Ranges.
- (12) Group homes.
- (13) Limited outdoor recreation facilities.
- (14) Lodging establishments.
- (15) Night clubs.
- (16) Open-air farmers' markets.
- (17) Personal and business service shops.
- (18) Recycling facilities.
- (19) Resource extraction, processes and sales establishments.
- (20) Restaurants with drive-throughs.
- (21) Sales and leasing of farm implements, heavy equipment sales, mobile/manufactured homes, and heavy excavation equipment.
- (22) Small animal boarding (kennels).
- (23) Small grocery stores.
- (24) Veterinary hospitals.

4-3-10 H Hazard Overlay District.

(a) Intent. This district is to be used where known geologic hazards and flood-prone areas exist. It shall be used as an overlay to any other zone.

(b) Principal Uses. Principal permitted uses in the H district shall be as follows:

- (1) Any use set forth in the existing zone provided that the hazard has been mitigated to the satisfaction of the Planning Commission and the City Council, and only by conditional use review.
- (2) Parks and open space.

- (c) Conditional Uses. Permitted conditional uses in the H District shall be as follows:
 - (1) Golf course driving range.
 - (2) Limited outdoor recreation facilities.
 - (3) Resource extraction, processes and sales establishment.

4-3-11 O Open District.

- (a) Intent. The purpose of this district is to preserve existing open areas without structures where topography, including slopes steeper than 20% grade, and other factors, such as known geologic hazards and flood-prone areas, are prevalent.
- (b) Principal Uses. Principal permitted uses in the O district shall be as follows:
 - (1) Parks and open space.
- (c) Conditional Uses. Permitted conditional uses in the O District shall be as follows:
 - (1) Cemeteries.
 - (2) Limited outdoor recreation facilities.
 - (3) Public facilities without business offices and repair and storage facilities.

Sec. 4-4 Matrix of Permitted and Conditional Uses by Zoning District

The following codes are used in the table below:

- P – Permitted Principal Use
- C – Permitted Conditional Use
- * – Use Prohibited

PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H^a	O
Residential Uses									
Accessory buildings and accessory uses	P	P	P	P	P	P	P		*
Accessory dwelling when associated with a permitted use ^b	P	P	*	C	*	*	C		*
Group homes	P	P	*	P	P	P	C		*
Mobil home	*	*	P	*	*	*	*		*
Multiple-family dwellings	*	P	*	P	P	P	*		*
Senior housing	*	P	*	P	*	*	*		*
Single-family detached dwellings	P	P	P	C	C	C	*		*
Two-family dwellings	*	P	*	P	C	C	*		*
Institutional/Civic/Public Uses									
Cemeteries	*	*	*	*	*	*	*	*	C
Churches or place of worship and assembly	C	C	*	P	P	P	*		*
Community facilities	C	C	*	C	C	C	*		*
Golf courses	C	C	*	C	C	*	C		*
Golf driving range	C	C	*	C	C	*	C	C	*
Parks and open space	P	P	P	P	P	P	P	P	P
Public and private schools for elementary, intermediate and high school education	C	C	*	C	*	C	*		*
Public and private schools, including colleges, vocational training and technical training	*	*	*	P	C	C	*		*
Public facilities provided that business offices and repair and storage facilities are not included	C	C	P	P	P	P	P		C
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	*	*	*	C	P	C	P		*
PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	O
Institutional/Civic/Public Uses (cont.)									

^a Any principal use or conditional use set forth in the underlying district is allowed provided that the hazard has been mitigated.

^b Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area, with no more than one (1) per lot in addition to the single-family dwelling.

Transit facilities without repair or storage	*	*	*	*	P	P	*		*
Business/Commercial/Retail Uses									
Adult uses including product sales and entertainment	*	*	*	*	*	*	C		*
Artisan and photography studios and galleries	*	*	*	P	C	C	C		*
Auto, recreational vehicle, boat and truck sales	*	*	*	*	C	C	C		*
Auto, RV, boat and truck storage	*	*	*	*	C	C	P		*
Bars and taverns	*	*	*	C	C	P	C		*
Bed and breakfasts	*	C	*	P	P	P	*		*
Boarding and rooming houses	*	C	*	P	P	P	*		*
Car wash	*	*	*	C	P	P	P		*
Child care centers	C	C	*	P	P	P	C		*
Clubs and lodges	*	*	*	C	C	P	*		*
Convenience shopping and retail establishments	*	*	*	P	P	P	C		*
Entertainment facilities and theaters	*	*	*	C	C	P	C		*
Equipment, rental establishments without outdoor storage	*	*	*	*	P	P	P		*
Equipment, truck and trailer rental establishments with outdoor storage	*	*	*	*	C	C	C		*
Food catering	*	*	*	*	P	P	*		*
Funeral homes	*	*	*	*	P	P	*		*
Gasoline stations	*	*	*	C	P	P	P		*
Health and membership clubs	*	*	*	P	P	P	*		*
Home occupations - with restrictions	P	P	P	P	*	*	*		*
Hospitals	*	*	*	*	C	C	*		*
Large retail establishments	*	*	*	*	P	P	*		*
Limited indoor recreation facility	*	*	*	P	P	P	*		*
Limited outdoor recreation facility	C	C	*	C	C	C	C	C	C
Lodging establishments	*	*	*	P	P	P	C		*
Long term care facilities	*	C	*	C	P	P	*		*
Medical and dental offices and clinics	*	*	*	P	P	P	*		*
Mixed-use dwelling units	*	*	*	P	P	P	*		*
Motor vehicle service and repair (minor repairs)	*	*	*	C	P	P	P		*
PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	O
Business/Commercial/Retail Uses (cont.)									
Motor vehicle service and repair establishments (major repairs)	*	*	*	*	C	C	P		*

Night clubs	*	*	*	*	C	C	C		*
Open-air farmers' markets	*	*	*	P	P	P	C		*
Parking lots and parking garages (as a principal use)	*	*	*	C	C	C	P		*
Personal and business service shops	*	*	*	P	P	P	C		*
Plant nurseries & greenhouses	*	*	*	*	P	P	P		*
Print shops	*	*	*	*	P	P	*		*
Professional offices, financial services	*	*	*	P	P	P	*		*
RV parks	*	*	*	*	C	C	*		*
Restaurants/standard & fast food without drive-thru	*	*	*	P	P	P	*		*
Restaurants with drive-thru	*	*	*	*	P	P	C		*
Retail and supply yard establishments with outdoor storage	*	*	*	*	C	C	P		*
Sales and leasing of farm implements, heavy equipment sales, and heavy excavation equipment	*	*	*	*	*	*	C		*
Small animal boarding (kennels)	*	*	*	*	*	C	C		*
Small grocery stores	*	*	*	P	P	P	C		*
Supermarkets	*	*	*	*	P	P	*		*
Tourist facilities	*	*	*	P	P	P	*		*
Veterinary facilities, small animal clinics	*	*	*	*	P	P	*		*
Veterinary facilities, large animal clinics	*	*	*	*	*	*	P		*
Veterinary hospitals	*	*	*	*	C	C	C		*
Industrial Uses									
Dry cleaning plants	*	*	*	*	*	*	C		*
Enclosed mini-storage facilities	*	*	*	*	C	C	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		*
PERMITTED USES	R-1	R-2	MH	B-1	B-2	C	I	H	O
Industrial Uses (cont.)									
Plumbing, electrical and carpenter shops	*	*	*	*	*	*	P		*
Recycling facilities	*	*	*	*	*	*	C		*
Research, experimental or testing laboratories	*	*	*	*	C	C	P		*

Resource extraction, processes and sales establishment	*	*	*	*	*	*	C	C	*
Sales and leasing of farm implements, heavy equipment sales, mobile/manufactured homes, and heavy excavation equipment	*	*	*	*	*	*	C		*
Warehouse, distribution and wholesale uses	*	*	*	*	*	C	P		*
Wireless telecommunications facilities	*	*	*	*	*	*	P		*
Workshops and custom small industry uses	*	*	*	C	P	P	P		*

Sec. 4-5 Density and Dimensional Standards

The following specifications shall be required in the zones identified:

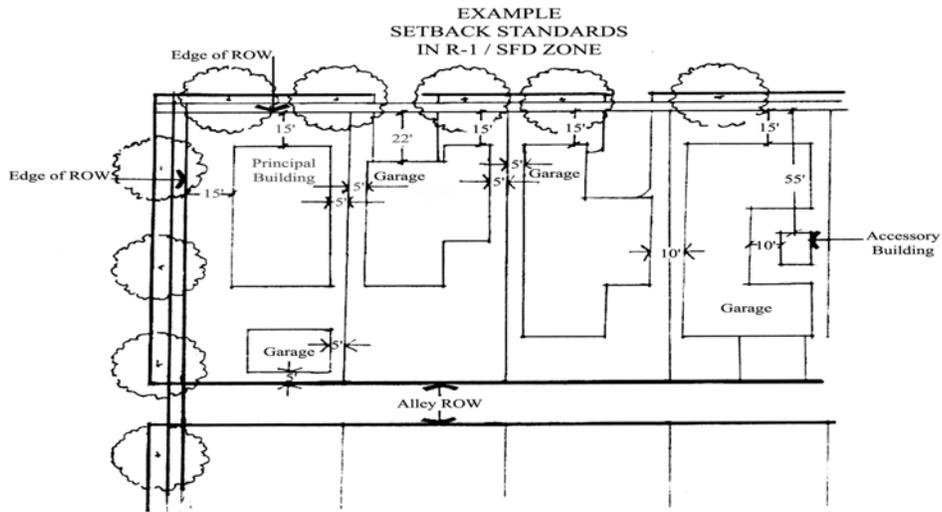
4-5-1 Residential Density and Dimensional Standards

Standards	Zones		
	R-1	R-2	MH
Minimum lot area per dwelling (square feet, unless otherwise noted)	5,000	1,800	4,000
Minimum lot width (feet per dwelling)	50	20	50
Minimum lot frontage (feet)	40	18 for townhomes. 35 for apartments and condos.	40
Minimum front yard setback ^a (feet)			
Principal building	15	15	15
Front-loaded garage (measured from the back of sidewalk)	22	22	15
Accessory building	55	45	40
Minimum side yard setback (feet) ^b	5	8	10
Minimum distance between buildings (feet)	10	Subject to building code	20
Minimum rear yard setback (feet)			
Principal building	20	20	10 or 20 ^c
Garage with its entrance facing an alley	5	5	5
Accessory building or structures	5	5	5
Minimum floor area per dwelling unit	850	400	864
Maximum building height (feet)	35	35	35

^a *Swimming Pools, Spas and Hot Tubs; Rear Yard Requirements.* All swimming pools, spas and hot tubs, including aboveground and in-ground pools, having a depth greater than eighteen (18) inches shall only be placed or constructed in the rear yard of a residential lot. No swimming pools, spas or hot tubs shall be placed or constructed in the front yard or side yard of any residential lot.

^b On corner lots, all sides of the lot with street frontage shall meet the applicable front yard setback.

^c Rear spacing shall be 20 feet when units are side to end and 10 feet when units are end to end



4-5-2 Commercial, Industrial and Hazard Overlay Density and Dimensional Standards

Figure 4-1

The following code is used in the table below:

— = No specific requirement

Standards	Zone					
	B-1	B-2	C	I	H	O
Minimum front yard setback (feet)	0	15	15	25	—	—
Maximum side yard setback (feet)	0	—	—	—	—	—
Minimum rear yard setback (feet)	0 ^a	15	15 ^a	20	—	—
Maximum floor area ratio (ratio of total floor area to total lot area)	2:1	1:1	1:1	1:1	—	—
Maximum net density	—	—	—	—	—	—
Maximum building height (feet) ^b	40	35	40	50 ^c	—	—
Maximum ground level footprint (square feet)	5,000	—	—	—	—	—

4-5-3 Setback Requirements.

^a If alley-loaded parking is provided, minimum rear yard setback shall be 25'.

^b The building height limitations shall not apply to church spires, belfries, cupolas, or domes not used for human occupancy, nor to chimneys, water tanks, silos, nor to public building or structures located more than one (1) foot horizontally from the property line for each foot of building height.

^c Subject to conditional review process and increased setback consideration.

- (a) On double frontage lots both streets shall be considered street frontages for purposes of calculating front yard setbacks.
- (b) On corner lots, all sides of the lot with street frontage shall meet the applicable front yard setback.
- (c) For purposes of setback calculations, a two-family dwelling shall be construed as one (1) building occupying one (1) lot.
- (d) On a vacant lot bordered on two (2) sides by previously constructed legal nonconforming buildings which do not meet the required front yard setback for the zoning district, the required front yard setback for the vacant lot shall be calculated as the average front yard setback of the two (2) adjacent buildings. Where a vacant lot is bordered on only one (1) side by such a legal nonconforming building, the required front yard setback shall be calculated as the average of the front yard setback of the adjacent building and the minimum front yard setback for the zoning district.
- (e) Permanent features allowed within setbacks shall include:
 - (1) Cornices, canopies, eaves or other similar architectural features if they extend no more than two (2) feet into a required setback and if they do not encroach into or overhang an easement;
 - (2) Steps or ramps to the principal entrance and necessary landings, provided they do not extend more than six (6) feet into the required setback;
 - (3) Landscaping;
 - (4) Fences and walls, subject to height and other restrictions per Section 6-18;
 - (5) Utility service lines to a structure and utility lines, wires and associated structures within a utility easement;
 - (6) Fire escapes, provided they do not extend more than six (6) feet into the required setback;
 - (7) Uncovered patios, porches and decks not more than thirty (30) inches above grade, provided they do not extend more than thirty (30) percent of the required setback distance into the required setback area; and
 - (8) Covered patios, porches, and decks attached to residential dwellings greater than thirty (30) inches in height may extend no more than five (5) feet into a required front or rear setback or five (5) feet into a required side yard setback adjacent to a street, provided they do not encroach into or overhang an easement or property line and do not obstruct any sight distance triangle.

Sec. 4-6 Conditional Uses

- (a) Purpose. In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a conditional use permit. Specific conditional uses for each zone district are listed in the *Matrix of Permitted Uses by Zoning District* (Section 4-4).

Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the City at large. Conditional uses may be permitted subject to such conditions and limitations as the City may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.

- (b) Conditional Use Application and Review Process. This process is described in Articles 2 and 3.
- (c) Conditional Use Review Criteria. The City shall use the following criteria to evaluate the applicant's request:

(1) The conditional use will satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.

(2) The conditional use will conform with or further the goals, policies and strategies set forth in the City Comprehensive Plan.

(3) The conditional use will be adequately served with public utilities, services, and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

(4) The conditional use will not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.

(5) The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

(6) Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:

- a. Traffic;
- b. Activity levels;
- c. Light;
- d. Noise;
- e. Odor;
- f. Building type, style and scale;
- g. Hours of operation;
- h. Dust; and
- i. Erosion control.

(7) The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

Sec. 4-7 Nonconforming Uses

(a) Requirements for Nonconforming Uses. Except as provided in this Section, the lawful use of any building or land existing at the time of enactment of this Article, or of any amendments to this chapter, may be continued even though such use does not conform to the requirements of this Code.

(1) Abandonment. Abandonment means whenever a nonconforming use has been discontinued for a period of one hundred eighty (180) days, such use shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this Article.

(2) Completion. Completion means that any building or structure for which a building permit has been issued prior to the date of enactment of this Article may be completed and used in accordance with the plans, specifications and permits on which said building permit was granted, if construction is commenced within sixty (60) days after the issuance of said permit and diligently prosecuted to completion.

(3) Displacement. Displacement means no nonconforming use shall be altered, extended or restored so as to displace any conforming use. A trailer house in any district may be improved or replaced with a newer model trailer house.

(4) Extensions. Extensions means a nonconforming use shall not be extended, but the extension of a conforming building shall not be deemed the extension of such nonconforming use; however, businesses in R-1 and R-2 zones shall not be extended under any circumstances.

(5) Repairs and Maintenance. Repairs and maintenance means ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted.

(6) Restoration. Restoration means a nonconforming building which has been damaged by fire or other causes and which may be restored to its original condition, provided that such work is commenced within one hundred eighty (180) days of such calamity and less than fifty (50) percent of the building is destroyed.

(7) Unsafe Buildings. Unsafe buildings means any nonconforming building or portion thereof declared unsafe by the Building Inspector, which may be replaced, strengthened or restored to a safe condition.

(b) Termination of Nonconforming Uses Within Five (5) Years. The following nonconforming uses shall be terminated within five (5) years from the date of passage of the ordinance codified in this Article, in any district except that in which they are specifically allowed:

(1) Auto salvage wrecking or similar salvage operations.

(2) Extractive land use.

(3) Landfills.

(4) Hazardous waste disposal site.

The five (5) year period is designated as an amortization period during which the market value of the property and use can reasonably be amortized. The owner of property or user shall have four (4) years from the date of the passage of this zoning ordinance to submit to the City Council an appeal setting forth his or her grounds asserting the five (5) year period is an inadequate amount of time to amortize the nonconforming use

Sec. 4-8 Appeals and Variances

(a) Purpose. The Board of Adjustment shall hear and decide appeals from any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this Code. In addition, the Board of Adjustment shall hear and decide all requests for a variance from the requirements of this Code. Such variance shall not be granted if it would be detrimental to the public good, create a conflict with the City Comprehensive Plan or impair the intent and purpose of this Code.

(b) Appeal Application.

(1) Any aggrieved person of interest may appeal a denial of a building or other development permit, or any order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of this Code.

(2) An appeal to the Board of Adjustment shall be made within thirty (30) days after denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation or determination by an administrative official of the City. Failure to make a timely appeal shall be considered a waiver of the appellant's rights to appeal to the Board of Adjustment.

(3) The applicant shall file with the City Clerk a written notice of appeal on a form approved by the City Council and pay the fee set by the current fee schedule.

(4) The City Clerk shall forward a copy of the notice of appeal to the Planning Staff or other appropriate administrative officer, who shall prepare a record of the City action that is being appealed for consideration by the Board of Adjustment.

(c) Variance Application. Any person of interest, or an officer or department of the City may apply to the Board of Adjustment for a variance from the literal interpretation of the provisions this Code.

(1) For a variance request, the applicant shall submit the following to the City Clerk:

a. Land Use Application Form.

b. Variance – Technical Criteria Form (from Workbook).

c. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal. **NEED EXPLANATION FROM BEN !!!**

d. Explanation Letter – identifying the variance being requested, a citation of the portion of the City Land Use Code from which relief is requested and explaining what exceptional condition, practical difficulty, or unnecessary hardship exists to require the variance. The letter shall also address how the variance, if granted, will not be detrimental to the public good, create a conflict with the City Comprehensive Plan or impair the intent and purpose of this Code.

e. Map – Staff will dictate map requirements based on the variance being requested. The map shall typically consist of a scale drawing depicting the property affected by the variance request, including, but not limited to, required or existing setbacks and proposed setbacks from adjacent lot lines or structures and any other information that will assist the Board of Adjustment in understanding the request.

f. Surrounding and Interested Property Ownership Report - Provide the City Clerk with a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

g. Public Hearing Notification Envelopes - Provide the City Clerk with one (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the City's address as the return address and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest

owners of record, oil and gas lessees for the property, and the appropriate referral agencies.

(d) Set Public Hearing and Complete Public and Referral Agency Notification.

(1) The City Clerk shall publish notice in a newspaper of general circulation. The hearing may be held no less than fifteen (15) days from the date of advertising.

(2) For a variance, in addition to the published notice, the City Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, oil and gas lessees for the property, and to the appropriate referral agencies no less than forty-five (45) days before the hearing. The City Clerk shall also publish notice in a newspaper of general circulation. The City Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant no less than fifteen (15) days before the hearing. The hearing may be held no less than fifteen (15) days from the date of posting the property.

(e) Board of Adjustment Public Hearing and Action on the Appeal or Variance Request. The Board of Adjustment (“Board”) shall make the decision on appeals and variances at a regular meeting of the Board.

(1) The appellant, or the applicant for a variance, has the burden of proof to establish the necessary facts to warrant favorable action of the Board.

(2) The Board shall have all the powers of the applicable City administrative official on the action appealed. The Board may in whole or in part affirm, reverse or amend the decisions of the applicable City administrative official.

(3) The Board may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of the City Land Use Code.

(4) The Board may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested.

(5) No single decision of the Board sets a precedent. The decision of the Board shall be made on the particular facts of each case.

(6) Variances granted by the Board of Adjustment shall be recorded with the Mineral County Clerk and Recorder at the expense of the applicant.

~~Any Appeal of the decision of the Board of Adjustments may be made to the District Court as provided by law; provided, however, that such appeal must be made prior to thirty (30) days following the date of the final action taken by the Board of Adjustments, as provided by Rule 106, Colorado Rules of Civil Procedure. (Repealed Ordinance No. 369)~~

(f) Appeal Criteria for Approval. The Board of Adjustment, in hearing an appeal from an interpretation of the City Land Use Code, shall consider:

- (1) The technical meaning of the provision being appealed;
- (2) Evidence of the manner in which the provision has been interpreted in the past;
- (3) The positive or negative impact of the requested appeal on the achievement of stated City development goals and objectives; and
- (4) The intent of the provision in implementing the City Comprehensive Plan.

In approving a requested interpretation, the Board of Adjustment shall provide a written record of its findings and the staff shall use it to propose amendments that address future interpretation problems.

(g) Variance Criteria for Approval.

(1) The Board of Adjustment shall not grant a variance to the City Land Use Code, which:

- a. Permits a land use not allowed in the zoning district in which the property is located; or
- b. Is in the public right-of-way or on public property; or
- c. Alters any definition of the City Land Use Code; or
- d. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of the City Land Use Code; or
- e. Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to the City Land Use Code; or
- f. Is based exclusively on findings of personal or financial hardship. Convenience, profit or caprice shall not constitute undue hardship.

(2) In order to grant a variance to the City Land Use Code, the Board of Adjustment shall find that all the following have been satisfied:

- a. That there are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property;
- b. That because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the City Land Use Code;

- c. That due to such unique physical circumstances or conditions, the strict application of the City Land Use Code would create a demonstrated hardship;
- d. That the demonstrable hardship is not self-imposed;
- e. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood;
- f. That the variance, if granted, will not change the character of the zoning district in which the property is located;
- g. That the variance, if granted, is in keeping with the intent of the City Land Use Code; and
- h. That the variance, if granted, will not adversely affect the health, safety or welfare of the citizens of City.

(3) The condition of any variance authorized shall be stated in writing in the minutes of the Board of Adjustment with the justifications set forth.

- (h) Appeal of Decisions of the Board of Adjustments. Final decisions of the Board of Adjustments may be appealed to the Board of Trustees. To the extent this provision is inconsistent with C.R.S. §31-22-307(1), the Board of Trustees has determined by ordinance to transfer the authority to the Board of Trustees to make a final decision on any Board of Adjustments matter that is subject to review by certiorari by the district court. The appellant must submit a written appeal to the Town Clerk within fourteen (14) days after the date of the final decision. The failure to submit a written appeal to the Town Clerk within fourteen (14) days shall be deemed to be a waiver of any and all rights to appeal the decision of the Board of Adjustments. The Board of Trustees shall hold a public hearing as soon as practical after receipt of a written request for appeal. The Board of Trustees shall utilize the same procedures and requirements for notice and standards for review as the Board of Adjustments, except that the Board of Trustees may affirm or overrule an appeal of a decision by the Board of Adjustments by a simple majority vote of the quorum present. A final decision of the Board of Trustees may [be] challenged in district court in accordance with Rule 106(a)(4), Colorado Rules of Civil Procedure, provided that such appeal is filed no later than thirty (30) days after the date of the final decision. (Amended Ord. No. 369)

Sec. 4-9 Waivers

- (a) Purpose. The City Council may authorize waivers from the City Land Use Code in cases where, due to exceptional conditions peculiar to the site, practical difficulties or an unnecessary hardship is placed on the landowner. Such waiver shall not be granted if it would be detrimental to the public good, create a conflict with the City Comprehensive Plan or impair the intent and purpose of this Code.
- (b) Waiver Application. The applicant shall submit the following to the City Clerk in conjunction with another application (i.e. zoning amendment):
Explanation Letter – identifying the waiver being requested and explaining what exceptional condition, practical difficulty, or unnecessary hardship exists to require the waiver. The letter shall also address how the waiver, if granted, will

not be detrimental to the public good, create a conflict with the City Comprehensive Plan or impair the intent and purpose of this Code.

- (c) **Waiver Criteria for Approval.** The condition of any waiver authorized shall be stated in writing in the minutes of the City Council with the justifications set forth. Waivers may be granted only if they meet the following criteria:

(1) The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.

(2) The waiver, if granted, is the minimum variance that will afford relief and is the least modification possible of the subdivision ordinance provisions which are in question.

(3) That such practical difficulties or unnecessary hardship has not been created by the applicant.

Sec. 4-10 Amendments

- (a) Initiation of Amendments to Text or Official Zoning Map. The City Council may from time to time, amend, supplement, change or repeal the regulations and provisions of this Article. Amendments to the text of the zoning code may be initiated by the City Council, City Staff, the Planning Commission, or by written application of any property owner or resident of the City. Amendments to the zoning district map may be initiated by the City Council, City Staff, the Planning Commission, or by a real property owner in the area to be included in the proposed amendment.

- (b) General Rezoning of the City. Whenever the zoning district map is in any way to be changed or amended incidental to or as part of a general revision of the zoning code, whether such revision be made by repeal of the existing zoning code and enactment of a new zoning code or otherwise, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of the proposed change, shall be waived. However, the proposed zoning map shall be available for public inspection in the City Hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.

- (c) Amendment Application Process. The zoning amendment application process is described in Articles 2 and 3.

- (d) Criteria for Amendments to the Official Zoning Map. For the purpose of establishing and maintaining sound, stable and desirable development within the City, the official zoning map shall not be amended except:

(1) To correct a manifest error in an ordinance establishing the zoning for a specific property;

(2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the City generally; or

(3) The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the City Comprehensive Plan; or

(4) The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the City Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan; or

(5) The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or

This declaration of criteria for zoning map amendments shall not control an amendment that occurs incidentally to a general revision of the zoning map.

(e) Criteria for Text Amendments to the Zoning Code. For the purpose of establishing and maintaining sound, stable and desirable development within the City, the text of this Article shall not be amended except:

(1) To correct a manifest error in the text of this Article; or

(2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the City Staff; or

(3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Article; or

(4) To further the implementation of the goals and objectives of the City Comprehensive Plan.

(f) Map – Amendment upon Zoning Establishment or Modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the City shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment and the initials of the person who checked and approved the change to the map.

Sec. 4-12 Zoning and Use of Wireless Telecommunication Services, Facilities and Equipment

(a) Permitted Zoning District. Wireless telecommunication services facilities shall be permitted only in the industrial zoning district (I).

(b) Use Permitted by Conditional Review. It is unlawful for any person to install or operate such a wireless telecommunication services facility unless a use by conditional review has first been approved by the City Council as provided in

Section 4-6 of this Article. The approval of such use by conditional review does not relieve the operator from otherwise complying with all applicable regulatory requirements of the City, state and federal governments.

- (c) Application Requirements. See Articles 2 and 3.
- (d) Review Criteria. The recommendation of the Planning Commission and the decision of the City Council shall be based on whether the applicant has demonstrated that the proposed wireless telecommunications services facility meets the following standards:
 - (1) The site plan complies with the foregoing requirements;
 - (2) The vicinity map complies with the foregoing requirements;
 - (3) The narrative for the application complies with the foregoing requirements;
 - (4) When applicable, compliance with the setback and height requirements;
 - (5) When applicable, compliance with the accessory building requirements; and
 - (6) When applicable, compliance with conditional mitigation co-location requirements as set forth.

The review criteria shall be included in the ordinance granting approval of the conditional use.

- (e) Height and Setback Requirements. In all performance districts where wireless telecommunications service facilities are allowed as uses by conditional review, the following apply:
 - (1) Roof- or building-mounted commercial mobile radio service facilities may protrude no more than five (5) feet above the parapet line of the building or structure, nor more than two and one-half (2½) feet outside of the building wall unless sufficient screening methods are demonstrated and accepted as part of the approval;
 - (2) Roof- or building-mounted whip antenna(s) of no more than three (3) inches in diameter, in groupings of five (5) or less, may extend up to twelve (12) feet above the parapet wall; and
 - (3) Applicable zoning setback requirements of this Article must be met. At a minimum, all freestanding facilities shall be set back at least three hundred (300) feet from all residentially zoned properties or residential structures on properties otherwise zoned.

- (f) Accessory Buildings Requirements.
 - (1) Accessory buildings located on the ground shall be no larger than four hundred (400) square feet and must be constructed of durable, low maintenance materials, architecturally compatible and integrated with existing buildings and

structures. Sites with greater than one hundred (100) cubic feet of cabinet area, visible from a public right-of-way or residentially zoned or used area, must enclose the equipment in accessory buildings.

(2) Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient.

(g) Building- or Roof-Mounted Facilities Requirements. Building- or roof-mounted facilities are to be screened from public view, either by screening, location or other techniques deemed sufficient.

(h) Freestanding Wireless Telecommunications Facilities Requirements. All freestanding wireless telecommunications facilities shall be designed and constructed in such a manner that they are:

(1) Capable of serving, through original construction, expansion or replacement, a minimum of two (2) users;

(2) Constructed as a monopole, which tapers toward the top of the pole to the degree allowed by structural requirements, unless some other decorative type of structure is proposed and approved;

(3) Of a neutral color, including fencing, buildings and cabinets, or to match existing buildings;

(4) Hold only lighting required by the Federal Aviation Administration; and no signage;

(5) No higher than fifty (50) feet from the ground, with an additional twenty (20) feet per co-locating user permitted, up to seventy (70) feet. Exceptions may be granted upon request by the applicant; and

(6) Constructed in accordance with a certified engineer's specifications and in compliance with all applicable U.B.C. provisions.

(i) Conditional Mitigation Measures Co-location.

(1) The City encourages co-location of wireless telecommunications facilities to minimize the number of sites.

(2) No wireless telecommunications facility owner or operator shall unfairly exclude a competitor from using the same facility or location. Unfair exclusion of use by a competitor may result in the revocation of the use by conditional review or site development plan.

(j) Application Fees. Each applicant shall pay a non-refundable processing fee of five hundred dollars (\$500.00) to reimburse the City for the legal, engineering and land planning costs of reviewing the application. Legal publication costs are in

addition to the five hundred dollars (\$500.00) and will be billed separately by the City. No permit will be issued until all fees are paid.

- (k) Abandonment. At the request of the City, the operator must furnish a statement to the City indicating the operational status of the facility. If the use has been discontinued, the date on which the facility was last used shall also be provided. Commercial mobile radio service facilities not used for a continuous period of six (6) months shall be disassembled within twelve (12) months of the last use.
- (l) Penalty. Any person who constructs, installs or uses, or who causes to be constructed, installed or used, any wireless telecommunications facility in violation of any provision of this Article or of the conditions and requirement of the conditional use permit, may be punished as provided in Article 6 of this Code. Each day of unlawful operation constitutes a separate violation.
- (m) Civil Action. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used or any land is or is proposed to be used in violation of any provision of this Article or the conditions and requirements of the commercial mobile radio service facility special use permit, the City Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to the prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

Sec. 4-12 Home Occupations

Home occupations must meet the following standards:

- (a) Medical, dental and real estate offices are not permitted as home occupations.
- (b) In addition to the family occupying the dwelling containing the home occupation, there shall not be more than one outside employee in the home occupation.
- (c) The employee and clients may park in on-street curbside parking spaces.
- (d) The home occupation shall not exceed one thousand (1,000) square feet or thirty (30) percent of the total square footage of the dwelling, whichever is less, or can be located in an accessory building not to exceed five hundred (500) square feet.
- (e) All exterior aspects of the home occupation operation shall not disrupt the residential character of the area.
- (f) The maximum number of clients which may visit the home occupation per day is ten (10).

Amendment to City of Creede Land Use Code. The City of Creede Land Use Code is hereby amended by adopting and adding the following language (Ordinance # 362, effective 2/11/11):

Sec. 4-13 Planned Unit Development (PUD) District

4-13-1 Intent. This Planned Unit Development (PUD) District is enacted pursuant to the Planned Unit Development Act of 1972 as amended (C.R.S. 24-67-101, et seq.). The PUD is intended to be used as an overlay zone district that supplements the underlying standard zone district. The intent and purpose of this district is to permit and encourage innovative design and high quality, master-planned developments on large parcels of land. This district is created to allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood. The PUD District is intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. PUD's are expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include exceptional design, and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure.

