



**Town of Green Mountain Falls
Planning Commission Regular Meeting
Agenda**

**Tuesday, July 12, 2022 @ 6:30 PM
In-person Meeting @ 10615 Green Mountain Falls Rd
Green Mountain Falls, CO 80819**

OR JOIN ZOOM MEETING:

<https://us02web.zoom.us/j/89084164736?pwd=ekxjanR0R1Jndm1WRGJlV2dWell0dz09>

Meeting ID: 890 8416 4736; Passcode: 188580; Dial-in: 346-248-7799

	ITEM	DESIRED OUTCOME
1.	CALL TO ORDER/ROLL CALL	
2.	AUDIO CHECK	
3.	ADDITIONS, DELETIONS, OR CORRECTION TO THE AGENDA	Action Recommended
4.	PUBLIC COMMENT	Public Comment
5.	APPROVAL OF MINUTES - June 29, 2022, Meeting Minutes	Action Recommended
	NEW BUSINESS	
6.	Application 20220711 – 10680 Mountain Ave. – Shed Construction	Action Recommended
	OLD BUSINESS	Action Recommended
7.	Planning Commissioner Appointment Process	Action Recommended
	Code Rewrite	Action Recommended
8.	a. Continued review of existing draft with comments b. Timeline and process update	
9.	c. OTHER BUSINESS	Action Recommended
10.	Adjournment	

**Register for public comment by 4:00 PM the day of the meeting: planner@gmfco.us

Planning Commission Members:

Lamar Matthews, Chair

Lisa Bonwell, Vice-chair

Ann Esch, Commissioner

Mike Frey, Commissioner



MEETING MINUTES
Planning Commission
June 29, 2022
5:30 p.m. In-Person and Zoom Meeting

Commissioners Present: Mike Frey, Lamar Matthews, Ann Esch, Lisa Bonwell (Zoom)

Commissioners Absent:

Board of Trustees Liaison: Mayor Todd Dixon

GMF Staff: Nate Scott (Town Clerk/Treasurer/Planner)

Agenda Item	Motion/Discussion	M/S		LM	MF	AE	LB
1. CALL TO ORDER / ROLL CALL	Meeting called to order at 5:33 p.m.						
2. AUDIO CHECK	Audio is good for Zoom participants.						
3. ADDITIONS, DELETIONS, & CORRECTIONS TO THE AGENDA	Chair Mathews wonders if agenda should be changed – does survey need to be added? No, just presented as part of Item 10 – survey doc will be added to these minutes.						
4. PUBLIC COMMENT	No public comment.						
5. APPROVAL OF MINUTES	Motion to approve minutes as presented passed unanimously.	MF/LB		A	A	A	A
a. June 14, 2022, Meeting Minutes							
NEW BUSINESS							
6. Application 20220609 – 10210 Ute Pass Ave. – Shed Construction	TCTP Scott gives a summary of the application as presented. Straightforward shed application – staff recommends approval.	AE/MF		A	A	A	A
7. PUBLIC HEARING: Variance 20220608 – 11115 Midland Ave.	Public Hearing called to order. TCTP Scott gives a summary of the need for a variance. The first drawing of this deck rebuild had a different layout and was in the front setback. Even the previous footprint was in the setback, so new construction, even replacement, needs to abide by new rules.						

MEETING MINUTES
Planning Commission
June 29, 2022
5:30 p.m. In-Person and Zoom Meeting

	Motion to approve the variance.	AE/MF		A	A	A	A
8. Application 20220608 – 11115 Midland Ave. – Deck Construction	Some discussion about the Brazilian hardwood material used in this project – it is reported that it is fire resistant with a longer life than Trex. Motion to approve the application.	MF/AE		A	A	A	A
OLD BUSINESS							
9. Planning Commissioner Appointment Process	Discussion about how to decide without bias. Chair Mathews suggests adding a field on the app form regarding serving as an alternate. Discussion about how to make the process very clear and the same for all to avoid perception of bias. Ideas from other entities' volunteer applications discussed. No formal action – everyone agrees with the process of setting a deadline and using best judgement and each person's experience in order to choose a commissioner.						
10. Code Rewrite	<p>a. Review of existing draft with comments Started with a review of the public survey (included in these minutes) that a few people filled out regarding what the priorities should be with the rewrite. Used to focus discussion on the main purposes of the rewrite: simplification, funder priorities, and public direction. Chair Mathews reports that the Kirkpatrick Foundation Family Fund is disappointed with the progress of this project. They would like an update on the project. Specifically the goal to eliminate conflicting code sections (LU Code vs. remainder of code).</p> <p>Mayor Dixon gives a brief history of this project and why we are at this point.</p>						

MEETING MINUTES

Planning Commission

June 29, 2022

5:30 p.m. In-Person and Zoom Meeting

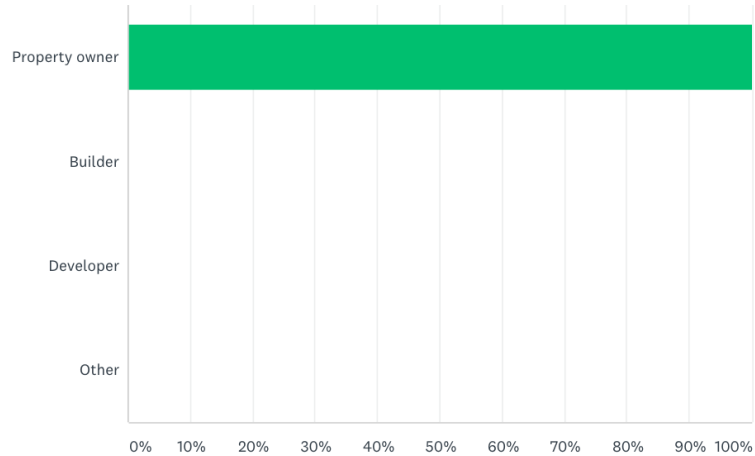
	<p>Review of the final draft occurs, starting with the definitions section. Marking out terms which are not relevant to the uses in Town. The review then jumped to the beginning – Ch. 12, Article 1 – and concluded at the “nonconformities” section of the code and will resume at the next meeting.</p> <p>b. Timeline and process update</p> <p>Next work session meeting for code rewrite scheduled for Thursday, July 7, at 6:00 pm.</p>						
11. OTHER BUSINESS							
12. ADJOURNMENT	Meeting adjourned at 7:53 p.m.						



Zoning Code Rewrite Survey Results, April 2021.

What is your association with Green Mountain Falls?

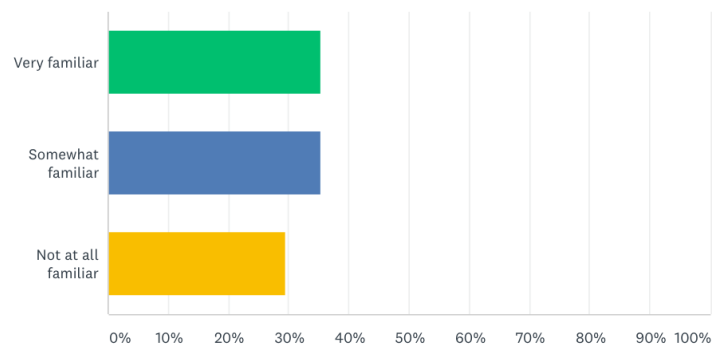
Answered: 17 Skipped: 0



ANSWER CHOICES	RESPONSES
▼ Property owner	100.00% 17
▼ Builder	0.00% 0
▼ Developer	0.00% 0
▼ Other	0.00% 0
TOTAL	17

How familiar are you with the Land Use Code?

Answered: 17 Skipped: 0



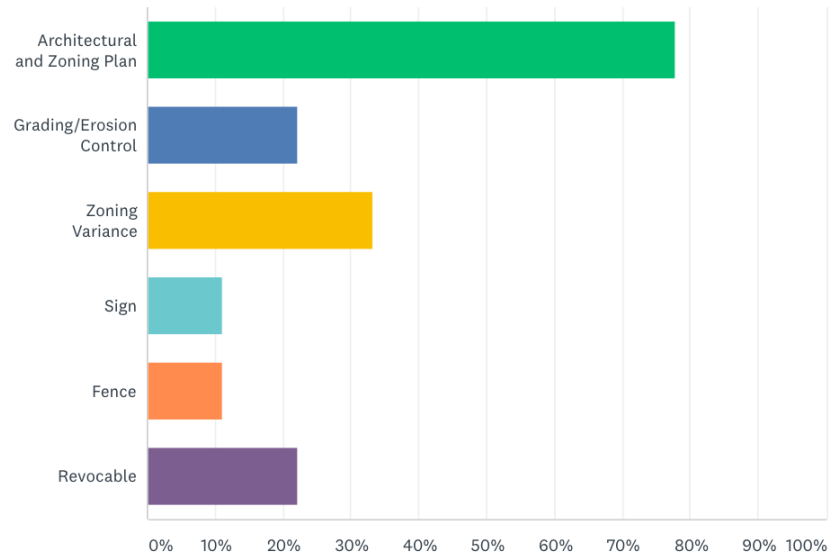
ANSWER CHOICES	RESPONSES
▼ Very familiar	35.29% 6
▼ Somewhat familiar	35.29% 6
▼ Not at all familiar	29.41% 5
TOTAL	17



Zoning Code Rewrite Survey Results, April 2021.

Which of the following have you (or your representative) applied for?

Answered: 9 Skipped: 8



ANSWER CHOICES	RESPONSES
▼ Architectural and Zoning Plan	77.78% 7
▼ Grading/Erosion Control	22.22% 2
▼ Zoning Variance	33.33% 3
▼ Sign	11.11% 1
▼ Fence	11.11% 1
▼ Revocable	22.22% 2
Total Respondents: 9	



Zoning Code Rewrite Survey Results, April 2021.

What types of items or applications should be reviewed and approved by the Planning Commission?

Answered: 15 Skipped: 2

- "Fences and sheds should not be approved by PC"
- "New developments, major additions, variances, change of use, and zoning recommendations to see if they fit the comprehensive plan."
- "All Green Mountain Falls land use items"
- "Current Applications which are not within the code for any reason or exceed a certain value with impact to neighbors or infrastructure."
- "All items listed above should be reviewed by the planning commission as well as any variance requests."
- "simplify!! We are a small town!"
- "Very few."
- "New construction, major revisions"
- "All of these: Architectural and Zoning Plan, Grading/Erosion Control, Zoning Variance, Sign, Revocable"
- "same as current"
- "New buildings (residential and commercial), new fences, new sheds, new decks, new driveways, new gradings and new trails on private property not built through a trail building organization. All variances and revocable permits. Erosion control on existing properties/structures needs to be accomplished without Town involvement, but property owners must deal with it."
- "Those dealing with property SETBACKS, as well as requirements for fire mitigation and erosion control where necessary"
- "All, but the committee should meet before BoT so that things move along these months long holding projects is ridiculous"
- "Zoning Variances"
- "Any new construction"
- "Shared resource changes"



Zoning Code Rewrite Survey Results, April 2021.

What types of items or applications should be administratively approved through the City Planner's office?