4-13-2 Permitted Uses. Uses permitted in the PUD District shall be those uses permitted in the underlying standard zone district for the property. An applicant for a PUD District may request modifications to the permitted uses of the underlying zone district to remove those uses that may be deemed incompatible or inappropriate for the overall PUD development. Conditional uses may be permitted if it can be demonstrated that such uses meet the conditional use review criteria for the underlying zone district(s).

4-13-3 PUD Restrictions and General Requirements. Properties utilizing the PUD District shall be subject to the following:

- a) There shall be no minimum land for PUD applications.
- b) The area of land for the PUD may be controlled by one or more landowners and must be developed under unified control of a unified plan of development.
- c) Areas designated as private streets and/or common open space including land, an area of water, or a combination of land and water within the site designated for a PUD which are designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PUD shall include provision for the establishment of an organization for the ownership and maintenance of such private streets and/or common open space areas unless other adequate arrangements for the ownership and maintenance thereof are provided in a manner acceptable to the City.
- d) All requirements set forth in this Code otherwise applicable to the area of land proposed for a PUD shall govern, except to the extent that the unified plan of development for residential, commercial, educational, recreational or industrial uses or any combination thereof may propose exceptions in lot size, bulk, type of use, density, lot coverage, open space, or other standards within the existing land use regulations.
- e) No PUD may be approved by the City without the written consent of the landowner whose property is included within the PUD.

4-13-4 PUD Approval Procedure. All PUD District applications shall be submitted and processed in the same manner as applications for zoning amendments as set forth in Section 3-3 Zoning Review Procedures of this Code. Where deemed appropriate, the City may elect to require a PUD District application to also submit a subdivision plat concurrently with a PUD District application and shall process such subdivision plat in accordance with submittal

requirements, procedures and standards for review set forth in Article V. To the extent practical, the City shall strive to combine public hearings and noticing requirements for both a PUD District application and accompanying subdivision plat application.

4-13-5 Approval by Ordinance. PUD Zoning and a PUD Plan shall be approved by ordinance.

4-13-6 Application Submittal Requirements. In addition to information required for zoning amendments in Section 2-4-1, a PUD District application shall include the following:

- a) A PUD District application fee.
- b) A PUD Plan which depicts various land use areas on the property.
- c) PUD Zoning, including permitted, conditional and prohibited uses, buildings and site standards, minimum lot sizes, and other applicable zoning regulations for various land use areas as depicted in the PUD Plan.
- d) A draft of all documents relevant to the PUD, including but not limited to proposed Development Agreements, Intergovernmental Agreements and/or Declarations for Common Owner's Associations.
- e) Written PUD description as part of the general development information which includes:
 - 1) List all subdivision regulation exceptions proposed for the PUD.
 - 2) Identify the underlying zoning district(s) for the property and describe any proposed modifications and/or restrictions to the allowed uses and/or standards within the district(s). If any conditional uses are requested, explain how the conditional use review criteria will be addressed.
 - 3) Identify and explain the benefits which will be provided by the PUD to offset the impact of the modifications requested (i.e., if the minimum lot size is decreased, additional functional, centrally located common open space will be provided; or if the width of the local street right-of-way is decreased by eliminating on-street parking, then there will be designated parking areas within 500 feet of all residences, etc.). All proposed benefits must offset the proposed modifications.
 - 4) Explain how the proposed PUD will be compatible with adjacent neighborhoods which now exist or are proposed in the future. Describe any proposed buffering techniques which serve to achieve such compatibility.
 - 5) Explain how the PUD supports and implements the City of Creede Comprehensive Plan.
 - 6) Explain any proposed phasing of the PUD.
 - 7) Explain the process to amend the PUD Zoning or PUD Plan if different than the Code.
 - 8) Provide any additional relevant information which the City may deem necessary.

4-13-7 PUD Review Criteria. The following review procedures shall be used when considering a PUD District application;

- a) The PUD addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments.
- b) The PUD rezoning will promote the public health, safety, and general welfare of the Creede community;
- c) The PUD rezoning is consistent with the City of Creede Comprehensive Plan and the purposes of this Code;
- d) Facilities and services (including roads and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
- e) The PUD rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
- f) The PUD rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract; and
- g) Future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

4-13-8 Amendments to a PUD Development Plan or PUD Zoning. Amendments to a PUD Development Plan shall follow the process for initial zoning of a PUD District and approval of a PUD Development Plan and PUD Zoning unless otherwise set forth in an approved PUD Development Plan or PUD Zoning. Written notice of a public hearing for an amendment to a PUD Development Plan or PUD Zoning shall be sent to all property owners within the PUD District area. Unless restricted by the terms of a development agreement granting vested property rights, any property owner within the PUD District or the Town Board of the City of Creede may initiate an Amendment to a PUD Development Plan or PUD Zoning.

4-13-9 Rezoning PUD Districts. A PUD district, or portions thereof, may be rezoned to another zone district or districts in accordance with the procedures and standards for zoning amendments set forth in this Code. Written notice of a public hearing for rezoning a PUD District shall be sent to all property owners within the PUD District area. Unless restricted by the terms of a development agreement granting vested property rights, any property owner within the PUD District or the Town Board of the City of Creede may initiate an application to rezone a PUD District.

ARTICLE 5

SUBDIVISION REGULATIONS

CHAPTER 5.00 GENERAL PROVISIONS

Sections:

5.00.10	Title.
5.00.20	Authority.
5.00.30	Jurisdiction.
5.00.40	Enforcement.
5.00.50	Statement of Purpose.
5.00.60	Severability.

5.00.10 Title. An Ordinance of the City of Creede, a Colorado Town establishing rules, regulations and standards governing the Subdivision of land within the Town, setting forth procedures to be followed by the Planning Commission and Town Board in applying the provisions of these Regulations, and setting forth penalties for the violations thereof. These Regulations shall be known and may be cited as the “Subdivision and Land Improvement Regulations of the City of Creede.” The Table of Contents and Appendices attached hereto are stand-alone documents that may be revised by the proper authority from time to time, and are included for convenient reference.

5.00.20 Authority. The Town is enabled by law to control the Subdivision of land within its corporate boundaries under Article 23, Title 31 of the Colorado Revised Statutes. The Planning Commission of the Town is vested with the powers and duties to develop and adopt Subdivision Regulations pursuant to C.R.S. §31-23-214.

5.00.30 Jurisdiction. These Subdivision and Land Improvement Regulations shall apply to parcels located within the corporate limits of the Town.

5.00.40 Enforcement.

- A. Whoever, being the owner or agent of the owner of any land located within a Subdivision, transfers or sells, agrees to sell, or negotiates to sell any land by reference to or exhibition of or by use of a Plat of a Subdivision before such Final Plat has been approved by the Planning Commission and recorded or filed in the office of the Mineral County Clerk and Recorder shall pay a penalty of one hundred dollars (\$100.00) to the City of Creede for each lot or parcel so transferred, or sold, or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this Section. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of competent jurisdiction and may recover the penalty by civil action in any court of competent jurisdiction.

- B. It shall be unlawful to erect, construct, reconstruct, use, or alter any building or structure or to use any land in violation of these Subdivision and Land Improvement Regulations.

- C. It shall be unlawful to violate any provisions of these Subdivision and Land Improvement Regulations or any provision of a Subdivision Improvements Agreement approved pursuant to these Subdivision and Land Improvement Regulations, and any person convicted of such a violation may be fined an amount not to exceed one thousand dollars (\$1,000.00). A separate offense shall be deemed committed during each day during which any violation continues.

- D. No building or water and sewer tap permit may be issued for development of property which violates these Subdivision and Land Improvement Regulations or a Subdivision Improvements Agreement approved pursuant to these Regulations and which violation has not been remedied in a manner satisfactory to the Town.

- E. The Town may bring an action in a court of competent jurisdiction to enjoin any violation of these Subdivision and Land Improvement Regulations or of a Subdivision Improvements Agreement entered into pursuant to these Subdivision and Land Improvement Regulations.

5.00.50 Statement of Purposes. The purposes of the Subdivision and Land Improvement Regulations are to:

- A. Promote and protect the **public health, safety and welfare.**

- B. Ensure that new development bears the costs of providing improvements and services resulting from the development of Subdivisions.

- C. Set forth uniform procedures and standards for handling all Subdivision plans.

- D. Maintain the rural atmosphere of the City of Creede by limiting future development to no more than one (1) single family dwelling unit on any single parcel, lot or site of land, and to require land size of no less than one (1) acre for any dwelling unit, except on currently existing approved subdivided properties containing lots of less than one (1) acre. Allowance of more than one (1) single-family dwelling unit per parcel shall be subject to approval by the Board of Trustees, contingent upon available water, water system capacity, road system capacity, compliant private access, adequate sanitation, the impact on adjoining properties, and the compatibility of the proposed development with surrounding properties.

5.00.60 Severability. If any one (1) or more sections or provisions of these Subdivision and Land Improvement Regulations are judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining sections or provisions, the intention being that the sections or provisions of these Regulations are severable.

CHAPTER 5.01
SUBDIVISION PROCEDURES

Sections:

5.01.10	Informal Consultation.
5.01.20	Land Use Application
5.01.30	Sketch Plan
5.01.40	Preliminary Plat.
5.01.50	Final Plat.
5.01.60	Amendment of Plats.
5.01.70	Boundary Adjustment.

The Subdivision of land shall be accomplished in accordance with the following procedures:

5.01.10 Informal Consultation. The owner/Subdivider, or his duly designated agent, is required to consult informally with the City Manager or Land Use Administrator/Planner prior to the planning or processing of the Preliminary Plan in order to acquire currently available information relating to the planning process. This consultation will cover subdivision procedures, zoning regulations and other land development questions. Following this consultation the applicant may request a Land Use Application that must be submitted to the City Manager thirty (30) days prior to the next Planning Commission meeting.

5.01.20 Land Use Application. A non-refundable fee is collected to cover the cost of review by the City Attorney, City Engineer, City Manager and any other expert whom the City may wish to employ as well as expenses associated with noticing, publishing, mailing and administrative expenses. The applicant is liable for any and all expenses that exceed the initial application fee.

1. Title Commitment and Survey: Title commitment and a survey by a state licensed engineer must be submitted with the Land Use Application. The title commitment and survey must no more than thirty (30) days from the date of the application.
2. Conveyance of Water Rights: In order to provide a continuing source of municipal water for the City of Creede, all Subdivisions may be required to transfer water rights or provide a fee in lieu thereof.

5.01.30 Sketch Plan. The sketch plan process is collaborative from the onset. The purpose of the sketch plan is two-fold. First, it provides the City the opportunity to describe the community's vision to the applicant. Second, it give the applicant an opportunity to discuss their development plans, explain how the plans will further the community's vision and obtain input and direction from the Planning Commission and City Council early in the process. The ultimate goal of this process is to help the applicant develop a plan that fosters the community's vision.

- A. The applicant will present a Sketch Plan, including three twenty-four by thirty-six inch (24" x 36" engineered maps and one reproducible copy no larger than eleven inches by seventeen inches (11" x 17") showing all water and sewer lines, drainage, grading and road plans including the easements and dedication plans.
- B. The Planning Commission will review and make their recommendations to the City Council.

5.01.40 Preliminary Plat. Upon approval or conditional approval of the sketch plan, the applicant shall proceed with the Preliminary Plat. Information to be provided with the Application shall be prepared by the Subdivider and made available to the public at the Town Hall thirty (30) days prior to the date of the first regular meeting with the Planning Commission, at which the Preliminary Plat is scheduled for a Public Hearing and formal review.

A. The submitted information shall contain the following items:

1. Addressed, stamped (return receipt) envelopes for all surface owners, mineral owners and utility companies, as their names appear upon the Plats or records in the Mineral County Clerk and Recorder's Office. Addresses shall be those most recently listed in a local telephone directory or other directory in general use, or as they appear on the tax records of Mineral County. The Town will notify each owner/lessee by certified return receipt mail. If the Subdivider is a corporation, the name and telephone number of the contact person must be included, along with the State in which the corporation is registered. The address of the principal place of business of the corporation and telephone number for the same shall also be included. If the Subdivider is other than a natural owner, the owner designating the person/entity as the agent for the owner shall submit a letter. The Application shall contain the name, address and telephone number of the contact person if different from the owner. The ownership information shall be supported by satisfactory evidence of title in the form of either:
 - a. A current title opinion of an attorney licensed to practice law in the State of Colorado; or
 - b. A current Title Insurance or Title Commitment issued by a title insurance company licensed to do business in the State of Colorado. Such evidence shall be deemed current if it shows title as of a date within thirty (30) days of submission of the Preliminary Plat. Title evidence shall cover the entire tract to be subdivided.
2. The City of Creede will mail a copy of the Preliminary Plat to all stakeholders, as well as a letter of intent to subdivide and notice of Public Hearing to all the property owners within one hundred feet (100'). All mailings will be sent by certified return receipt mail, by the Town at least twenty-five (25) days prior to the Planning Commission Public Hearing/preliminary review.
 - a. If the proposed Subdivision covers five (5) or more acres of land, the City of Creede shall send notice by certified mail of the Public Hearing to the Board of County Commissioners of Mineral County at least thirty (30) days prior to the Public Hearing.
 - b. If the proposed Subdivision is located adjacent to a State Highway, the City of Creede shall send notice by certified mail of the Public Hearing to the Colorado Department of Transportation, along with a copy of the plat, and surrounding ownership information.

3. Three (3) copies of the Preliminary Plat, plus one (1) reproducible copy no larger than eleven inches by seventeen inches (11" x 17"), and all supporting documents shall be submitted to the Town at least thirty (30) days prior to the meeting of the Planning Commission at which the Subdivider wishes to have the Plat considered. The Preliminary Plat shall:
 - a. Be a scaled drawing on twenty-four inch by thirty-six inch (24" x 36") media, with a scale of at least one inch equals one hundred feet (1" = 100') of the proposed Subdivision, and showing dimensions and angles of all lot lines.
 - b. Contain the name of the proposed Subdivision. If the parcel(s) is/are located in a platted Subdivision, the platted Subdivision name must be included.
 - c. Include a property description, location (nearest intersection) and acreage. This shall include the complete legal property description (often the legal description in the County Assessor's records) and the Mineral County Assessor's parcel map number. If the parcel(s) involved are in a previously recorded Subdivision, a copy of the Plat of the prior Subdivision shall be included. If a Subdivision Improvements Agreement or any other requirements by the City of Creede were required in the prior Subdivision, proof of completion or a statement of current status shall be included.
 - d. Include a map showing prominent topographical features and water features, including irrigation and drain ditches and existing improvements.
 - e. Include all easements, roads, and rights-of-way (water, sewer and drainage), existing and proposed, together with evidence that easements provided for electricity, telephone, cable television, and gas utilities are acceptable to the utility company, which will serve the property.
 - i. Centerline for all existing roads must be shown on the Preliminary Plat with a thirty foot (30') right-of-way.
 - ii. All newly created roads shall be named on the Plat.
 - f. Show sufficient easements for ditches or pipelines, together with the right of ingress or egress for maintenance purposes. The Subdivider's engineer shall certify that he has taken the necessary measures to ensure that the gradients of any such easements are adequate to properly dispose of waste water.
 - g. Special documents as needed by the Planning Commission or City Council, including but not limited to: Geologic Report, Landscape Plan, Open & Ecological Plan, Soils Report & Map, Flood Plain Report, Grading & Drainage Plan, Traffic Study, Historic Society Record Search and/or Block Diversity Plan as described in Article 6 Section 19.

4. A fire protection plan for submission to the local fire protection district, with a copy submitted to the City of Creede.
- B. All mailings will be sent by certified return receipt mail by the Town at least twenty-five (25) days prior to the Planning Commission Public Hearing/preliminary review.
 - C. Once an acceptable Preliminary Plat has been submitted in accordance with these Regulations, and before formal consideration of the Preliminary Plat, at least two (2) members of the Planning Commission shall conduct an on-site inspection of the property. A written report shall be done at the on-site inspection by either the Town staff to the Planning Commission, or a Planning Commission member, to include in the Subdivision file. It is mandatory that the property owner, or his duly designated agent, be present. No formal consideration will take place until such an inspection has been completed.
 - D. Notice of the Public Hearing shall be posted by the Town on the subject property for at least fifteen (15) days before the scheduled Public Hearing. The notice shall include: date, time and place of hearing; applicant's name; name and brief description of the proposed Subdivision; and the place and phone number where further information can be obtained.)
 - ~~D~~-E. The Planning Commission shall make its comments and suggestions concerning the Preliminary Plat, improvement plan and other submitted information at the Public Hearing, and shall refer the same to the Town Board, which shall make its review and recommendations. The owner/Subdivider shall be present. If unable to attend, the Town may require additional fees for re-notification by certified mail.
 - ~~E~~-F. Approval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the City Council. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted before action may be taken on a final plat.

5.01.50 Final Plat. No subdivided lot shall be sold or conveyed until: (1) a Final Plat has been approved and recorded in accordance with this Subsection; (2) there is full compliance with a Subdivision Improvements Agreement; and (3) there is full compliance with any other conditions imposed by the Planning Commission or by the Board of Trustees. A Subdivision Improvements Agreement shall be required for all Subdivisions. The Subdivision shall be developed in substantial conformity with the Final Plat and in accordance with any directives of the Planning Commission or the Town Board. No Final Plat may be submitted for final approval more than one (1) year after approval of the Preliminary Plan by the Town Board. A parcel shall not be re-subdivided for at least twenty-four (24) months following approval of the Final Plat and the date of such approval must show on the Final Plat. The Final Plat and all supporting documents and fees shall be submitted at least fifteen (15) days prior to the meeting of the Planning Commission at which the Subdivider wishes to have the Final Plat considered.

- A. The Final Plat shall be submitted to the Town as follows: Three (3) copies of the Final Plat, plus One (1) Mylar scaled on twenty-four inch by thirty-six inch (24" x 36") and one (1) reproducible copy no larger than eleven inches by seventeen inches (11" x 17"). In addition to the information required on the Preliminary Plan, the Final Plat shall also:
1. Show the acreage of the property located within the Town.
 2. Show the total number of lots with lot and block identification.
 3. Be drawn to a scale of not less than one inch equals one hundred feet (1" = 100'). The scale used, basis for bearing and direction of true North shall be shown on the Final Plat.
 4. Include these notes on the face of the Final Plat:
 Note: "This subdivision shall not be re-subdivided for twenty-four (24) months."
 Note (when applicable): "This Subdivision is located in a Flood Plain Area." (Give map number, Zone, and between numbers _____ & _____ of the FEMA Map.)
 Note: "Setbacks shall be measured from the most extended point of any overhang on any building. All buildings to be erected on subdivided lots shall meet the setback requirements for the designated zoning.
 5. Include a certificate of dedication for streets, roads, easements, rights-of-way or other property dedicated for public use as shown on the Plat executed and acknowledged before a notary public by all surface owners and lien holders on the face of the Plat.
 6. Include a certificate by a registered land surveyor, attesting to the accuracy of the survey and Plat, and placement of monuments. *(See Appendix A – Form of Certificates to Appear on Final Plat)*
 7. Include separate certificates of approval of the Plat for the Planning Commission and the Town Board. *(See Appendix A – Form of Certificates to Appear on Final Plat)*
 8. Include a certificate of recording to be executed by the Mineral County Clerk and Recorder. *(See Appendix A – Form of Certificates to Appear on Final Plat)*
- B. The following items shall be submitted with the Final Plat:
1. An update of the evidence of title submitted with the Preliminary Plan showing ownership of the surface and mineral estates, lessees of minerals, all liens, easements, reservations or other encumbrances.
 2. A Subdivision Improvements Agreement. *(Clyde, make example)*
 3. A copy of any restrictive covenants applicable to the Subdivision or lots therein.
 4. Road cross-section and layout, including curvature and alignment.
- C. The City of Creede will send notification by certified return receipt mail of the date, time and place of the meeting on the Final Plat at least twenty-five (25) working days prior to such meeting to all surface owners, mineral owners, lessees of mineral owners, and property owners within one hundred feet (100').

- D. The Planning Commission, at a regular meeting, shall approve or disapprove a Final Plat within thirty (30) days after submittal to the Planning Commission. If the Plat is disapproved, the reasons for disapproval shall be included in the minutes of the Planning Commission's proceedings and provided to the Subdivider and Town Board in writing. The time to issue a decision may be extended if the Subdivider agrees to such extension.
- E. Following approval of the Final Plat by the Planning Commission, the Plat shall be submitted to the Town Board for review. The Town Board shall, within thirty (30) days, either approve the Plat with or without conditions, or disapprove it if the Board finds that the Plat or Subdivision does not comply with these Regulations. Following approval by the Town Board and completion of all improvements as outlined in the Subdivision Improvements Agreement, the Final Plat shall be recorded with the Mineral County Clerk and Recorder by the Town, costs of which shall be advanced by the Subdivider.
- F. Approval of the Final Plat by the Planning Commission and Town Board shall not constitute an acceptance by the Town of the dedication of any road or other property shown upon the Plat. The City, only by specific action of the Board, shall accept the dedication of any lands for public use of any nature.

5.01.60 Amendment of Plats. Previously approved Final Plats may be amended for the purpose of correcting technical errors, or making minor changes which are not detrimental to the public interest. The amendment of plats will be subject to the procedures as outlined in Chapter 5.12, with the exception of the Noticing and Public Hearing requirement providing the following conditions apply:

- A. The proposed amended Final Plats shall be filed with the Town within the time allowed for filing any other Plat, and the Planning Commission, at its next regular meeting, shall review the same. The amended Plat shall be approved if it meets the following conditions:
 - 1. The amended Plat conforms in all respects to the requirements of these Regulations for a Final Plat.
 - 2. The number of lots shown on the amended Plat shall not exceed the number of lots shown on the original Plat.
 - 3. The proposed change or alteration shall not materially affect access to or utility services for any lots shown on the original Plat.
 - 4. The proposed change will not adversely affect the public interest.
 - 5. All owners of property materially affected by the amendment shall join the request for amendment and shall execute the amended Final Plat.
 - 6. The amended Final Plat may show only a portion of the property shown on the original Plat provided that the amendment does not materially alter the roadway or utility access to other lots not shown on the amended Plat, and that the amended Plat clearly describes the portion of the original Plat to be amended.
- B. The Town shall collect a fee for the review of a request for amendment.

- C. Any amendment request not in compliance with the conditions set forth above shall be deemed an application for re-subdivision and shall be handled in the same manner as original Subdivision applications.
- D. Upon approval of an amendment request by the Planning Commission, the same shall be referred to the Board of Trustees for review and approval. If approved by the Board, the Plat shall be recorded with the Mineral County Clerk and Recorder and the applicant shall pay the recording fee in addition to the fee established in item (B) above.)

5.01.70 Boundary Adjustment. This procedure is for the purpose of adjustments to lot lines of parcels only. A deed must be separately executed in order to actually transfer the property. If it is determined that the applicant is using the Boundary Adjustment process to circumvent the Subdivision process, the applicant shall be required to comply with the Informal Consultation, Preliminary Plan and Final Plat processes of Chapter 5.12 of these Subdivision and Land Improvement Regulations.

- A. This procedure should not:
 - 1. Create additional lots.
 - 2. Reduce lot sizes to below the minimum sizes and dimensions required in these Regulations.
 - 3. Be used for extensive replatting of an existing Subdivision.
 - 4. Create a new Subdivision name. If the parcel is located in a platted Subdivision, the platted Subdivision name must be used.
- B. The applicant shall submit the following information to the Town at least fifteen (15) days before the next regular meeting of the Planning Commission when applying for a Boundary Adjustment:
 - 1. Completed Application.
 - 2. Appropriate fees for the Boundary Adjustment review, inspection and certified mailing fees, payable to the City of Creede.
 - 3. Proof of ownership shown by deed(s). If the owner has an agent representing him/her, a letter from the owner designating an agent to process the Boundary Adjustment must also be submitted along with the deed(s).
 - 4. Three (3) copies, plus one (1) reproducible copy no larger than eleven inches by seventeen inches (11" x 17"), of the Preliminary Plan on twenty-four inch by thirty-six inch (24" x 36") media with a scale of at least one inch equals one hundred feet (1" = 100') of the proposed Boundary Adjustment. The Survey shall include:
 - a. Dimensions and angles of all lot lines.
 - b. All easements, roads, and rights-of-way, including location and dimensions.
 - c. Vicinity map showing location of property in context of Mineral County.

CHAPTER 5.02
REQUIRED IMPROVEMENTS AND SURETY

Sections:

- 5.02.10 Required Improvements.
5.02.20 Subdivision Improvements Agreement, Security and Approval.

5.02.10 Required Improvements. *No lots shall be sold within the Subdivision until these improvements are completed.* If the Subdivision Improvements Agreement allows a Phased Development and contains a schedule of improvements completed, the sale of lots may be permitted, provided the Town has accepted the improvements and specifies, in writing, the lots that will be eligible for sale and those that will not, according to the schedule. In no case shall the required surety for improvements be released by the Town until all improvements are completed and the warranty period expired. The following improvements shall be constructed at the expense of the Subdivider as set forth in the Subdivision Improvements Agreement and in accordance with design standards provided in these Regulations:

- A. Intermediate Roads, Main Roads or Private drives and/or access Public Roads, as applicable.
- B. A domestic water, sewer and drainage distribution system.
- C. Power, telephone, cable television and/or natural gas lines shall be provided by the Subdivider to each individual lot line and, where crossing any public or private road, shall be installed underground.
- D. Water rights in an acceptable form must be tendered to the Town fulfilling the requirements of Section 5.01.20(2).
- E. Fire protection as approved by Mineral County Fire District and the Town.
- F. Any other improvements required by the Board of Trustees.

5.02.20 Subdivision Improvements Agreement (SIA) or Memorandum of Agreement for Public Improvements (MOAPI), Security and Approval.

- A. No Final Plat shall be approved or recorded until the Subdivider has submitted, and the Planning Commission and the Town Board have approved, a Subdivision Improvements Agreement or Memorandum of Agreement for Public Improvements (MOAPI) guaranteeing the construction of improvements shown in the Final Plat documents, which have not previously been completed and approved by the Town. Such Agreement shall set forth a method and a time schedule for construction of said improvements. The SIA and/or MOAPI shall run with and be a burden upon the land described in the agreement.
- B. The Subdivision Improvements Agreement shall contain a security arrangement approved by the Town, which reasonably guarantees that the required improvements shall be completed. The guarantee may take the form of a performance bond or an irrevocable letter of credit. Such security arrangement shall provide that the Town may cause the improvements to be completed if not completed pursuant to the timetable specified in the Subdivision Improvements Agreement. The cost of completion then will be paid pursuant to the security arrangement. The amount of security posted shall not limit the liability of the Subdivider to pay for the full cost of completion of the improvements.
- C. The security shall not be released until the Town has inspected the improvements and accepted them as completed in accordance with the Subdivision Improvements Agreement and the warranty period has expired. The agreement shall require letters or receipts from all utility companies stating the required installations have been completed and paid for before the security is released.
- D. The Subdivider shall be responsible to correct and repair any defect in any improvements due to materials or workmanship which appears for a period of two (2) years from the date of approval of completion.

CHAPTER 5.03
MINIMUM DESIGN & CONSTRUCTION STANDARDS

Sections:

- 5.03.10 Minimum Road and Street Requirements.
- 5.03.20 Water Distribution Systems.
- 5.03.30 Other Utilities.
- 5.03.40 Fire Protection.
- 5.03.50 Setbacks.
- 5.03.60 Variances.

5.03.10 Minimum Road and Street Requirements. The following requirements are intended to provide for orderly development now, and to help prevent unforeseen problems in the future. Every lot in the Subdivision shall be served by a private or public street, road or right-of-way sufficient to provide perpetual access to a public roadway.

A. *Right-of-Way Width.*

1. The right-of-way width for Intermediate Roads shall be not less than sixty feet (60') in width, and may include any other easements such as utilities or ditches. If the road is to be private, the Subdivider shall convey it conveyed to a homeowners' association organized, at least in part, for the purpose of maintaining such roads. If the road is to be a public road, it shall be built to Town specifications and dedicated to public use on the face of the Plat.
2. The right-of-way width for all Main Roads shall be not less than sixty feet (60') in width, and shall not include any other easements such as utilities and ditches, shall be built to Town specifications and dedicated to public use on the face of the Plat.
3. The right-of-way width for all cul-de-sacs shall be not less than one-hundred six feet (106') in diameter, shall not include any other easements such as utilities and ditches, and shall be built to Town specifications.
4. If an existing Town right-of-way is less than twenty-five feet (25') from the centerline, the owner of the land to be subdivided is required to give an easement for future Town road expansion.

B. *Minimum Design Standards for Roads.*

1. The design and construction of Private Drives shall be a private matter among the parties involved. Private Drive accesses to public roads shall conform to Town standards. (See Section 5.03 - Road Specifications).
2. The design of Intermediate and Main Roads shall be prepared by a professional engineer registered in the State of Colorado, and shall be done in accordance with standards and specifications established by the Town. (See Section 5.03 - Road Specifications).
3. Intermediate and Main Roads dead-ending within the Subdivision shall have a cul-de-sac with a diameter of not less than one hundred feet (100’).
4. Culverts used in driveways or roads shall be no less than twelve inches (12”) in diameter, or larger if required, and all culverts shall be no less than two feet (2’) wider on each side than the minimum width of the driveway or road.)
5. Where driveways or roads must cross concrete ditches, a suitable ramp must be placed over the ditch in such a manner as not to constrict the volume or flow of the ditch.
6. In Subdivisions of less than ten (10) lots in which design standards for Intermediate Roads are otherwise applicable, if a road serving such a Subdivision has more than one (1) connection to a public road, it shall be a Main Road.)
7. Any roads within a Subdivision shall meet the maximum road requirements for the total number of lots within that Subdivision. For example, if a Subdivision contains ten (10) or more lots, each road within the Subdivision shall meet the requirements for a Main Road.)

C. *Special Conditions Regarding Road Requirements.* Where special, hazardous, or unusual conditions exist, the Planning Commission and/or the Town Board may require design standards which exceed the minimum requirements contained in this Section, if necessary, to ensure that the purpose of these Subdivision and Land Improvement Regulations are fulfilled.)

D. *Construction of Roads.* Construction of all Intermediate and Main Roads, in accordance with approved design standards, shall be the responsibility of the Subdivider.

- E. *Completion of Construction.* Upon completion of construction of any street or road, the right-of-way for which has been dedicated to public use, the Subdivider shall give written notice of such completion to the Town. If the Board of Trustees determines that the road has been properly constructed to all of the applicable road standards, it shall forthwith accept the same by appropriate Resolution, whereupon the Town shall become responsible for the maintenance of the street or road. The Subdivision Improvements Agreement shall provide for the inspection of each phase of construction of such roads by the Town's designated agent.)

5.03.20 Water and Sewer Distribution Systems and Taps.

- A. *Water and Sewer Distribution Systems.* All water and sewer distribution systems to be dedicated to and operated by the Town, shall be designed and constructed in accordance with Standards and Specifications of the Town (Ordinance 334).
- B. *Line Extensions.* All water and sewer line extensions shall be accomplished and paid for in accordance with the Standards and Specifications of the Town (Ordinance 334). Fire flow charges will also be applied as stated in Section 5.03.
- C. *Private Systems.* No new privately owned and operated water systems will be allowed in the City of Creede. Any such systems which will receive their supply from the Town shall be supervised during installation by the Town, and shall have a leak test meter at the Town's main. All such systems shall meet the requirements of item (A) above.

5.03.30 Other Utilities. Where the Subdivider provides power, telephone, cable television or natural gas distribution systems, design and construction of such systems shall be in accordance with standards and specifications established by the applicable utility and Town regulations.

5.03.40 Fire Protection. A fire protection plan based on the current recommendations of Mineral County Fire District.

When a development requires a line extension, the developer may be required to pay to the Town a Fire Flow Surcharge. Fire flow charges are intended to offset costs associated with the increased storage and line size capacity necessary to sustain pressure and volume to customers during fire flow demands. The developer is still required to install new fire hydrants as required by the Town's Subdivision and Land Improvement Regulations.

5.03.50 Setbacks. Setbacks shall be measured from the most extended point of any overhang on any building. All buildings to be erected on subdivided lots shall meet the minimum setback requirements as applicable to the existing zoning.

5.03.60 Variances. The Planning Commission may recommend, and the Town Board may approve, a deviation from the standards if it determines that unusual topography or undue hardship exists, and that alternative standards will effectively protect the public health, safety and welfare and achieve the purposes of these Regulations.

CHAPTER 5.04
DEFINITIONS

Sections:

5.04.10	Boundary Adjustment.	5.04.15	Cul-de-Sac.
5.04.20	Designated Agent.	5.04.25	Driveway.
5.04.30	Easement.	5.04.35	Final Plat.
5.04.38	Line Extension.	5.04.40	Lot.
5.04.45	Lot Line.	5.04.50	Person.
5.04.55	Phased Development.	5.04.60	Preliminary Plan.
5.04.65	Right-of-Way.	5.04.70	Roads.
5.04.75	Subdivider.	5.04.80	Subdivision.
5.04.85	Subdivision Improvements Agreement.		

For the purposes of these Subdivision and Land Improvement Regulations, the following definitions shall apply:

5.04.10 Boundary Adjustment (Re-Plat). A revised description of a previously platted and legally approved subdivision, subject to the review procedures described in this code.

5.04.15 Cul-de-Sac. An enlarged turn-around area at the terminus of a dead-end road.

5.04.20 Designated Agent. Any person designated by the property owner(s) to act on behalf of the property owner(s) during the process of submitting an application for a Subdivision of land, amendment of existing plats of subdivided land or boundary adjustments. Such designation must be in writing, dated, with the signature(s) of the property owner(s).

5.04.25 Driveway. A private drive, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

5.04.30 Easement. That portion of land or property reserved for present or future use by a person or agency other than the legal owner of the property; or a strip of land used for or dedicated to utilities and/or their installation.

5.04.35 Final Plat. The final map of a Subdivision or Boundary Adjustment, showing the boundaries and location of lots, streets, easements, and any other information as required.

5.04.38 Line Extension. Any extension or replacement of the Town's water or sewer lines.

5.04.40 Lot. A portion of parcel of land considered as a unit. The term 'lot' may be used interchangeably with 'parcel,' 'site,' or other similar term.

5.04.45 Lot Line. A line dividing one lot from another or from a street or any public place.

5.04.50 Person. Any individual, corporation, partnership, or other legal entity.

5.04.55 Phased Development. Subdivisions with ten (10) or more lots may be eligible for phased development which would allow the sale of lots after an approved level of improvements have been completed in accordance with a schedule set forth in the Subdivision Improvements Agreement. In no case shall the surety for the Agreement be released until all improvements have been completed and accepted by the Town and the required warranty period has expired.

5.04.60 Preliminary Plat. A map indicating the proposed layout of the Subdivision or Boundary Adjustment/Re-Plat showing lots, streets, water, sewer, storm drainage, and/or any other information required in Chapter 5.02 of these Regulations.

5.04.65 Right-of-Way. A strip of land dedicated to, or over which is built, public streets, sidewalks or alleys.

5.04.70 Roads. Roads referred to in these Regulations are classified as follows:

- A. Private Drive. A road serving no more than two (2) lots.
- B. Intermediate Road. A road serving more than two (2) but less than ten (10) lots, and having only one (1) connection to a public road. An Intermediate Road within a Subdivision containing ten (10) or more lots shall be considered a Main Road and shall meet the Town Road Specifications (see Section 5.03 – Minimum Design & Construction Standards).
- C. Main Road. A road serving as the sole access to ten (10) or more lots and having only one (1) connection to a public road, or any road serving three (3) or more lots and having more than one (1) connection to a public road or roads. Such roads must be constructed to specifications detailed in Section 5.03. Upon acceptance by the Town Board of Trustees, such roads shall be deeded to the Town.

5.04.75 Subdivider. Any person, who is the property owner or his duly designated agent, engaged in the planning, development and sale of a Subdivision or subdivided land.

5.04.80 Subdivision. The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or in the future, of sale or of building development. The following will not be considered a Subdivision unless the method of disposition is used to avoid the purposes of these Regulations:

- A. A division of land, which is created by order of any court in this State or by operation of law or by eminent domain.
- B. A division of land, which creates cemetery lots.
- C. A division of land, which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants-in-common, and any such interest, shall be deemed for the purposes of these regulations as only one (1) interest.
- D. A division of land created by acts of the Town.

5.04.85 Subdivision Improvements Agreement. An agreement which shall be required by the Town to assure the construction of improvements required by these Regulations and the approved Subdivision Plat and plans, and shall include performance bonds or irrevocable letter of credit, payable to the Town through final date of the required warranty period (see Section 5.02.20).

STATE OF COLORADO)
) ss.
CITY OF CREEDE)

The foregoing Certificate of Dedication and Ownership was acknowledged before me this
____ day of _____, 20__ by _____
_____.

Notary Public

(SEAL)

APPROVED by the Planning Commission of the City of Creede, Colorado on this ____
day of _____, 20__.

Chairman

APPROVED by the Board of Trustees of the City of Creede, Colorado on this ____ day of
_____, 20__.

Mayor

ATTEST:

City Clerk

(SEAL)

ACCEPTED FOR FILING in the office of the County Clerk and Recorder of Mineral
County, Colorado, on this ____ day of _____, 20__.

Mineral County Clerk and Recorder

**ARTICLE 6 – COMMUNITY DESIGN PRINCIPLES
AND DEVELOPMENT STANDARDS**

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Article 6 – Community Design Principles and Development Standards

Sec. 6-1 General Provisions

- (a) Applicability. All development applications and building permit applications shall comply with the applicable standards contained in Article 2.

- (b) Relation to Zone District Standards (Section 4-6). In the event of a conflict between a standard or requirement contained in Section 4-6 and Article 6, the standard in Section 4-6 shall prevail.

Sec. 6-2 Vision and Intent

The intention of the City in enacting this Article is to clearly describe the Town’s vision and to create a vital, cohesive, well-designed community in order to enhance its small-town character and further the citizens’ goals as identified in the City Comprehensive Plan.

Sec. 6-3 Town Pattern Plan

The purpose of the Town Pattern is to give the City the opportunity to create and describe a vision for expansion of the community in enough detail to influence the vitality and character of the growth. It is intended to guide the development but not to replace the landowner’s final design and input. The goal is to give adequate direction to landowners so that they can work collaboratively with the City to accomplish mutual goals.

Sec. 6-4 Application of Community Design Principles

The community design principles as set forth in this Section are to be considered in every development proposal. The City’s goal is to expedite the planning review process by clearly outlining the City’s expectations for new development. To this end, the Planning Commission requires applicants to participate in a Visioning Meeting prior to preparing the site plan application (refer to Section 4.5). The Visioning Meeting is an initial meeting between the developer and the Planning Commission. It is intended to begin a collaborative process to ensure that new development is consistent with the community’s goals and that issues are identified early in the process.

The City Planning Commission and City Council will evaluate each proposal based on these principles and the context within which a project is located. The principles are intended to be specific enough to guide development, but not to preclude creative design solutions.

Sec. 6-5 Design Elements

One of the greatest challenges facing small towns is the successful integration of new development with the original town pattern. Suburban development patterns which have included numerous cul-de-sacs and limited street connections have often separated communities and created enclaves of the original towns. In order to maintain City's unique, small town character and clearly describe the City's vision, the following design elements have been set forth within Article 6.

- (a) Compact Urban Growth. As the community grows from the original Town limits, development should occur such that natural areas are preserved and public infrastructure and utilities are used as efficiently as possible.
- (b) Neighborhood Design. New developments should help create neighborhoods, rather than residential subdivisions adjacent to one another. Neighborhoods should be organized around a strong center which may include elements such as common open space, civic and commercial or mixed uses. Strong consideration should be given to pedestrian movement, the character of streets and sidewalks as inviting public space, and the interconnectedness of the streets within the neighborhood and as they connect to the rest of the community. In addition, new neighborhoods should have a variety of housing sizes and types that help to create a distinct identity rather than a monotonous replication of styles.
- (c) Blocks and Lots, Streets and Sidewalks. The layout of lots and blocks should be designed to continue City's existing block pattern to form a grid or modified grid pattern that is adapted to the topography, natural features and environmental considerations. The streets should be interconnected in order to create a comprehensive transportation network that facilitates the movement of pedestrians, cars and bicycles.
- (d) Parks and Open Space. New developments shall use natural open spaces and developed public space (such as parks and plazas) to organize and focus lots, blocks and circulation patterns, protect natural areas and quality agricultural land and to create an identity for each neighborhood.
- (e) Site Design, Architecture and Landscaping. One of the fundamental intentions of this Code is to encourage innovative, quality site design, architecture, and landscaping in order to create new places that can be integrated with the existing community and reflect the traditional patterns of the region. The photographic Design Vocabulary (6-26), as well as illustrations throughout the Code are intended to provide a visual description of the Town's design intentions.
- (f) Environment. New developments shall be designed to fit within the environment. Sites shall be designed to preserve natural areas and the plants and wildlife inhabiting those areas. In addition, new developments are encouraged to follow Green Builder Guidelines (see Section 6-22) and to conserve natural resources, especially water.

- (g) Water Conservation. City residents have emphasized the importance of preserving the quality and quantity of water. All new development is encouraged to use raw water for irrigation of subdivision areas and to incorporate water-saving measures in building design and landscaping. Developments are required to use storm water management techniques that address water quality as well as quantity.

Sec. 6-6 Compact Urban Growth

- (a) Intent. The City has adopted a compact urban growth policy that encourages and directs development to take place within areas contiguous to existing development in the community. This policy will accomplish several goals, including:

- (1) Improving air quality by reducing vehicle miles traveled and by promoting alternatives to the private automobile;

- (2) Preserving natural areas and features, particularly in the periphery of the City;

- (3) Making possible the efficient use of existing infrastructure and cost effective extensions of new services;

- (4) Encouraging in-fill development and reinvestment in built-up areas of the City.

- (b) General Provisions.

- (1) The City has established a Planning Area Boundary and desires to adopt a cooperative planning area policy with Mineral County and the U.S. Forest service. The purpose is to direct growth within the established Planning Area Boundary. It is the City's intent that no development shall be approved unless it is located within the established Planning Area Boundary and is consistent with the City Comprehensive Plan.

- (2) It is the policy of the City to ensure the community grows in a way that enhances its special qualities and maintains a continuity of density, diversity and interconnectedness:

- a. *Primary Mixed Use.* Directs the most urban development closest to the original Town.

- b. *Primary Industrial/Business.* Establishes the *State Highway/Interstate* corridor as the primary location for industrial/business park development.

- c. *Conservation Subdivision.* Limits residential density and preserves open space in areas at the edge of the Planning Area Boundary (rural/urban interface) .

d. *Protected Natural Areas.* Preserves continuous open space along drainage ways and flood channels.

e. A flood drainage plat is required.

These districts are to be used as a general guide in conjunction with the underlying land use designations on the Comprehensive Plan Future Land Use Map.

Sec. 6-7 Neighborhood Design Principles

- (a) Intent. To encourage the creation of viable neighborhoods that interconnect with each other and integrate new projects into the existing community, thereby strengthening the original town. The neighborhood layout should consider the street, lot and block pattern of the original town, as well as solar orientation, topography, sensitive wildlife and vegetation, drainage patterns, and environmental and regional climate issues. Further, the edges of neighborhoods should be formed by features shared with adjacent neighborhoods such as major streets, changes in street pattern greenways or natural features such as streams and major drainage or riparian corridors. New streets, bikeways, sidewalks, paths, and trails should connect to existing adjacent neighborhoods.
- (b) Neighborhood Structure. Following is a summary of essential elements to consider integrating into new neighborhoods:
- (1) Street, sidewalk and trail connections within new neighborhoods that connect to adjacent existing neighborhoods and strengthen the connection to the existing town.
 - (2) Streets that encourage pedestrian activity by creating an inviting atmosphere through attention to the details of landscaping, sidewalks, lighting and the building architecture, etc.
 - (3) A variety of housing types, sizes, densities and price range that are well integrated.
 - (4) A variety of land uses that are well integrated and a transition of intensity. Non-residential uses, larger buildings and attached multi-family housing should be encouraged to be located near commercial centers with a transition to smaller buildings closer to low density neighborhoods.
 - (5) Pedestrian and bike connections throughout residential neighborhoods and linked to neighborhood commercial or civic centers and open space systems.
 - (6) Parks, open space, public plaza and greens that are well integrated into the neighborhood.

(7) Architectural, landscaping and site design elements of new developments as outlined in this Article.

- (c) General Provisions. The following principles are contained in the original “old town” of City. The Comprehensive Plan identifies them as contributing to the community’s small town character. Although the size of individual development proposals will vary, projects will be evaluated with consideration to these neighborhood design principles and the context within which a project is located. Failure to incorporate these design principles into a project may be cause for denial of the project by the City Council.

(1) Mix of Types of Dwelling Units. A mix of dwelling unit types shall be distributed throughout the development. (Refer to Section 6-19 Residential Architecture, for additional housing requirements and Section 6-26 Design Vocabulary, for illustrations of housing styles that the City is encouraging.)

(2) Public Space as Development Framework. Public space is used to organize blocks and circulation patterns and to enhance surrounding development. Public open space should be functional and easily accessible.

(3) Design Streets as Public Spaces. Buildings shall define streets through the use of relatively uniform setbacks along each block. The streetscape may also be reinforced by lines of shade trees planted in the right-of-way landscape strip and may be further reinforced by walls, hedges, landscaping or fences which define front yards where appropriate. (Refer to Section 6-26 Design Vocabulary for illustrations of streetscapes.)

On a lot with multiple buildings, those located on the interior of the site shall relate to one another both functionally and visually. A building complex may be organized around features such as courtyards, greens, or quadrangles which encourage pedestrian activity and incidental social interaction. Smaller, individualized groupings of buildings are encouraged. Buildings shall be located to allow for adequate fire and emergency access.

(4) Order Rather Than Repetition. The orderly arrangement of design elements can unify a space even when the elements are not the same. The location of sidewalks relative to streets, building setbacks and orientation, and the placement of trees can all help create an overall impression of unity even though each home or building has a distinct character.

(5) Use Human Proportion. Buildings shall be considered in terms of their relationship to the height and massing of adjacent buildings, as well as in relation to the human scale. (This means generally one, two and three story buildings.)

(6) Define the Transition Between the Public and Private Realm. Buildings shall be located to front towards and relate to public streets or parks, both functionally and visually, to the greatest extent possible. Wherever possible, buildings shall not be oriented to front towards a parking lot.

(7) Encourage Walking and Bicycling. Sites shall be designed to minimize conflicts between vehicles, bicycles and pedestrians. Pedestrian and bicycle access and connections shall be designed to make it safe and easy to get around on foot and by bicycle.

(8) Neighborhoods Shall Have a Mix of Activities Available Rather Than a Purely Residential Land Use. Neighborhood residents shall have convenient access to parks, schools, open space, trails and services.

(9) Fit Within the Environment Rather Than on Top of It. New developments shall be designed to respond to the natural environment, fit into the setting and protect scenic view corridors. Key design considerations shall include a site layout that responds to natural features both on- and off-site, the size of structures and materials used in the development and the transition between the development and the surrounding landscape.

(10) Encourage a Range of Residents In Every Neighborhood. Housing types and the size of lots shall be varied to enable people to remain in the neighborhood as their needs change. (Refer to Section 6-26 for illustrations of architectural styles that the City is encouraging.)

(11) Housing Types and Styles That Reflect the Architecture of the Region. Familiar architectural styles shall play an important role in developing an architectural identity for neighborhood dwellings. New homes shall be designed consistent with the architectural principles outlined in Section 6-19 of this Code.

Sec. 6-8 Blocks and Lots

- (a) Intent. The intent of the block and lot standards is to continue existing block pattern in a manner that is compatible with site-specific environmental conditions.
- (b) General Provisions.

(1) Blocks (Exclusive of Conservation Subdivisions). Streets shall be designed to create blocks that consider interconnectedness, topography, solar orientation, views, and other design features. The lengths, widths and shapes of blocks shall be determined with due regard to the following:

a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

b. Need for convenient access, control and safety of vehicular and

pedestrian traffic circulation.

c. Limitations and opportunities of topography.

(2) Lot Dimension and Configuration.

a. *Lot size, width, depth, shape, and orientation and minimum building setback lines* shall conform to Article 4 - Zoning and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view.

b. *Depth and width* of properties shall be adequate to provide for off-street parking, landscaping and loading areas required by the type of use and development contemplated.

c. *Lot Frontage.* All lots shall have frontage that is either adjacent to or directly accessible to a street. Street frontage shall typically not be less than twenty-five (25) percent of the lot depth. Flag lots are prohibited unless otherwise approved by the City Council.

d. *Corner Lots.* Corner lots for residential use shall have extra width to accommodate side elevation enhancements, such as porches and bay windows, the required building setback and utility easements on both street frontages. For a corner lot, the front of the lot is defined as the side having the shortest street frontage. In the case of a reverse corner lot, both sides abutting a street shall maintain a front yard setback. See Figure 6-5.

e. Consultation on design of subdivision of any land within city limits or planned annexation is necessary.

e. *Double Frontage.* Double frontage lots for residential shall not be permitted except where essential to provide separation of residential properties from arterial streets or commercial uses, or to overcome specific disadvantage of topography and orientation. A planting screen easement of at least ten (10) feet in width, across which there shall be no vehicular right of access, may be required along the property line of lots abutting an arterial or other disadvantageous use. See Figure 6-6.

f. *Side Lot Lines.* Side lot lines shall be substantially at right angles or radial to road right-of-way lines or centerlines.

g. *Residential Lots Adjacent to Arterial Streets.* When residential lots are adjacent to, and the houses do not face an arterial street (i.e., rear yards abut the street), they shall be a minimum of one hundred fifty (150) feet deep and direct access to the street shall be prohibited, except for nonconforming situations on unplatted parcels. The setback to the house shall be a minimum of seventy-five (75) feet. When houses face the

arterial street or are side loaded relative to the street, the front or side setback to the house, respectively, shall be a minimum of fifty (50) feet. These setbacks do not apply for mixed use dwelling units in the B-1 and B-2 zone districts. Additional buffering techniques must also be applied such as those outlined in the Landscape Design, Section 6-16, Buffering and Screening Techniques.

h. Residential Lot Access to Adjacent Street.

i. Driveway access to a local or collector street from a single-family detached residential lot shall be limited to one driveway curb-cut or driveway access of no greater than twenty (20) feet in width. A circular drive in which each access to the local or collector street is less than ten (10) feet in width, separated by at least thirty (30) feet and which is constructed as an integral part of the overall architectural design of the single family residence may be considered as a single driveway access.

ii. Driveway access to a local street from a single-family detached residential lot shall be greater than fifty (50) feet (except for reduced width lots in Mixed Use Zones) from the intersection of the local street and a collector street or one hundred twenty-five (125) feet from the intersection of the local street and an arterial street as measured from the intersecting right-of-way lines.

iii. Driveway access to a collector street from a single-family detached residential lot shall be greater than one hundred twenty-five (125) feet from the intersection of the collector street and a local street, another collector street, or an arterial street as measured from the intersecting right-of-way lines.

h. Multi-family Residential, Commercial, Business and Industrial Lot Access to Adjacent Street.

i. Driveway access to a local or collector street from a multi-family residential, commercial, business or industrial lot shall be greater than one hundred twenty-five (125) feet from any street intersection as measured from the intersecting right-of-way lines;

ii. Driveway access to an arterial street from a commercial, business or industrial lot shall be not less than two hundred fifty (250) feet from any intersection on the arterial street, or from another commercial, business or industrial lot's access as measured from the intersecting right-of-way lines, or driveways; or

iii. At the sole option of the City, driveway access to a local street,

collector street or arterial street from a multi-family residential, commercial, business or industrial lot shall be as determined by a traffic study approved by the City.

Sec. 6-9 **Streets**

6-9-1 Intent. The intent of the street standards is to establish a safe, efficient, attractive transportation system that promotes all modes of transportation and is sensitive to the environment.

6-9-2 *General Provisions.* The local street system of any proposed development shall be designed to be safe, efficient, convenient and attractive, and consider the use by all modes of transportation that will use the system. Streets should be an inviting public space and an integral part of community design. Local streets shall provide for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them. All streets should interconnect to help create a comprehensive network of public areas to allow free movement of cars, bicycles and pedestrians.

- (a) Street Connections. All streets shall be aligned to join with planned or existing streets as allowed by topography. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at right angles unless otherwise approved by the City. Street intersections shall be separated by not less than one hundred twenty-five (125) feet as measured from the intersecting right-of-way lines.
- (b) Street Layout. The street layout shall form an interconnected system of streets primarily in a grid or modified pattern adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas. The street layout shall emphasize the location of neighborhood focus points, other internal open space areas, gateways, and vistas. The use of cul-de-sacs and other roadways with a single point of access shall be minimized. The integration of traffic calming features within and adjacent to residential areas shall be utilized when appropriate. All streets shall be designed with snow removal taken into consideration.
- (c) Controlling Street Access. A strip of land between a dedicated street and adjacent property shall not be reserved for the purpose of controlling access to such street from such property.
- (d) Visibility at Intersections. No shrubs, ground cover, berms, fences, structures, or other materials or items greater than thirty (30) inches in height shall be planted, created or maintained at street intersections within the site distance triangle. Trees shall not be planted in the site distance triangle.

- (e) Pedestrian Crossings at Street Intersections and Mid-block. Pedestrian crossings shall be accessible to handicapped individuals and mid-block crossings may be required at the direction of the City Council.
- (f) Horizontal Alignment. Horizontal alignment shall provide for the safety of pedestrians, bicyclists, and motorists. The street pattern shall be the most advantageous to serve the adjoining areas.
- (g) Vertical Alignment. No vertical grade shall be less than four-tenths (4/10) percent in order to facilitate adequate drainage. The maximum percent of street grade, except as approved by the City Engineer, shall be five (5) percent. Street grades shall not exceed four (4) percent for a distance extending at least forty (40) feet in each direction from a street intersection.
- (h) Access. Access to all subdivisions shall be from a public street system. Driveways shall not be permitted to have direct access to arterials or state highways (principal arterials).
- (i) Street Right-of-Way Dedication. The full width of right-of-way for all streets being platted must be dedicated to the City and the streets shall be completed to City standards before acceptance by the City. The subdivider shall finalize an agreement with the City which guarantees the construction of the street to City standards.
- (j) Perimeter Streets. When a street is dedicated which ends on the plat, the street right-of-way must be dedicated to the boundary of the plat.
- (k) Intersections. Intersections shall meet the following requirements unless otherwise approved by the City Council:
 - (1) Intersections shall be provided at the following minimum offsets:
 - a. State Highway (Principal Arterial): In accordance with the *State Highway Access Code*.
 - b. Arterial: Six hundred sixty (660) feet.
 - c. Collector: Two hundred fifty (250) feet.
 - d. Local: One hundred twenty-five (125) feet.
 - (2) No more than two (2) streets shall intersect at one (1) point.
 - (3) Streets shall intersect at ninety degree (90) angles, unless otherwise approved by the City Council.
- (l) Street Names. Names of new streets shall not duplicate names of existing streets. However, new streets which are extensions of, or which are in alignment with, existing streets shall bear the names of such streets.

6-9-3 Street Standards. The width of street right-of-way and the design of the street it contains shall conform to the following minimum standards. However, additional right-of-way and street width may be required based upon special development requirements including but not limited to additional parking needs, sight distances and requirements for auxiliary lanes. Street cross-sections and the street designation (arterial, collector, local, rural local) within or adjacent to a development may be modified by the City upon the recommendation of an approved development traffic study or City-wide Transportation Master Plan.

(a) General Design Standards. Where curb and gutter is required, it shall be constructed per the Colorado Department of Transportation Specifications.

(1) Design of streets shall be in accordance with the Americans with Disabilities Act (ADA) standards.

(2) Streets shall be designed in accordance with the American Association of State Highway and Transportation Officials *Policy on Geometric Design of Highways and Streets*, 1990.

(3) The layout of arterial and collector streets shall be per the Transportation Map in the City Comprehensive Plan unless otherwise directed by the City Council.

(4) Where future extension of a street is anticipated, a temporary turnaround having a minimum outside diameter of one-hundred and ten (110) feet shall be provided.

(b) State Highways (Principal Arterial Design). Right-of-way and road design shall be in accordance with the Colorado Department of Transportation Standards.

(c) Arterial Streets Design.

(1) Arterials shall be designed to accommodate present and future transportation requirements.

(2) Arterial streets shall align and connect across intersecting arterials to distribute traffic and provide continuity.

(3) Typical Adjacent Land Uses

a. Business parks.

b. Community commercial.

c. District and community parks.

d. High density residential land uses should be located near arterials with minimal travel through other land uses.

- e. Industrial developments should have highway access via the City's arterial street system with minimal travel through other land uses.
- f. When residential lots are adjacent to and the houses do not face an arterial street, they shall be a minimum of one hundred fifty (150) feet deep and direct access to the street shall be limited. The setback to the house shall be a minimum of seventy-five (75) feet. Additional buffering techniques must also be applied such as those outlined in the Landscape Design, Section 6-16, Buffering and Screening Techniques.

(4) Right-of-way requirements

- a. Sixty (60) feet of right-of-way, maximum, with room for snow storage and sidewalks.
- b. Two (2) - nine and one-half (9½) foot snow storage lanes.
- d. Two (2) sidewalks.
- e. Posted speed limits shall be reasonable.

(d) Collector Streets.

(1) Intersections of collector streets and arterial streets shall be aligned to distribute traffic and provide continuity.

(2) Typical Adjacent Land Uses

- a. Agriculture.
- b. Business parks.
- c. Community parks.
- d. Industrial.
- e. Low, medium and high density residential.
- f. Middle and high schools.
- g. Neighborhood commercial.

(3) Right-of-way requirements for Collector with parking (see Figure 6-8)

- a. Seventy (70) feet of right-of-way.
- b. Forty (40) foot flow line width which includes: two (2) - twelve (12) foot travel lanes, two (2) - eight (8) foot parking lanes (each as one (1) - two (2) foot gutter pans).
- c. One (1) - six and one-half (6½) foot snow storage lanes adjacent to one (1) - eight (8) foot sidewalk.
- d. One (1) - nine and one-half (9½) foot snow storage lanes adjacent to one (1) - five (5) foot sidewalk.
- e. Posted speed limit shall be reasonable.

(4) Right-of-way requirements for Collector without Parking

- a. Seventy (70) feet of right-of-way.
- b. Forty (40) foot flow line width which includes: two (2) - twelve (12) foot travel lanes, one (1) - twelve (12) foot center left turn lane, two (2) - two (2) foot gutter pans.
- c. One (1) - six and one-half (6½) foot snow storage lanes adjacent to one (1) - eight (8) foot sidewalk.
- d. One (1) - nine and one-half (9½) foot snow storage lanes adjacent to one (1) - five (5) foot sidewalk.
- e. Posted speed limit shall be reasonable.

(e) Local Streets.

(1) Local streets shall generally follow a modified grid pattern adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas. These streets shall generally parallel the arterial and collector street system, provide a variety of route options, interconnect to allow traffic to disperse in an equitable manner and be as narrow as possible without sacrificing the ability to accommodate expected traffic and services.

(2) Local streets must provide for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them.

(3) Typical Adjacent Land Uses

- a. Business parks.
- b. Elementary schools.
- c. Pocket parks.
- d. Neighborhood parks.
- e. Residential.

(4) Right-of-way requirements for Local with Detached Sidewalk

- a. Fifty-four (54) feet of right-of-way.
- b. Thirty (30) foot flow line width which includes: Sixteen (16) feet for two (2) intermittent travel lanes and two (2) - seven (7) foot parking lanes (each has one (1) - two (2) foot gutter pan)
- c. Two (2) - six (6) foot snow storage lanes.
- d. Two (2) - five (5) foot sidewalks.
- e. Posted speed limit shall be reasonable.

(5) Right-of-way requirements for Local with Attached Sidewalk Option “A”

- a. Fifty-four (54) feet of right-of-way.

- b. Thirty (30) foot flowline width which includes: Sixteen (16) feet for two (2) intermittent travel lanes and two (2) - seven (7) foot parking lanes (each has one (1) - two (2) foot gutter pans).
- c. Two (2) - five (5) foot sidewalks.
- d. Two (2) - seven (7) foot snow storage lanes.
- e. Posted speed limit shall be reasonable.

(6) Right-of-way requirement for Local with Attached Sidewalk Option “B”

- a. Sixty (60) feet of right-of-way.
- b. Thirty-six (36) foot flow line width which includes: Two (2) - eleven (11) foot travel lanes and two (2) - seven (7) foot parking lanes (each has one (1) - two (2) foot gutter pans).
- c. Two (2) - five (5) foot sidewalks.
- d. Two (2) - seven (7) foot snow storage lanes.
- e. Posted speed limit shall be reasonable.

(f) Rural Local Street.

(1) Rural local streets are intended to serve areas defined as Conservation Subdivisions and other appropriate rural locations as approved by the City Council.

(2) A driveway access crossing the borrow ditch of a rural local street shall contain a culvert of sufficient size to safely pass the designed storm water drainage flows. A portion of the borrow ditch may fall outside of the rural local road right-of-way in order to obtain a borrow ditch cross-section sufficient to contain the designed storm water flows and/or to be sufficient in depth for the driveway access culvert.

(3) Typical Adjacent Land Uses

- a. Agriculture.
- b. Conservation subdivisions.

(4) Right-of-way requirements for Rural Local

- a. Sixty (60) feet of right-of-way.
- b. Twenty-four (24) feet of asphalt pavement which includes: Two (2) - twelve (12) foot travel lanes.
- c. Two (2) - four (4) foot paved shoulders.
- d. Two (2) - fourteen (14) foot borrow ditches.
- e. Posted speed limit shall be reasonable.

(g) Alleys.

(1) Alleys shall be treated as public ways, and any lot having access from an alley shall also front upon a public street.

(2) Garages, accessory dwellings above garages and rear yards may access the collector and local street system via an alley with minimal travel through other land uses.

(3) Typical adjacent land uses

- a. Accessory units above garages.
- b. Garages.
- c. Parking lots with landscaped edges.
- d. Rear yards.

(4) Right-of-way requirements for Residential Alley

- a. Twenty (20) feet of right-of-way.
- b. Fifteen (15) feet of pavement width.
- c. Two (2) - two and one-half (2½) foot gravel shoulders.

(5) Right-of-way requirements for Commercial/Industrial Alley

- a. Twenty (20) feet of right-of-way.
- b. Twenty (20) feet of pavement width.

(e) Local Streets.

(1) Local streets shall generally follow a modified grid pattern adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas. These streets shall generally parallel the arterial and collector street system, provide a variety of route options, interconnect to allow traffic to disperse in an equitable manner and be as narrow as possible without sacrificing the ability to accommodate expected traffic and services.

(2) Local streets must provide for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them.

(3) Typical Adjacent Land Uses

- a. Business Parks
- b. Elementary Schools
- c. Pocket parks
- d. Neighborhood parks
- e. Residential

(4) Right-of-way requirements for Local with Detached Sidewalks

- a. Fifty-four (54) feet of right-of-way
- b. Thirty (30) foot flow line width which includes: Sixteen (16) feet for two (2) intermittent travel lanes and two (2) seven (7) foot parking lanes (each has one (1) – two (2) foot gutter pan.
- c. Two (2) five (5) foot sidewalks
- d. Posted speed limit shall be reasonable.

(5) Right-of-way requirements for Local with Attached Sidewalk – Option “A”

- a. Fifty-four (54) feet of right-of-way.
- b. Thirty (30) foot flow line width which includes: Sixteen (16) feet for two (2) intermittent travel lanes and two (2) seven (7) foot parking lanes (each has one (1) – two (2) foot gutter pan.
- c. Two (2) five (5) foot sidewalks
- d. Posted speed limit shall be reasonable.

(f) Rural Local Street

(1) Rural local streets are intended to serve areas defined as Conservation Subdivisions and other appropriate rural locations as approved by the City Council.

(2) A driveway access crossing the burrow ditch of a rural local street shall contain a culvert of sufficient size to safely pass the designed storm water drainage flows. A portion of the borrow ditch may fall outside the rural local road right-of-way in order to obtain a borrow ditch cross-section sufficient to contain the designed storm water flows and/or to be sufficient in depth for the driveway access culvert.