Answered: 15 Skipped: 2

- "Items that meet current use and zoning "
- "Everything addressing land use should be done in collaboration with the Planning Commission."
- "Fences/sheds"
- "New construction, major revisions"
- "Replacement of existing fences and decks, except where the deck is primary access to the building. Exterior colors through a pre-approved color palette. New trails that are being coordinated/built through a trail-building organization."
- "The more, the better, assuming proper paper trail and justification."
- "None everything should go to the committee why do we have a planner for this small town?"
- "Building, fencing, or signage
- "Any new construction"
- "I know little about which group to approach but city drainage and culverts should be a priority before the rains come."
- "Those applications which clearly fall within the code and are below an established value"
- "Renewals and administrative items deemed so by the PC and BOT."
- "Shared public space"



What hazards would you like to see mitigated in the Land Use Code?

Answered: 16 Skipped: 1

-
- "I don't know of any hazards - what are the perceived hazards currently?"
 - "Wildland Fire mitigation"
 - "N/a"
 - "Fire danger. Removing many trees that have grown since the last fire hit Green Mt. Falls long ago."
 - "Fire hazards - dead trees"
 - "?"
 - "Wildfires, floods, erosion (new buildings/gradings), ground stability(?), storm water runoff and stream pollution."
 - "Wildland Fire: require new builds to use fire resistant materials. Require property transfers (sales) to have a fire mitigation assessment to ensure nuisance tree compliance."
 - "None unless the town is going to pay for it. Some people can't afford to do it or don't want those changes"
 - "Flooding or Wildfire"
 - "Dilapidated, and poorly maintained properties."
 - "Culvert on Grandview and CATAMOUNT!! For years I have asked for this culvert to be improved as it is currently unusable! It is washing out the road and washing the neighbored out below!"
 - "Fire Mitigation"
 - "Fire"
 - "??"
 - "Fire and erosion"



What non-hazards would you like to see managed by the Land Use Code?

Answered: 14 Skipped: 3

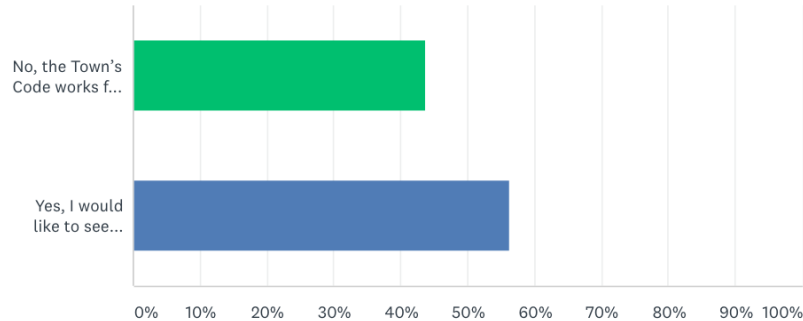
- “Basically same answer as 6 - are there potential issues that have been brought up?”
- “Overall aesthetic qualities/characteristics of the Town”
- “Zoning, building code specific to GMF”
- “I am not sure what non-hazards would be.”
- “What buildings are allowed”
- “?”
- “New fences, new decks, colors (pre-approved color palette), exterior building finishes, driveways, parking on private property, new trails and Zoning.”
- “Property encroachment.”
- “No idea”
- “Density or Building Conditions”
- “Public property (town owned)”
- “Town beautification, RV parking, Sign Pollution, residential street parking”
- “??”
- “None”



Zoning Code Rewrite Survey Results, April 2021.

Would you like to see different zoning regulations based upon use and lot size?

Answered: 16 Skipped: 1



ANSWER CHOICES	RESPONSES
▼ No, the Town's Code works for me!	43.75% 7
▼ Yes, I would like to see something different (Explain) Responses	56.25% 9
TOTAL	16

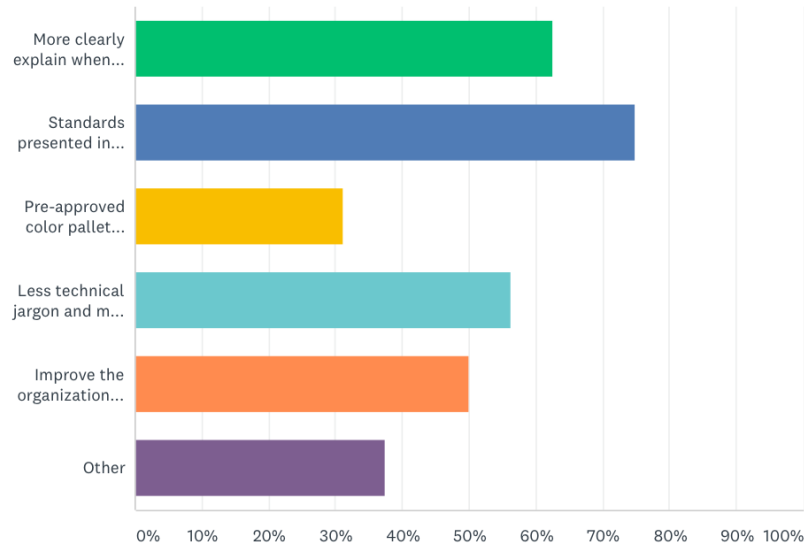
- "Possibly expand setback requirements; strictly adhere to non-conforming lot restrictions."
- "New standards to cover lots under 5k square foot"
- "Very very few zoning regulations. I prefer a mixture."
- "I would like to see zoning regulations based upon grade (from the lowest disturbance to the highest). Doesn't make much sense for someone to need an erosion control plan with a flat property. I would also like to see maximum lot coverage as a way to limit stormwater runoff. Also, zoning needs to support the Comprehensive Plan. There is a need to create a long-term revocable permit where annual fees would not be required."
- "Simplify. Too many designations as currently written."
- "Sewer system"
- "Individual circumstances, regulations on VRBO properties"



Zoning Code Rewrite Survey Results, April 2021.

If you could make a change to the Land Use Code what would it be?

Answered: 16 Skipped: 1



ANSWER CHOICES	RESPONSES
More clearly explain when a permit is needed	62.50% 10
Standards presented in a table rather than long written descriptions	75.00% 12
Pre-approved color pallets for exterior painting/ signs/ etc.	31.25% 5
Less technical jargon and more "plain English"	56.25% 9
Improve the organization of the code	50.00% 8
Other	Responses 37.50% 6
Total Respondents: 16	

Other...

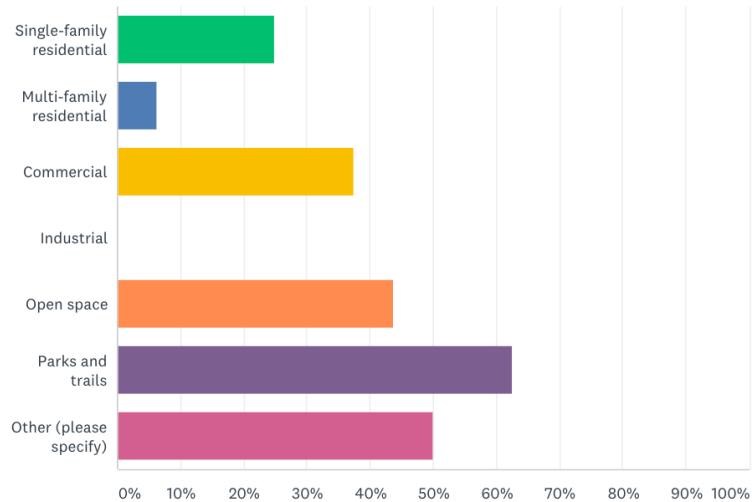
- "Are they available to look at online?"
- "It was determined by town attorney PC can't approve or disapprove paint color for houses. We are not an HOA"
- "Fewer (or no) requirements for updating old properties....such as replacing decks, fences, windows that can be accomplished by family without having to hire an engineer"
- "Requirements based upon grade, wildfire mitigation, stormwater requirements based upon lot coverage, ability for existing property owners to deal with erosion without going through the Town, ability to easily put a trail on private property if using trail org."
- "Require fire mitigation through noncombustible building materials. Require compliance with state, federal, and insurance standards for fire mitigation through noncombustible zones around the structures and mitigation of dead/diseased trees as a condition of property title transfer."
- "Please make sure that the code is enforceable. What is the point if it is not being enforced. (Post permit)"



Zoning Code Rewrite Survey Results, April 2021.

What kinds of new development would you like to see incentivized in Green Mountain Falls?

Answered: 16 Skipped: 1



ANSWER CHOICES	RESPONSES
Single-family residential	25.00% 4
Multi-family residential	6.25% 1
Commercial	37.50% 6
Industrial	0.00% 0
Open space	43.75% 7
Parks and trails	62.50% 10
Other (please specify)	Responses 50.00% 8
Total Respondents: 16	

- "It is difficult to answer because of the cess pool/septic systems. There is limited space to introduce commercial and most of our commercial space is compromised by being so close to water sources where water tables are currently being compromised."
- "Grocery / general store, gas station, etc....so the town can function as a town, not just a destination."
- "Residential, commercial and industrial incentives would likely not work because the limiting factors on those are building costs and septic systems."
- "Tiny homes where appropriate. Businesses as advocated in Comp Plan"
- "Please prioritize first what is not working before placing priorities on what is working. Prioritize the roads and broken culverts first!! I have begged for this for years. Who is listening?"
- "I would like to see incentives for existing homeowners to harden their property against fire and to remove dead and diseased trees."
- "retail business aimed at vacationers and hikers"
- "Not interested in new development, get things fixed then move to new. Get the road issues resolved. Erosion control. Etc"



To: Planning Commission
From: Nate Scott, Town Clerk/Treasurer/Planner

Date: July 11, 2022

Re: 20220711 – Architectural/Zoning Application for 10680 Mountain Ave.

Background

The applicant and owner of the property Molly Nord is requesting the Planning Commission's consideration for an application for a new shed. The application for the Architectural and Zoning Review was received on July 11, 2022. The applicant has paid the application fee and will advise Sunset Buildings to get a business license if they do the installation (applicants may build it themselves). There is no need for Pikes Peak Regional Building Department involvement, as the shed is less than the 200 square-foot threshold.

Planning Commission Recommended Actions:

- Review proposed Architectural and Zoning Application for compliance with Green Mountain Falls Zoning and Land Use Code.

Project Summary

This application is for a new 12 x 16-foot shed.

Materials:

- Sunset Buildings barn-style shed to be built on-site.
- Exterior will be vertical ridge panel siding with window/door trim.
- Paint is planned to be neutral colors.
- Roof will match existing composite shingle of home – color black.
- Windows (if added) will be vinyl

Discussion

1 - Architectural and Zoning Application:

The electronic file maintained by Town Hall, *Official Town Zoning Map 2019*, shows the Zone District as R-1 and the El Paso County Assessor's Office show parcel ID 8308413017 with an area of 8,100 sq. feet. Therefore, zoning is:

16-305: R-1 5,000 Single-Family Residential.