(3) Typical Adjacent Land Uses

- a. Agriculture
- b. Conservation subdivisions

(4) Right-of-way requirements for Rural Local

- a. Sixty (60) feet of right-of-way
- b. Twenty-four (24) feet of asphalt pavement which includes: Two (2) – twelve (12) foot travel lanes
- c. Two (2) – four (4) foot paved shoulders
- d. Two (2) – fourteen (14) foot borrow ditches
- e. Posted speed limit shall be reasonable.

(g) Alleys

- (1) Alleys shall be treated as public ways, and any lot having access from an alley shall also front upon a public street.
- (2) Garages, accessory dwellings above garages and rear yards may access the collector and local street system via an alley with minimal travel through other land uses.
- (3) Typical adjacent land uses
 - a. Accessory units above garages
 - b. Garages
 - c. Parking lots with landscaped edges
 - d. Rear yards
- (4) Right-of-way requirements for Residential Alley
 - a. Twenty (20) feet of right-of-way
 - b. Fifteen (15) feet of pavement width
 - c. Two (2) – two and one-half (2½) foot gravel shoulders
- (5) Right-of-way requirements for Commercial/Industrial Alley
 - a. Twenty (20) feet of right-of-way
 - b. Twenty (20) feet of pavement width.

Sec. 6-10 **Parking**

6-10-1 Intent. The intent of this section is to provide adequate parking for motor vehicles while minimizing the visual impact of parking lots and structures.

6-10-2 General Provisions.

- (a) In all zone districts, off-street parking facilities for the storage of self-propelled motor vehicles for the use of occupants, employees and patrons of the building or structures hereafter erected, altered or extended shall be provided and maintained as herein prescribed.
- (b) Surface. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete or other approved materials.
- (c) Integrate parking lots with surroundings. Parking lots shall not dominate the frontage of pedestrian-oriented streets, interfere with designated pedestrian routes, or negatively impact surrounding neighborhoods. The pedestrian character of streets and buildings shall be maximized through continuity of buildings and landscape frontage.

- (d) Location. Parking lots shall be located to the rear or side of buildings or in the interior of a block whenever possible.
- (e) Landscaping. Parking lots shall be landscaped, screened and buffered as provided in Sections 6-16 and 6-17.
- (f) Share-access. Where feasible, parking lots shall share access drives with adjacent property with similar land uses.
- (g) Off-street parking design. Any off-street parking area shall be designed so that vehicles may exit without backing onto a public street unless no other practical alternative is available. Off-street parking areas shall be designed so that parked vehicles do not encroach upon or extend onto public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility or other structure.
- (h) Circulation area design. Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.
- (i) Lighting. All parking area lighting shall be full cutoff type fixtures. Any light used to illuminate parking areas or for any other purpose shall be so arranged as to reflect the light away from nearby residential properties, and away from the vision of passing motorists.
- (j) Shared off-street parking. When there are opportunities to support parking demand through shared off-street parking for compatible uses (such as a movie theater and an office building), a parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.
- (k) Adjacent on-street parking in B-1 District. In order to promote a pedestrian scale and encourage a perception of safety in the B-1 District, parking may be satisfied using adjacent on-street parking or shared rear-lot parking areas. A parking study and shared parking agreements shall be used to demonstrate the adequacy of the parking supply as a substitute for standard parking requirements.

6-10-3 Paved Off-Street Parking Requirements. Paved off-street parking shall be provided according to the minimum requirements as specified below:

USE	REQUIRED PARKING Must be outside of rights-of-way
1. Single-family detached	2 spaces per unit
2. Townhouse and duplex	1 space per bedroom, up to 2 per unit
3. Apartment dwellings	1 space per bedroom, up to 2 per unit
4. Accessory dwellings	1 space per bedroom, up to 2 per unit
5. Retail	1 space for every 500 square feet of gross floor area*
6. Office/business uses	1 space for every 500 square feet of gross floor area*
7. Institutional/churches	1 space for every 6 seats
8. Business park/industrial	1 space each for the maximum number of employees present at any one time*

* Off-street parking for commercial uses shall be sufficient to provide parking for employees of all proposed uses as well as long-term customer parking. Spaces reserved for employees shall be designated as such by means of striping and signage. Parking shall be located at the rear and sides of buildings to the greatest extent possible and screened from the view of streets as provided by Section 6-17. Required parking in the B-1 district can be met with on-street and shared parking.

6-10-4 Location of Spaces.

- (a) Off-street parking facilities for residential uses shall be provided and located on the same property as the building they are intended to serve.
- (b) Required off-street parking in residential zones shall not lie within the front yard setback nor within any required side yard setback adjacent to a street. (Driveway spaces within these setbacks can not be counted for required off-street parking.)
 - (1) The location of required off-street parking facilities for other than residential uses shall be within three hundred (300) feet of the building they are intended to serve when measured from the nearest point of the building or structure.
 - (2) Except within a garage or in conjunction with an approved affordable housing project, tandem parking is not allowed to meet required off-street parking requirements.
 - (3) Garages or required off-street parking spaces shall be set back twenty-two (22) feet from the back of the sidewalk.

6-10-5 Handicap Parking Spaces.

- (a) Handicap parking spaces shall be required for all retail, office, business, industrial, institutional uses, as well as multi-family units.
- (b) Handicap parking spaces shall be designated as being for the handicapped with painted symbols and standard identification signs.
- (c) Handicap parking spaces shall be located as close as possible to the nearest accessible building entrance.
- (d) Number of Handicap Parking Spaces:

Total Parking Spaces in Lot	Minimum Required Number of Handicap Parking Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1000	2% of total
1000 and over	20 plus 1 for every 100 over 1000

For every eight (8) handicap parking spaces there must be at least one (1) van-accessible space. If there is only one (1) handicap parking space, that space must be van-accessible.

6-10-6 Handicap Parking Space Dimensions.

- (a) Parking spaces must be eight (8) feet by eighteen (18) feet with a five (5) foot wide access aisle.
- (b) Van-accessible spaces must be eight (8) feet by eighteen (18) feet with an eight (8) foot wide access aisle.
- (c) Parking spaces for the physically handicapped that are parallel to a pedestrian walk which is handicap accessible may have the same dimensions as those for standard vehicles.

6-10-7 *Parking Stall Dimensions.* Parking stalls for automobiles shall meet the following standards. All dimensions represent the minimum requirement for any required parking space.

PARKING STALL DIMENSIONS					
Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D)	Curb Length (E)	Overhang (F)
45E	9'	19'	13'	12' 8"	1' 5"
60E	9'	20'	13'	10' 5"	1' 8"
90E	9'	18'	26'	9'	2'
0E(parallel)	8' *	8' *	12'	24'	0'

*Except along local streets where 7' is permitted.

6-10-8 *Bicycle Parking Spaces.* Commercial, industrial, civic, employment, multi-family and recreational uses shall provide bicycle facilities to meet the following standards:

- (a) A minimum number of bicycle parking spaces shall be provided, equal in number to two (2) percent of the total number of automobile parking spaces provided by the development, but not less than one (1) space.
- (b) For convenience and security, bicycle parking facilities shall be located near building entrances. Within downtown commercial areas, however, a grouping of spaces shall be utilized as directed by the City.
- (c) Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to a parking structure which is permanently attached to the pavement.

6-10-9 *Parking Restrictions for Excess Weight Vehicles and Recreational Vehicles.*

- (a) 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, nor shall excess weight vehicles, boats, boat trailers, tractors, trailers, semi-trailers, motor homes, buses or detached/dismounted campers be parked or kept on private property for longer than seventy-two (72) hours, except as herein provided.
- (b) 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.

- (c) All excess weight vehicles, boats, boat trailers, motor homes, buses or detached/dismounted campers kept or stored on private residential property for longer than seventy-two (72) hours shall be kept or stored in the rear yard screened from view, or within an enclosed building. No such vehicle shall be used for storage or as a business or residential premises.
- (d) All excess weight vehicles, boats, boat trailers, tractors, trailers, semi-trailers, motor homes, buses or detached/dismounted campers kept or stored on private property for longer than seventy-two (72) hours shall be kept or stored in a yard screened from view or within an enclosed building. The property where storage occurs must be properly zoned for the use. No such vehicle shall be used for storage or as a business or residential premises.
- (e) No mobile home may be located permanently or temporarily in any residential area unless said area is zoned for the same.

Sec. 6-11 Sidewalks, Multi-Use Pathways and Trails

6-11-1 Intent. The intent of the standards for sidewalks, multi-use pathways and trails is to assure a safe, convenient, and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles and pedestrians.

6-11-2 General Provisions.

- (a) Interconnected Network. A sidewalk network that interconnects all dwelling units with other dwelling units, non-residential uses, and common open space shall be provided throughout each development. Sidewalks shall be separate and distinct from motor vehicle circulation to the greatest extent possible. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping and other street furniture where appropriate.
- (b) Sidewalks Required. In all zone districts, sidewalks are required along both sides of a street.
- (c) Sidewalk Width. Sidewalks shall be a minimum of five (5) feet wide along local streets; a minimum of five (5) feet wide along one side and eight (8) feet wide along the other side of collector streets; and a minimum of eight (8) feet wide along arterial streets. A four (4) foot detached sidewalk is an acceptable sidewalk alternative if it is approved through the subdivision exception process. Sidewalks adjacent to storefronts in commercial areas shall be ten (10) to fifteen (15) feet in width, or consistent with the average sidewalk width on a block if building in an area with existing sidewalks.
- (d) Sidewalk Location. Sidewalks shall be located within the right-of-way unless otherwise authorized by the Board of Trustees.

- (e) Sidewalk Materials. The acoustic, thermal, visual and tactile properties of sidewalk paving materials shall be appropriate to the proposed functions of pedestrian circulation. Sidewalks shall be constructed of concrete, brick, slate, colored/textured concrete pavers, concrete containing accents of brick, or some combination thereof that is compatible with the style, materials, colors, and details of the surrounding buildings. Asphalt shall not be used for sidewalks.

Sidewalks must be constructed of approved materials of sufficient strength to support light maintenance vehicles. If used as a secondary emergency access, sidewalks must also be able to support a fire truck (60,000 lbs.) Please refer to the City Standards and Specifications for additional sidewalk construction standards.

- (f) Sidewalk Installation. Sidewalks and related improvements shall be installed or constructed by the developer in accordance with plans and specifications approved by the City and, after installation or construction, they shall be subject to inspection and approval by the City. All required improvements shall be completed in accordance with the officially established grades.
- (g) Accessibility. Sidewalks and plazas shall be accessible to handicapped individuals. (Refer to Americans with Disabilities Act [ADA] requirements.)
- (h) Walkways. Walkways through a subdivision block shall be not less than eight (8) feet in width, shall be within a dedicated right-of-way not less than twenty (20) feet in width, and shall be flanked with appropriate landscaping and lighting. Walkways along buildings and within parking lots shall be raised and curbed, where suitable. A direct pedestrian connection to building entries, public space and parking areas shall be provided from public sidewalks. Walkways shall be constructed of the same materials as sidewalks, except that walkways internal to asphalt surfaced parking lots may be of asphalt construction. Walkways crossing driveways in parking lots shall be clearly delineated by a change in pavement color or texture or paint striping. Please refer to the City Standards and Specifications for additional sidewalk construction standards.
- (i) Lighting. All sidewalks and other pedestrian walkways shall have appropriate lighting, using poles and fixtures consistent with the overall design theme for the development.
- (j) Multi-use Pathways and Trails (Bikeways). Multi-use pathways shall be provided to link internal open space areas with peripheral open space areas and shall connect to multi-use pathway routes throughout the community where appropriate.

Sec. 6-12 Easement and Utility Standards

- (a) Utility Easement Width. Utility easements shall measure twenty (20) feet on each side of abutting rear lot lines. On subdivision perimeter rear lot lines adjacent to unsubdivided property, utility easements shall measure twenty (20) feet in width.

In the event that the location of utility easements adjacent to rear property lines is unsuitable for use by utility companies due to drainage, irrigation ditches or other obstructions, the subdivider shall provide like width easements adjacent to said areas of obstruction. Side lot line easements, where necessary, shall measure twenty (20) feet in full width; ten (10) feet either side of a lot line is acceptable. Front lot line easements shall measure twenty (20) feet in width. Easements may be more or less than widths stated if the specific utility indicates in writing a width other than those required by this Code. Utility easements shall be subject to the approval of the City or applicable utility company.

- (b) Multiple Installations within Easements. Easements shall be designed so as to provide efficient installation of utilities. Public utility installations shall be located as to permit multiple installations within the easements. The developer will establish final utility grades prior to utility installations.
- (c) Underground Utilities. Telephone lines, electric lines, cable television lines and other like utility services shall be placed underground in conduit. The subdivider shall be responsible for complying with the requirements of this Section, and shall make the necessary arrangements including any construction or installation charges with each utility provider for the installation of such facilities. Transformers, switching boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities shall be placed underground or on the surface but not on utility poles. Screening or fencing is required to the satisfaction of the City Council. Electric transmission and distribution feeder lines and necessary appurtenances thereto may not be placed above ground unless they are carrying greater than 115 kV. Such facilities shall be placed within easements or public streets, as therein provided, or upon private easements or rights-of-way provided for particular facilities. (Refer to Section 6-9 Streets - Utility easements have been identified outside the right-of-way in order to accommodate the location of street trees.)
- (d) Street Lighting. Street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be two hundred fifty (250) watt sodium vapor lamps at a maximum spacing of four hundred (400) feet for local streets. Arterial streets and commercial areas shall have a higher level of lighting as determined by the City Council. Street lighting shall also comply with Section 6-21.

Sec. 6-13 Parks and Open Space

- (a) Intent. To ensure that a comprehensive, integrated network of parks and open space is developed and preserved as the community grows.
- (b) Ownership and Maintenance of Open Space. Ownership and maintenance of public open space shall be determined by the City on a case by case basis through the review process.

(1) Generally, the City shall own and maintain neighborhood parks, community parks, district parks and public trails.

(2) Pocket parks, landscaped outlots and private recreational facilities shall be owned and maintained by a homeowners' association or the landowner.

(3) Environmentally sensitive, archaeologic and historic resources may be dedicated to the City and maintained by the City if approved by the City Council.

(4) Conservation areas set aside as part of a conservation subdivision shall be owned and maintained by the homeowners' association.

(5) Stormwater detention and retention areas that function as open space shall be owned and maintained by a homeowners' association or the landowner, unless otherwise approved by the City.

(6) Areas designated as open space shall be maintained according to the designated function of the area. *Applicants shall work with the National Resources Conservation Service to develop a management plan which addresses: irrigation, revegetation, erosion control, and weed management.* If the area is to remain in private ownership, a mechanism which will assure maintenance will be funded in perpetuity must be in place at the time of final plat.

(c) Open Space Protection. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and remain open in perpetuity. They may be dedicated to the public or held in private ownership. Appropriate ownership will be determined through the review process in cooperation with the landowner. Future use may include recreational or agricultural activities if approved by the City.

(d) Open Space Requirements.

(1) Open Space Includes:

a. Areas within the community designated for the common use of the residents of an individual development and/or the community at large;

b. Areas designated for preservation and protection of environmental resources including floodplains, natural drainage ways, and wetland areas;

c. Areas impacted by subsidence;

d. Areas designated for agricultural preservation; and

e. Areas of archeological and historic significance.

(2) Open Space Shall Not Include the Following:

- a. Required setback areas around oil and gas production facilities;
- b. Disconnected remnants of land created by division of sites into lots or parcels that do not qualify as functional open space or that preserve environmental resources, unless approved by the City Council;
- c. Private yards;
- d. Tree lawns in street rights-of-way; or
- e. Required parking lot landscaping associated with all uses, except parking specifically designated for access to open space areas and within commercial/industrial projects.

(3) Amount of Open Space Required. The amount of functional open space required in each development will be based on the density of the development, the recreational requirements of the anticipated users and the anticipated opportunities for public recreation within walking distance of the site (¼ mile). However, all residential subdivisions shall dedicate a minimum of twelve (12) percent of the gross land area for public parks, trails, open space or other civic purposes at the time of subdivision. Non-residential subdivisions shall dedicate twelve (12) percent of the gross land area for public parks, trails, open space and other civic purposes at the time of subdivision. This dedication can be credited toward the overall open space required for the subdivision.

- (e) Open Space and Ecological Characterization Plans. All land development applications with the exception of plot plan applications for individual single-family residences shall be accompanied by the appropriate open space plan. Each land development application if required by the City shall include an ecological characterization report to determine if additional areas within the development shall be preserved. The report shall include the information contained in the following table.

OPEN SPACE AND ECOLOGICAL CHARACTERIZATION PLAN			
INFORMATION REQUIRED	CONCEPT	PRELIMINARY	FINAL
Scale, north arrow, site boundary	Y	Y	Y
Existing and proposed streets	Y	Y	Y

OPEN SPACE AND ECOLOGICAL CHARACTERIZATION PLAN			
INFORMATION REQUIRED	CONCEPT	PRELIMINARY	FINAL
Existing and proposed utilities and easements		Y	Y
Existing contours (2' intervals) - may use USGS for concept plan	Y	Y	Y
Existing site features, including ditches, trees, shrubs and native ground covers and any drainageways on the site. Indicate which plants will be preserved and method of preservation and which will be removed.	Y	Y	Y
Indicate if there are floodplains, wetlands, wildlife habitat, endangered species, archaeological/historic areas or other resources and prominent views and how they will be preserved and integrated into the overall site design	Y	Y	Y
Show the species of wildlife using the area, times/seasons area is used and the "value" (feeding, watering, nesting, roosting, perching, cover) area provides for such species	Y	Y	Y
Show wildlife travel corridors	Y	Y	Y
Note the general ecological functions provided by the site and its features	Y	Y	Y
Show the bank, shoreline and high water mark of any perennial stream or body of water on the site	Y	Y	Y
Illustrate how the open space network and pedestrian circulation system (both private and public) will function within the proposed development and surrounding neighborhood.	Y	Y	Y
Show how the property will relate to the neighborhood parks and trails in the area (see <i>City Comprehensive Plan Land Use and Public Facilities Map</i> .)	Y	Y	Y
Indicate which areas will be irrigated and method of irrigation		Y	Y
Define areas to be considered open space and if they will be public or private	Y	Y	Y
Indicate how open space (i.e. pocket parks, trails, natural areas, etc.) will be used and maintained including: erosion control, revegetation, irrigation, and weed management both during and after construction		Y	Y
Describe the design intention	Y	Y	Y
Conceptual design of neighborhood park (if applicable)		Y	Y

Sec. 6-14 Public Sites and Dedication Requirements

The developer shall dedicate public sites for open space, parks or other civic purposes in accordance with the following requirements:

- (a) Percentage Dedication. Dedication of such sites and land areas to the City, or to the public, which dedication shall be a minimum of ten (10) percent of the total gross area of the land within the proposed subdivision at the time of subdivision. This land dedication will be credited toward the overall open space required for each subdivision; or
- (b) Fee-in-Lieu of Dedication. As determined by the City Council, the developer shall pay fee-in-lieu of land dedication in those cases where dedication of land is not the preferred alternative. Such payment shall be based on the fair market value of the entire property, to be determined after completion of the platting process. Such payment shall be held by the City Council for the acquisition of sites and land areas by the City. At the option of the City Council, the subdivider may meet the dedication requirements of this Section 6-14 through a combination of fee-in-lieu and land dedication.

Sec. 6-15 Fair Contribution for Public School Sites

The subdivider shall dedicate or convey land for a public school site to the Creede Consolidated School District #1 hereinafter "School District," or in the event the dedication of land is not deemed feasible or in the best interests of the School District as determined by the Superintendent or designee of the School District, the subdivider shall make payment in-lieu of land dedication or conveyance. The amount of contribution of either land or payment in-lieu of land shall be determined pursuant to the tables set forth in this Section.

- (a) Exemptions From Fair Contributions for Public School Sites. The following uses shall be exempt from the Fair Contributions for Public School Sites requirements:
 - (1) Construction of any nonresidential building or structure.
 - (2) Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units.
 - (3) Construction of any building or structure for limited term stay or for long-term assisted living including, but not limited to, bed and breakfast establishments, boarding or rooming houses, family-care homes, group-care homes, halfway houses, hotels, motels, nursing homes or hospices.
 - (4) Construction of any residential building or structure classified as housing exclusively for older persons, pursuant to the Federal Fair Housing Act, as amended.
- (b) Land Dedication. In the event the Fair Contribution for Public School Sites includes the dedications of land, prior to recording the final plat the following items shall be completed by the subdivider:

(1) The subdivider shall convey to the School District, by general warranty deed, title to the land slated for dedication, which title is free and clear of all liens, encumbrances and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication.

(2) The subdivider shall provide to the City proof of the dedication or conveyance.

(3) At the time of dedication or conveyance, the sub divider shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property.

(4) The public improvement agreement (MOAPI) for the subdivision shall provide for the installation of the streets adjacent to the school site, the installation of water, sewer and other public utilities to the school site, and over lot grading of the school site.

- (c) Cash In-Lieu of Land Dedication. In the event the Fair Contribution for Public School Sites includes payment in-lieu of the dedication of land, prior to the issuance of any building permit for any residential dwelling unit not otherwise exempt under Section 6-15(a), the sub divider shall pay to the City on behalf of the School District the cash to be paid in-lieu of land dedication. The City, in cooperation with the School District, shall establish cash in-lieu of land dedication fees under a separate ordinance.

Sec. 6-16 Landscape Design

6-16-1 Intent. To preserve City's special character, and integrate and enhance new development by promoting quality landscape design that:

- (a) Reinforces the identity of the community and each neighborhood;
- (b) Provides tree-lined streets in urban areas where appropriate;
- (c) Anchors new buildings in the landscape;
- (d) Provides tree canopies within paved areas where appropriate;
- (e) Is environmentally sensitive by preserving existing trees, using water conservation techniques, planting native species (when appropriate), and enhances valuable habitat.

6-16-2 General Provisions. All land development applications shall be accompanied by an appropriate landscape plan. Building permit applications for individual single-family residences will not require landscape plans. However, all landscaping within the community shall comply with the intent of these regulations.

- (a) Street Trees. Landscape improvements in urban settings shall create an orderly, irrigated, and managed landscape. Street trees shall include an appropriate mix of

species and be aligned in straight rows. Street trees shall be placed within the right-of-way tree lawn. Spacing of trees shall allow for their mature spread. Landscaping shall take into account plans for future widening of streets so that established trees will not be disturbed during future construction.

Landscape improvements in conservation subdivisions, environmentally sensitive areas and lower density, rural developments shall be native-looking and informal. Streets trees in rural developments shall be planted to create irregular clusters of trees to reinforce the design and character of each project and frame views.

- (b) Site Landscape Design. Landscape improvements shall be an integral part of the overall site design for each property. Landscape improvements shall be designed to complement and enhance the character of neighborhoods and shall follow these guidelines:

(1) Landscaped areas shall be configured to *maximize their interconnectivity* within the site, to natural areas and to landscaped areas in adjacent developments. Small, isolated islands of landscaping should be avoided except as required in parking lots and for screening along roadways.

(2) Enhance functional open space through the *creation of outdoor rooms* appropriate to the location and purpose of the open space within the development. This can be accomplished through a combination of plantings, fencing and berms and by using natural features on the site.

(3) Landscape improvements in all developments shall be *consistent with the character* of the proposed development and the surrounding area to reinforce neighborhood identity.

(4) Landscape design shall *enhance natural features, drainage ways and environmental resources*.

(5) All landscape improvements shall be designed for mature landscapes and shall provide appropriate *visibility for cars and pedestrians*.

(6) Preserve and *frame views* both into and out of the neighborhood.

(7) Incorporate the elements of *gateway, path and destination* into the design of landscapes. Gateways are entries that provide transitions from one space to another. Pathways are routes that lead to a destination. Destinations are focal points that can include anything from a garden bench at the end of a path to a civic building at the end of a street.

(8) Landscaping shall be no more than thirty (30) inches high when located in a sight distance triangle.

(c) Environmental Considerations.

(1) Landscapes shall use the following *xeriscape design principles* to facilitate water conservation:

- a. Well-planned planting schemes;
- b. Appropriate turf selection to minimize the use of bluegrass;
- c. Use of mulch to maintain soil moisture and reduce evaporation;
- d. Zoning of plant materials according to their microclimatic needs and water requirements;
- e. Improve the soil with organic matter if needed;
- f. Efficient irrigation systems; and
- g. Proper maintenance and irrigation schedules.

(2) All landscapes shall strive to *maximize the use of native species*. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive may be used.

(3) Landscapes shall consist of a variety of species to *enhance biodiversity*.

(4) Buildings and parking areas shall be located to *preserve and promote the health of existing trees, environmental resources and natural drainage ways*. No healthy tree shall be removed without good cause. This requirement is not intended to prevent the removal of unhealthy trees in conjunction with site development.

(5) Trees shall be located to *provide summer shade and limit winter shade* on walks and streets.

(6) A combination of plantings, berms, walls and fences shall be used as appropriate to *buffer sensitive habitat*.

(7) All areas disturbed by construction shall be reseeded to *prevent erosion*. Native, noninvasive grasses shall be used for re-vegetation where practical. Weed control is the responsibility of the landowner on all reseeded areas and all preservation areas.

(d) New buildings and paved areas.

(1) Anchor structures in the landscape through the use of trees, shrubs and groundcover. The size and intensity of plantings shall be appropriate to the size and context of the improvements.

(2) Integrate adjacent land uses of different intensities through a combination of berming, plantings and fencing. Use opaque screening only when necessary to mitigate the impact of

noise, light, unattractive aesthetics and traffic. A fence shall not be the only screening material used.

(3) Use landscaping to provide a transition from developed, managed landscape to more natural vegetation.

(e) Plant Materials.

(1) The minimum planting sizes on all required landscaping shall be two (2) inch caliper deciduous trees, one and one-half (1½) inch caliper ornamental trees, six (6) foot tall evergreen trees and five (5) gallon shrubs.

(2) Required plant materials shall be grown in a recognized nursery in accordance with proper horticultural practice. Plants shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety and free of diseases, insects and injuries. No noxious weeds.

(3) All plants shall conform to standards for measurements, grading, branching, quality, ball and bur lapping as stated in the *American Standard for Nursery Stock*, 1990 Edition, American Association of Nurserymen, Inc., (AAN-ASNS) and Colorado Nursery Act of 1965 (CNA).

(f) Irrigation. All required landscaping shall be irrigated as required for plant establishment and maintenance. Irrigation shall be appropriate to the type and scope of the improvements.

(1) Use of non-treated water for irrigation is encouraged if a permanent, suitable supply is available.

(2) Required landscaping in urban developments shall be irrigated with a permanent irrigation system.

(3) Temporary irrigation may be used to establish native grasses and vegetation.

(g) Guarantee of Installation. Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy (C.O.) for all structures. If weather conditions prevent installation, the developer shall post a financial guarantee for the improvements. This guarantee shall be released upon completion of the installation of the landscaping.

(h) Maintenance. In order to provide for the ongoing health and appearance of landscape improvements, all landscaping shall be maintained and replaced by the landowner/occupant as necessary. All property owners/occupants shall be responsible for maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and the adjacent property.

6-16-3 Landscaping Design Standards.

- (a) Landscaping within the Right-of-Way and Required Common Open Space. The developer or assigns shall provide:

(1) *Street trees* – one (1) deciduous or ornamental tree for every forty (40) linear feet of block frontage or portion thereof. Street trees shall be planted within the tree lawn portion of the right-of-way with adequate spacing to allow for the mature spread of the trees.

(2) *Collector and local streets* – live groundcover including a combination of grass, trees, flowers, grass or shrubs. In commercial areas this area may be paved if it functions as pedestrian access to storefronts and is integrated into the overall design of the other improvements on the site.

(3) *Arterial streets* – live groundcover as appropriate to the use and function of the area, including a combination of grass, trees, flowers, paving and one shrub for every one hundred fifty (150) square feet of landscape area clustered into planting beds. Developer shall also install an automatic irrigation system for all landscaping within arterial rights-of-way.

(4) *Landscaping for required common open space* – such as pocket parks and trails. Landscaping shall be appropriate to the use and function of the area and include trees, shrubs, groundcover, irrigation (where necessary) and paving.

(5) *A mechanism for long-term maintenance* of common open space and arterial and collector street right-of-way landscaping – such as a homeowners' association and covenants.

- (b) Small Lot Single Family Residential (R-1 Zoning Districts) Development Landscaping Standards.

(1) In addition to landscaping the right-of-way tree lawn, the developer or assigns shall provide:

a. *Sod* – for the front yard setback of each home. There shall be a minimum of seventy-five (75) percent live materials between the front of the house and the curb unless otherwise approved by the City.

(2) The homeowner shall:

a. Install remainder of yard – and is encouraged to plant additional trees, shrubs and flowers using xeriscape principles and the general provisions set forth in this Section.

b. Maintain the yard and landscaping within the adjacent road right-of-

way – in accordance with City regulations.

c. Shall not plant evergreens where they will shade a roadway.

(c) R-2 District Residential Landscaping Standards:

(1) In addition to right-of-way landscaping, the developer or assigns shall provide:

a. *Site trees* – a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.

b. *Shrubs* – a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half (½) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.

c. *Groundcover* – irrigated turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five (75) percent live materials between the front of the house and the curb unless approved by the City.

(2) *Landscape setback to parking lots* – thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between street parking areas. This setback may be reduced to fifteen (15) feet if used in combination with a three to four (3-4) foot masonry or stone decorative wall. Signage may be included in this setback.

(d) Business/Commercial and Industrial Development Landscaping Standards.

(1) Landscape improvements shall be designed to enhance the overall appearance of the development and integrate the project with adjacent land uses and into the surrounding neighborhood. All improvements shall consider the people who will use the site, travel through or by the site and adjacent land uses. A minimum of twenty (20) percent of the site (gross) shall be landscaped area, street rights-of-way, building footprints, or hard surfaced or landscaped areas of parking lots and driveways.

(2) The developer or assigns shall provide:

a. *Site trees* – plant a minimum of one (1) tree per one thousand (1,000) square feet of landscaped area, distributed on the site.

b. *Shrubs* – plant a minimum of one (1) shrub per one hundred fifty (150)

square feet of landscaped area. Group shrubs and distribute throughout the site. Trees may be substituted for up to one-half (½) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.

c. *Groundcover* – establish irrigated grass turf maintained to appropriate standards for active recreation in areas that will function for active recreation. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed free and maintained at a maximum height of eight (8) inches. There shall be a minimum of seventy-five (75) percent live materials between the building and the street unless approved by the City.

d. *Landscape setback to parking lots* – thirty (30) feet from arterials or twenty-five (25) feet from other streets. The purpose of the setback is to provide a buffer between street parking areas. This setback may be reduced to fifteen (15) feet if used in combination with a three to four (3-4) foot masonry or stone decorative wall. Signage may be included in this setback.

e. *Screen loading areas* – screen loading areas (including vehicle being loaded), service and storage areas visible from the public right-of-way or adjacent property with an opaque screen that is an integral part of the building architecture or by landscaping. Chain link fencing with slats, tires or used building materials are not acceptable screening materials.

f. *Compatibility* – integrate activities on the subject property with adjacent land uses by utilizing a combination of landscaping, building orientation and appropriate architectural elements.

(3) The building owner or occupant shall maintain the yard and landscaping within the adjacent road right-of-way in accordance with City regulations.

(e) Highway Corridor Landscaping Standards. The developer or assigns shall provide:

(1) *Landscape setback to parking lots* – provide a fifty (50) foot landscape setback from the highway. The purpose of the setback is to provide a buffer between the street and parking areas. Signage may be included in this setback.

(2) *Shrubs* – a minimum of one (1) shrub per one hundred fifty (150) square feet of landscaped setback. Group shrubs and distribute throughout the landscape setback. Trees may be substituted for up to one-half (½) of the required shrubs at the rate of one (1) tree for ten (10) shrubs.

(f) Downtown Landscaping Standards. Downtown landscaping is intended to provide an attractive environment for people to walk and shop. Refer to -Design

Vocabulary – Streetscape for illustrations of attractive landscaping in downtown areas around Colorado.

(1) The developer or assigns shall provide:

a. *Streetscape* – a combination of window boxes, planters, trees, benches, etc. as appropriate to enhance building entries and the streetscape.

(g) Parking Lot Landscaping Standards. Parking lot landscaping is intended break up large expanses of pavement, create shade, buffer views of parking lots from adjacent streets and development and enhance the overall appearance of each project.

(1) *Applicability* – All parking lots with ten (10) spaces or more shall be subject to these requirements.

6-16-4 Storm Drainage Facilities.

(a) Intent. To promote innovative and effective land and water management techniques that protect and enhance water quality.

(b) General Provisions.

(1) Landscaping associated with storm drainage facilities shall be integrated into the overall design of the project.

(2) It shall enhance the overall appearance of the project, prevent erosion and improve water quality of storm water runoff whenever possible.

(3) Storm drainage facilities may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately and approved by the City Council.

(c) Applicability. All storm drainage facilities shall be appropriately landscaped and designed to drain efficiently to not allow any standing water.

(d) Minimum Requirements.

(1) All facilities shall be seeded to grass appropriate to the function of the area. Areas to be used for active recreation shall be seeded to a turf-type grass and irrigated with a permanent irrigation system. Areas to be maintained for habitat enhancement shall be seeded to native grasses and wildflowers. Developer is responsible for establishment of a complete, weed free stand of grass. Trail corridors may be seeded to native grasses if appropriately integrated with adjacent improvements.

(2) Maximum side slope on “man made” drainage facilities shall be 4:1, minimum

slope of the bottom of a drainage facility shall be one-half (1/2) percent.

(3) Landscape improvements shall be designed to enhance the function of the facility. Areas designed for recreation shall include clusters of trees to provide shade, located so they do not impair the function of the facility.

(4) Habitat and water quality enhancement including wetland plantings in low wet areas is encouraged.

(e) Ownership and Maintenance.

(1) All drainage facilities shall be owned and maintained by the landowner or occupant unless otherwise approved by the City.

(f) Prohibited Plant Materials List. The following list of trees is prohibited in the City.

(1) Russian Olive (an invasive species that threatens native trees in riparian ecosystems).

(2) Lombardy Poplar (susceptible to canker-forming fungi for which there are no available controls).

(3) Siberian Elm (can dominate native vegetation, especially in disturbed areas; is weak-wooded and subject to continuous dieback when large; can be devastated by the elm leaf beetle).

(4) Boxelder Maple (primary host plant of the boxelder bug).

(5) Cotton-bearing Cottonwood. The City Council will consider Cotton-bearing Cottonwood on a case-by-case basis for restoration projects along riparian corridors. (Often considered a public nuisance).

Sec. 6-17 Buffering and Screening Techniques

(a) Intent. To integrate adjacent land uses and provide seamless transitions from one use to another through the use of building orientation and access, landscaping and appropriate architectural elements.

(b) General Provisions.

(1) Special consideration shall be given to adjacent land uses of different intensities. It shall be the responsibility of the developer of the more intensive use to insure that the transition from one use to another is attractive, functional and minimizes conflicts between the current and planned uses.

(2) It is the responsibility of the developer of the higher intensity use to

demonstrate that the uses will be compatible. This can be accomplished through the effective use of shared access and parking, appropriate building orientation and setbacks, landscaping, architectural treatment and limited use of fencing and screening walls. Special consideration shall be given to the impact of aesthetics, noise, lighting and traffic. See Figure 6-15.

(3) Buffering may be required between any development and adjacent natural or environmentally sensitive areas. This will be determined on a case by case basis.

(4) Under no circumstances shall a fence be the only screening material used as a buffer between land uses.

(c) Location and Screening of Required Loading And Service Areas.

(1) Loading docks, solid waste facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.

(2) Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and landscaping shall also prevent spill-over glare, noise, or exhaust fumes. Screening and buffering shall be achieved through walls, architectural features, and landscaping; and shall be visually impervious. Recesses in the building or depressed access ramps may be used.

(d) Dumpsters.

(1) Every development that is required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:

a. Located to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way; and

b. Constructed to allow for collection without damage to the development site or the collection vehicle.

(2) All such dumpsters shall be screened to prevent them from being visible to:

a. Persons located within any dwelling unit on residential property other than that where the dumpster is located;

b. Occupants, customers, or other invitees located within any building on nonresidential property other than that where the dumpster is located; and

c. Persons traveling on any public street, sidewalk or other public way.

Sec. 6-18 Fences and Walls

(a) Intent. To ensure that walls and fences are attractive and in character with the neighborhood.

(b) General Provisions.

(1) Compatibility. Walls and fences shall be architecturally compatible with the style, materials, and colors of the principal buildings on the same lot. If used along collector or arterial streets, such features shall be made visually interesting by integrating architectural elements such as brick or stone columns, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or through similar techniques. A fence or wall may not consist of a solid, unbroken expanse for more than fifty (50) feet for every seventy-five (75) feet of length, or portion thereof. See Section 6-26 Design Vocabulary for examples.

(2) Materials.

a. Stone walls, or brick walls with a stone or cast stone cap, treated wood fences, decorative metal, cast iron fences, stucco walls, and stone piers are encouraged. Solid walls and fences are permitted only in rear and side yards. Retaining walls are permitted where required for landscaping or architectural purposes. Hedges may be used in the same manner and for the same purposes as a fence or wall. Refer to Section 6-26 Design Vocabulary for illustrations of fence styles that the City is encouraging.

b. Fences used in front yards shall be at least fifty (50) percent open.

c. Solid fences shall be constructed to meet the wind design criteria of the adopted Uniform Building Code, using a basic wind speed of eighty (80) miles per hour.

d. Other materials may be incorporated in fences and walls as may be approved by the City.

(3) Prohibited Materials. Contemporary security fencing such as concertina, razor wire, barbed wire or electrically-charged fences is prohibited.

(4) Retaining Walls. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property.

(5) Height Limitations. Fences or walls shall be:

a. No more than forty-two (42) inches high between the front building line

and the front property line. Walls shall not be solid except for retaining walls. For corner lots, front yard fence regulations shall apply to both street sides of lot.

b. No more than forty-two (42) inches high if located on a side yard line in the front yard, except if required for demonstrated unique security purposes. Fences and walls shall not be solid, except for retaining walls.

c. No more than five (5) feet high for an opaque privacy fence located on a rear property line or on a side yard line in the rear yard.

d. No more than six (6) feet high for opaque privacy fences that are located directly adjacent to and integrated with the architecture of the house or connected to a courtyard.

e. No more than thirty (30) inches high when located within the site distance triangle, unless they are transparent.

(f) In the Industrial (I) zone district, a chain link fence is permitted anywhere on the premises as long as the visibility at the intersection shall be in accordance.

g. Fences around a recreation court (e.g. tennis, squash racket, squash tennis or badminton) or around a publicly-owned recreation area may be as high as needed if the fence is at least fifty (50) percent open.

(6) Maintenance. Dilapidated, unsightly or dangerous fences shall be removed or repaired when so ordered by the Building Inspector. Hedges shall be maintained in a healthy condition, trimmed and pruned as appropriate for the plant type. Dead plant material in hedges shall be removed or replaced as appropriate when so ordered by the Building Inspector. Hedges shall not encroach upon sidewalks or street rights-of-way.

Sec. 6-19 Residential Architecture (Single-Family and Multi-Family Dwellings) (This section only applies to developers – not individuals)

6-19-1 Intent.

Architecture plays an important part in developing an identity for neighborhoods and dwellings. Thus, the City wants to build upon the architectural traditions of the region, yet allow for diversity of expression. In addition, the City wants to encourage a variety of housing types, sizes and prices in each neighborhood to allow people to remain in their neighborhoods, as their housing needs change.

6-19-2 Housing Diversity/Neighborhood Identity.

Housing diversity is an important goal for new residential development in City. In support of this, the integration of detached and attached single-family dwellings, and multifamily dwellings, within neighborhoods, even in the same block, is encouraged.

6-19-3 Single-Family Detached and Duplex Dwellings.

The intent of this section is to build a significant proportion of single-family detached and duplex dwellings with architectural designs that relate homes to the street, that create diversity and variety along residential streets, that have front porches, rear-loaded garages or alternatively loaded street-accessed garages, and that reflect traditional Colorado styles and neighborhoods, as well as more modern designs.

- (a) Streetscape Diversity. Single-family detached building requirements are intended to ensure that an adequate mix of models and styles are offered within a neighborhood and within each block face.

Before the building of single-family and duplex dwellings may commence on a block and prior to the issuance of a building permit within the block, the applicant shall illustrate, through the use of a Block Diversity Plan, how the development will comply with the requirements set forth in this section. Final plat approval cannot be given without approval of a **Block Diversity Plan** for the initial stage of development. Developments of three (3) dwelling units or less are exempted from this provision. A Block Diversity Plan shall include, at a minimum, the following:

- (1) A map that illustrates the model and elevation for each building on the block.
- (2) The color palette to be used.
- (3) A written statement that specifies how provisions of Section 6-19-3(a) – (n) of the Single- Family Detached and Duplex Dwellings section of this Code will be met.

In order to allow for flexibility in sales, a Block Diversity Plan may be modified over time, provided the minimum requirements of this section are met. The applicant shall enforce these requirements as individual lots are purchased.

- (b) Model Diversity. Each block face shall contain at least three (3) different models or duplex buildings that have significant variations in floor plan configuration and massing. Differentiation in models requires all of the following variations:
- (1) Rooms and elements program;
 - (2) Floor plan configuration;
 - (3) Massing;
 - (4) Size;

- (5) Color scheme;
- (6) Use of exterior material;
- (7) Garage component (at street-access condition); and
- (8) Garage access (at street-access condition).

Each block face shall contain no more than two (2) of the same model or duplex building with the same architectural style.

Significant variation in the range of wall colors on a block face is encouraged. Use different colors on adjacent building facades. Treat a block face as a unified composition.

Each block face shall contain at least three (3) roof colors.

The same model with the same architectural style shall not be placed adjacent to each other or directly across the street from one another.

At least a third (a) of the buildings on each block face shall have a front porch.

- (c) Stylistic Diversity. Each model or duplex building shall have at least two (2) architectural styles and color schemes.
- (d) Enhancements at Corners. At corners, buildings shall address the side street or open space. Corner lots shall be wide enough to allow for side elevation enhancements. The following enhancements are encouraged.
 - (1) A side or wrap-around porch, or a bay window. Wrap-around porches are encouraged.
 - (2) Windows or glazed doors that face the side street or open space.
 - (3) A change in the vertical or horizontal wall plane.
 - (4) Brackets, projections, belt courses, or other such details.
- (e) Architectural Style. The goal is to create the memorable character, identity, and appeal that these neighborhoods display, not to provide exact replicas of historic buildings. Photographs that illustrate the basis of the proposed architectural styles shall be provided. See illustrations in Section 6-26 Design Vocabulary.
- (f) Massing. The mass of a house or duplex should strongly reflect its architectural style and be scaled to provide visual interest and depth, reduce boxiness, and achieve an articulated form on all four sides.
- (g) Roof. The roof forms and pitches of a house or duplex shall strongly reflect its architectural style. In general, a simple dominant roof form should be used in

combination with complimentary secondary and minor roof forms and elements.

Roof overhangs, eaves, fascias and soffit detail shall be detailed appropriately for the architectural style of the building.

The character and placement of dormers, when used, shall also reflect the architectural style of the building.

- (h) Covered Entries and Porches. A covered entryway for the front door is encouraged.

Porch designs shall reflect the architectural style of the building. Where provided, a porch shall be at least six (6) feet deep, eight (8) feet wide, and be defined by a railing, columns or similar architectural features that are scaled and detailed to reflect their style.

Raised porch floors, sixteen (16) inches or more above the finished grade, are encouraged.

- (i) Front Doors. Front doors shall be designed, detailed and located to be prominent architectural element visible from the street. The door style, scale, and trim shall complement the architectural style of the building.
- (j) Windows. The window type, composition, proportions, and trim for a house shall strongly reflect its architectural style. The use of muntins is encouraged to create a smaller scale.
- (k) Exterior Embellishments. Bays, projections, brackets, trim and material changes that are appropriate for the expression of the architectural style of a building are encouraged.
- (l) Exterior Color. The skillful use of color variation is especially important. Monotonous color palettes are strongly discouraged.

Strong colors should be muted shades or tints of the pure hue to ensure that colors are subdued. High gloss paints are discouraged. Use saturated color hues sparingly as accents.

Wall, trim, accent, roof and masonry colors shall be coordinated.

Generally, corner trim should be of similar or lighter value than the main body color.

- (m) Decks. All vertical elements (columns, beams, railing, stairs, supports), fascias, and overhead elements of elevated and walkout decks shall be painted or stained

to match or compliment the permanent colors of the main structure and not left to weather naturally.

Deck posts shall be a minimum of six (6) inches in section unless grouped (two [2] or more posts) or enhanced with a built-up wood or masonry wrap or cladding.

Rear lot ground level decks and railings are exempt from this painting/staining provision.

- (n) Allowable Building Extensions. Cornices, canopies, eaves or similar architectural features may extend from the building into a required yard not more than two (2) feet. Open, unenclosed, uncovered porches at ground level may extend into a required yard not more than six (6) feet, excluding roof overhangs.
- (o) Garages. Homes, not garages, shall have the emphasis on residential streets. The intent is that residential streets have variety and that garages not dominate homes and streets. Alley accessed garages are strongly encouraged.

(1) Requirements for Garages with Access from the Street:

a. Variety of Garage Placement. Varying the placement of street-accessed garages on adjacent lots is encouraged to create diversity and avoid repetition.

b. Recessed Garage Doors. Street-facing garage doors shall be setback at least twenty-two (22) feet from the sidewalk or property line and four (4) feet or more from the forward most enclosed area of the home. No more than twenty-five (25) percent of these, however, are allowed on one block face.

c. Deep recessed and rear garages with side yard drive and maximum twelve (12) foot driveway curb cut are encouraged.

d. Swing-in (side-loaded) garages are encouraged. However, such garage projections shall be minimized so that they appear integrated with the overall structure and do not become a dominant feature of the streetscape.

e. Three-Car Street Accessed Garages. Three car, front-facing garages are not allowed. Swing-in garages, split garages, and tandem garages are encouraged.

f. Minimum Driveway Curb Cut Width. The width of a driveway curb cut is limited to twenty (20) feet.

g. Garage Doors. Individual single garage doors with upper level windows are encouraged.

(2) *Compliance.* The applicant shall include in the application for approval of the final plat, documentation showing how the development will comply with this requirement.

6-19-4 Townhouses and Row Houses (Single-Family Attached Dwellings).

The intent of this section is to build townhouses and row houses with architectural designs that relate buildings to the street, and that achieve a harmonious balance between repetition and variety.

- (a) **Individual Dwelling Identity.** “The composition of a row house grouping requires repetition of architectural elements like entries, bays, cornices and parapets. At the same time, visual interest and streetscape diversity are promoted by variation. Achieving balance between repetition and variety creates harmony.”

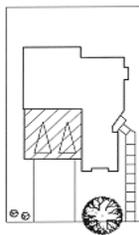
“Row house groupings rely on the continuity of well-defined architectural elements to establish strong street presence. However, each unit must be expressed so that the composition reads as the sum of the individual parts.”

“Design the primary façade of each row house so it is evident where the unit begins and ends. This can be achieved by repeating the principal architectural elements and subtly varying the offsetting of building walls, choice of materials, parapet height, and color.

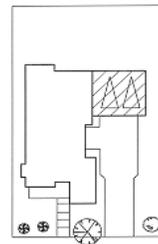
- (b) **Articulation.** “Because repetition is important to the composition of the row houses,

articulation of elements on the of each essential. row houses are along the techniques to architectural streetscape

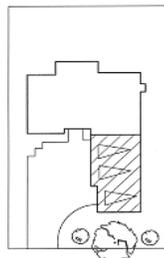
ALLOWED TYPES OF STREET ACCESSED SINGLE FAMILY RESIDENTIAL GARAGES



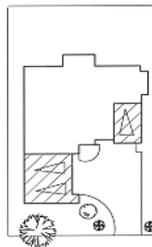
SHALLOW RECESSED



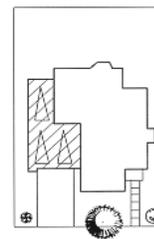
DEEP RECESSED



3-CAR SWING-IN



3-CAR SPLIT



3-CAR TANDEM

“A row defined entry dormer a of at in the building

sufficient architectural primary facade row house is Groupings of often repeated street, requiring promote interest and diversity.

house articulation is as a covered element, a facing the street, horizontal offset least two (2) feet principal wall for a

minimum of four (4) feet in width, a bay or projection, or a significant change in the parapet height and design.”

“The primary row house elevation towards the street needs at least two (2) articulations, but not more than three (3) articulations. The required articulation refers to an individual row house, not the entire grouping.”

“Side elevations of row houses facing a street are subject to the same articulation requirements as the primary façade.

“Row house groupings of six (6) units or more (or groupings over one hundred twenty [120] feet in length) require two different articulation combinations.”

- (c) Entry Definition. “Well-defined and sensitive entries are particularly important for row house design. In addition to creating a feeling of welcome and providing shelter, they also help make a gracious transition between public and private realms.”

All row houses must provide a covered front entry.

6-19-5 Multi-family stacked units, including condominiums and apartments.

The intent of this section is to build multi-family stacked units that achieve a harmonious balance between repetition and variety. Each multi-family dwelling containing more than three (3) dwelling units shall feature a variety of massing proportions, wall plane proportions, roof proportions and other characteristics. The following specific standards shall apply to multi-family stacked units, including condominiums and apartments:

- (a) Individual Building Identity. For all developments of three (3) or more multi-family stacked buildings, a floor plan may be repeated, however, identical building facades must not be replicated more than twice within the development. Before building may commence on a block and prior to the issuance of a building permit within the block, the applicant shall illustrate, through the use of a Block Diversity Plan, how the development will comply with the requirements set forth in this section. Final plat approval cannot be given without approval of a **Block Diversity Plan** for the initial stage of development. A Block Diversity Plan shall include, at a minimum, the following:
- (1) A map that illustrates the floor plan and elevation for each building on the block.
 - (2) The color palette to be used.
 - (3) A written statement that specifies how provisions of Section 6-19(a) – (d) the Multi-family stacked units section of this Code, will be met.
- (b) Articulation. Each multi-family dwelling or condominium shall be articulated with projections, recesses, covered doorways, balconies, box or bay windows

and/or other similar features, dividing large facades and walls into human-scaled proportions. Each multi-family building shall feature walls that are articulated by a least two (2) of any of the following elements within every thirty-six (36) foot length of the facade:

- (1) Recesses, projections or significant offsets in the wall plane;
 - (2) Distinct individualized entrances;
 - (3) Chimneys that project from the wall plane;
 - (4) Balconies and/or other outdoor living space; or
 - (5) Bay or box windows.
- (c) Roofs. Each multi-family building shall feature a combination of primary and secondary roofs. Primary pitched roofs shall be articulated by at least one (1) of the following elements:
- (1) Changes in plane and elevations;
 - (2) Dormers, gables or clerestories; or
 - (3) Transitions to secondary roofs over entrances, garages, porches, or bay windows.
- (d) Color. For all developments, there shall be no more than two (2) similarly colored structures placed next to each other along a street or major walkway spine.
- (e) Garages. No street-facing facade shall contain more than four (4) garage fronts. Resident garages or parking that is internal to the block is encouraged. On-street parking should be made available for visitors.

Sec. 6-20 Commercial and Industrial Architecture

6-20-1 Intent.

The City has the following four distinctly different Commercial/ Industrial types of development within its Planning Area: Downtown (B-1); Mixed Use Highway (B-2); Commercial (c); and Industrial (I). They are different in character, purpose, and mixture of uses. The design considerations vary for each type, although there are many common design elements. The General Provisions section outlines the common elements and the specific design considerations are identified by type

6-20-2 General Provisions.

- (a) Connections. Commercial developments must be linked with surrounding areas by extending city streets, sidewalks, and/or paths directly into and through the development, thereby providing convenient, direct pedestrian, bicycle and vehicle access to and from all sides of the development.

- (b) Accessibility. Developments must be accessible to pedestrians and bicyclists as well as motorists. Site plans shall equally emphasize the following:

- (1) Pedestrian access to the site and buildings;
- (2) Gathering areas for people; and
- (3) Auto access and parking lots.

The emphasis must not be placed solely on parking and drive-through functions.

- (c) Walkways. Walkways must be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access.
- (d) On-Street Parking. Streets and other elements of the site plan shall be designed so that on-street parking is a functional part of the development (except along arterial streets).
- (e) Building Orientation. Where possible, buildings shall be located to front on and relate primarily to streets. Building setbacks from local and collector streets should be minimized in order to establish a visually continuous, pedestrian-oriented streetfront. In the case of large buildings for employment, storage or auto-related uses, where greater setbacks are needed, a minimum of thirty (30) percent of the building shall be brought to the setback line. If a minimized setback is not maintained, the larger setback area shall have landscaping, low walls or fencing, a tree canopy and/or other site improvements along the sidewalk designed for pedestrian interest, scale and comfort.
- (f) Pedestrian Scale. The establishment of buildings on isolated “pad sites” surrounded by parking lots and driveways, and that offer mainly auto-oriented signage to define entrances, is discouraged. Even relatively massive development can be configured into “blocks” or other spaces, proportioned on a human scale and city block scale; and need not be proportioned on a monolithic, auto-oriented scale.
- (g) Thematic Architectural Styles. Standardized “corporate” or strongly thematic architectural styles associated with chain-type restaurants and service stores are strongly discouraged unless they accommodate the desired image for the City and are compatible with adjacent structures and uses. Refer to Section 6-26 Design Vocabulary for illustrations.
- (h) Location of Parking Lots. Parking requirements shall be provided to the greatest extent possible by spaces at the rear or sides of the building. Refer to Landscaping (Section 6-16) and Parking (Section 6-10) for additional parking requirements.

- (i) Blank Walls. Blank, windowless walls are discouraged. Where the construction of a blank wall is necessary, the wall shall be articulate.
- (j) Facade Treatment. The architectural treatment of the front facade shall be continued, in its major features, around all visibly exposed sides of a building. Blank wall or service area treatment of side and/or rear elevations visible from the public viewshed is discouraged.
- (k) Windows. Windows shall be vertically proportioned wherever possible.
- (l) Awnings. Fixed or retractable awnings are permitted. Canvas is the preferred material, although other water proofed fabrics may be used; metal or aluminum awnings shall not be used unless otherwise approved by the City Council.
- (m) Screening. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, and landscaping. In addition, all trash facilities, loading and parking areas shall be properly screen
- (n) Architectural Details. All materials, colors, and architectural details used on the exterior of a building shall be compatible with the building's style and with each other. Refer to Section 6-26 Design Vocabulary for illustrations of commercial architecture that the City is encouraging.

6-20-3 Downtown Architectural Standards

- (a) Setbacks. Buildings shall abut the front property line. Building facades may be recessed if an arcade or similar structure abuts the front setback. Architectural projections including cornices, balconies, canopies and entry features may encroach into public rights-of-way, subject to permits as required by City Codes.
- (c) Facade Treatments. Large buildings shall be articulated or designed to resemble the character and scale of the original downtown buildings, with each facade twenty-five (25) feet or less. Refer to Section 6-26 for examples of commercial architecture that the City is encouraging.
- (d) Entries. Transparent entries and large store front windows are strongly encouraged. Recessed and other styles of window openings are desired.
- (e) Windows. Street-level storefront windows are strongly encouraged. Office and residential windows organized in a generally regular pattern are encouraged.

- (f) Awnings/Canopies. Awnings or canopies, which provide a generally consistent cover along the pedestrian walk are strongly encouraged. Arcades are desired to maintain a more continuous weather protected walk.

6-20-4 Commercial Architectural Standards.

- (a) Design of developments with internal orientation. In multiple-building developments, where setbacks are increased to accommodate independent development with internal orientation, all primary building entrances must face walkways, plazas, or courtyards that have direct, continuous linkage to the street without making people walk through parking lots. However, it may be necessary for such direct pedestrian access ways to cross drive aisles. Driveway crossings must place priority on the pedestrian access. Continuous driveway aisles located directly in front of a building are discouraged.
- (b) Connections. Where it is not possible or appropriate to extend City street and sidewalks directly into development or bring the building up to a City sidewalk, buildings shall be shaped and designed to form pleasant, direct connections to adjacent land uses.
- (c) Requirement for four sided design: A building's special architectural features and treatments shall not be restricted to a single facade. All sides of a building open to view by the public, whether viewed from public or private property shall display a similar level of quality and architectural interest.

- (d) Building Form: The design of all buildings shall employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural features to avoid monolithic shapes and surfaces and to emphasize building entries. Designs shall not contain unbroken flat walls of fifty (50) feet or greater in length.

(1) Buildings having single walls exceeding fifty (50) feet in length shall incorporate one or more of the following for every fifty (50) feet:

- a. Changes in color, graphical patterning, changes in texture, or changes in material;
- b. Projections, recesses and reveals;
- c. Windows and fenestration;
- d. Arcades and pergolas;
- e. Towers;
- f. Gable projections;
- g. Horizontal/Vertical breaks; or
- h. Other similar techniques.

- (f) Exterior Building Materials and Colors: Intense, bright or fluorescent colors shall not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors.
- (g) Roof Materials: All sloping roof areas with a pitch of three in twelve (3 in12) or greater, and visible from any public or private right-of-way, shall be surfaced with attractive and durable materials.
- (h) Orientation of Pedestrian Entries: All office, hotel and motel structures shall be oriented so that pedestrian entries face the nearest adjacent street.

6-20-5 Industrial/ Business Park Architectural Standards.

- (a) Intent. State Highway 149 provides the opportunity to localize industrial/business park development, as well as highway commercial. Such development shall adhere to the adopted standards outlined in the Uniform Baseline Standards. In addition the following standards shall apply.

(b) Provisions

(1) Items 3 through 7 from the Commercial Section 6-20-5, shall apply.

(2) *Building Massing and Form:*

- a. Office and entry spaces shall be distinguished from the building mass.
- b. Large, square, “box-like” structures are not an acceptable form. Architectural elements with smaller forms stepping outwards and down shall be included.

c. Loading areas shall not front any street or public right-of way if at all possible..

d. Parking requirements shall be provided to the extent possible at the rear or sides of the building.

(3) *Wall Articulation.* Walls shall not have an uninterrupted length exceeding fifty (50) feet. Pilasters, texture transitions, windows and stepping of the wall plane are required. Refer to Section 6-26 for examples of industrial architectural styles that the City is encouraging.

(4) *Siting Structures.*

a. Structures shall be sited to avoid a “wall” affect along public rights-of-way and along adjacent property lines. This can be achieved by varying the building setbacks and clustering buildings.

b. Where multiple buildings are proposed on a development parcel, buildings shall be oriented to allow views into the project and shall preserve high quality views through the project (e.g. views of the mountains).

Sec. 6-21 Lighting

(a) Intent

(1) To create an attractive lighting system to enhance visibility and safety, while minimizing glare and contrast.

(2) To encourage exterior lighting that is functional, aesthetically pleasing, and complimentary to the architectural style of buildings.

(b) General Provisions.

(1) Evaluation of Exterior Lighting. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood. The degree to which exterior night lighting affects a property owner or neighborhood will be examined considering the light source, level of illumination, hours of illumination, and need for illumination in relation to the effects of the lighting on the adjacent property owners and the neighborhood.

(2) Light Style. The style of lights shall be consistent with the style and character of architecture proposed on the site. Light fixtures that illuminate signage shall be compatible with the architecture of the building on which they are placed.

(3) Concealed Light Source. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property and away from the vision of passing motorists. All

lights shall be directed downward and the light source shall be equipped with “cut-off” devices so that it will not be visible from any adjacent property and to ensure that ambient skyward light is eliminated. Accent and flagpole lighting shall be permitted to be directed upward as long as the light source is shielded and not visible from any adjacent property. Light fixtures installed under canopies, awnings, overhangs and the like shall be fully recessed.

(4) Hours of Lighting Operation. All parking lot lighting fixtures and exterior building lights, except those required for security purposes, shall be extinguished within one (1) hour after the end of business hours and remain extinguished until one (1) hour prior to the beginning of business hours. If a portion of a parking lot is used after dark, only that portion shall be lighted.

(5) Height Standards for Lighting.

a. Residential Zoning Districts. Light fixtures shall be mounted on concrete, fiberglass or painted metal poles no higher than sixteen (16) feet from the ground. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between three (3) and four (4) feet high.

c. Non-Residential Zoning Districts. Light fixtures shall be mounted on concrete, fiberglass or painted metal poles no higher than twenty-five (25) feet from the ground, unless a greater height, not to exceed the maximum building height in the applicable zone district, is approved by the Planning Commission or City Council through a development application review process. Lighting mounted on a building or structure shall not exceed the height of the building or structure. Bollard-type lighting fixtures shall be between three (3) and four (4) feet high.

(6) Exemption for Outdoor Recreational Uses. Because of their limited hours of operation and their unique requirements for nighttime visibility, ball diamonds, playing fields, tennis courts, and other similar outdoor recreational uses (both public and private, unless otherwise restricted by the City Council) shall be exempt from the general provisions of this section. However, exterior lighting for such uses shall be extinguished no later than 11:00 p.m.

Sec. 6-22 Environmental Considerations

(a) Intent. The intent of this section is to ensure that new development limits/mitigates its impact to wildlife and wildlife habitat and that it minimizes environmental impacts.

(b) General Provisions.

(1) Protection of Wildlife and Natural Areas. To the maximum extent practical, development shall be designed to ensure that disturbances which occur to any natural area as a result of development shall be minimized through the use of natural buffer zones. If any development materially disturbs a natural area, the

development project shall mitigate such lost natural resource either on- or off-site. Any such mitigation shall be roughly proportional to the loss suffered as a result of the disturbance.

a. *Natural areas shall include:* floodplains and floodways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter ($\frac{1}{4}$) acre in size.

b. *The natural area buffer zone* shall be used between natural areas and proposed development to ensure that the proposed development does not degrade the natural area. The size of the buffer zone shall be determined in conjunction with the Colorado Division of Wildlife or a City-approved wetland or wildlife ecologist. The City may decrease this buffer when strict application of this subsection will impose an exceptional and undue hardship upon the property owner or developer.

c. *Exceptions.* The City Council may allow disturbance or construction activity within the natural area or natural area buffer zone for the following limited purposes: mitigation of development activities, restoration of previously degraded areas, emergency public safety activities and utility installations when such activities and installations cannot reasonably be contained within other nearby develop areas, construction of a trail that will provide public access for educational or recreational purposes, or the enhancement of the habitat value and/or other natural resource values of a natural area.

d. *Ecological Characterization.* If the City determines that the site likely includes areas with wildlife, plant life, and/or other natural characteristics in need of protection, the City may require the developer to provide a report prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant discipline. The ecological characterization report should be included on the open space plan and describe the following:

- i. The wildlife use of the natural area showing the species of the wildlife using the area, the times or seasons the areas is used by those species and the “value” (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species;
- ii. The boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
- iii. Any prominent views from or across the site;

iv. The pattern, species, and location of any significant native trees and other native site vegetation;

v. The bank, shoreline and high water mark of any perennial stream or body of water on the site;

vi. Wildlife travel corridors, and

vii. The general ecological functions provided by the site and its features.

e. *Wildlife Conflicts*. If wildlife that may create conflicts for the future occupants of the development (including, but not limited to, prairie dogs, beaver, deer and elks) are known to exist in areas adjacent to or on the development site, then the development plan must, to the extent reasonably feasible, include provisions such as barriers, protection mechanisms for landscaping and other site features to minimize conflicts that might otherwise exist between such wildlife and the developed portion of the site. Any impacts to wildlife must be referred to the Colorado Division of Wildlife and, in the case of threatened or endangered species, United States Fish and Wildlife Services.

(c) The intent of this program is to promote building practices which benefit the environment and the socio-economic well-being of current and future residents.

(1) There are five resource areas which are addressed by the Green Builder Standards:

a. *Water* (quality and quantity);

b. *Energy* (quantity and type);

c. *Building Materials* (life cycle impacts);

d. *Solid Waste* (construction and operation impacts); and

e. *Health and Safety*

(2) Compliance. Compliance with the requirements of the Colorado Green Builder Program is strongly encouraged.