Setback requirements:

- a. front, fifteen (15) feet;*
- b. side, five (5) feet; and*
- c. rear, ten (10) feet.*

Sec. 16-705. - Building permits; architectural review

The Zoning Code §16-705(d)(2) – at a minimum, the following specific criteria shall be considered by the Planning Commission:

- a. Architectural compatibility;*

- b. Bulk of the proposed building or structure in relation to surrounding buildings and land;*
- c. Vehicular access and parking;*
- d. Pedestrian access; and*
- e. Relation to existing and future open space.*

The language for architectural review is couched as policy recommendation with vague standards: nevertheless, it does state the advisory body *shall restrict its consideration in each case to the effect of the proposed construction on the health, safety, morals, and general welfare of the Town.*

Sec. 16-712. - Development plan requirements (w/ notes specific to this project).

- (1) The location, height, and dimensions of each existing and proposed structure in the development area and the uses to be contained therein. **(see site plan)**
 - (2) The proper building setbacks and building area with reference to property lines, highways, or street rights-of-way; **(in site plan)**
 - (3) The location and surfaces of all parking areas and the exact number of parking spaces; **N/A**
 - (4) The location of watercourses and other natural historic features; **N/A**
 - (5) The location of all pedestrian walks, malls, recreation, and other open spaces; **N/A**
 - (6) The location, number, height, and square footage of freestanding identification signs; **N/A**
 - (7) The location, height, size, and orientation of any required light standards; **N/A**
 - (8) The location of all permanent accesses from publicly dedicated streets, roads, or highways; **N/A**
 - (9) The location, overlain on contours for the area, of all roadways, walkways, bridges, culverts, drainage easements, existing or contemplated, and green belts; **N/A**
 - (10) The location of all footpaths, traffic islands, traffic devices and driveways, indicating the pedestrian and vehicular movement and control; **N/A**
 - (11) The stages, if appropriate, in which the project will be developed; **N/A** and
 - (12) A vicinity map to locate the development in relation to the community. **(see attached site overview map)**
- (Ord. 97-01)

Conclusion and Recommendation

Staff recommends approval of this project as presented.

(Motion to approve application 20220711 as presented.)



FOSTER AVE

HOWARD ST

COLORADO ST

ILLINOIS AVE

MOUNTAIN AVE

BOULDER ST

HOTEL ST

PARK AVE





Town of Green Mountain Falls
Land Use Approval Application
Architectural Plan Review

General Information

- This checklist serves as a guideline for submitting a Zoning & Architectural Plan Review Land Use Approval application and is not a substitute for the provisions in GMF Municipal Code or any other rules that may apply.
- Applicants are responsible for reviewing and understanding the Code.
- Complete applications are subject to staff review time of **two weeks (14 days)**.

Applicant

Applicant:	Molly Nord / Chris Nord
Address:	PO Box 774 GMF 80819
E-Mail:	MLAMBERT232@GMAIL.COM
Phone:	719-313-0796
Owner:	Same as above
Address:	"
E-mail:	"
Phone:	"

Property

Physical Property Address: 10680 Mountain Ave	
Type of Plan Review: Shed Permit	Lot Size/Zoning: 8,100 ft ² / R-1 5,000
Hillside Overlay zone? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Land Survey/ILC Included: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Certification & Signature

APPLICANT'S STATEMENT: I understand the procedures and requirements (pages 1 and 2 of this application) that apply to my request and acknowledge an incomplete application will not be scheduled for public hearing. GMF Staff's acceptance of the application, payment of fees, and submittal of accompanying materials does not constitute completeness. I further agree to reimburse the city for technical and professional consulting expenses that may be incurred during the review of my request. Failure to reimburse the Town for invoiced expenses constitutes an incomplete application.

Certification: The undersigned applicant certifies under oath and under penalties of perjury that the information found in the application is true and accurate to the best of their knowledge.

By checking this box, I agree to the certification statement and am typing my full name as an electronic signature.

Applicant Signature	<u>Molly Nord</u>	Date	<u>7/8/22</u>
Owner Signature	<u>Chris Nord</u>	Date	<u>7/8/22</u>
Owner Signature	<u>Chris Nord</u>	Date	<u>7/8/22</u>

This document can be signed electronically using [Adobe Reader DC](#) for free.

Plan Review Checklist

This checklist serves as a guideline for submitting a Zoning & Architectural Plan Review (APR) Land Use Approval application and is not a substitute for the provisions in Green Mountain Falls Municipal Code or any other rules that may apply. Applicants are expected to review, at a minimum [§16, Zoning](#), [§17, Subdivision](#), [§18, Building Regulations](#).

APR is a general term for the review by the Planning Commission/Board of Trustees for zoning compliance and the evaluation of architectural compatibility, as outlined in §16-705.

1. Application & Petition

- a. Application, signed and dated by the applicant and property owner(s)
- b. [Application fee](#)
- c. Letter of explanation
 - i. Describe the purpose of the project (e.g., deck, SFH addition, exterior renovation, etc.) and describe project details, referring to site plans and drawings as necessary

2. Development Plan

- a. Vicinity Map with streets and access points to the property
- b. Existing and proposed structures with zoning setbacks, property boundaries and dimensions
- c. The location of all drainage to, from and across the site, the location of intermittent and permanent springs, culverts and other drainage structure

3. Procedure:

- a. Electronic submittal of signed application and checklist materials: planner@gmfc.us
- b. Payment of fees to Town Clerk for receipt
- c. Upon determining an application is complete, staff will schedule for PC and/or BoT public hearing

GMF Town Staff:

- ☐ Application
 - ☐ Letter of Explanation
 - ☐ Development Plan
 - ☐ Application fee (Town Clerk)
- Date _____ Amount _____ ☐ Check # _____ ☐ Credit Card

10680 MOUNTAIN AVE – SHED PERMIT

July 2022

OVERVIEW

1. Purpose

Application for shed permit at 10680 Mountain Avenue

2. Project Details

- 1) *Shed will be 12' x 16' [192 sq ft]. Design does not require a PPRBD permit as it is less than 200 sq ft.*
- 2) *Current zoning of R-1 5,000 Single-Family Residential District - building set back will be met with proposed shed location. Specifically, the rear set back of 10 ft is met with some excess room. Shed is not in the vicinity of the 5' side set back. See 2012 survey with outline of set back and shed location – **Addendum A***
- 3) *Full survey image attached as **Addendum B***
- 4) *Materials:*
 - *Sunset Buildings barn-style shed to be built on-site.*
 - *Exterior will be vertical ridge panel siding with window/door trim.*
 - *Paint is planned to be neutral colors.*
 - *Roof will match existing composite shingle of home – color black.*
 - *Windows (if added) will be vinyl*

3. Development Plan

Survey included shows property boundaries, existing home, and surrounding vicinity.

Drainage and land features will not be disrupted as shed will be elevated above surface of ground on blocks/piers.

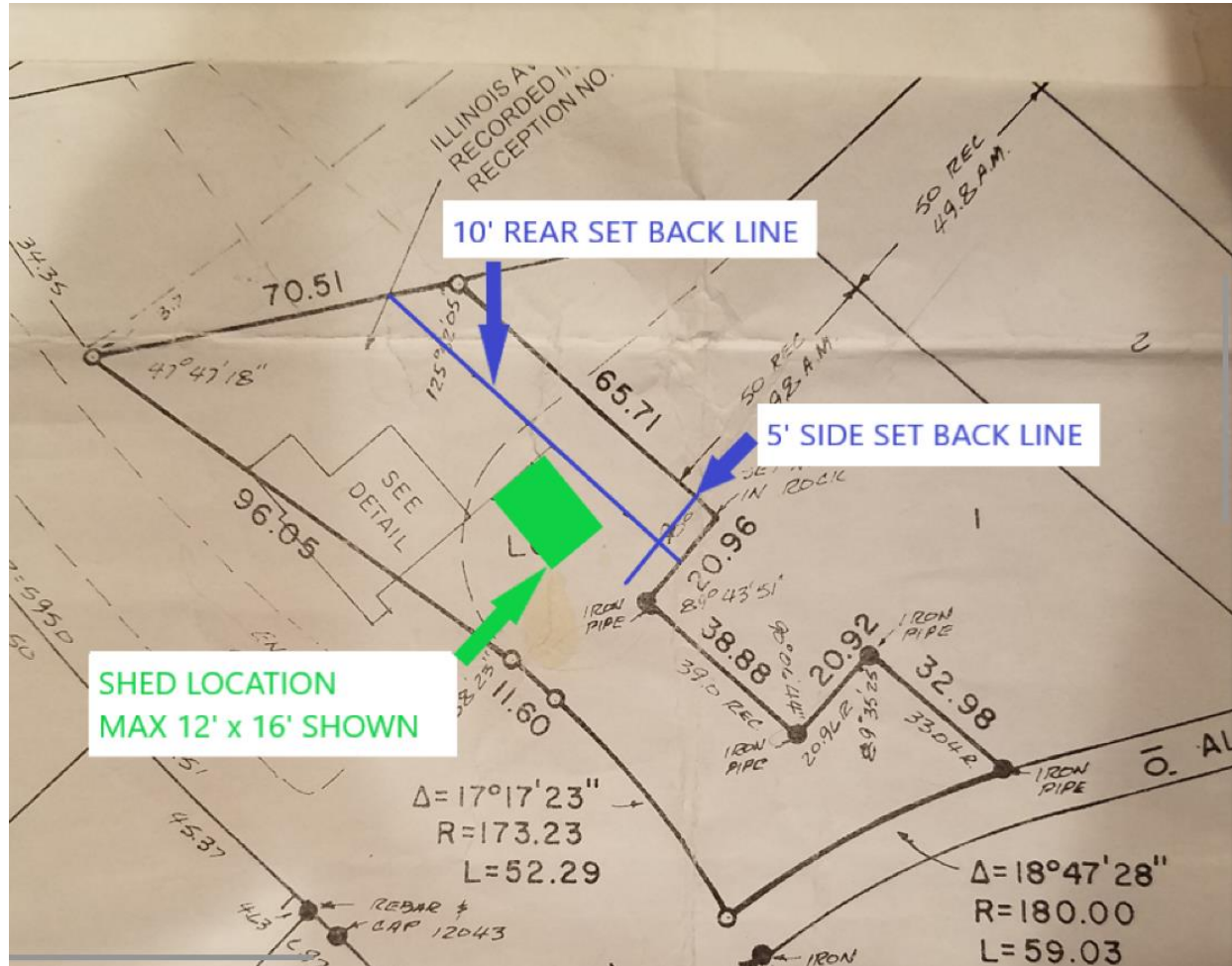
Natural slope of land causes drainage to run from front of lot towards rear of lot, nearly perpendicular to the rear lot line. No culverts or other drainage structures exist in the area of proposed shed site.

If there are any further questions, please feel free to contact me at 719-313-0796.