Sec. 6-23 Sanitary Sewer

All residential, commercial and industrial uses which have human occupancy shall have sanitary sewer at the developer's cost. The sanitary sewer system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built. Sanitary sewer lines are to be of sufficient size and design to collect all sewage from all proposed or portable structures within the subdivision or development. On a case-by-case basis, the City Council may approve individual sewage disposal systems that comply with Mineral County Health Department standards. However, no new addition, upgrade or major repair to an individual sewage disposal system will be permitted if the property is located within four hundred (400) feet of a municipal or sanitation district collection line, measured through existing sewer

easements or utility rights-of-way, except where such connection is not feasible or has been denied by the City or district.

Sec. 6-24 Potable Water

All residential, commercial and industrial uses, which have human occupancy, shall have potable water served by the City or appropriate water district at the developer's cost. The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built at the developer's cost.

Sec. 6-25 Fire Hydrants

The subdivider shall install fire hydrants at street intersections and at other points as per the requirements of the Mineral County/Creede Fire Protection District. Fire hydrants shall have national standards threads, two and one-half (2½) inch outlets and four and one-half (4½) inch or six (6) inch streamers, built at the developer's cost.

Sec. 6-26 Design Vocabulary

- (a) Intent. The following images are intended to provide examples of buildings and landscape features that may contribute to City's special character. The intent of the Design Vocabulary is to illustrate the character and quality of development the City is seeking and to help ensure new development is integrated with "Old Town." The residential architectural styles illustrate traditional Colorado styles.

The Design Vocabulary includes the following elements:

- (1) Residential Architectural Styles.
- (2) Medium Density Residential Architectural Styles.
- (3) Old Town.
- (4) Neighborhood Commercial.
- (5) Commercial/Industrial.
- (6) Streetscape.
- (7) Fences.
- (8) Signage.

ARTICLE 7 – RV Parks

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Article 7 – RV Parks

Sec. 7-1 Definitions

As used in this Article, the following words and terms shall have the meaning ascribed to them in this Section:

- (a) Recreational vehicle. Recreational vehicle means a vehicular type unit primarily designed as temporary living quarters for 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):
- (1) *Camping trailer.* A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.
- (2) *Motorized home, motor home and/or recreational bus or van.* A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
- (3) *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.
- (4) *Tent.* Protective fabric erected to provide protection from the elements.
- (5) *Travel trailer.* A towable vehicle designed as a temporary dwelling for travel and recreation.
- (6) *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.
- (b) Recreational vehicle park. Recreational vehicle park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.
- (c) Recreational vehicle site. Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.
- (d) Sanitary facilities. Sanitary facilities means toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.

- (e) Sanitary waste station. Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.
- (f) Service building. Service building means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.

Sec. 7-2 Review Process

- (a) All new recreational vehicle parks or development on any recreational vehicle park, new or pre-existing, must submit all plans and specifications in detail for such development to the Planning Commission and obtain approval after formal public hearing from the City Council. No construction or development shall be commenced until approved by the City Council and a building permit issued.
- (b) Permits for development of recreational vehicle parks shall be granted according to the conditional review process of this Code.
- (c) The Building Inspector and City Engineer shall inspect each new recreational vehicle park or space/site addition or construction on existing parks to determine compliance with the provisions of this Article and all other applicable ordinances, rules, regulations or codes. No occupancy shall be permitted or certificate of occupancy issued until said officials have made such determination in writing. Occupancy of the premises prior to issuance of a certificate of occupancy based on the above determination shall subject the violator to the penalties set forth in this Article. The above-named officials shall have authority to enter upon the premises for the purpose of such inspection at any reasonable time without notice or approval of the owner or manager.

Sec. 7-3 Location of Recreational Vehicle Parks

- (a) Recreational vehicle parks may be located in areas whose principal characteristic or activity is highway service or highway commercial (B2).
- (b) Recreational vehicle parks will not be permitted in any area zoned residential or in floodplain areas.

Sec. 7-4 Park Development Standards

- (a) Site Conditions. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

- (b) Soil and Groundcover. Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screening or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- (c) Drainage Requirements. A drainage plan in accordance with the provisions for a Final Plat of (Article 2 of this Code) shall be developed for the recreational vehicle park.

Sec. 7-5 Park Size and Density

- (a) Park Size. The minimum gross area for a recreational vehicle park is one (1) acres. The maximum gross area allowed is three (3) acres.
- (b) Park Density. The maximum density shall not exceed twelve (12) recreational vehicles per gross acre.
- (c) Minimum Site Size. Each recreational vehicle site shall contain a minimum of one thousand five hundred (1,500) square feet and shall have a minimum width of twenty-five (25) feet.
- (d) Site Pads. Each site shall contain a vehicle parking pad of concrete or asphalt paving. Minimum length of the parking pad shall be thirty-five (35) feet. No part of a recreational vehicle or other unit placed on the lot pad shall be closer than five (5) feet to the edge of the lot.
- (e) Required Separation Between RV Vehicles. Recreation vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or comports for purposes of this separation requirement shall be considered to be part of the recreational vehicle.
- (f) Site Identification. Each site for the parking of the recreational vehicle shall be identified by numbers, a minimum of three (3) inches in height, posted in a conspicuous place at the front of the site.

Sec. 7-6 Roadways and Parking

- (a) Interior Roads. All interior two-way roads shall be twenty-eight (28) feet minimum width and all interior one-way roads shall be twenty (20) feet minimum width. All roads shall be paved with asphalt and crowned to facilitate drainage. Roadways shall be designed for the safe and convenient movement of vehicles.
- (b) Parking Requirements. At least one and one-half (1½) off-road parking spaces shall be provided in the park per recreation vehicle site. At least one (1) off-road parking space shall be provided at each site. No on street parking will be permitted.

Sec. 7-7 Entrances and Exits

- (a) Locations and Access. No entrance or exit from a recreational vehicle park shall be permitted through a residential district nor require movement of traffic from the park through a residential district.
- (b) Design of Access to Park.
 - (1) Entrances and exits to recreational vehicle parks shall be designed for the safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets.
 - (2) Each recreational vehicle park shall have a separate entrance and exit roadway, each of which shall not be less than twenty-eight (28) feet wide from flow line to flow line, shall be hard surfaced with asphalt or concrete and shall connect to a dedicated public right-of-way not less than forty (40) feet in width.
- (c) Access onto State Highways. Access onto state-controlled highways or roads will require a permit from the State Department of Transportation. The design of the access will be according to Department of Transportation requirements.
- (d) Distance from Intersection. Entrance driveways shall be located not closer than one hundred fifty (150) feet from the intersection of public streets.

Sec. 7-8 Accessory Uses

Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

Sec. 7-9 Open Space and Recreational Areas

- (a) A general area or areas amounting to not less than ten (10) percent of the gross area of the recreational vehicle park, excluding any area dedicated as public right-of-way, shall be provided for recreation and open space use.
- (b) Such areas shall not include any area designated as a recreational vehicle space, storage area, required yard, service building or sanitary facility or waste station area.
- (c) Recreational facilities shall be included in the ten (10) percent requirement for open space.
- (d) A reasonably sized pet exercising area will be provided. City leash laws are to be enforced.

Sec. 7-10 Buffering; Setbacks, Screening and Landscaping

(a) Yards and Setbacks. Each recreational vehicle park shall set aside along the perimeter of the park the following areas which shall be landscaped and used for no other purpose:

(1) Minimum front setback – twenty-five (25) feet except when the recreational vehicle park fronts on a state highway; then the minimum shall be fifty (50) feet.

(2) Minimum side setback – when abutting residential districts, the side setback shall be fifty (50) feet; when abutting a dedicated public right-of-way, the side setback shall be twenty-five (25) feet on the side street; when abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line.

(3) Minimum rear setback – if the rear yard abuts a dedicated public right-of-way, the minimum shall be twenty-five (25) feet. If the rear yard abuts any other zoning district, the setback shall be fifteen (15) feet.

Summary of Yard Setbacks				
<i>If yard abuts a:</i>	<i>Residential District</i>	<i>Other District</i>	<i>Public Right-of-Way</i>	<i>State Highway</i>
<i>Front yard</i>	Not allowed	Not allowed	25'	50'
<i>Side yard</i>	50'	15'	25'	50'
<i>Rear yard</i>	50'	15'	25'	50'

(b) Landscaping. A landscaping plan illustrating the placement and type of trees and shrubs must be submitted as part of the park development plan. The design of the landscaping must mitigate the visual impact of the recreational vehicle park on the surrounding area.

(c) Boundary Fencing. Except for the front boundary, each recreational vehicle park shall be enclosed by a solid fence of wood or wall of brick or stone not less than six (6) feet in height.

Sec. 7-11 Utilities

(a) All Utilities Underground. All public utilities within the recreational vehicle park shall be underground.

- (b) Water Supply. The water supply for the recreational vehicle park shall be provided by a delivery system that is owned and operated by the City of Creede. The water system shall be connected by pipes to all service buildings and all recreational vehicle spaces. The water distribution system within the park shall meet the following minimum standards:
- (1) The water distribution system shall be designed, constructed and maintained in compliance with State Department of Health regulations and recommendations to provide a safe, potable and adequate supply of water.
 - (2) The distribution system shall not be connected to any no potable water supply nor be subject to any backflow.
 - (3) The distribution system shall deliver water at a minimum pressure of at least twenty (20) pounds per square inch and a minimum flow of at least one (1) gallon per minute at all outlets.
 - (4) The distribution system shall be capable of delivering a minimum volume of one hundred (100) gallons per day per recreational vehicle site.
 - (5) Water service lines, riser pipes and valves shall be installed and protected from damage by freezing, ground movement, vehicles or other damage sources.
 - (6) The riser pipe at each recreational vehicle site shall be at least three-quarters (3/4) inch in diameter and shall extend at least four (4) inches vertically above the ground elevation. It shall be equipped with a three-quarters (3/4) inch valve outlet with a threaded male spigot for attaching a standard garden hose.
 - (7) Tent camping sites shall be provided with common use water faucets located no more than one hundred fifty (150) feet from any campsite where appropriate and approved by the City Council.
 - (8) Drinking fountains, if provided, shall be approved angle jet type with adequate water pressure.
 - (9) Spillage, overflow, drainage or wastewater from faucets and drinking fountains shall be discharged to approved drains to prevent impoundment of water, creation of mud holes or other nuisance conditions.
 - (10) A water station for filling camping vehicle water storage tanks shall be provided in each park. These shall be located not less than fifty (50) feet from a sanitary station. The station shall be posted with signs of durable material, not less than two (2) square feet, which state: POTABLE WATER – DO NOT USE TO FLUSH VEHICLE WASTE TANKS. Such water stations shall consist of at least a three-quarter (¾) inch pipe and valve outlet and shall be protected against the hazards of backflow and back siphonage by an approved vacuum breaker

located downstream from the shutoff valve. The fill hose shall be suspended so that no part of the hose and its appurtenances will come into contact with the ground. A sign shall be posted at the entrance of the park indicating the provision of a sanitary station and water station.

- (c) Sewage Disposal. Facilities shall be provided and properly maintained for the collection and disposal or treatment and disposal of sewage.

(1) Where a public sewer system is available, all plumbing fixtures, building sewers and campground sewers shall be connected thereto. If a public sewer system is not available, a private sewage collection and disposal facility meeting requirements of the State Water Quality Control Commission, the State Department of Health and other applicable local government sewage disposal requirements shall be installed and all building sewers and campground sewers connected thereto.

(2) Solid and liquid wastes shall not be discharged or otherwise disposed of on the surface of the ground or into any well, cave, open ditch, stream, lake or reservoir.

- (d) Sewage Collection.

(1) Sewage collection lines shall be laid in trenches of sufficient depth to be free of breakage from traffic, ground movement, agricultural activity or other sources of damage, and shall be separated from the water supply system by a horizontal distance of ten (10) feet and a vertical elevation of two (2) feet below water lines at crossing points unless pressure sewers are used.

(2) The sewer lines shall be constructed of approved materials with adequate vents, watertight joints and sufficient cleanouts. All sewer lines shall have a minimum diameter of six (6) inches, except that a sewer lateral which serves no more than twenty-five (25) individual sewer connections for individual camping vehicle lots or no more than five (5) toilet connections may be four (4) inches in diameter.

(3) Sewers shall be installed at a grade of at least one-eighth (1 / 8) inch per foot to ensure a velocity of two (2) feet per second when flowing full. Horizontal drainage lines connecting with other horizontal drainage lines shall enter through forty-five degree "y" branches or other combinations of equivalent sweep.

(4) Cleanouts or manholes shall be provided at the upper end of each main sewer line, at intersections of two (2) or more sewer lines, changes in grade or alignment of more than forty-five degrees, and at intervals of not more than four hundred (400) feet.

(5) Individual sewer connections shall meet the following requirements: A four (4) inch inside diameter sewer lateral and riser pipe with the surrounding ground

graded to drain from the rim of the riser pipe. The sewer lateral shall be properly trapped and vented if camping vehicles without individually trapped and vented plumbing fixtures are accommodated.

(6) Dependent camping vehicles with a drain hose less than three (3) inches in diameter shall be connected with reducers and a screw or clamp-type fittings.

(7) Drain outlets from independent camping vehicles shall be capped or connected with a durable, readily cleanable, nonabsorbent, corrosion-resistant, drain hose having an inside diameter of not less than three (3) inches. The sewer service connection shall be installed and maintained with a grade not less than one-quarter (1/4) inch per foot.

(8) When the campsite is not occupied, the sewer riser pipe shall be adequately covered.

(9) A flushing sink or other means of disposal shall be provided for disposal of liquid wastes from dependent camping vehicles, unless a sanitary waste station is provided and is conveniently located. The flushing sink shall be easily accessible and located at a distance of not more than three hundred (300) feet from any campsite. The sinks shall not be located in a room containing toilet, lavatory or bathing facilities, and toilets shall not be used for disposal of liquid wastes. Common-use faucets or hydrants and lavatories in service buildings shall not be used for cleaning fish and food, and for washing dishes, utensils, clothing or other articles of household use.

(10) A sanitary waste station shall be provided for each one hundred (100) campsites or part thereof not equipped with individual sewer connections. Unless other approved means are used, the sanitary station shall be designed and constructed to include the following:

a. Easy ingress and egress from a service road for camping vehicles and located not less than fifty (50) feet from a campsite.

b. Connection to the sewer system by a trapped four (4) inch sewer riser pipe and vented not more than ten (10) feet downstream from the trap by a four (4) inch vent, adequately supported and extending at least eight (8) feet above the ground surface.

c. The sewage inlet surrounded by a curbed concrete apron or trough of at least three (3) by three (3) feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tight.

d. A means for flushing the immediate area and a camping vehicle holding tank shall be provided at each sanitary waste station. It shall consist of a properly supported water riser pipe, terminating two (2) feet above the

ground with a three-fourth (3/4) inch valve outlet which shall be protected against back siphonage and backflow by an approved vacuum breaker installation located downstream from the shutoff valve.

e. A sign, constructed of durable material and not less than two (2) feet square, posted adjacent to the water flushing outlet and inscribed with the warning: UNSAFE WATER FACILITY.

(11)The plumbing shall be installed according to the most recent edition of the Uniform Plumbing Code as adopted by the City.

(e) Electricity and Natural Gas.

(1) An electric outlet approved by an electric utility shall be provided for each recreational vehicle space. The installation shall comply with all state and local electrical codes. Such electrical outlets shall be weatherproof.

(2) Street and yard lights shall be provided in such number and intensity as to ensure safe movement of vehicles and pedestrians at night. A light directed to the ground shall be located at each outside entrance of the service buildings, which shall be kept lighted during hours of darkness.

(3) Where natural gas or propane is provided, the installation will comply with all applicable State and local building code regulations.

(f) Utility Plans. Plans for water, sewer, electricity and natural gas or propane along with letters of approval from the appropriate utility provider must be submitted to the City for approval.

Sec. 7-12 Refuse Disposal

- (a) The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents, bears or other nuisance conditions.
- (b) Durable, watertight, easily cleanable refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than three hundred (300) feet from any campsite. Refuse containers shall be provided at the rate of eight (8) cubic feet (60 gallons) for each five (5) campsites. Individual trash cans at each recreational vehicle site may be provided. All containers for refuse shall be covered with close fitting, fly tight covers.
- (c) Refuse shall be collected and removed from the premises as often as necessary, but not less than once weekly, and disposed of at a lawful disposal site.

- (d) No burning of refuse will be permitted at the recreational vehicle park.
- (e) Bear proof trash containers are required.

Sec. 7-13 Insect and Rodent Control

Insects and domestic rodents (rats & mice) shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, and vermin proofing of buildings and other approved control methods.

Sec. 7-14 Fire Prevention and Protection

- (a) All recreational vehicle parks shall comply with the current Fire Code of the City
- (b) Hand fire extinguishers of a type approved by the Mineral County/Creede Fire Protection District shall be maintained in effective working order and located in convenient places in the ratio of one (1) to eight (8) recreational vehicle spaces. The location of fire extinguishers must be approved by the Fire Chief of the Mineral County/Creede Fire Protection District.
- (c) No outdoor fires will be allowed except in grills, ovens, stoves or park-provided fire boxes. Park-provided boxes must be approved by the Mineral County/Creede Fire Protection District. No open fires are allowed.
- (d) Fire plugs shall be located so that every site within the park can be reached with three hundred (300) feet of hose.

Sec. 7-15 Sanitary Facilities(a) Sanitary facilities shall be provided and installed in accordance with the latest edition of the Uniform Plumbing Code adopted by the City.

- (b) Required toilet, lavatory and bathing facilities shall be provided in the following minimum numbers:

Campsites	Toilets		Urinals	Lavatories		Showers	
	M	F	M	M	F	M	F
15	1	2	1	1	1	1	1
16 – 30	1	2	1	2	2	1	1
31 – 45	2	3	1	3	3	1	1
46 – 60	2	3	2	3	3	2	2
61 – 80	3	4	2	4	4	2	2
81 – 100	3	4	2	4	4	3	3
101 – 120	4	5	3	5	5	4	4

M is Male
F is Female

- (c) At least one (1) toilet and shower facility shall be provided to accommodate handicapped persons.
- (d) No portable toilets will be allowed in recreational vehicle parks.

Sec. 7-16 Service Buildings

- (a) Service buildings shall be constructed of easily cleanable, nonabsorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) or more than four hundred (400) feet from any dependent camping vehicle lot or persons served in a recreational area.
- (b) Separate rooms containing required plumbing fixtures shall be provided for each sex and clearly marked “men” and “women.” If located in the same building, they shall be separated by a solid, sound-resistant wall extending from floor to ceiling. The entrances shall be so designed so that the plumbing fixtures are not visible from the outside. A landing shall be provided beyond each exterior door opening and shall have a width and length not less than the door opening.
- (c) The floors of service buildings shall have a smooth, impermeable and easily cleaned surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove wastewater and to facilitate cleaning. The walls and ceilings of such buildings shall be finished, and the walls shall have a smooth, nonabsorbent, easily cleanable surface extending to a height of four (4) feet in toilet rooms and six (6) feet in shower rooms.
- (d) Every service building shall have a minimum ceiling height of seven and one-half (7 ½) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least fifty (50) percent of the room, and no portion of any room having a ceiling height of less than six (6) feet shall be considered as contributing to the minimum required areas.
- (e) Every service building shall have at least one (1) window with direct and unobstructed opening to the outside for natural light and ventilation, unless other approved means of light and ventilation to the outside air are provided.
- (f) When necessary for exclusion of flies, mosquitoes and other insects, all exterior openings of service buildings shall be protected with fly screening of not less than sixteen (16) mesh per square inch, unless other approved protective devices are provided.
- (g) Every service building shall be provided with at least one (1) ceiling-type light fixture, at least one (1) separate double convenience (GFCI) outlet adjacent to the

lavatories, and a light fixture at the outside entrance of the service building. All lights shall have wall switches; no pull cords shall be allowed.

- (h) Illumination levels of at least thirty (30) foot-candles shall be maintained at lavatory mirrors and laundry room work areas, and at least five (5) foot-candles shall be maintained for general seeing tasks and at the service building entrance area.
- (i) Service buildings shall be provided with approved heating facilities which are properly installed, maintained in a safe working condition and capable of maintaining a room temperature of sixty-eight degrees Fahrenheit (68F).
- (j) Toilets and showers shall be separately installed to be individually accessible and to permit simultaneous use.
- (k) Each toilet shall be individually partitioned with a door to ensure privacy. The compartment shall be at least thirty (30) inches in width with at least twenty-four (24) inches of clear space in front of a toilet. The dividing partitions shall be at least five (5) feet in height with not less than six (6) inches nor more than twelve (12) inches separating the partition bottom and the floor. Toilets shall be provided with open-front seats.
- (l) Each shower shall be individually partitioned with a curtain, screen or door to afford privacy. Shower stalls shall not be less than thirty (30) inches by thirty (30) inches in area and shall be constructed to prevent water flow into the dressing room space. Shower floors shall be skid resistant or provided with disposable or with nonslip impervious mats. Wooden racks (dust boards) over shower floors are prohibited. Where impervious mats are used, they must be cleaned, dried and kept off the shower floor when not in use.
- (m) Dressing room space, screened from view and at least 30 sq. foot floor area, shall be provided adjacent to bathing facilities and shall be equipped with a bench and clothes hook.
- (n) Hot and cold water under pressure shall be supplied to all required plumbing fixtures, except that cold water only shall be supplied to toilets. Tempered water may be delivered to showers and sinks to conserve heated water and heating equipment. The system shall be designed to prevent discharge of water in excess of one hundred twenty degrees Fahrenheit (120F) at shower heads.
- (o) Hot water heating facilities shall have the capacity to provide a minimum of three (3) gallons of hot water (one hundred degrees Fahrenheit [100F] rise) per hour per each campsite during times of peak demands.

- (p) Required plumbing fixtures shall be maintained in good working order and in clean and sanitary condition. Every service room containing sanitary fixtures shall be provided with a wastebasket.
- (q) Toilets shall be provided with a toilet paper holder or dispenser and a supply of toilet paper and a covered receptacle, and lavatory areas shall be provided with clothes hooks, shelves and trash receptacles.
- (r) Service building construction shall conform to applicable provisions of the International Building Code and existing local building codes, regarding *“Specifications for making buildings and facilities accessible to and useable by physically handicapped.”*

Sec. 7-17 Safety

- (a) All electrical wiring, equipment and appurtenances shall be installed and maintained in accordance with provisions of the National Electrical Code currently adopted by the City.
- (b) Liquid petroleum gas, fuel oil, gasoline and other flammable liquids shall be handled and used in a safe manner and shall not be stored inside or beneath any camping vehicle or within five (5) feet of a door of a camping vehicle.
- (c) The grounds, buildings and related facilities shall be constructed, maintained and used in accordance with applicable local and State fire prevention regulations.
- (d) Play equipment, when provided for children, shall be designed for safety, maintained in good repair and located in areas free from hazards.

Sec. 7-18 Miscellaneous Regulations

- (a) L.P. tanks shall be limited to one - one hundred (100) pound size per RV.
- (b) Storage buildings, lean-tos, bins or other outside storage facilities shall not be allowed at recreational vehicle sites.

Sec. 7-19 Permanent Occupancy Prohibited

- (a) No recreational vehicle shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond six (6) months in any twelve month period shall be presumed to be permanent occupancy.
- (b) 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.

Sec. 7-20 Licensing and Inspection

- (a) License Required. It shall be unlawful for any person to operate any recreational vehicle park within the limits of the City unless he or she holds a valid recreational vehicle park license issued annually by the City in the name of such person for the specific recreational vehicle park.

- (b) Application for License and Fee. Application for a recreational park license shall be filed each calendar year with the City Clerk. Applications shall be in writing, signed by the applicant, and shall contain the following information:
 - (1) Name of applicant.

 - (2) Location and legal description of the recreational vehicle park.

 - (3) Complete plan drawn to scale showing all recreational vehicle lots, structures, roads, walkways and other service facilities. Plans shall be filed in subsequent years only if changes in the plan of the recreational vehicle park are to be made.

 - (4) Such further information as may be requested by City officials to enable them to determine if the proposed recreational vehicle park will comply with the requirements of this Article or other applicable laws and ordinances.

 - (5) License fee: An annual license fee, of one hundred dollars (\$100.00) plus thirty dollars (\$30.00) per recreational vehicle site shall be assessed whether occupied or not. These fees shall be set by the Board of Trustees and reviewed annually.

- (c) License Transfer. Every person holding a license shall give written notice to the City Clerk within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of interest in or control of any recreational vehicle park. Such notice shall include the name and address of the person succeeding to the ownership or control of such recreational vehicle park. Upon application in writing for transfer of the license and deposit of a fee of twenty-five dollars (\$25.00), the license shall be transferred if the recreational vehicle park is in compliance with all applicable provisions of this Article and regulations issued hereunder.

- (d) License to be Posted. The license certificate shall be conspicuously posted in the office of the recreational vehicle park at all times.

- (e) Registration. All recreational vehicles in the park must have a current valid registration.

- (f) Inspection. The Building Official shall inspect each recreational vehicle park at least once annually to determine compliance with the provisions of this Article

and all other applicable ordinances, rules, regulations or codes. Such official shall have the authority to enter upon the premises for the purpose of such inspections at any reasonable time without notice to the owner or manager.

Sec. 7-21 Revocation of License

- (a) When it appears to any police officer, the Fire Chief, the Building Inspector or the health officers that any person holding a license under this Article has violated or may have violated any of the provisions hereof, a written notice shall be served on such licensee and/or recreational vehicle park manager in person or by registered United States mail specifying the manner in which it is believed he or she has violated or may have violated this Article. Said notice shall require the owner and/or recreational park manager to appear before the City Council at a time specified therein, not less than ten (10) days after the service of said notice, and show cause why such license should not be suspended or revoked.
- (b) At such time, said licensee or recreational vehicle park manager and member of the Fire, Police, Building or Health Departments of the City may produce such evidence as may be relevant to determine whether the violation charged in the notice has been committed. If the City Council finds from the evidence that such violation has not been committed, it shall so advise the licensee and/or recreational vehicle park manager and dismiss the charge. If the City Council finds from the evidence that such violation has been committed, it shall so advise the licensee or recreational vehicle park manager and may forthwith put said person on probation for thirty (30) days. If the violation is not corrected within such probationary period, the City Council may revoke or suspend the license held by such person or continue the probation for such period and on such conditions as it shall determine.
- (c) It shall be unlawful for any person whose license has been revoked or suspended to operate, continue to operate or offer to operate any recreational vehicle park after the date of such revocation or during the term of such suspension, as the case may be.

Sec. 7-22 Responsibilities of Management

- (a) Enforcement of Regulations. The owner or operator of any recreational vehicle park shall arrange for the management and supervision of such recreational vehicle park so as to enforce or cause compliance with the provisions of this Article.
- (b) Maintenance. The owner, operator or attendant of every recreational vehicle park shall assume full responsibility for maintaining in good repair and condition all facilities of the recreational vehicle park as required herein.

- (c) Office. In every recreational vehicle park there shall be a designated office building in which shall be located the office of the person in charge of said park. A copy of all required City and State licenses and permits shall at all times be kept in said office.
- (d) Management Duties. It shall be the duty of the attendant or person in charge, together with the owner or operator, to:
- (1) Keep at all times a register of all tenants (which shall be open at all times to inspections by state, county and federal officers and officers of the City) showing for all tenants:
 - a. Dates of entrance and departures.
 - b. License numbers of all recreational vehicles and towing vehicles or automobiles.
 - c. States issuing such license.
 - (2) Maintain the park in a clean, orderly and sanitary condition at all times.
 - (3) See that provisions of this Article are complied with and enforced and report promptly to the proper authorities any violations of law which may come to his or her attention.
 - (4) Report to local health authorities all cases known to the owner to be infected with any communicable diseases.
 - (5) Pay promptly to the City all license fees required by City ordinances or other laws.
 - (6) Prohibit the use of any recreational vehicle by a greater number of occupants than that which it is designed to accommodate.

ARTICLE 8 – FLOODPLAIN AREAS

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Article 8 – Floodplain Areas

Sec. 8-1 Authority

The State Legislature has, in Section 31-23-301, C.R.S., delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

Sec. 8-2 Findings of Fact

The flood hazard areas of the City of Creede are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Flood losses are caused by the cumulative effect of obstructions in special flood hazard areas, which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to flood loss.

Sec. 8-3 Purpose

It is the purpose of this Article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located of special flood hazard area.
- (f) To help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future flood blight areas.
- (g) To ensure that potential buyers are notified that property is in special flood hazard areas.
- (h) To ensure that those who occupy the special flood hazard area assume responsibility for their actions.

Sec. 8-4 Methods of Reducing Flood Losses

In order to accomplish its purposes, this Article includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Sec. 8-5 Definitions

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application:

- (a) Appeal. Appeal means a request for a review of the City's interpretation of any provision of this Article or a request for a variance.
- (b) Special flood hazard area. Special flood hazard area means the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.
- (c) Base flood. Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
- (d) Critical feature. Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
- (e) Development. Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- (f) Flood. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters; and/or

- (2) The unusual and rapid accumulation or runoff of surface waters from any sources.
- (g) Flood Insurance Rate Map (FIRM). Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the special flood hazard area and the risk premium zones applicable to the community.
- (h) Flood Insurance Study. Flood Insurance Study means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- (i) Floodway. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (j) Lowest floor. Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Article.
- (k) Manufactured home. Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. This definition is for the purpose of this Article only.
- (l) Manufactured home park. Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
- (m) Mean sea level. Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (n) New construction. New construction means structures for which the start of construction commenced on or after the effective date of this Article.
- (o) Program deficiency. Program deficiency means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards in §§ 60.3, 60.4, 60.5 or 60.6.

- (p) Remedy a violation. Remedy a violation means to bring the structure or other development into compliance with state or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Article or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.
- (q) Start of construction. Start of construction includes substantial improvement, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- (r) Structure. Structure means a walled and roofed building or manufactured home that is principally above ground.
- (s) Substantial improvement. Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:
- Before the improvement or repair is started; or
 - If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, *substantial improvement* is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- The term does not, however, include either:
- Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.
- (t) Variance. Variance means a grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article.

- (u) Violation. Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in NFIP Standards § 603(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.
- (v) Water surface elevation. Water surface elevation means the height, in relation to the NGVD of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 8-6 Lands to Which this Article Applies

This Article shall apply to all special flood hazard areas within the jurisdiction of the City of Creede.

Sec. 8-7 Basis for Establishing the Special Flood Hazard Areas

The special flood hazard areas identified by the Federal Emergency Management Agency are outlined on the Flood Insurance Rate Map for the City of Creede. The Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this Article. The Flood Insurance Rate Map is on file at the City offices.

Sec. 8-8 Compliance

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations.

Sec. 8-9 Abrogation and Greater Restrictions

This Article is not intended to repeal, abrogate or impair any existing easement, covenants or deed restrictions. However, where this Article and other ordinance, easement, covenant or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 8-10 Interpretation

In the interpretation and application of this Article, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 8-11 Warning and Disclaimer of Liability

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This

Article does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Creede or any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

Sec. 8-12 Establishment of Development Permit

A development permit shall be obtained before construction or development begins within any special flood hazard area established in Section 8-7 of this Code. Application for a development permit shall be made on forms furnished by the designated official and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (b) Elevation in relation to mean sea level to which any structure has been flood proofed;
- (c) Certificate by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 8-17 (b); and
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Sec. 8-13 Designation of the Local Administrator

The City Manager is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions.

Sec. 8-14 Duties and Responsibilities of the Local Administrator

Duties of the City Manager as Local Administrator for this Article shall include but not be limited to:

- (a) Permit Review:
 - (1) Review all development permits to determine that the permit requirements of this Article have been satisfied;
 - (2) Review all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required; and
 - (3) Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the special flood hazard

area. For purposes of this Article, *adversely affects* means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

- (b) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 8-7, the City Manager, as may be reasonable, shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring new construction, substantial improvements or other development in Zone A as delineated on a Flood Insurance Rate Map, in order to administer Section 8-17.

- (c) Information to be Obtained and Maintained:
 - (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 - (2) For all new or substantially improved flood proofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level to which the structure has been flood proofed); and
 - b. Maintain the flood proofing certifications required in Section 8-12(c).
 - c. Maintain for public inspection all records pertaining to the provisions of this Article.
 - (3) *Alteration of Watercourse:*
 - a. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - (4) *Interpretation of FIRM Boundaries.* Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 8-15.

Sec. 8-15 Variance Procedure

- (a) Appeal Board.

- (1) The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of this Article.
- (2) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the City Manager and/or his or her agent in the enforcement or administration of this Article.
- (3) Those aggrieved by the decision of the Board of Adjustment may appeal such decisions to the Mineral County District Court, as approved in Section 31-23-307, C.R.S.
- (4) In passing upon such application, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article, and:
 - a. The danger that materials may be swept into other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
 - i. The safety of access to the property at times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

- (5) Upon consideration of the factors of Subsection (4) above and the purposes of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.
 - (6) The City Manager, through his or her department, shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.
- (b) Conditions for Variances.
- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, provided that items a through k in Subsection (a)(4) above have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justifications required for issuing the variance increase.
 - (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
 - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (5) Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, or cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Sec. 8-16 General Standards for Flood Hazard Reduction

- (a) Anchoring.

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and to withstand hydrodynamic loads.
 - (2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - (3) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
 - (4) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - (5) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - (6) Any additions to the manufactured home shall be similarly anchored.
- (b) Construction Materials and Methods.
- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (3) For all new construction and substantial improvements, fully enclosed areas below the lowest floor shall automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (c) Utilities.
- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and eliminate discharge from the systems into floodwaters.
 - (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - (4) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (d) Subdivision Proposals.
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

Sec. 8-17 Specific Standards

In all special flood hazard areas where base flood elevation data has been provided as set forth in Section 8-7 or Section 8-14(b), the following provisions are required:

- (a) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- (b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement; or, together with attendant utility and sanitary facilities, shall:
 - (1) Be flood proofed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) Provide that where a nonresidential structure is intended to be made watertight below the base flood level:
 - a. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance

with accepted standards of practice for meeting the application provisions of Section 8-14 above; and

b. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under Section 8-14 above.

(c) Manufactured Homes.

(1) Manufactured homes shall be anchored in accordance with Section 8-16(a).

(2) All manufactured homes or those to be substantially improved shall be elevated on a foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system.

ARTICLE 9 – ANNEXATION

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Article 9 - Annexation

Sec. 9-1 Purpose

The purpose of this Article is to establish a procedure to bring land under the jurisdiction of the City in compliance with the *Colorado Municipal Annexation Act of 1965*, as amended. This Article, in part, provides supplemental requirements for annexation pursuant to the *Colorado Municipal Annexation of 1965*, and is not to be construed as altering, modifying, eliminating or replacing any requirement set forth in that act, or any requirements set forth in other portions of the City Municipal Code. In the event of a conflict between the act and the provisions of this Article or any requirements set forth in other portions of the City Municipal Code, it is the expressed intent of the City Council that the more stringent provision shall control.

Sec. 9-2 Statement of Policy and Review Criteria

It shall be the general policy of the City with respect to annexations and the consideration of annexation petitions that:

- (a) Annexation is a discretionary act. With the exception of an initiated petition for the annexation of an enclave, the City Council shall exercise its sole discretion in the annexation of territory to the City .
- (b) The land to be annexed and the uses proposed for the land shall conform to the goals, policies and strategies of the City Comprehensive Plan.
- (c) Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the City in order that the public needs may be served by such facilities. These facilities include, but not by way of limitation, arterial streets, bridges, public parks and recreation areas, school sites, fire and police station sites, and storm drainage facilities. The annexation of lands to the City shall be shown not to create any additional cost or burden on the then-existing residents of the City to provide such public facilities in any newly annexed area.
- (d) The petitioner for annexation shall be responsible for paying the City's full cost for processing the annexation petition, from initial discussion with City staff before submittal of the petition, through the approval and recording of the final annexation documents.
- (e) Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels. (For example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property.)
- (f) All water rights to be deeded to the City, shall be deeded to the City at the time of annexation.

- (g) The City shall have in place an “annexation master plan” for the “three mile” area surrounding the City . The “annexation master plan” shall be updated for each annexation or once per year, whichever is less.
- (h) Zoning of the annexed area shall take place when the annexation takes effect.

Sec. 9-3 Eligibility for Annexation

Eligibility for annexation shall be determined by conformity with the requirements of C.R.S. §§ 31-12-104 and 31-12-105, as amended and as determined by the City Council in their sole discretion.

Sec. 9-4 Procedure

Annexation petitions shall be processed and considered as follows:

- (a) Step 1: Annexation Pre-Application Conference. The application process begins with a pre-application conference with the Mayor or designated City_Staff member to determine the feasibility of the annexation request. Following this informal meeting, the applicant submits a Letter of Intent requesting annexation, the Annexation Petition, the completed Annexation Application form, annexation maps and supporting documents.
- (b) Step 2: Annexation Petition Certification and Completion. The petition for annexation or petition for election and all other documents submitted shall be reviewed by Staff for completeness and compliance with the provisions of the *Municipal Annexation Act of 1965*, and the City Municipal Code. The applicant shall be notified within a reasonable time of any deficiencies or inadequacies in the materials submitted. An incomplete submission shall not be processed, nor referred to the City Council for a determination of substantial compliance.
- (c) Step 3: Annexation Petition Referral to City Council. Upon the staff’s determination that the petition and supporting documentation are complete and in compliance with provisions of the *Municipal Annexation Act of 1965*, and the City Municipal Code, the City Manager shall refer the petition to the City Council as a communication.
- (d) Step 4: City Council Determination of Substantial Compliance. The City Council, without undue delay, shall take the appropriate steps to determine if the petition is in substantial compliance with the *Municipal Annexation Act of 1965*.
 - (1) If the petition is found to be in substantial compliance with the *Municipal Annexation Act of 1965*, the City Council may, by the adoption of a Resolution of Intent to Annex, set the annexation for public hearing on a specified date, time, and place, not less than (30) thirty days nor more than (60) sixty days from the effective date of the Resolution, subject to compliance with C.R.S. § 31-12-108.

(2) If the petition is found to not be in compliance with the *Municipal Annexation Act of 1965*, no further action shall be taken, except that the determination shall be made by resolution adopted by the City Council.

- (e) Step 5: Planning Commission Review and Recommendations. The Planning Commission shall consider the petition for annexation at a regular or special meeting to be held prior to the date of the City Council public hearing. The Planning Commission, upon the conclusion of the meeting at which they consider the petition for annexation, shall recommend approval of the petition for annexation with or without modifications and/or conditions, or recommend denial.

The Planning Commission shall hold a public hearing on the zoning of the property at the same meeting. Notice of the public hearing on zoning shall be given in accordance with the requirements for an amendment to the zoning map (Section 4-10). Prior to the City Council Public Hearing and action on the annexation, the Planning Commission shall recommend approval, with or without modifications and/or conditions, or recommend denial of the requested zoning. They shall refer any such recommendation to the City Council.

- (f) Step 6: City Council Public Hearing and Action on the Annexation. The City Council shall hold the public hearing on the petition for annexation and zoning, on the date and at the time set by the Resolution of Intent to Annex. The petitioners shall present evidence in support of the petition, and zoning if applicable. Staff shall testify as to the elements required by statute to be present for annexation. Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the City Council. The City Council may continue the hearing to another date without additional notice if the volume of material to be received cannot be presented within the available time for any given session; except that no session of the hearing shall be so continued unless at least one hour of testimony has been heard. All proceedings at the hearing and any continuances thereof shall be recorded, but the recorder's notes need not be transcribed unless proceedings for judicial review are initiated as provided by C.R.S. § 31-12-116. At the conclusion of the public hearing, the City Council shall adopt a resolution containing the findings of fact and conclusions, including:

(1) Whether or not the requirements of C.R.S. § 31-12-104 and 105 and 1 this Article have been met;

(2) Whether or not additional terms and conditions are to be imposed; and

(3) Whether or not an election is required, either as result of a petition for election or the imposition of additional terms and conditions.

If the City Council finds that the area proposed for annexation does not comply with the requirements of C.R.S. § 31-12-104 and 105, the annexation proceeding will be terminated.

If the City Council finds the following:

- (1) The annexation is in compliance with the requirements of C.R.S. § 31-12-104 and 105;
- (2) That an election is not required under C.R.S. § 31-12-107 (2);
- (3) The petition is found to be signed by the owners of one hundred (100) percent of the area proposed to be annexed, exclusive of streets and alleys; and
- (4) No additional terms and conditions are to be imposed;

The City Council may annex the land by ordinance without election. The ordinance annexing such area shall include a statement that the owners of one hundred (100) percent of the area petitioned for the annexation. The zoning of the property, shall be approved by separate ordinance.

If the petition is for an annexation election, or the City Council determines that less than one hundred (100) percent of the owners have signed the petition for annexation, or the City Council determines that additional terms and conditions should be imposed upon the area proposed be annexed, which are not agreed to voluntarily and in writing by the landowners, the City Council shall make appropriate findings by Resolution and order an election to be conducted in accordance with C.R.S. § 31-12-112.

If the annexation is approved by the eligible electors in accordance with C.R.S. § 31-12-112, the City Council may by ordinance annex the land. In the event the annexation is not approved by the eligible electors or the vote is tied, the annexation proceeding will be terminated.

If the City Council, in its sole discretion, finds that the annexation is not in the best interest of the City, it may deny the petition by resolution, stating the grounds for such denial. Only in the event of a petition for the annexation of an enclave as provided by C.R.S. § 31-12-107(5) shall the City be required to annex property.

Sec. 9-5 Post Approval Actions

- (a) After final passage of the annexation ordinance, the City will file one (1) copy of the annexation map with the original of the annexation ordinance in the office of the City Clerk. The City will file for recording three (3) certified copies of the

annexation ordinance and annexation map with the County Clerk and Recorder. The City shall request the County Clerk to forward one (1) copy of the annexation map and ordinance to the Division of Local Government in the Colorado Department of Local Affairs and one (1) copy of the annexation map and ordinance to the Department of Revenue of the State of Colorado.

- (b) Zoning that occurs as part of the annexation shall be granted by ordinance and copies of the official zoning map amendment shall be recorded with the County Clerk and Recorder in the manner provided by Article 3 of the City Land Use Code.

Sec. 9-6 Public Hearing Notices

- (a) Notice of the public hearing for annexation set by the Resolution of Intent to Annex shall be given in accordance with C.R.S. § 31-12-108. A copy of the Resolution of Intent to Annex, or the petition(s) as filed (exclusive of signatures), together with a notice of the date and time and place set by the City Council for the public hearing, shall be published once a week for four (4) successive weeks in a newspaper general circulation in the area proposed to be annexed. The first publication of such notice shall be at least (30) thirty days prior to the date of the public hearing.
- (b) A copy of the published notice, together with a copy of the adopted Resolution of Intent to Annex and the petition as filed, shall be sent by certified mail, return receipt requested, to the County Board of County Commissioners and the County Attorney and any special district or school district having territory within the area to be annexed, at least (25) twenty-five days prior to the date fixed for the public hearing.
- (c) A copy of the published notice, together with the “Letter of Intent” provided with the application, the annexation map and the “concept plan” for the development of the property shall be sent by certified or registered mail to the owners of real property within three hundred (300) feet of the boundaries of the proposed annexation, irrigation ditch companies whose rights-of-way traverse the property to be annexed and to the mineral estate owners and their lessees of the property to be annexed. Notice provided by the City to the owners of the minerals estate and their lessees shall not relieve the petitioner(s) from the responsibility of providing notice as required by C.R.S. § 24-65.5-101, et seq.

In the case of a “flagpole” annexation, the City shall also provide notice to abutting property owners as specified in C.R.S. § 31-12-105 as amended.

(d) Petitioner's Responsibilities - Mailing and Posting Notices, Notice to Mineral Estate Owners and Lessees.

(1) The petitioner shall provide the City with an address list containing the owners of real property within three hundred (300) feet of the property to be annexed, the mineral interest owners and lessees for the property to be annexed, the irrigation ditch companies whose rights-of-way traverse the property to be annexed and the special districts encompassing the property to be annexed. The list is to be prepared and certified by a title insurance company licensed by the State of Colorado, within the thirty (30) days prior to the date of submission of the annexation petition.

(2) The petitioner shall provide a sufficient number of clasp envelopes to mail notices to all special districts encompassing the property to be annexed, the Board of County Commissioners and County Attorney, and referral agencies of the City, as directed by the City. The petitioner shall also provide a sufficient number of self adhesive window envelopes (no return address) to mail notice to the owners of real property and mineral interest owners and lessees identified in the mailing list.

(3) The petitioner shall be responsible for posting the property as provided herein, and shall meet with Staff to obtain completed public notice placards and the posting layout. The petitioner shall submit a signed, notarized affidavit certifying that the property was posted on the required date and in the locations as approved by the City. The petitioner is also responsible for ensuring that the posted notices remain in place, in legible condition until the public hearing is concluded, and for removal of said posted notices after the public hearing is concluded. Notice shall be posted along the public street rights-of-way bordering the property, at least once for every six hundred (600) feet of frontage on said rights-of-way, or as otherwise approved by the City.

(4) The petitioner shall be responsible for providing notice of each public hearing (Planning Commission and/or City Council) to the owners of the mineral estate on the property to be annexed, and to their lessees, as required by C.R.S. § 24-65.5-101, et seq. The petitioner shall certify to the City Clerk not less than fifteen (15) days prior to the date of the public hearing(s), the petitioner's conformance with this notice requirement.

Sec. 9-7 Reimbursement of City for Annexation Expenses.

The petitioner shall reimburse the City for its expenses in reviewing and processing the annexation petition, including, but not limited to legal publications, engineering services, attorney fees, consultant fees, reproduction of material, postage, public hearing expenses and recording documents. The City may require

a reasonable administrative fee and a reimbursement agreement upon the submission of a petition for annexation.

Sec. 9-8 Annexation Petition and Application Submittal Requirements

- (a) The following are the submission requirements for an annexation petition. One (1) original and three (3) copies of the following forms, maps, letters and documents are to be delivered to the City Clerk with the fees. The documents are to be submitted in separate three-ring binders of suitable size to hold the material. Any forms or letters requiring signatures shall have one original signed and dated in blue ink. The remaining copies may be photocopies of the original. The binders shall contain a table of contents and be tabbed accordingly. Pockets are to be provided in the binder for the folded maps that are submitted.

Following staff review and notice of acceptance for referral to the City Council, the applicant shall provide copies of the annexation documents as needed.

The name or title of the proposed annexation on all documents and maps must be consistent. All letter size (8 ½" x 11") documents to be filed with the County Clerk and Recorder Office must have one (1) inch margins, or they will be rejected for filing.

- (b) The Annexation application shall include:

(1) Letter of Intent. The applicant shall provide a letter of intent addressed to the City Council to serve as a cover letter to the formal petition, introducing the applicant(s) to the City Council, requesting annexation of the petitioner's property and describing the development plans for the property, if it is annexed.

(2) Annexation Application Form. The City's Annexation Application Form shall be completed, signed and dated.

(3) Agreement for Payment of Annexation Review Expenses Incurred by the City. The application shall be accompanied by a signed standard form Agreement for the Payment of Annexation Review Expenses Incurred by the City .

(4) Petition for Annexation. The applicant shall submit a petition for annexation complying with the requirements of C.R.S. § 31-12-107. The City's standard form petition shall be utilized. Any deviation from the standard form petition will require review and approval by the City Attorney before the City accepts the petition for processing. The applicant is to provide a word processing file of this document if it deviates from the City's standard form petition.

The petition shall contain the following statements:

- a. An allegation that it is desirable and necessary that the area be annexed to the municipality.
- b. An allegation that eligibility requirements and limitations have been met or addressed respectively.
- c. An allegation that the petitioners comprise the land owners of more than fifty (50) percent of the territory included in the proposed annexation area (excluding streets and alleys).
- d. A requests that the annexing municipality approve the annexation.
- e. If not already included, consent to the inclusion of the property into the any applicable special districts as appropriate.
- f. A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments.
- g. The dated signatures of petitioning landowners. Petition signatures must be signed within one hundred eighty (180) days of the date the petition is first submitted to the City Clerk.
- h. The mailing address of each signer of the petition.
- i. The full legal description of land owned by each signer of the petition (if platted, by lot and block; if unplatted, by metes and bounds).
- j. The affidavit of each petition circulator that each petitioner's signature is valid.

(5) Annexation Map. Four (4) paper copies of the annexation map are to be provided with the initial submittal. The annexation map shall be signed and sealed by the registered land surveyor or engineer preparing the map, or under whose supervision the annexation map was prepared. The annexation map(s) shall comply with the technical drawing requirements contained in Section 13.10 of this Article. In addition, provide one (1) small format paper copy (not less than 8½" x 11", nor more than 11" x 17"). Provide one (1) "Annexation Map Land Surveying Standards Checklist" completed by the Surveyor (attach to the "original" application packet).

(6) Concept Plan Map. Four (4) paper copies of the concept plan map are to be provided with the initial submittal. The concept plan map(s) shall comply with the technical drawing requirements contained in Section 13.11 of this Article. In

addition, provide one (1) small format paper copy (not less than 8½" x 11", nor more than 11" x 17").

(7) Title Commitment. The applicant shall submit proof of ownership in the form of a current title commitment, issued by a title insurance company licensed by the State of Colorado, whose effective date shall be less than (30) thirty days prior to the date of submittal of the annexation petition. Ownership **must** match the ownership listed in the petition. If the legal description of the area to be annexed as shown on the annexation map does not match the legal description of the property owned, because of road rights-of-way or other reasons, then the title policy must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating the applicant is authorized by the owner to make application for annexation. The applicant is to provide a word processing file of the legal description contained in the title commitment.

(8) Property Tax Statement. A copy of the prior year's property tax statement for all property to be annexed.

(9) Mailing List and Envelopes for County, Special Districts, Irrigation Ditch Companies, Mineral Interest Owners and Adjacent Property Owners. The Applicant is to provide a mailing address list and envelopes as required by Section 13.6.D.

(10) Annexation Impact Report. A draft annexation impact report conforming to C.R.S § 31-12-108.5 is required for areas of ten (10) or more acres. Any deviation from the City's standard form will require review and approval by the City Attorney before the annexation impact report is accepted for processing by the City . The applicant is to provide a word processing file of this document.

The impact report shall contain the following information:

- a. A map or maps of the municipality and adjacent territory showing the present and proposed boundaries of the municipality in the vicinity of the proposed annexation; the present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and irrigation and drainage ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and the existing and proposed land use pattern in the areas to be annexed;

- b. A copy of any draft or final pre-annexation agreement, if available;
- c. A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or for the municipality at the time of annexation;
- d. A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed (those municipal services supplied by the City);
- e. A statement identifying existing special districts within the area to be annexed; and
- f. A statement on the effect of annexation upon local public school district systems including the estimated number of students generated and the capital construction required to educate such students.

(11) City Comprehensive Plan Project Summary Worksheet. A completed City Comprehensive Plan Project Summary Worksheet. This standardized worksheet was developed with the City Comprehensive Plan. The applicant is required to provide a narrative response to the series of questions related to the conformance of the project to the goals, policies and strategies identified in the *Comprehensive Plan*. The applicant is to provide a word processing file of the completed worksheet document.

(12) Water Rights. The applicant shall provide a signed warranty for the property prepared by a qualified water engineer or water attorney detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. The report must include both surface (tributary) and subsurface (non-tributary and not non-tributary groundwater). The applicant shall provide a signed warranty deed(s) for sufficient water rights to provide 110% of the domestic needs of the property to be developed as a result of the annexation, as determined by the City Engineer. In addition the applicant shall provide a signed standard form warranty deed for the transfer of all subsurface (non-tributary) water rights to the City.

(13) Zoning of Property to Be Annexed. Since zoning is required simultaneously with annexation, the petitioner must submit a completed Zoning Application form, provide a Zoning Map for the property, a zoning amendment map amending the official zoning map and pay the application and recording fees.

(14) Annexation Assessment Report. The application is to be accompanied by a narrative report assessing the effect of the proposed annexation upon the community and existing services and facilities. It shall detail the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The narratives shall be one or more

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paragraphs in length, and adequate to fully explain the needs, concepts and proposed solutions for each of the following:

- a. An assessment of the community needs for the proposed annexation and land use;
- b. The economic impact to the municipality of the proposed annexation. This is to include an analysis of short-term and long-term municipal revenues to be generated by the development, short-term and long-term municipal expenses likely to be incurred as a result of the annexation and development, and proposals to mitigate any negative impacts;
- c. The school impact including an estimate of the number of students to be generated by development of the property, capital construction required to educate the students, and proposals to mitigate any negative school impacts;
- d. The impact on the existing transportation system, increased maintenance and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.);
- e. The impact of the proposed development on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, including snowmelt etc.);
- f. The impact of the proposed development on the City Police Department and proposals to mitigate any impact upon the existing police services (special security needs, additional officers required, additional equipment requirements, etc.);
- g. The impact of the proposed development on the Mineral County/Creede Fire Protection District and proposals to mitigate any impact upon the existing fire protection services (special fire hazards, fire prevention, fire detection, emergency access, additional equipment requirements, additional manpower requirements, additional fire stations, etc.);
- h. The impact of the proposed development on the City of city park facilities and recreation programs.
- i. The impact of the proposed development on the environment of the City and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, air quality, etc.);

- j. The short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be offered, etc.);
- k. The compatibility of the proposed development with the street master plan as depicted by the *Transportation Map* contained in the City Comprehensive Plan and proposals for mitigating any negative impact;
- l. The compatibility of the proposed development with the City Comprehensive Plan and any plan amendments that may be necessary for the proposed development;
- m. The compatibility of the proposed development with the City Land Use Code and any deviations in setbacks, space requirements, and permitted uses that may be required for the proposed development; and
- n. A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development.
- o. Snow removal.

(15) Letters of Support. The application is to be accompanied by letters of support or comments from the special districts servicing the area to be annexed.

Sec. 9-9 Annexation Agreement

A draft Annexation Agreement shall be provided to the applicant by the City not less than three (3) weeks prior to the annexation public hearing before the City Council. This document outlines the responsibilities of the applicant and the City regarding the provision and extension of streets and utilities, the dedication of water rights and the applicability of City regulations. Any changes or additions to the standard form Annexation Agreement proposed by the applicant or the City shall be addressed in the “supplemental provisions” section of the document. If a property to be annexed has multiple ownership, all of the owners must sign the Annexation Agreement. If multiple properties are combined for annexation purposes, but each will be developed separately, separate Annexation Agreements are to be signed by each owner. The final document is to be signed by the applicant and made available to the City Clerk not less than two (2) weeks before the date of the public hearing on the annexation.

Sec. 9-10 Annexation Map Technical Standards

The annexation map shall be prepared by or under the supervision of a registered professional land surveyor licensed with the State of Colorado. The annexation map shall conform to the following drafting standards and contain the following information. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

- (a) The annexation map shall be an original drawing on 22" x 34" flat, splice less, tape less and creaseless sheet(s) of double matte Mylar film with a uniform thickness of not less than .003 of an inch, using only permanent black ink that will adhere to drafting films, or an acceptable "fix-line" photographic reproduction (emulsion down), or a computer generated reproduction of the original drawing. A margin line shall be drawn completely around each sheet leaving a margin at least one-half (½) inch on three sides and a margin at least two (2) inches on the left (short) side, entirely blank. Unless otherwise specified, text and numbers are to be large enough to be clearly legible at the scale drawn.
- (b) Paper copies of the annexation map(s) shall be blue line or black line copies of the original, folded to "8½" x 11" size. The applicant shall also provide paper 11" x 17" and 8½ " x 11" reductions of the annexation map(s).
- (c) The annexation map shall be drafted at a scale that best conveys the detailed survey, and confines the drafting error to less than one (1) percent. Acceptable scales are 1"=50' or 1"=100' and for annexations exceeding one hundred (100) acres, 1"=200'. In special instances another scale may be approved by the City. When an annexation requires multiple sheets, an index shall be provided that delineates the boundaries and identify each sheet number. The scale of a composite map may be different from the individual sheets, as approved by the City. A "title sheet" containing the certifications and signature blocks shall be provided in the event that the annexation map sheet is too crowded.
- (d) The title shall be centered at the top of the sheet along the long dimension of each sheet shall include the name of the proposed annexation. A general legal description stating the section, township, range, N.M.P.M., City, County, Colorado, shall be included under the name. On the title sheet (Sheet #1), under the general legal description, include the total acreage. Annexation names may not duplicate existing annexation names.

Example:

PINE VIEW ANNEXATION
 TO THE CITY, COLORADO
 A Part of the E/2 of Section 23, Township _ North,
 Range __West, __th P.M., City, Colorado
 78.05 Acres

- (e) There shall be a title block in the lower right-hand corner, or along the right-hand margin that contains the name, address and telephone number of the land owner,

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the developer, and the engineer or surveyor preparing the drawing, an appropriate title for the drawing, the preparation date, sheet number, the preparer's project identification numbers, revision dates, draftsman's initials, and the electronic drawing file name (matching the AutoCAD drawing file provided to the City).

- (f) Adjacent to the title block, in the lower right-hand corner, there shall be a legend block which shall include a description of lines, points and symbols, a double-headed north arrow designated as true north and a written and graphic scale.
- (g) Adjacent to the right margin, or in a column to the right of the center of the title page if the page is crowded, there shall be the City's standard statement of ownership containing a written metes and bounds legal description of the land to be annexed (including the full width of abutting roadways not already within the City) followed by the owner's signature block(s) and notary block(s), one for each owner or mortgagee.
- (h) Immediately following the ownership certificate, there shall be the City's standard Surveyor's certificate, signed, dated and sealed by a licensed surveyor or engineer.
- (i) Immediately following the Surveyor's certificate, there shall be the City's standard certificate blocks for the Planning Commission and City Council.
- (j) Immediately following the /City Council's approval certificate, there shall be the City's standard recording certificate block for the Mineral County Clerk and Recorder.
- (k) A vicinity map that depicts the area to be annexed and the area which surrounds the proposed annexation within a two-(2) mile radius superimposed on a current 7.5 min. *USGS Topographic Map*, maintaining the same scale shall be placed on the left side of annexation map, outside the boundary of the area being annexed, or on the left side of the title sheet.
- (l) The annexation map drawing shall contain the following:
 - (1) Show the outline of area to be annexed with boldest line.
 - (2) For all references, show book, page, map number, etc., and place where publicly recorded.
 - (3) Show all recorded and apparent rights-of-way lines of roads both within and without the periphery of land to be annexed; these roads are those which are adjacent, adjoining, contiguous, and/or coincident with boundary. Provide all road names, right-of-way widths at each leg of an intersection, at the point of curve and point of tangent, at dead ends and at angle points; and right-of-way lines with accurate bearings and dimensions including chord lengths and bearings,

central angles and radii of all curves. Whenever the centerline of a road has been established or recorded, the date and recording information shall be shown on the Annexation Map.

(4) Show on the annexation map, next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the City and the contiguous boundary of any other municipality abutting the area proposed to be annexed. A hatched boundary line shall be used to depict the boundary contiguous to the City (example: //////////////).

(5) Show section, quarter section, and other monument corners. Display ties to section corners and to the State grid, if available, which show dimensions of all primary boundary survey control points with complete monument and location descriptions, all parcel lines showing dimensions with lengths, bearings, and curve data, including chord lengths and bearings, basis of bearings and relation to true meridian and similar data. Only circular curves shall be used. No spirals, parabolas, etc. shall be used. All dimensions are to be shown to the nearest 0.01' or in the case of degrees, to the nearest second. An accuracy of 1:50,000 (second order) minimum for linear and angular (bearing) closure shall be required for the boundary. All internal lots, tracts, or parcels shall have a closure accuracy of 0.01'.

(6) Provide a description of all monuments, both found and set, which mark the boundaries of the property and of all control monuments used in conducting the survey.

(7) Show the location of each ownership tract in unplatted land, and if part or all of the area is platted, the boundaries and plat numbers of plots or of lots and blocks.

(8) Show the names and locations of all abutting subdivisions. The locations of all abutting unplatted parcels and public lands shall be depicted and designated as such.

(9) The ownership identity of all mineral rights shall be designated on the map.

(10) Show the purpose, widths, location (with fine dashed lines) and ownership of all easements and all abutting easements, including but not limited to utility, oil and gas gathering and transmission lines and irrigation ditches (fee or prescriptive). If any easement already of record cannot be definitely located, a statement of its existence, the nature thereof and its recorded reference must appear on the title sheet. The widths of all easements and sufficient data to definitely locate the same with respect to the parcel to be annexed must be shown. All easements must be clearly labeled and identified. If an easement shown on the annexation map is of record, its recorded reference must be given.

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- (11) All lines, names and descriptions on the annexation map which do not constitute a part of the annexation shall be depicted in dashed or screened lines. Any area enclosed by the annexation, but not a part thereof, shall be labeled "Not a Part of This Annexation."
- (12) Accurately locate 100-year floodplains, all existing and proposed watercourses, retention and detention areas, wetlands, aquifer recharge areas, streams, lakes, or inlets on the affected property.
- (13) Show clearly the length and bearing of all lines described in the written description.
- (14) Show section numbers, quarter section quadrants, township and range lines, and label each.
- (15) Show all lines, calls, arcs, etc., described in written description.
- (16) Circle or place an ellipse around each location where a detail drawing will be provided, and provide designation for each detail such as " See Detail A."
- (17) Show "Point of Beginning" in bold letters with an arrow.
- (18) Show "True Point of Beginning" with bold letters and arrow, when appropriate.
- (19) A map note shall indicate the total perimeter of the annexation boundary, the contiguous length to the existing City boundary and the length representing one-sixth (1/6) of the total annexation boundary perimeter.
- (m) An "Annexation Map Land Surveying Standards Checklist" completed by the surveyor shall be provided.
- (n) An AutoCAD™ drawing file (release 12 or higher) of the annexation map(s) and title sheets and all fonts used, shall be provided on IBM formatted 3 ½" floppy disks, or by other acceptable electronic transfer. Large drawing files are to be compressed. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. AutoCAD™ drawing files (release 12 or higher) of each revision to the annexation map shall be provided at the time the revision is submitted to the City .
- (o) A word processing file of the legal description shall be provided on an IBM formatted 3 ½" floppy disk, or by other acceptable electronic transfer. Text must be in uppercase.

Sec. 9-11 Concept Plan Map Technical Standards

The concept plan map shall be prepared by or under the supervision of a qualified land planner or architect. The concept plan map shall conform to the drafting standards of the annexation map. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected.

- (a) Paper copies of the concept plan map(s) shall be blue line or black line copies of the original, folded to 8½" x 11" size. The applicant shall also provide paper 11" x 17" and 8½" x 11" reductions of the concept plan map(s).
- (b) The concept plan map drawing shall contain the following:
 - (1) Show the boundary of the area to be developed;
 - (2) Provide a written legal description of the area to be developed;
 - (3) Within the concept plan, show the general location of each proposed land use on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses. A table shall be used to list densities and land use by type, including the area of each, the density of residential development and the maximum and minimum lot sizes, and the maximum square footage of commercial and industrial buildings and the maximum and minimum lot sizes;
 - (4) Within the concept plan, show existing and proposed arterial and collector streets and their relationship to the principal land uses on the site;
 - (5) Within the concept plan, show existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site;
 - (6) Within the concept plan, show contour lines at two (2) foot intervals, except when there are significant geographical features on the land and a different interval is determined to be more appropriate; and
 - (7) Within the concept plan, show significant natural or manmade features on the site and contiguous to the property, including but not limited to, bluffs, tree galleries, lakes and ponds, irrigation ditches watercourses and wetlands.
- (c) An AutoCAD™ drawing file (release 12 or higher) of the concept plan map(s) and title sheets and all fonts used, shall be provided on IBM formatted CD's or by best available format. Large drawing files are to be

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compressed. If multiple maps are used, one drawing file must combine all the parts into one map showing the entire annexation. AutoCAD™ drawing files (release 12 or higher) of each revision to the concept plan map shall be provided at the time the revision is submitted to the City.