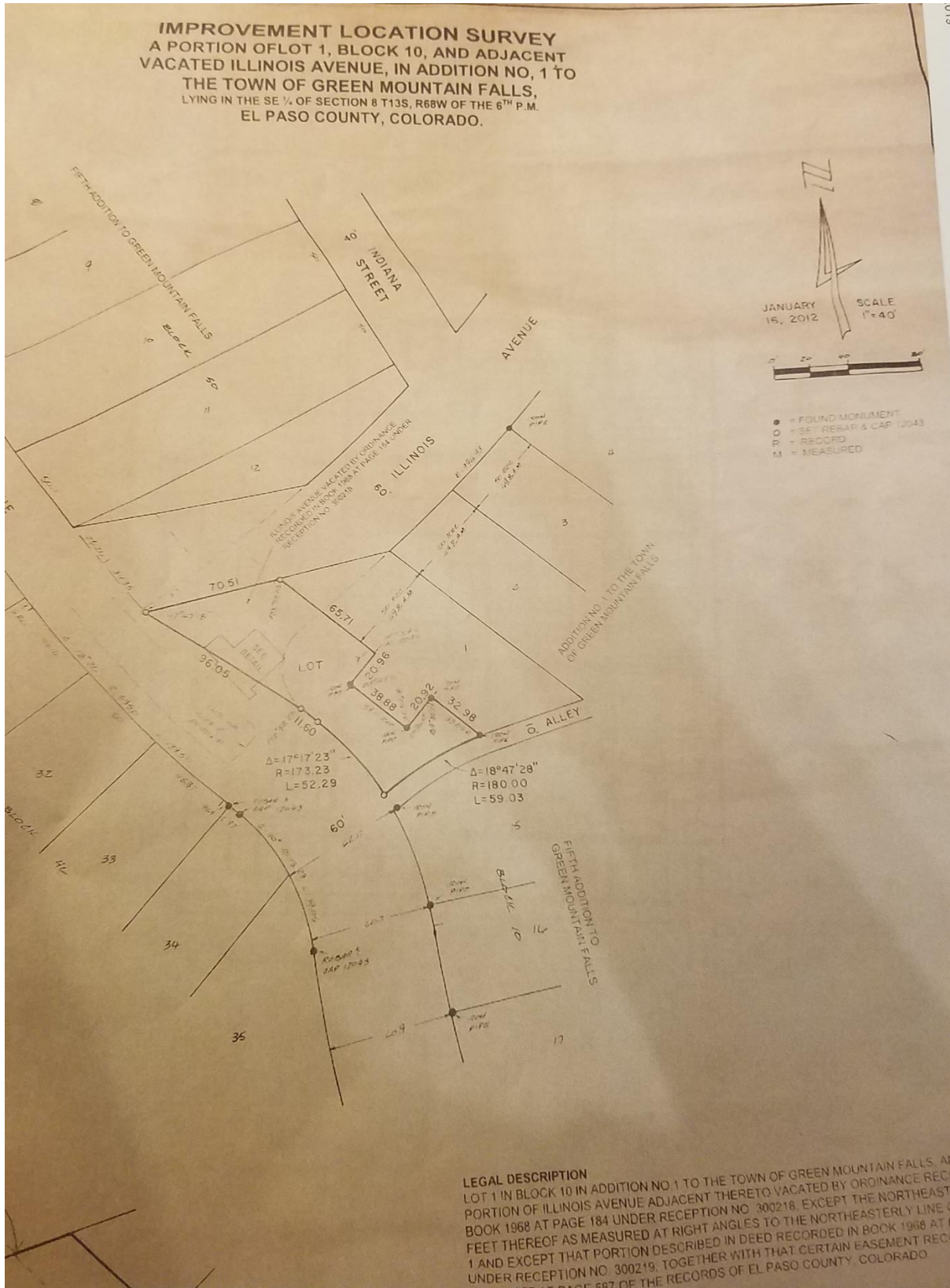
Sincerely,

Molly Nord

ADDENDUM A – SHED LOCATION AND SET BACK DETAIL



ADDENDUM B – FULL SURVEY





The Town of Green Mountain Falls

P.O. Box 524, 10615 Green Mountain Falls Road, Green Mountain Falls, CO 80819

(719) 684-9414 www.gmfco.us

Committee Volunteer Application

Volunteer Position applying for: _____

Name: _____

Street Address: _____

City, State: _____ Zip Code: _____

Phone Number: _____ Email address: _____

How many years have you been a resident of Green Mountain Falls: _____

Current Employer/Occupation: _____

Work Experiences that may apply: _____

Other Volunteer Experiences that may apply: _____

Any Special Qualifications that may apply to this volunteer position: _____

Other Current Volunteer Positions you hold: _____

Reasons for choosing this Volunteer Opportunity: _____

Are you willing to serve as an alternate? Yes ____ No ____

Each committee can have up to three alternates, who may participate in discussion and, in the event of a member's absence, may vote on issues before the committee.

*Please attach any other relevant information/documentation that would enhance your application.

By signing below, you acknowledge that the Town of Green Mountain Falls IS NOT liable for any harm and/or injury sustained while volunteering at any Town facilities or activities.

You also agree that all information you have provided in this application is true to the best of your knowledge.

Volunteer Signature: _____ Date: _____

Are you 18 years or older? YES ____ NO ____

If NO, Guardian Signature: _____

Chapter 12 – Land Use Code

Article 1: General Provisions

12-1-10: Title, Validity and Severability

- (a) **Title and Short Title.** This Chapter, as amended from time to time, shall be known and may be cited as the Town of Green Mountain Falls Land Use Code. It may also be referred to within this document as the “Land Use Code,” “Chapter 12,” or “this Chapter.”
- (b) **Presumption of Validity.** All provisions of this Chapter are presumed to be valid and enforceable. In any challenge to the validity of any provision, the burden of proof shall rest with the person bringing the challenge.
- (c) **Effective Date.** This Chapter shall become effective on <month/day>, 2022.
- (d) **Severability.** If any section, subsection, paragraph, clause, phrase or provision of these regulations shall be adjudged invalid or held to be unconstitutional by a court of competent jurisdiction, the validity of these regulations shall not be affected in whole or in part, other than the provision adjudged to be invalid or unconstitutional.

12-1-20: Purpose

~~This Land Use Code is designed and enacted for the purpose of promoting the health, safety, quality of life, convenience, order, prosperity, and general welfare of the present and future inhabitants of the Town by:~~

- ~~(a) Lessening congestion in the streets and roads;~~
- ~~(b) Securing safety from fires, flood water and other dangers;~~
- ~~(c) Providing for light and air;~~
- ~~(d) Promoting the healthful and convenient distribution of population and avoiding undue congestion;~~
- ~~(e) Ensuring the efficient use of land;~~
- ~~(f) Facilitating the adequate provision of transportation, water, public utilities, schools, and other public requirements;~~
- ~~(g) Securing protection of the tax base; and~~
- ~~(h) By other means in accordance with the Town of Green Mountain Falls Comprehensive Plan.~~

12-1-30: Applicability

- (a) **Jurisdiction.** This Chapter and Land Use Code shall apply to all public and private land and all land uses within the legal and municipal boundaries of the Town of Green Mountain Falls, Colorado.
- (b) **Compliance Required.** No permit, certificate or approval of any use that is subject to this Chapter shall be issued or granted by any department, agency, Town official, or Town employee without a finding of substantial compliance with this Chapter having been issued by the appropriate review authority. Unless otherwise stated in this Chapter, no building or structure shall be erected, converted, enlarged, reconstructed, or altered

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without a determination of substantial compliance with this Chapter. No lot of record shall be created by subdivision or otherwise unless it complies with this Chapter.

- (c) **Municipal Code**. Whenever any provision of this Chapter conflicts with other provisions of the Municipal Code, the stricter provision, ~~as determined by the Town Attorney~~, shall govern.

12-1-40: Transition from Prior Regulations

- (a) **Development Approvals**. Any development approved under regulations in effect prior to the effective date of this Chapter may be carried out under the terms and conditions of the approval and the development standards in effect at the time of approval, provided the approval has not expired and the development complies with any applicable standards of this Chapter regarding ongoing operations and maintenance. If the prior approval expires, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Chapter.

- (b) **Pending Applications**. A development application that has been determined and documented to be complete pursuant to Town planning or administrative staff, prior to the effective date of this Chapter may be decided under the regulations in effect when the application was determined to be complete or may be reviewed and decided under this Chapter at the request of the applicant. Applications shall not be processed under a combination of prior regulations and this Chapter.

- (c) **Prior Violations**. If a development or activity in violation of the prior development regulations fully complies with this Chapter, it shall no longer be deemed a violation. Unpaid fees and/or penalties from prior enforcement of violations are still valid and shall remain the responsibility of the violator under the prior regulations, ~~unless reversed on appeal to the Board of Trustees~~.

Commented [TC1]: Frey: what if no longer a violation?

12-1-50: Nonconformities

- (a) **Purpose**. The purpose of this Section is to regulate and limit the development and continued existence of legal uses, structures and lots that were lawfully established prior to the effective date of this Chapter, and any future amendments, but that no longer conform to the requirements of this Chapter. All such situations are collectively referred to in this section as “nonconformities.” While nonconformities may continue, the intent of this section is to curtail substantial investment in nonconformities to bring about their eventual elimination and to preserve the integrity of this Chapter and the stated policies and goals of the Town of Green Mountain Falls.

Commented [TC2]: Frey: with as many nonconformities that likely exist, this may represent a significant hardship or expense for the property owner.

(b) Regulations Applicable to All Nonconformities

- (1) **Authority to Continue Use**. Nonconformities may continue to be used and occupied, subject to regulations as to the maintenance of premises and conditions of operations set forth in this Section, or unless such nonconformity is terminated as provided in this Section.



(2) Determination of Nonconformity Status. The burden of establishing the existence of a nonconformity shall be solely on the owner of the property containing the nonconformity.

Commented [TC3]: Frey: How would property owner know?

(3) Maintenance and Minor Repair

- a. Minor repairs or maintenance of nonconformities are permitted and encouraged, provided that the repairs and/or maintenance do not increase the nonconformity of any structure, use, or lot. Maintenance and repairs that qualify as "minor" include the following:
 1. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure, without expanding the building or structure;
 2. Maintenance of land to protect against and mitigate health and environmental hazards;
 3. Repairs that are required to remedy otherwise unsafe conditions; and
 4. Repairs necessary to comply with current building code requirements.
- b. Minor repairs and maintenance shall only be conducted in compliance with building code requirements and shall obtain the necessary permits pursuant to this Code.
- c. Repairs and maintenance within an area of special flood hazard shall comply with the applicable provisions of Section 12-4-10.

Commented [TC4]: Frey: this sounds like the deck on Belvidere (variance determined to be needed on a replacement deck)

Need a way to allow for rebuilding within a "grandfathered" footprint for decks specifically.

(4) Change of Ownership or Tenancy. Changes of ownership, tenancy, or management of property within an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this Section.

(5) Compliance to the Maximum Extent Practicable. Where compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental constraints, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Director.

Commented [TC5]: Frey: define "Director"

(c) Nonconforming Uses

Commented [TC6]: Frey: define

Nonconforming uses of land or structures are subject to the following additional limitations:

(1) Limitations on Continuation of Nonconforming Uses of Lands or Structures

1. A nonconforming use may be extended throughout the same building, provided that:
 1. No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted unless it complies with Section 12-1-50(d)(1), *Additions to Nonconforming Structure*, below.
 2. No additional dwelling units shall be permitted in the building; and
 3. No additional nonresidential units and/or uses shall be permitted.



2. Any existing occupied single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structures so long as improvements do not increase the degree of nonconformity or increase the height or building footprint.
3. No additional structure not conforming to the requirements of this Chapter shall be erected in connection with the nonconforming use of land or structure.

(2) Changes of Use

- a. A nonconforming use may be changed to another nonconforming use, provided the Director determines that the new use creates no greater impacts on surrounding properties and is no more intensive than the use it replaces, and no structural alterations to the building are required to accommodate such change. A nonconforming use that has been changed to a less nonconforming use, as determined by the Director pursuant to this subsection may not subsequently be changed back to a more nonconforming use.
- b. A nonconforming use, if changed to a conforming use, may not subsequently be changed back to any nonconforming use unless otherwise permitted by this Chapter.

- (3) Discontinuation of Nonconforming Use. Whenever a nonconforming use of land or a building has been discontinued for a period of one (1) year, future use of land or building shall comply with this Chapter.

(d) Nonconforming Structures

Nonconforming structures are subject to the following additional limitations:

(1) Additions to Nonconforming Structure

- a. A nonconforming structure may be extended or altered in a manner that does not increase its nonconformity or create a new nonconformity, but any structure or portion of a structure may be altered to decrease the nonconformity of the structure. No such change shall further encroach into any already-nonconforming setback.
- b. An extension to a nonconforming structure may be permitted by the Town Manager or Director to comply with the provisions of the Americans with Disabilities Act (ADA), provided that it is demonstrated that the only way to comply with the Act would be through an extension which increases the structure's nonconformity, and that the extension is the minimum necessary to comply with the Act.

- (2) Restoration Following Damage or Destruction. A nonconforming structure that has been damaged or destroyed by fire or other causes may be restored to its original condition, provided that such work is commenced within twelve (12) months of such event and completed within twenty-four (24) months of such event. By written request of the property owner, the Director may grant one extension of the completion of work time period.

Commented [TC7]: Frey: define



- (3) Movement of a Nonconforming Structure. A nonconforming structure shall not be moved to another location unless it shall thereafter conform to the provisions of the zone district into which it is moved.

(e) Nonconforming Lots

Nonconforming lots are subject to the following additional limitations:

- (1) A primary structure and customary accessory buildings and structures may be developed on a lot that is nonconforming as to minimum lot size or minimum lot frontage, provided that it can be located on the lot so that all other dimensional standards are met, or a variance from said dimensional standards is obtained pursuant to section 12-7-70(a) and provided that the development complies with all other standards of this Chapter.
- (2) No lot that is conforming as to minimum lot size or minimum lot frontage may be reduced in size or subdivided in such a way that it creates a nonconforming lot, causes any structure or use to become nonconforming, or causes the nonconformity of any use to increase.

12-1-60: Enforcement, violations and penalties

- (a) It is unlawful to violate any of the provisions of this Chapter or to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of any provision of this Chapter. Any person, as owner, lessee, occupant, or otherwise, who violates or fails to comply with any provision of this Chapter shall, upon conviction thereof, be punished pursuant to Chapter 1, Article IV of this Code.
- (b) Each day a violation is committed or permitted to continue shall constitute a separate offense.
- (c) Should any building or structure be or proposed to be erected, constructed, altered, maintained or used, or any land is proposed to be used, in violation of this Chapter, the Town Attorney, at the direction of the Board of Trustees, and in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or other appropriate action or proceeding to enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.
- (d) All remedies provided for in this Section are cumulative, and are not exclusive and shall be in addition to any other remedies provided by law.

Commented [TC8]: Confirmed this is the "General Penalty" section of the new code version.

Commented [TC9]: Frey: sounds very tough



Article 2: Zoning Districts

12-2-10: Zoning Districts Establishment and Purpose

- (a) In order to implement the policies, goals and strategies adopted by the Town of Green Mountain Falls, including those set forth in its Comprehensive Plan, this Article adopts zoning districts to regulate the type and intensity of land uses within the Town. To carry out the purpose and provisions of this Chapter, the Town is divided into the following zoning districts to achieve compatibility of uses and character within each zoning district.
- (b) Table 2-A: Zoning Districts, lists the zoning districts established by the Town. Zoning Districts are established by the Town's adoption of the Official Zoning Map pursuant to Section 12-2-10(c).

Table 2-A: Zoning Districts		
District		Purpose
SFR	Single and Two-Family Residential	Character currently includes predominantly single-family, detached homes. Supports diversity of housing styles from historic to newer development
MFR	Multi-Family Residential	Provides a wide range of housing choices with a higher density than SFR.
B	Business	Provides a place for commercial, businesses and offices. Residential uses permitted, but not the predominant use. Includes commercial areas that provide services and goods
PF	Public and Semi-Public	Provides for public facilities and services that serve life-sustaining needs of the Town's residents and are located throughout the Town.
OSP	Parks and Open Space	Includes publicly or privately owned areas designated as parks or open space that are intended to preserve, enhance and reinforce the quality of life and to provide for trails, pivotal to Town culture and character.

- (c) Official Zoning Map
- (1) The location and boundaries of the zoning districts established by this Code are shown on the "Town of Green Mountain Falls Official Zoning Map" ("Official Zoning Map"), which is incorporated into this Code.
 - (2) The Official Zoning map shall be identified by the signature of the Mayor and attested by the Town Clerk and shall bear the seal of the Town and the date of adoption.
 - (3) The Official Zoning Map is filed and on display in the Office of the Town Clerk and available for inspection during normal business hours.



- (4) Where a zoning district coincides with a right-of-way line and that right-of-way is abandoned or vacated, the zone district boundary shall then follow the centerline of the former right-of-way.
- (5) Changes to the boundary of any zoning district requires an amendment to the Official Zoning Map pursuant to Section 12-7-40(a). Amendments shall be noted on the Official Zoning Map with the case number, the number of the amending ordinance, and the previous and amended zoning by the Director following its adoption.

(d) Table 2-B, **Dimensional Standards Table**, establishes the dimensional standards and requirements for each zoning district within the Town.

Commented [TC10]: Frey: are violations that have existed grandfathered?

Table 2-B: Dimensional Standards Table						
	Zoning District	Single and Two-Family (SFR)	Multi-Family (MFR)	Business (B)	Public and Semi-Public (PF)	Parks and Open Space (OSP)
Minimum lot size		5,000 sq feet	10,000 sq feet	2,500 sq feet	5,000	
Minimum Lot Frontage		50 feet	100 feet	25 feet	50 feet	
Maximum Lot Coverage		40%	55%	80%	60%	
Front Setback		15 feet	15 feet	0 feet	10 feet	30 feet
Side Setback		5 feet	5 feet	5 feet	5 feet	20 feet
Rear Setback		10 feet	10 feet	15 feet	5 feet	10 feet
Maximum building height, Principal		35 feet	35 feet	35 feet	45 feet	25 feet
Maximum building height, Accessory		25 feet	25 feet	25 feet	25 feet	25 feet
Maximum Density		12 units /acre	18 units /acre	16 units /acre	16 units /acre	
Minimum Landscape Area		50%	30%	10%		

12-2-20: Single and Two-Family Residential District (SFR)

- (a) The Single and Two-Family Residential (SFR) District is intended to accommodate and preserve lower-density residential neighborhoods with a variety of single-family dwellings and limited complimentary land uses, including parks, schools, religious assembly, home occupations, family child care homes and other neighborhood supporting uses.
- (b) The SFR district supports diversity of housing styles from historic to newer development.
- (c) See Table 2-B for applicable dimensional standards.



12-2-30: Multi-Family Residential District (MFR)

- (a) The Multi-Family Residential (MFR) District is intended to provide a wide range of housing choices with a higher density than the SFR District, and may also include supporting land uses such as parks, schools, religious assembly, home occupations or day care, among other uses. The MFR District allows for apartment buildings, duplex, triples, townhomes and long-term rentals.
- (b) See Table 2-B for applicable dimensional standards.

12-2-40: Business District (B)

- (a) The Business (B) District is intended to accommodate general retail, commercial and service businesses. Limited residential uses permitted, but are not the predominant use. The intent of the B District is to create attractive commercial development that allows ease of access for both vehicles and pedestrians.
- (b) See Table 2-B for applicable dimensional standards.

12-2-50: Public and Semi-Public District (PF)

- (a) The Public and Semi-Public (PF) District is intended to accommodate civic functions, public and quasi-public uses and activities related to community services or activities. The intent of the PF District is to provide for public facilities and services for life-sustaining needs of the Town's residents which are located throughout the Town. Examples of facilities in the PF District can include community buildings, public safety facilities, municipal operations, medical offices and utilities.
- (b) See Table 2-B for applicable dimensional standards.

12-2-60: Parks and Open Space District (OSP)

- (a) The Parks and Open Space (OSP) District is intended to provide appropriate land for the continuation and expansion of public, active, recreational pursuits and passive open space use and preservation. The OSP District allows for the protection of public lands and quasi-public privately owned areas, along with compatible incidental and accessory uses, from being used for purposes other than parks, open space, or trails.
- (b) Active parks generally include playground equipment, athletic fields, tennis courts, swimming pools and other facilities and programs normally associated with public parks.
- (c) Passive open space may be reserved for natural or environmental reasons, such as the preservation of backdrop views, wildlife habitat, vegetation or significant natural or historic resources.
- (d) The OSP District is also suitable for the use and designation of trails and associated activities.
- (e) See Table 2-B for applicable dimensional standards.

12-2-70: Planned Unit Development District (PUD)

- (a) The Planned Unit Development (PUD) District is intended to provide the ability for land to be developed through an overall unified approach rather than the traditional lot-by-lot approach. The PUD District encourages clustering of units by means of flexibility in design in order to create a better living environment, preserve the unique features of the site, and provide services in a more economic manner than would otherwise be achieved through a base zoning district. This improves the compatibility and quality of land uses,



promotes the more efficient use of land, infrastructure, and public services, and preserves open space and natural and scenic areas. The PUD District allows for a variety of types of residential development and encourages appropriate mixed-use developments.

(b) A PUD District shall be established pursuant to the procedures set forth in Section 12-7-40(b). Development in a PUD District shall be subject to the standards of an approved PUD plan.

(c) Standards

- (1) Where the PUD standards conflict with the standards in this Code, the regulations of the approved PUD plan shall control. However, unless specifically modified by the PUD plan, the PUD shall comply with all applicable standards in this Code.
- (2) Where practicable, a PUD shall be designed to provide commercial, recreational, and educational amenities to its residence to alleviate the necessity of increased traffic and congestion.

12-2-80: Overlay Districts

(a) Purpose and Applicability

- (1) Overlay districts are superimposed over one or more underlying base zoning districts. This section establishes design standards and criteria that allows the Town to review and direct the development and properties within the overlay district.
- (2) The standards for an overlay district shall be in addition to those of the underlying zoning district(s) and any other applicable regulations of this Chapter. If the standards for an overlay district expressly conflict with those for an underlying base zoning district, or another applicable overlay district, the more restrictive standards shall apply.
- (3) Table 2-C: Overlay Districts, lists the overlay districts established by the Town. Overlay Districts are established by the Town's adoption of the Official Zoning Map pursuant to Section 12-2-10(c).

Table 2-C: Overlay Districts		
Overlay		Purpose
DV	Downtown Village Commercial Core	Contains a mix of lodging, religious institutions, businesses, residential, and public facilities. Reflects the richness of Town vision by supporting a mix of uses, architectural styles, small businesses, and community assets.
HP	Historic Preservation	Preserves, protects, stabilizes, and enhances the buildings, sites, structures, and character of Green Mountain Falls' historic, scenic downtown area.