ARTICLE 10 - DEFINITIONS

Section	Name	Page
10-1	Definitions.....	1 Thru 39

A. Terms used in this Code are defined as follows:

1. Accessory building means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.
2. Accessory dwelling means an apartment integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-half (1/2) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.
3. Accessory use means a subordinate use, clearly incidental and related to the main structure, building, or use of land, and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building, or use.
4. Adjacent means meeting or touching at some point, or separated from a lot or parcel by one of the following: a street, alley, or other right-of-way, lake, stream or open space.
5. Adjacent property owner is an owner of record of any estate, right or interest in real property abutting and within three hundred (300) feet of the subject property.
6. Adult-oriented use means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to "specified sexual activities" or "specified anatomical areas" as the primary attraction to the premises, including, but not limited to:
 - a. *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
 - b. *Adult bookstore or adult video store* means a place where books, magazines, motion pictures, prints, photographs, periodicals, video or

audio recordings, novelties and devices, or any of these things, which have as their primary or dominant theme, matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, are sold or offered for sale to adults and includes a place with only a portion or section of its area set aside for the display or sale of such material to adults, except that any place, otherwise included within this definition, that derives not more than ten (10) percent of its gross income from the sale of such material shall be exempt from the provisions of this Section so long as such material is kept in a location where it is not visible and shall not be a self-service item for the customers of such place.

- c. *Adult cabaret* means a nightclub, bar, restaurant or similar business which regularly features:
 - i. Persons who appear in a state of nudity;
 - ii. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - iii. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- d. *Adult motel* means a hotel, motel or similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- e. *Adult motion picture theater* means a business where films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- f. *Adult theater* means a theater, concert hall, auditorium or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- g. *Adult photo studio* means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "specified anatomical areas."

- h.** *Peep booth* means a viewing room, other than a private room, of less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
- i.** *Private room* means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging
- j.** *Sexual encounter establishment* means a business or commercial establishment which, as one (1) of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one (1) or more of the persons exposes any specified anatomical area.
- k.** *Sexually oriented business* means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:

 - i.** The opening or commencement of any sexually oriented business as a new business;
 - ii.** The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
 - iii.** The addition of any sexually oriented business to any other existing sexually oriented business;
 - iv.** The relocation of any sexually oriented business; or
 - v.** The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.
- l.** *Specified anatomical areas* means:

 - i.** Less than completely and opaquely covered: human genitals, pubic region, buttocks, and female breast below a point above the top of the areola.
 - ii.** Human male genitals in a discernibly turgid state even if completely and opaquely covered.

- m. *Specified sexual activities* means acts, simulated acts, exhibitions, representation, depictions or descriptions of:
 - i. Human genitals in a state of sexual stimulation or arousal.
 - ii. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
 - iii. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
 - iv. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.
 - v. Flagellation, mutilation or torture for purposes of sexual arousal, gratification or abuse.
- n. *Stage* means a raised floor or platform at least three (3) feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six (36) square feet in area.

- 7. Affordable Housing Project shall mean a development project in which: (1) at least seventy-five (75) percent of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten (10) percent of said dwelling units or spaces (the “affordable housing units”) are to be available for rent or purchase on the terms described in the definitions of *affordable housing unit for rent* or *affordable housing unit for sale* (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required by binding legal instrument acceptable to the City and duly recorded with the Mineral County Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty (20) years.
- 8. Affordable housing unit for rent shall mean a dwelling unit which is available for rent on terms that would be affordable to households earning eighty (80) percent or less of the median income of City residents, as adjusted for family size, and paying less than thirty (30) percent of their gross income for housing, including rent and utilities. The unit must be occupied by and be affordable to such low-income household(s) for a period of at least twenty (20) years or permanently.
- 9. Affordable housing unit for sale shall mean a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty (80) percent or less of the median income of City residents, as adjusted for family size

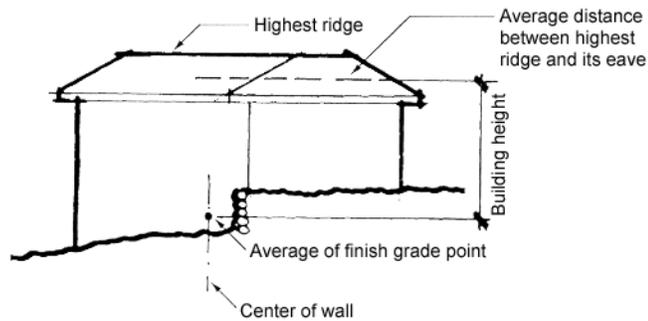
and paying less than thirty-eight (38) percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income household(s) for a period of at least twenty (20) years or permanently.

10. Agricultural activity shall mean farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise.
11. Agricultural land means land that is being used for agricultural activities.
12. Alley means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
13. Alteration means any change, addition or modification in construction, occupancy or use.
14. Amusement center means an establishment providing completely enclosed recreation activities including, but not limited to bowling, roller skating or ice skating, billiard, pool, motion picture theaters, and related amusements. Accessory uses may include the preparation and serving of food and/or sale of equipment related to the enclosed uses.
15. Amusement park means an outdoor enterprise whose main purpose is to provide the general public with entertaining activity, where tickets are sold or fees collected at the activity. Commercial amusements include miniature golf courses, outdoor arcades, Ferris wheels, children's rides, roller coasters, skateboard parks, go-cart tracks, water parks and similar uses.
16. Animal boarding shall mean the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.
17. Applicant is the owner of land, the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees.
18. Appurtenances are the visible, functional, or ornamental objects accessory to and part of a building.
19. Aquifer recharge area means an area where water is absorbed into a natural aquifer adding to the zone of saturation.
20. Arcade is a series of arches supported on piers or columns.

21. Area of lot means the total horizontal area within the lot lines of a lot.
22. Automotive repair, major means an establishment primarily engaged in the repair or maintenance of commercial and heavy truck oriented motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided it is conducted within a complete enclosed building. Such use shall not include the sale of fuel or gasoline.
23. Automotive repair, minor means an establishment primarily engaged in the repair or maintenance of passenger and light truck oriented motor vehicles, trailer and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, car washing, detailing, polishing or the like, provided it is conducted within a completely enclosed building. Such use shall not include the sale of fuel or gasoline.
24. Awning means a roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.
25. Awning sign means a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning.
26. Bar or tavern means an establishment providing or dispensing fermented malt beverages, and/or malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.
27. Beacon, revolving means a rotating source of light.
28. Bed and breakfast shall mean an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.
29. Bikeway means a path designed for use by bicyclists, which may be used by pedestrians.
30. Blank wall shall mean an exterior building wall with no openings and a single material and uniform texture on a single plane.
31. Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands, or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.
32. Block Diversity Plan is a plan provided by an applicant which demonstrates that an adequate mix of housing models and styles are offered within a neighborhood and within each block face. The intent is to insure that diverse and quality design

elements are integrated into the character of residential homes and streets. A Block Diversity Plan shall be required for the following:

- a. Single-family detached and duplex housing; and
 - b. Multi-family stacked units, including condominiums and apartments. The submittal requirements for the Block Diversity Plan are specified in Section 2.19, C.1., Residential Architecture (Single Family Detached and Duplex Dwellings); and Section 2.19, E.1, (Multi-Family Stacked Units, including Condominiums and Apartments).
33. Boarding and rooming house shall mean a building or portion of which is used to accommodate, for compensation, four (4) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word *compensation* shall include compensation in money, services or other things of value.
34. Board of Trustees means the governing board of the City.
35. Building means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:
 - a. Is permanently affixed to the land.
 - b. Have one (1) or more floors and a roof.
36. Building code means the set of standards that must be followed in the construction and remodeling of buildings and structures. The building code used by the City is the *International Building Code*.
37. Building frontage means the horizontal, linear dimension of that side of a building, which abuts a street, a parking area, a mall, or other circulation area open to the public and has either a main window display or a public entrance to the building.
38. Building height is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the gable, hip or gambled roof or the highest ridge on a gable, hip, or gambrel roof. Building height does not include chimney's, vents, antenna's and mechanical systems.



**Building Height
Measurement Example**

39. Caliper means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.
40. Canopy sign means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.
41. Cash-in-lieu (also known as “fee-in-lieu”) means that the applicant, at the determination of the Board of Trustees, may pay the City money instead of land dedication in those cases where the dedication of land is not the preferred alternative. The payment shall comply with the following requirements unless otherwise provided for by this Code.
- a. Payment shall be based on the market value, to be determined after completion of the platting process, of the entire property as it is valued after platting.
 - b. The value of the land is based upon an appraisal by a competent, independent appraiser selected by the City and the applicant, or upon value negotiated between the City and applicant. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the City’s sole option and discretion.
 - c. Combination of dedication and cash-in-lieu:
 - i. The applicant, at the option of the Board of Trustees, may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is not desired.

- ii. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.

- 42. Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.

- 43. Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

- 44. Child care center means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated education purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities which give twenty-four hour per day care for dependent and neglected children, but specifically excludes any family-care home as defined in this Code. Child care centers are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades so long as the school system is not also providing extended day services.

- 45. Church or place of worship and assembly means a building containing a hall, auditorium or other suitable room or rooms used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Church or place of worship and assembly shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including, but not limited to, commercial motion picture houses or stage productions.

- 46. City Comprehensive Plan means the plan, which was adopted by the Planning Commission and Board of Trustees in accordance with C.R.S § 31-23-206, to guide the future growth, protection and development of the City, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

- 47. Clerestory means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.

48. Clinic means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
49. Clubs and lodges means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.
50. Commercial mineral deposits means oil, gas, gravel and other natural deposits that may be extracted from a property for economic benefit.
51. Common equestrian stabling and grazing means shared pastures and/or common barns for horses in conservation subdivision which is owned and maintained by a homeowner's association.
52. Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated for a planned unit development (PUD) designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development.
53. Community Design Principles & Development Standards means the standards in the *City Land Use Code* set forth in Article 6.
54. Community facility means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole.
55. Compatibility means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.
56. Comprehensive Plan means the City Comprehensive Plan.
57. Compressed gravel means gravel that has ninety-five (95) percent compaction at standard proctor densities at two (2) percent optimum moisture content.
58. Condominium means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

- 59.** Connecting walkway means:
- a. Any street sidewalk; or
 - b. Any walkway that directly connects a building entrance(s) to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.
- 60.** Conservation easement means a right of the owner of the easement to prohibit certain acts with respect to the property in order to maintain the property in a manner that will preserve its value for recreation, education, habitat, open space, or historical importance. See also §38-30.5-102 C.R.S. (**NOTE:** For a conservation easement to create tax benefits for the donor at the federal or state level, it must meet either or both of the Internal Revenue Service or State of Colorado definitions).
- 61.** Container (also known as cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a vessel, a rail car or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid or equipped with interior devices. A standard container may be twenty (20) feet, forty (40) feet, forty-five (45) feet, forty-eight (48) feet or fifty-three (53) feet in length, eight feet (8'0") or eight feet six inches (8'6") in width, and eight feet six inches (8'6") or nine feet six inches (9'6") in height.
- 62.** Convenience retail store means a retail store containing less than five thousand (5,000) square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.
- 63.** Convenience shopping center means a shopping and service center located in a complex which is planned, developed and managed as a single unit, and located within and intended to primarily serve the consumer demands of adjacent employment areas and residences.
- 64.** Cornice means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.
- 65.** Covenants means a private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by the City. In the event of conflict between the covenants and this Code, this Code controls.

66. Critical plant communities means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.
67. Crosswalk means pathway marked off for pedestrians to cross a street.
68. Cul-de-sac means a local street with only one outlet and having the other end for the reversal of traffic movement.
69. Cultural assets means buildings, locations and other features considered historically or socially significant to the community.
70. Dedicated land means land transferred to the City by platting, title, deed or other legal method approved by the City Attorney.
71. Dedication means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights, and an acceptance of the dedicated property by the appropriate public agency.
72. Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].
73. Design standards means the standards that set forth specific improvements requirements.
74. Detention basin means a man-made or natural water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or manmade outlets.
75. Developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.
76. Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, development shall also mean the act of developing or to the result of development.
 - a. *Development* shall also include:

- i. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
- ii. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- iii. Any change in use of land or a structure;
- iv. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- v. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- vi. The demolition of a structure;
- vii. The clearing of land as an adjunct of construction;
- viii. The deposit of refuse, solid or liquid waste, or fill on a parcel of land;
- ix. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
- x. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

d. *Development shall not include:*

- i. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- ii. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing, on established rights-of-way, any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;

- iii. The maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
 - iv. The use of any land for an agricultural activity (refer to 1.15.A.10);
 - v. A change in the ownership or form of ownership of any parcel or structure; or
 - vi. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.
77. Development plan means the written and graphical documents that detail the provisions for development of a PUD development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrians, areas, and parking facilities; common open space, and other public facilities.
78. Developmental disability means a disability that is manifested before the person reaches twenty-two (22) years of age; constitutes a substantial handicap to the affected individual; and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a mentally retarded person.
79. Dormer means a projecting structure built out from a sloping roof, usually housing a vertical window or vent.
80. Downtown means the original business district of City. The boundary of downtown may change as City continues to grow.
81. Drive aisles means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.
82. Drive-in use means an establishment which by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.
83. Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.
84. Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings.

85. Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.
86. Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including mobile home, otherwise provided herein.
87. Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.
88. Dwelling, single-family detached means a single-family dwelling which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.
89. Dwelling, two-family means a building occupied by two (2) families living independently of each other.
90. Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.
91. Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.
92. Eave means the overhanging lower edge of a roof.
93. Elevation means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression
94. Employees means the total number of persons to be employed in a building during normal periods of use.
95. Entertainment facilities and theaters means a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.
96. Environmentally sensitive areas means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.

- 97.** Family means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
 - b. Any unrelated group of persons consisting of:
 - i. Not more than three (3) persons; or
 - ii. Not more than two (2) unrelated adults and their children, if any; or
 - iii. Not more than eight (8) developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit.
- 98.** Family child care home means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four (24) hour care for children under the age of eighteen (18) years who are not related to the head of such home. Family child care home may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules of the State Department of Social Services pursuant to C.R.S. § 26-6-106 (2) (p).
- 99.** Farm animals means animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to, chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.
- 100.** Feedlot means any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats, emus, ostriches or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.
- 101.** FEMA means Federal Emergency Management Agency.
- 102.** FHA means Federal Housing Administration.
- 103.** Floodplain or flood hazard area means areas which have been designated by the City Council, the Colorado Water Conservation Board or FEMA as susceptible to flooding.
- 104.** Flood prone means areas subject to flooding which have not been designated by the City Council, the Colorado Water Conservancy Board or FEMA.

- 105.** Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- 106.** Floor area, also called gross floor area, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half (½) of all storage and display areas for durable goods.
- 107.** Floor Area Ratio (FAR) means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.
- 108.** Footprint, also called ground level footprint, means the outline of the total area which is covered by a building's perimeter at ground level.
- 109.** Foster care home means a facility that is certified by the county department of social services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four (24) hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care.
- 110.** Freestanding sign means a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground and shall also include a monument sign and pole signs but does not include a sign attached to a structure.
- 111.** Functional open space primarily means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.
- 112.** Funeral home means a building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.
- 113.** Gable means the triangular portion of wall enclosing the end of a pitched roof from cornice or eaves to ridge.
- 114.** Gasoline station means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance

activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may be conducted. Gasoline station may include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body fender work are conducted.

- 115.** Geologic hazards means unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.
- 116.** Grade means:
- a. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
 - b. The degree of rise or descent of a sloping surface.
- 117.** Grade, finished means the final elevation of the ground surface after development.
- 118.** Grade, natural means the elevation of the ground surface in its natural state, before man-made alterations.
- 119.** Grocery store, large means a retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space greater than twenty-five thousand (25,000) square feet. The term large grocery store is synonymous with supermarket.
- 120.** Grocery store, small means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than twenty-five thousand (25,000) square feet.
- 121.** Gross square footage (GSF) means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.
- 122.** Group home, developmentally disabled means a group home, licensed by the state, for the exclusive use of not more than eight (8) developmentally disabled persons and the appropriate staff.
- 123.** Group home, elderly means an owner-occupied or nonprofit group home for the exclusive use of not more than eight (8) persons sixty (60) years of age or older and the appropriate staff.

- a. “*Nonprofit group home*” means a group home for the aged which is owned and operated by a person or organization as provided by 31-23-303, C.R.S., 1973.
 - b. “*Owner-occupied group home*” means a group home for the aged which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.
124. Group home, mentally ill means a group home, licensed by the state, for the exclusive use of not more than eight (8) mentally ill persons and the appropriate staff.
 125. Guest house means an accessory structure which is physically detached from a single-family dwelling unit, is serviced through the same utility meters or connections as the principal use, and is intended for temporary occupancy by visitors to the family residing in the single-family dwelling, and has no cooking facilities.
 126. Health club means a facility that provides physical fitness services and/or equipment to its members.
 127. Highway corridor means the area within one thousand five hundred (1,500) feet of the rights-of-way of the State Highway 149.
 128. Hip roof means a roof having sloping ends and slides meeting at an inclined projecting angle.
 129. Historic district means an area related by historical events or themes by visual continuity or character, or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district by local, state, or federal government and given official status and protection.
 130. Historic site means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.
 131. Home occupation means an occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit, and is subordinate to the residential use of the dwelling unit.
 132. Homeowners association means the association set up to enforce the covenants and maintain all common areas and buildings for a development. Also known as “Owners Association.”
 133. Horticulture means the growing of fruits, vegetables, herbs, flowers or ornamental plants.

- 134.** Hospital means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training and central services facilities and staff offices.
- 135.** Hotel/motel/lodging establishment means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.
- 136.** Human scale (pedestrian scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
- 137.** Illumination, direct means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.
- 138.** Illumination, indirect means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights, or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.
- 139.** Illumination, internal means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.
- 140.** Industrial, heavy means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involved hazardous conditions. Heavy industrial shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yard, container storage).
- 141.** Industrial, light means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the

manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries.

142. Infrastructure means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.
143. Integrate means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping), so as to provide a harmonious, interrelated whole; organized or structured so that constituent parts function cooperatively.
144. Intra-neighborhood connections means connections (such as trails and roads) within the same neighborhood.
145. Inter-neighborhood connections means connections (such as trails and roads) between neighborhoods.
146. Irrigation ditch or canal means a channel designed to transport irrigation water.
147. Junkyard means an industrial use contained within a building, structure or parcel of land, or portion thereof, used for collecting, storing or selling wastepaper, rags, scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts thereof. Junkyard shall not include a recycling facility.
148. kennel means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted as business.
149. Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assign of such ownership interests.
150. Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.
151. Lane means a private street; or a portion of a roadway delineated for a single line of vehicles; or a secondary means of access to the abutting lots and not intended for general traffic circulation.

152. Large retail establishment means a retail establishment, or any combination of retail establishments in a single building, occupying more than twenty-five thousand (25,000) gross square feet of floor area, except that no supermarket shall be deemed to be a large retail establishment.
153. Laundry and dry-cleaning retail outlet means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.
154. Lighting, indirect when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.
155. Limited indoor recreation facility means a place where recreation activities occur completely within an inclosed structure including but not limited to bowling alleys, skating rinks, pool halls, video and pinball parlors.
156. Limited outdoor recreation facility means a place with outdoor activities including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges, and go-cart tracks.
157. Livestock means domestic animals kept or raised for use, pleasure and/or profit.
158. Lodging establishment means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.
159. Long-term care facility means any of the following:
- a. *Convalescent center* means a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.
 - b. *Nursing care facility* means a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four (24) hour per day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State of Colorado. The nursing services shall be organized and maintained to provide twenty-four (24) hour per day nursing services under the direction of a registered professional nurse employed full time.

- c. *Intermediate health care facility* means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four (24) hour per day nursing services are required.
- 160.** Lot means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.
- 161.** Lot depth means the average distance between the front lot line and the rear lot line.
- 162.** Lot, double frontage means lots which front on one (1) public street and back on another.
- 163.** Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.
- 164.** Lot line, front means the property line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.
- 165.** Lot line, rear means the line opposite the front lot line.
- 166.** Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.
- 167.** Lot line, side means any lot lines other than the front lot line or rear lot line.
- 168.** Lot size means the total horizontal area within the lot lines of a lot; synonymous with area of lot.
- 169.** Lot width means the distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

- 170.** Machine shop means a workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.
- 171.** Manufactured home means a single-family dwelling which:
- a.** Is partially or entirely manufactured in a factory;
 - b.** Is at least twenty-four (24) feet wide and thirty-six (36) feet long;
 - c.** Is permanently affixed to and installed on an engineered permanent foundation;
 - d.** Has a pitched or cosmetically equivalent roof, and brick or wood exterior siding; and
 - e.** Complies with HUD or UBC/IBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.
- 172.** Manufacturing means a business which makes products by hand or by machinery.
- 173.** Medical and dental offices and clinics means an establishment operated by one or more duly licensed members of the human health care professions including, but not limited to, physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for examination and/or treatment.
- 174.** Meeting place and place for public assembly means a hall, auditorium or other suitable room or rooms used for the purpose of conducting meetings of the membership and guests of the owner of such structure. The same shall not include commercial endeavors such as commercial movie picture houses, stage productions or the like.
- 175.** Mini-storage warehouse means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage or personal goods, materials and equipment.
- 176.** Mixed use shall mean the development of a lot tract or parcel of land, building or structure with two (2) or more different uses including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.
- 177.** Mixed use building means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses including, but not limited to, office, retail, public uses, personal service or entertainment uses.

- 178.** Mobile Home means a single-family dwelling unit partially or entirely manufactured in a factory, built on a permanent chassis, and which is designed to be transported on streets to the place where it is to be occupied as a dwelling unit. A mobile home shall conform to the following design and installation standards:
- a. Is at least twelve feet (12) feet wide and thirty-six (36) feet long;
 - b. Is permanently affixed to and installed on an engineered, permanent perimeter foundation;
 - c. Complies with HUD or UBC/IBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.
- 179.** Model home means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a “model home.”
- 180.** Model plans means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement, and building massing (form and structure).
- 181.** Modified grid pattern means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas.
- 182.** Mullion means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects, or also, a vertical member between the lights of a window.
- 183.** Multiple family dwelling means a dwelling containing three (3) or more dwelling units, including what is commonly known as an apartment building, but not including group, row or townhouses, or hotels, motels or condominiums, fraternity and sorority houses and similar group accommodations.
- 184.** Municipality means an incorporated city or town.
- 185.** Muntin means a rabbeted member for holding the edges of windowpanes within a sash.
- 186.** Natural areas means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size,

remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter (1/4) acre in size.

187. Neighborhood means a geographical area, the focus of which are residential uses, but also may include a mixture of activities that people need to live. A neighborhood may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.
188. Neighborhood commercial center means a shopping center which contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter [1/4] mile radius).
189. Nightclub means a bar or tavern containing more than one hundred (100) square feet of dance floor area.
190. Nonconforming building means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.
191. Nonconforming use means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.
192. Nursing facility means a facility, or a distinct part of a facility, which meets the state nursing home licensing standards, is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in federal regulations for certification as a qualified provider of nursing facility services. "Nursing facility" includes private, nonprofit, or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.
193. Off-street parking area means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a "recreational vehicle, boat or truck storage" use, storage areas for landscaping and other bulk items or public streets and rights-of-way.
194. Oil and gas operation means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.
195. Oil or gas well means a well, the principal production of which at the mouth of the well is oil or gas.

- 196.** Open space means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.
- 197.** Outdoor storage means the keeping, in an unroofed area, of any equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites.
- 198.** Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlet may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association.
- 199.** Owner means the person or entity that owns the property under consideration.
- 200.** Parapet means a low, protective wall at the edge of a terrace, balcony or roof, especially that part of an exterior wall, fire wall, or party wall that rises above the roof.
- 201.** Parcel means a tract or plot of land.
- 202.** Park means an area open to the general public and reserved for recreational, educational or scenic purposes.
- 203.** Parking garage means an off-street parking area within a building.
- 204.** Parking lot means off-street parking area or vehicular use area.
- 205.** Pedestrian scale (human scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.
- 206.** Pergola is a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work, over which climbing plants are trained to grow.
- 207.** Permanent monument means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

- 208.** Personal and business service shops means shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing and copy shops.
- 209.** Phase means a portion of property that is being platted and engineered for development at the same time.
- 210.** Pilaster means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.
- 211.** Plan means the map(s) and supporting documentation for a development which includes but is not limited to, lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas, and conservation areas in accordance with the requirements of this Code.
- 212.** Planned Unit Development (PUD) means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained, and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.
- 213.** Planning Area Boundary means the area surrounding the City that the City will consider annexing and developing. The Planning Area Boundary is delineated on the Land Use Map in the City Comprehensive Plan.
- 214.** Plant nursery and greenhouse means any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.
- 215.** Plat means a map of certain described land prepared in accordance with the requirements of this Code, and C.R.S. § 38-51-106 as an instrument for recording of real estate interests with the County Clerk and Recorder.
- 216.** Prime farmland means land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor and without intolerable soil erosion, as determined by the Secretary of Agriculture. Prime farmland includes land that possesses the above

characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.

217. Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.
218. Private property rights means the rights a property owner within the *City* to use his/her property within the legal parameters set forth in this Code, and subject to applicable state, federal, and constitutional law. Nothing herein guarantees any private property rights to develop in a particular manner except pursuant to a valid vested right.
219. Private school means a school that is established, conducted and primarily supported by a non-governmental agency.
220. Professional office means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.
221. Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the state of Colorado.
222. Property means all real property subject to land use regulation by the *City*.
223. Property line means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.
224. Public areas means streets, parks, open spaces and other property designated or described as for public use on a map or plat of the City and fee title is vested in the City, other public body or a special district as defined in 32-1-103 C.R.S.
225. Public facilities means those constructed facilities, including but not limited to, transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.
226. Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

- 227.** Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.
- 228.** Public open space means an open space area conveyed or otherwise dedicated to the municipality, state or county or other public body for recreational or conservation uses. Public open spaces are to be unencumbered by oil and gas wells, their appurtenances or other hazards to the public.
- 229.** Public school means a free, tax supported school that is controlled and operated by the School District.
- 230.** Public use means uses which are owned by and operated for the public by the City, County, state or federal governments or by school districts.
- 231.** Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.
- 232.** Quasi-public means having the nature or characteristics of being public, but owned by a private or not-for-profit entity.
- 233.** Raw water means water rights acceptable to the City for domestic purposes, or water rights acceptable to the City that may be used for irrigation of public facilities.
- 234.** Recreational vehicle (RV) means a vehicular type unit primarily designed as temporary living quarters for 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:
- a. Camping trailer or tent trailer means a folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.
 - b. Motorized camper, motor home, recreational conversion van or bus means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
 - c. Pick-up camper means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.

- d. Tent means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.
 - e. Travel trailer means a towed vehicle designed as a temporary dwelling for travel and recreation.
 - f. Travel trailer, self-contained means 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.
- 235.** Recreational vehicle park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.
- 236.** Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent or other individual camping unit on a temporary basis.
- 237.** Recycling facility means a building used for the collection and/or processing of recyclable material. Processing shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.
- 238.** Resource extraction, processes and sales means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.
- 239.** Restaurant, drive-through means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.
- 240.** Restaurant, fast food means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics.
- a. Food and beverages are usually served in paper, plastic or other disposable containers;

- b. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, or for carry-out; and
 - c. Drive-through facilities are allowed, subject to review of traffic patterns, vehicle stacking areas, and entrance and exit locations.
- 241.** Restaurant, standard means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:
- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
 - b. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.
- 242.** Resubdivision means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.
- 243.** Retention basin means a pond, pool or basin used for permanent storage of water runoff.
- 244.** Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.
- 245.** Roof, gable means a roof sloping downward in two parts from a central ridge, so as to form a gable at each end.
- 246.** Roof, hip means a roof having sloping ends and sides meeting at an inclined projecting angle.

- 247.** Rural road means a street designed following the rural local cross-section as described in Section 2.9.
- 248.** Salvage or wrecking yard means a place where motor vehicles and parts are wrecked, disassembled, repaired and resold, a place where secondhand goods including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be stored and a place where used lumber and used building materials are stored for sale or resale.
- 249.** Sanitary facilities means toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.
- 250.** Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.
- 251.** Searchlight means an apparatus used to project a beam of light.
- 252.** Senior citizen means a person fifty (50) years of age or older.
- 253.** Service building means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.
- 254.** Setback means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located.
- 255.** Setback, front yard means the distance a building or structure must be placed from the front lot line.
- 256.** Setback, rear yard means the distance a building or structure must be placed from the rear lot line.
- 257.** Setback, side yard means the distance a building or structure must be placed from the side lot line.
- 258.** Shopping center means a group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.
- 259.** Sidewalk means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.
- 260.** Sight distance triangle means the area at the four corners of an intersection that is to be kept free of shrubs, ground covers, burms, fences, structures, or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:

- a. At the intersection of any two streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
 - b. At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two.
- 261.** Sign, projecting means any sign supported by a building wall and projecting therefrom.
- 262.** Sign, wall means any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.
- 263.** Sign, window is a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.
- 264.** Significant wildlife habitat and migration corridors are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source (www.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.
- 265.** Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.
- 266.** Site specific development plan means the final plat of a subdivision or Final Development Plan of a PUD (Planned Unit Development) when approved by the City Council pursuant to Article 5 of this Code.
- 267.** Split garages means having at least two (2) separate garages that are oriented in different directions.
- 268.** Street means a public thoroughfare which affords the principal means of access to abutting property.
- 269.** Street furniture means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths,

that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.

- 270. Streetscape means the distinguishing character of a particular street, within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street including landscaping, sidewalks, medians, lighting, street furniture, and signage.
- 271. Structure means a combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.
- 272. Subdivider or developer means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.
- 273. Subdivision means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.
- 274. Subsidence means a local mass movement that involves the downward settling or sinking of the solid Earth's surface. Subsidence may be due to natural geologic processes or man's activity such as underground mining.
- 275. Supermarket means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not less than twenty-five thousand one (25,001) square feet.
- 276. Swing-in garage means a garage that is oriented so that the garage doors are perpendicular to the street.
- 277. Tandem garage means a garage that allows for the parking of one car in front of another.
- 278. Tandem parking means parking two (2) cars in a driveway or parking space so that one car is right in front of the other and the front car can not move until the back car is moved.
- 279. Tavern means an establishment providing or dispensing fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.
- 280. Temporary use means a prospective use intended for limited duration, is to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.

- 281.** Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way or liens.
- 282.** Tourist facility means establishments set up to primarily provide local tourist information to visitors.
- 283.** Tree lawn means a strip of landscaping within the right-of-way, generally between the roadways and an adjacent sidewalk.
- 284.** Trip means a single or one-way vehicle movement to or from a property or study area. "Trips" can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.
- 285.** Truck stop means an establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.
- 286.** Undermining means land that has been mined under the surface of the ground.
- 287.** USGS datum means United States Geological Survey basis of elevations.
- 288.** Vacant land means land that does not have development on it.
- 289.** Vegetation means plants growing in a place, including, but not limited to trees, shrubs, vines, grasses and groundcover.
- 290.** Vehicle major repair, servicing and maintenance means any building, or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.
- 291.** Vehicle minor repair, servicing and maintenance means the use of any building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.
- 292.** Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, pursuant to Article 5 of this Code.

- 293.** Veterinary hospital means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases.
- 294.** Veterinary facilities, small animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.
- 295.** Walkable means a distance of one-quarter (¼) mile or within a five (5) to ten (10) minute walk.
- 296.** Walkway means:
- a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.
 - b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.
- 297.** Warehouse and distribution means a use engaged in storage, wholesale, and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.
- 298.** Warehousing means a business which stores or stocks merchandise or commodities.
- 299.** Wireless telecommunication equipment means any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.
- 300.** Wireless telecommunication facility means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.
- 301.** Wireless telecommunication services means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized

wireless telecommunication, personal communication services or cellular telephone.

- 302.** Workshop and custom small industry means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects, or other similar uses.
- 303.** Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.
- 304.** Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
- 305.** Yard, front setback means the distance a building or structure must be placed from the back of the front property line.
- 306.** Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.
- 307.** Yard, rear setback means the distance a building or structure must be placed from the back of the rear property line.
- 308.** Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.
- 309.** Yard, side setback means the distance a building or structure must be placed from the back of the side property line.
- 310.** Zone district means a zone district of the City as established in Article 3 of this Code, unless the term is used in a context that clearly indicates that the term is meant to include both the zone district(s) of the City and the zone district(s) of an adjoining governmental jurisdiction. Also referred to as “zoning district.”
- 311.** Zoning map means the official zoning map adopted by the City by ordinance, as amended