(4) Downtown Village Commercial Core Overlay (DV)

- a. *Purpose.* The Downtown Village Commercial Core (DV) Overlay is established for the purposes of protecting and preserving the downtown area as a viable commercial district, ~~dan~~ and to ensure that future development be designed and planned in a manner compatible with those goals. The DV Overlay provides for business and community functions that make up the Town's core and encourages an integration of complimentary commercial, office and residential uses in a walkable and active downtown neighborhood. Because this is the most prominent area of Green Mountain Falls, the DV Overlay also places an emphasis on high-quality building and site design, landscaping and streetscape.
- b. *Applicability.* The standards of the DV Overlay shall apply to all development on parcels within the boundaries of the DV Overlay, as shown on the Official Zoning Map. All areas within the DV Overlay shall remain subject to the Town's land use and building regulations, in addition to the regulations contained within this Chapter.
- c. *Standards.* Development in the DV Overlay shall meet the following standards:
 1. Street Frontage.
 - a) Ground floor street frontage shall not be used for residential uses, as defined by Table 3-A: Table of Uses.
 - b) No more than fifty percent (50%) of the ground floor occupancy may be used for residential uses.
 - c) If the limitation on residential uses will create a significant economic hardship, an applicant may request a conditional use approval (Section 12-7-50(c)) to increase the amount of ground floor area used for residential uses if the approving authority finds that the subject property cannot be put to any other reasonably beneficial use.
 2. Parking.
 - a) All applicable parking standards of this Chapter shall apply, except that a commercial or business applicant may seek an alternative to providing the required on-site parking by paying an occupier fee in lieu of providing the required on-site parking in an amount established and periodically amended by the Town's fee schedule.
 - b) Funds received by the Town for the occupier fee shall be designed for the purposes of providing additional public parking and parking alternatives in downtown Green Mountain Falls or for the enforcement of parking regulations.
 3. Landscaping
 - a) Landscaping within the DV overlay is intended to provide an attractive environment for people to walk and shop.
 - b) The following landscaping must be provided:
 - 1) Streetscape: A combination of window boxes, planters, trees, benches and the like, as appropriate to enhance building entries and the streetscape.



(5) Historic Preservation Overlay (HP)

- a. *Purpose.* The Historic Preservation (HP) Overlay is established for the purposes of protecting, preserving, stabilizing, and enhancing the buildings, sites, structures, and character of Green Mountain Falls' original historic, scenic downtown area.
- b. *Applicability.* The standards for the HP Overlay shall apply to all development on parcels or lots located within the boundaries of the HP Overlay, as shown on the Official Zoning Map. All areas within the HP Overlay shall remain subject to the Town's land use and building regulations, in addition to the regulations contained within this Chapter.
- c. *Standards.* See Article 6 of Chapter 12, Historic Preservation.



Article 3: Use Regulations

12-3-10: Purpose and Applicability

- (a) This Article identifies the land uses allowed in Green Mountain Falls' zoning districts, and establishes standards that apply to certain uses with unique characteristics or impacts.

12-3-20: Table of Allowed Uses

(a) Explanation of Table Abbreviations

- (1) Uses Permitted By-Right. A "P" in a cell indicates that the use is permitted-by-right, and without special authorization, in the respective zoning district. Permitted uses are subject to all other applicable regulations of the Code, including any listed use-specific standards.
- (2) Uses Requiring a Conditional Use Permit. A "C" in a cell indicates that the use is only permitted in the respective zoning district with approval of a conditional use permit pursuant to Section 12-7-50(c).
- (3) Prohibited Uses. A blank cell indicates that the use is prohibited in the respective zoning district.
- (4) Accessory Uses. An "A" in a cell indicates that the use is only permitted in the respective zoning district as an accessory use.
- (5) Use-Specific Standards. Regardless of how a use is permitted (by-right or through a conditional use permit), additional standards may be applicable to that use. Use-specific standards are identified and cross-referenced in the last column of Table 3-A.

- (b) **Table Organization.** In Table 3-A, land uses and activities are classified into general use categories and specific use types based on common functional or physical characteristics such as type and amount of activity, volume of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts.

- (c) **Uses for Other Purposes Prohibited.** Approval of a use listed in Table 3-A, and compliance with the applicable use-specific standards, authorizes that use only. Buildings and structures shall not be erected, altered, or enlarged except for the uses listed in Table 3-A. All other uses not specifically listed are prohibited and shall be unlawful unless the Director has determined an appropriate use type for the unlisted use pursuant to the procedure in Section 12-3-20(d) below.

- (d) **New and Unlisted Uses.** The following procedure applies where an application is submitted for a use type that is not specifically listed in Table 3-A. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with that use.

- (1) Director Determination. The Director shall determine the appropriate use type for the proposed use. In making such a determination, the Director shall consider similarities with like uses, the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or storage, and typical operations, employment characteristics, nuisances, requirements for public utilities, and transportation and parking requirements.



- (2) Uses Requiring a Code Text Amendment. In making a determination on a new or unlisted use, the Director may determine that such new or unlisted use requires a text amendment of this Code. The Director may also determine that Code amendments for additional use-specific standards are necessary to reduce potential impacts to surrounding properties or the community. Code text amendments shall follow the procedures in Section 12-7-40(c).
- (3) Appeal of Director's Determination. An appeal of the Director's determination shall be made pursuant to the procedures in Section 12-7-70(b).

Table 3-A: Table of Allowed Uses

P: Use permitted by-right C: Use only permitted with approval of conditional use permit Blank cell: Use prohibited	Single and Two-Family (SFR)	Multi-Family (MFR)	Business (B)	Public and Semi-Public (PF)	Parks and Open Space (OSP)	Use-Specific Standards
Residential uses						
Continuing Care Retirement Facility		C	C	C		
Dwelling, Single-Family	P	P	C			
Dwelling, Two-Family	P	P	C			
Duplex	P	P	C			
Dwelling, Multi-Family		P	C			
Group Home, Large		P	C	C		12-3-30(a)
Group Home, Small	P	P	P	P		12-3-30(b)
Family Child Care Home	P	P	P			12-3-30(c)
Manufactured or Mobile Home Park						
Recreational Vehicle (long-term occupancy)						
Townhome		P	C			
Public, Institutional and Civic Uses						
Civic or Community Building	C	P	P	P	C	
Club or Lodge	C	P	P	P		
Day Care Center, Adult		C	P	P		12-3-30(d)
Day Care Center, Child	C	P	P	P		12-3-30(d)
Fire Station			C	P		
Medical Clinic/Office		C	P	P		
Parking Facility		C	P	P		



Public Recreation	P	P	P	P	P	
Public Building/ Municipal Office	C	C	P	P	C	
Religious Assembly	P	P	P	P		
School	P	P	P	P		
Transit Stop		C	P	P		
Commercial or Service Uses						
Automobile Sales, Service and Repairs			C			
Bar, Brewery, Distillery		C	P			Chapter 6, Article III
Bed and Breakfast		C	P			12-3-30(e)
Campground				C	C	
Commercial Recreation, Indoor		C	P	P	C	
Commercial Recreation, Outdoor		C	P	P	C	
Community Garden	P	P	P	P		
Financial Institution		C	P			
Gasoline Service Station and Car Wash				C		
Hotel or Motel		C	P			
Kennel / Petcare		C	P			12-3-30(f)
Medical or Retail Marijuana						
Personal Services		C	P	C		
Professional Office		C	P			
Recreational Vehicle Park						
Restaurant		C	P			Chapter 5, Article V
Retail Store		C	P			
Short-Term Rental	P	P				Chapter 5, Article VIII
Veterinary Clinic			P			12-3-30(g)
Industrial Uses						
Auto Salvage Business			C			
Construction Services			C			
Manufacturing and Processing			C			
Self-Storage and Mini-Warehousing			C			12-3-30(h)
Utilities			C	P		



Accessory Uses						
Accessory Building or Structure	P	P	P	P	C	
Accessory Dwelling Unit	P	P	P			12-3-40(a)
Drive Through			P	P		12-3-40(b)
Home Occupation	P	P	P			12-3-40(c)
Outdoor Dining		C	C			12-3-40(d)
Outdoor Retail and Display		C	C	C	C	12-3-40(e)
Outdoor Storage			C	C		12-3-40(f)
Temporary Uses						
Construction Support Activity	P	P	P	P	C	12-3-50(a)
Mobile Food Vendor / Peddler	C	C	C	C	C	Chapter 6, Article IV
Temporary Retail and Display		C	P	P	C	12-3-50(b)
Temporary Special Event		C	P	P	C	12-3-50(c)

12-3-30: Use-Specific Standards

(a) Group Home, Large

- (1) Large Group Home must meet the definition of Large Group Home in Section 12-8-20, and is subject to the licensing requirements of the State of Colorado and/or the Town of Green Mountain Falls.
- (2) A Large Group Home shall comply with all applicable local, state, or federal health, safety, fire, and building codes.

(b) Group Home, Small

- (1) A Small Group Home must meet the definition of Small Group Home in Section 12-8-20, and is subject to the licensing requirements of the State of Colorado and/or the Town of Green Mountain Falls.
- (2) A Small Group Home shall comply with all applicable local, state, or federal health, safety, fire, and building codes.

(c) Family Child Care Home

- (1) A Family Child Care Home **must been** the definition of Family Child Care Home in Section 12-8-20.
- (2) Family Child Care Homes shall meet all certification and licensing requirements of the State of Colorado, shall be operated by a person who resides in the same dwelling where the care is provided, and shall not serve more than twelve (12) children.

Commented [TC11]: "must meet"?

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(d) Day Care Center, Child or Adult



- (1) Parking. A day care center or adult day care shall provide one (1) off-street parking space per nonresident employee. This space shall be provided in addition to any parking required for other uses of the property.
- (2) Drop-Off/Pickup Area. One (1) designated off-street drop-off/pick-up space shall be provided for each four (4) children at a day care center and for every four (4) clients at an adult day care. This space shall be available during operating hours for loading and unloading of children or clients.
- (3) State Codes. The day care center shall comply with all applicable state codes.
- (4) Hours of Operation. The hours of operation for the day care may be restricted in residential neighborhoods to limit adverse impacts of noise and traffic on neighboring properties.

(e) Bed & Breakfast

- (1) Bed & breakfast lodging shall not be allowed in any dwelling unit(s) permitted as an Accessory Dwelling Unit.
- (2) The establishment shall be owner-occupied or occupied by a resident manager.
- (3) No cooking facilities such as stoves, hot plates, or microwave ovens shall be provided in the guest rooms.

Commented [TC12]: Mathews: does this include AirBnB properties? It should not

(f) Kennel/Petcare

- (1) Areas of the facility dedicated to animal boarding shall be fully enclosed and secured and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises
- (2) Outdoor activity areas of animal care facilities shall be located and designed to minimize impacts on surrounding properties.
- (3) Kennels with outdoor activities shall not be located within 500 feet of a residential lot in the SFR zoning district. Kennels that are entirely enclosed (indoor) shall not be located within 250 feet of a residential lot in the SFR zoning district.
- (4) Overnight boarding in animal care facilities shall occur indoors between the hours of 7:00p.m. and 7:00a.m.

Commented [TC13]: Mathews: may not be realistic (spacing?)

(g) Veterinary Clinic. Veterinary clinics shall comply with the standards for outdoor activity established for Kennels.

(h) Self-Storage and Mini-Warehouse

- (1) Design and Layout
 - a. Doors to individual storage units shall not face any abutting street frontage.
 - b. Individual storage units shall face the interior of the site.
- (2) Operation and Ownership
 - a. Self-storage facilities within 150 feet of residential district or use shall have operating hours not earlier than 7:00a.m. and not later than 10:00p.m.
 - b. Outdoor storage or boats, trailers, and vehicles shall be screened pursuant to Section 12-4-60.
 - c. The incidental retail sale of product associated with the business (e.g., boxes, moving supplies, locks, bubble wrap) is permitted.

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12-3-40: Accessory Uses and Structures

(a) Accessory Dwelling Unit

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(1) Location and Access

- a. No more than one Accessory Dwelling Unit (ADU) may be permitted on a single lot.
- b. An Accessory Dwelling Unit may be located within or attached to the primary dwelling unit or may be detached from the primary dwelling unit if located in or above a garage or a lawful accessory building.

(2) Design and Layout

- a. *Internal or Attached ADU.* An Accessory Dwelling Unit within or attached to the principal dwelling shall not exceed one thousand (1,000) square feet of conditioned living space, provided that the remainder of the principal dwelling is greater in square footage than the ADU, and provided that no more than eight hundred (800) square feet of conditional living space is located above the first floor.
- b. *Detached ADU.* An Accessory Dwelling Unit within a detached accessory building shall not exceed nine hundred (900) square feet of conditioned living space provided that the square footage of the principal dwelling is greater than that of the ADU.
- c. "Conditioned living space" does not include unfinished attics, garage space used for the parking of cars or storage, internal stairways, unfinished basements, or utility room less than fifty (50) square feet. All other areas of the ADU shall count towards conditioned living space.

(3) Operation, Occupancy and Ownership

- a. An Accessory Dwelling Unit shall not be condominiumized or sold and shall not be rented for periods of less than thirty (30) days.
- b. Maximum occupancy is determined pursuant to the applicable fire code.

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(4) Parking

- a. There shall be one (1) additional off-street parking space provided for the Accessory Dwelling Unit.
- b. Where alley access to the property exists, the required parking for detached ADUs shall be accessed from the alley, unless sufficient off-street parking with unencumbered access to the ADU can be provided on the remainder of the lot.

(b) Drive Through

- (1) Drive-through lanes shall be separated from circulation lanes required to enter or exit the property.
- (2) Drive-through lanes shall be marked by striping, pavement markings, or barriers.
- (3) Drive-through lanes shall be designed and located to minimize impacts on adjoining properties, including screening or buffers to minimize noise impacts. A fence, wall, or other opaque screen of at least six (6) feet in height shall be provided on all sides of the site that are located adjacent to property that is zoned for, or occupied by, residential uses.
- (4) Drive-through lanes and stacking spaces are prohibited between the building façade and the adjacent right(s)-of-way.



(c) Home Occupation

(1) Parking

- a. One (1) off-street parking space shall be required for each employee residing off-premises.
- b. These spaces shall be provided in addition to the parking required for the principal residential use of the property.

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(2) Operation and Ownership

- a. The use of a dwelling for a home occupation shall be clearly incidental and subordinate to its use for residential purposes and shall not change its basic residential character.
- b. The use shall not exceed thirty percent (30%) of the total structure's square footage.
- c. All on-site activities associated with a home occupation, including the storage of materials and equipment, shall be created indoors. Outdoor display of goods is prohibited.
- d. A home occupation or business shall be conducted only by persons residing on the premises and nor more than one employee residing off-premises.
- e. A home occupation shall not serve patrons on the premises.
- f. Incidental sale of supplies or products associated with the home occupation shall be permitted on the premises. Direct retail sales or rentals shall be prohibited, except mail, telephone, catalogue, or online sales. An appropriate sales tax license shall be obtained and maintained for the business.
- g. A home occupation shall not produce noise, electrical or magnetic interference, vibrations, heat, glare, odors, fumes, smoke, dust, traffic, or parking demand.
- h. Customer visits shall not occur between 8:00pm and 7:00am and shall not create a public nuisance, disturb neighbors, or alter the residential character of the premises.
- i. Outdoor advertising of the home occupation or home business is prohibited.

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(d) Outdoor Dining

(1) Design and Layout

- a. Outdoor dining areas shall not interfere with pedestrian access to any public or private door, shall provide at least four (4) feet wide unobstructed sidewalk for pedestrian traffic, and shall not obstruct required parking or parking lot circulation.
- b. Outdoor dining areas in the public right-of-way shall not exceed a size of eight feet by twenty feet within the roadway. Outdoor dining areas may extend into the sidewalk area, so long as at least four feet of unobstructed sidewalk is maintained for pedestrian traffic.
- c. Accessibility ramps shall be provided where necessary, but shall not prevent at least four feet of unobstructed sidewalk to be maintained for pedestrian traffic.
- d. Outdoor dining areas shall be not be located at intersections of streets or alleys in such a way as to block appropriate clear sight triangles and shall not obstruct access to infrastructure such as water meters, curb shut-offs, manholes, and tree grates.

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- e. Outdoor dining areas shall show any proposed roof or covers as part of the application to ensure appropriate clear sight triangles and unobstructed access is maintained.

(2) Location and Access

- a. No more than one outdoor dining area shall be permitted on each block, including both street frontages, unless the Director determines that the additional outdoor dining area will continue to allow pedestrian, bicycle, and vehicle traffic, and not overly restrict parking within the block.
- b. The establishment served by the outdoor dining area shall provide at least one additional off-street parking space for customers or employees within ¼ mile of the establishment. Verification shall be provided with the application to the Town. This requirement may be met by providing a fee-in-lieu of the parking space in an amount equal to and in addition to the lease amount as provided in the revocable license agreement.

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(3) Operation and Ownership

- a. Outdoor dining areas shall only be permitted when accessory to food and beverage uses, unless the Director determines the alternative use has high customer turnover, is an attraction for pedestrians, adds to the intrinsic value of the use, enlivens the outdoor environment, promotes economic vitality, and protects the health, safety, and welfare of residents, pedestrians, businesses, and visitors.
- b. Outdoor dining areas shall be allowed during the time of the year the business is open. Establishments open year-round may be approved for year-round outdoor dining.
- c. The business shall be responsible for snow removal from the public right-of-way that cannot be reached by Town snowplows within 24 hours of a storm event.
- d. Signage is not allowed on the outdoor patios except for customer menus and signage approved by the Director for public purposes.
- e. New outdoor dining areas shall be approved for no more than one year at a time.
- f. Business owners who receive conditional use approval for an outdoor dining area will have to enter into a revocable license agreement with the Town, as approved by the Board of Trustees, prior to installation of the outdoor dining area.
- g. This use does not include Mobile Food Vendors or Peddlers.

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(e) **Outdoor Retail and Display**

(1) Design and Layout

- a. The outdoor retail and display area shall be contained on an improved surface, such as asphalt, concrete, pavers, and such areas shall be limited to fifteen percent (15%) of the gross floor area of the principal structure.

(2) Operation and Ownership

- a. The outdoor retail and display area shall obey all parking and traffic laws and shall not obstruct required parking, pedestrian or bicycle access or passage, parking lot circulation, or required landscape areas.



- b. The outdoor retail and display area shall be of the same nature as the permanent retail activity conducted on the property.
- c. A temporary use permit shall be required and shall only be issued to the operator of the associated permanent retail use.

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(f) Outdoor Storage

- (1) Outdoor storage areas shall be permitted behind the rear of a primary structure
- (2) Outdoor storage areas shall not exceed fifty percent (50%) of the total gross square footage of all enclosed structures.
- (3) Outdoor storage areas shall be setback from all property lines a minimum of five feet and shall not exceed six feet in height.
- (4) Outdoor storage areas shall not obstruct access to recorded easements or vehicular or pedestrian circulation routes.
- (5) Outdoor storage shall be opaquely screen from public view pursuant to the screening standards in Section 12-4-60.

12-3-50: Temporary Uses and Structures

(a) Construction Support Activity

Temporary office space and equipment storage may be approved when accessory to an approved construction project, including sales offices on residential development sites. Such structures and uses shall be located on the site no more than 30 days prior to the start of construction and shall be removed no more than 30 days after construction or all unites are sold or leased, whichever is less.

(b) Temporary Retail and Display

(1) Location and Access

- a. Adequate parking shall be provided, as determined by the Director.
- b. The use shall comply with all applicable health and safety codes and a permit for the use is obtained from the Building Official.
- c. The use shall obey all parking and traffic laws and shall not obstruct required parking, pedestrian or bicycle access or passage, or parking lot circulation.

(2) Operation and Ownership

- a. Temporary commercial uses and activities may be allowed only when the commercial use itself is allowed or is approved as a conditional use in the zone district.
- b. Temporary commercial uses and activities shall be allowed for a period not to exceed 14 days each calendar year, with a maximum of two permits issues per business, per calendar year.
- c. The 14-day time period is limited to actual days and times of the event, except that set-up may occur 48 hours prior to the permitted event and take-down/clean-up activities may occur up to 24 hours after the permitted event.

(c) Temporary Special Event

(1) Location and Access

- a. Adequate parking shall be provided, as determined by the Director.
- b. The event shall comply with all applicable health and safety codes and a permit for the use is obtained by the Building Official. The Fire District and Marshal's



Office shall determine that the site is accessible for public safety vehicles and equipment.

- c. The use shall comply with all applicable health and safety codes and a permit for the use is obtained from the Building Official.

(2) Operation and Ownership

- a. Temporary special events lasting longer than three days shall require a conditional use permit.
- b. Adequate restroom facilities shall be provided, as determined by the Director.
- c. Property owner adjacent to the proposed event shall be notified prior to approval.
- d. The proposed use shall comply with Article IV of Chapter 6 of this Code, as applicable.



Article 4: Development and Design Standards

12-4-10: Natural Hazard Risk Reduction and Mitigation

(a) **Purpose.** The Town contains many unique natural resources and sensitive areas, including watercourses, wetlands, hillsides, forested areas, rock formations, and open space. Such areas contribute to the Town's quality of life, but are vulnerable to natural hazards such as flooding, improper drainage, geologic hazards, steep slopes, and wildfire. These various natural hazard risks and vulnerabilities have been identified by the Town of Green Mountain Falls, El Paso County, Pikes Peak Regional Office of Emergency Management, Colorado State Forest Service and Fountain Creek Watershed Flood Control and Greenway District. The purpose of the natural hazard risk reduction and mitigation standards is to avoid development on hazardous sites, or, when development may occur, to provide appropriate mitigation to protect the public health, safety, and welfare.

(b) Hazard Identification

(1)

(2)(1) The 2020 Pikes Peak Regional Office of Emergency Management Multi-Hazard Mitigation Plan Update, 2019 Town of Green Mountain Falls Comprehensive Plan, 2018 Colorado Wildfire Risk Assessment and Portal, 2015 El Paso County Multi-Jurisdictional Hazard Mitigation Plan, 2011 El Paso County Community Wildfire Protection Plan, and 2007 Ute Pass Community Wildfire Protection Plan have concluded that the Town is at risk for flooding, geological hazards, severe weather, and wildfire. This section defines a process to identify specific hazard risk posed by development activity based on the location and development proposal.

(3)(2) Mapping. Applicants considering development within the Town should consult the Town website, as well as the Planning Department in Town Hall, to view natural hazard maps, as applicable, to assist the applicant to determine if hazard conditions exist in or near a development site.

(4)(3) Development Activity. The type, extent, and design of the proposed development must be assessed to fully evaluate hazard risk and possible mitigation strategies.

(c) Applicability

- (1) The standards in this section shall apply pursuant to the applicability provisions for flood, geologic, and wildfire, as specified in the respective subsections within this Section 12-4-10.
- (2) All natural hazard assessments, if required, shall be conducted prior to submittal of any development application.

(d) Limits of Disturbance

(1) Establishing Limits of Disturbance

- a. For development subject to one or more natural hazards and the standards identified in this section, the applicant shall establish the limits of disturbance that identify specific areas of the site where development activities will be contained, consistent with the findings of any technical reports, as applicable. Limits of disturbance shall be indicated on the plan associated with the submittal of a development application or building permit application.

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- b. In establishing limits of disturbance, the applicant shall, to the maximum extent practicable:

1. Limit visual impacts from development on adjacent properties, hillsides, ridgelines, and scenic views;
2. Implement erosion prevention and control measures;
3. Protect steep slopes;
4. Protect natural drainage channels;
5. Protect stream corridors and wetlands; and
6. Preserve the site's natural topography, features and tree cover.

(2) Standards within the Limits of Disturbance

- a. *Reduced Setbacks*. Where appropriate to protect a sensitive area as listed in subsection (d)(1)b., if there is no feasible alternative, and if recommended by hazard evaluation, a structure may be located within three (3) feet of a lot line provided:
 1. The proposed structure is at least six (6) feet from any existing structure on an adjacent lot; and
 2. The proposed structure complies with any applicable building and fire code requirements.
- b. *Clustering*. Clustering of building pads and parking areas may be required to minimize the area of the limits of disturbance.
- c. *No Build Areas*. Limits of disturbance shall not include slopes greater than thirty percent (30%).

(e) Development in Flood Hazard Areas

- (1) Purpose and Intent. The purpose of this subsection is to promote the public health, safety, and welfare and to minimize public and private losses due to flood conditions to specific areas. Furthermore, these standards are intended to:
 - a. Protect human life and health;
 - b. Minimize expenditure of public money for flood control projects;
 - c. Minimize business interruptions; and
 - d. Minimize damages to critical facilities, infrastructure, and public facilities.
- (2) Applicability of Flood Hazard Standards. Adequate floodplain avoidance and/or mitigation is required for all development proposed in the floodplain and shall be reviewed by the Regional Floodplain Administration at the Pikes Peak Regional Building Department for compliance with federal, state, and local floodplain regulations.
- (3) Flood Hazard Standards
 - a. Development in Flood Hazard Areas, as established by the Regional Floodplain Regulations, as amended, shall comply with the requirements of the Pikes Peak Regional Building Code Floodplain Regulations (Section RBC313 — Floodplain Code). Flood hazard maps are available in the office of the Regional Floodplain Administration at Pikes Peak Regional Building Department.
 - b. The Town shall review all development within the floodplain, including but not limited to outbuildings, decks and patios, bridges, footbridges, and any other



structures or activities. Town review shall occur prior to review by the Regional Floodplain Administrator and shall address:

1. Compliance with all applicable construction standards and all other applicable technical standards and specifications adopted by the Town, including Drainage Criteria Manual, if applicable.
2. Flood mitigation shall be designed to:
 - c) Prevent danger from materials that may be swept onto other lands to the injury of others;
 - d) Be compatible with existing and anticipated development;
 - e) Ensure the safety of access to the property in times of flood for ordinary and emergency vehicles; and
 - f) Reduce vulnerability to public infrastructure, including streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems to limit damages and reduce costs of providing governmental services during and after flood conditions.

(f) Wildfire Mitigation Standards

- (1) Purpose and Intent. According to the 2019 Town Comprehensive Plan, the 2020 Pikes Peak Regional Multi-Hazard Mitigation Plan Update, and the 2018 Colorado Wild Fire Risk Assessment and Portal, the entire Town is at risk for wildfire. Mapping and/or site assessments by the Fire Department may be used to clarify wildfire risk on individual properties within the Town or the Town as a whole. The standards in this subsection establish minimum regulations for reducing the risk of loss of life or property from wildfire by:
 - a. Establishing a natural or man-made area where vegetation capable of carrying a fire has been sufficiently treated, modified, or removed to slow the rate of spread and reduce the intensity of a fire;
 - b. Providing a safe area for fire suppression operations; and
 - c. Slowing or preventing a fire from traveling in either direction between a structure and vegetations.
- (2) Applicability of Wildfire Mitigation Standards. The wildfire hazard standards in this section shall apply to any of the following activities or scenarios:
 - a. An application for a Major Site Plan;
 - b. An application for a Major or Minor Subdivision;
 - c. Any required building permit for a habitable or commercial structure, addition of any size to a habitable or commercial structure, or garage.
- (3) Procedure. For applications subject to subsection (f)(2), the Fire Department will conduct a site assessment to evaluate how fire code standards, as well as the wildfire mitigation standards in (f)(4) apply to the proposed development and communicate this information to the property owner, when feasible.
- (4) Wildfire Mitigation Standards. The applicant shall mitigate wildfire hazards to applicable structures through landscaping and maintenance to the maximum extent practicable by:
 - a. Maintaining a five (5)-foot perimeter zone that contains only non-organic mulch and non-vegetative landscaping materials around structures;



- b. Providing and maintaining a ten (10)-foot primary defensible space area, where vegetation capable of carrying fire has been treated, modified, or removed to slow the rate of spread and reduce the intensity of a fire.
- c. Providing and maintaining a secondary thirty (30)-foot defensible space area within the lot on all sides of structures where:
 - 1. A minimum separation of ten (10) feet is provided between the edges of tree canopies (or clusters of tree canopies), measured at maturity;
 - 2. Vegetation and tree canopies maintain a minimum clearance of ten (10) feet from any building;
 - 3. Branches within six (6) to ten (10) feet above the ground are removed from trees taller than twenty (20) feet in height;
 - 4. Low-hanging branches at less than one-third (1/3) of the tree's height are removed from trees that are less than twenty (20) feet in height;
 - 5. Potential fire hazards such as insect infested, diseased, and dead trees and limbs are removed;
 - 6. Plantings shall be provided pursuant to the Town's preferred plant list, if applicable, except that alternatives to the Town's preferred plant list may be considered on a case-by-case basis upon the applicant demonstrating in writing that such alternatives are equally or more suitable to the conditions of the site, ecology, habitat, microclimate, and the surrounding environment;
 - 7. Planting vegetation in clusters is encouraged, with spacing between clusters often (10) feet or one and one-half (1 ½) times the height of the vegetations, whichever is greater; and
 - 8. Vegetation shall be maintained, including keeping limbs trimmed, removing surface and ladder fuels, and removing vegetable debris from the ground.

8. d. Structures that have been neglected and left to rot are fire hazards and must be removed if not by the owner, then by the Town. We need a process for doing this

- d. Whenever the standards in this section conflict with any landscaping standards elsewhere in this Code, the standards in this section shall apply.
- e. The Planning Director shall have the authority to modify the wildfire mitigation standards in this section based on a Fire Department recommendation.

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12-4-20: Grading and Drainage

(a) Stormwater Drainage

- (1) Purpose. The purpose of these standards is to ensure adequate drainage and infiltration of stormwater, to improve water quality, and to maintain the stability of soils on development sites.
- (2) Applicability. These standards apply to any new development site with a disturbed area of more than 5,000 square feet.
- (3) Site Drainage.
 - a. Site drainage shall be in accordance with this Municipal Code and shall meet all applicable construction standards and all other applicable technical standards



and specifications adopted by the Town. Drainage will be reviewed using the applicable approval procedures pursuant to Article 7 of this Chapter.

- b. To the maximum extent possible, applicants should implement low impact development features, such as:
 - 1. Disconnecting impervious areas (keeping runoff out of piped systems);
 - 2. Grass buffers and swales;
 - 3. Bioretention through rain gardens or porous landscape detention;
 - 4. Pervious pavement systems; and/or
 - 5. Alternative means of stormwater management as deemed appropriate by Public Works.
- c. Drainage improvements shall accommodate potential runoff from the upstream drainage area and shall be designed to prevent increases in downstream flooding. The Town Manager may require alternative control methods to mitigate the impacts of proposed development.

(b) Grading Regulations

(1) Purpose and Intent

- a. To conserve the unique natural features and aesthetic qualities of the hillside areas;
- b. To protect life and property from all potentially hazardous conditions particular to hillsides such as rock falls, stormwater runoff and mass movements;
- c. To minimize water runoff and soil erosion problems incurred in adjustment of the terrain to meet development needs;
- d. To assure type, distribution and densities of development which are compatible with the natural systems, terrain and geologic character of the hillside areas;
- e. To reduce the elimination of trees and other vegetation which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the natural scenic beauty; and
- f. To assure that the taxpayers of the Town are not burdened by the extraordinary costs for services attributed solely to the development of hillside areas.

(2) Grading Standards

- a. Any land-disturbing activity whose design requires the grading of slopes, shall meet the following specific standards:
 - 1. All unarmored and structurally unretained graded slopes and fills shall be limited to a 3:1 grade. (Note: three feet horizontal to one foot vertical typical), except where soil conditions may require up to 3:1 as deemed necessary by the Town engineer.
 - 2. Any graded or fill slope which exceeds a 3:1 grade shall be required to use universally accepted armoring techniques, or retaining structures as approved by the Town engineer or, at the developers expense, certification by a licensed professional engineer stating that the slopes can be stabilized by plantings, vegetative seeding, mulching. In the instance of slope cuts that involve rock formations it may be required to be certified by a registered geologist.
 - 3. Any retaining structures exceeding four feet in height shall be certified by a licensed professional engineer to have been built in accordance with the



approved plan. Such certification shall be submitted to the planning department.

4. Any graded or fill slope which exceeds a 3:1 grade shall be terraced at twenty-foot vertical intervals. Slopes graded between 2:1 and 3:1 shall have a minimum bench width of five feet. Slopes steeper than 2:1 shall have a minimum bench width of five feet, and may be required to have wider benches upon staff review of grading plan.
 5. Any graded slope which exceeds a 3:1 grade shall be grade staked before grading process begins. The Planning Department shall be notified immediately after slope has been staked and prior to grading.
 6. Maximum slopes proposed within a minimum of twenty feet of an established property line or any required setback adjacent to a property line shall be 3:1 tying into existing grades along perimeter or property line of the site or retained via retaining walls or other acceptable measures. Encroachment of grading onto adjacent lots will not be allowed except where easements have been obtained prior to the grading.
 7. Field stakes sufficient to delineate property boundary, shall be in place at the time the grading plan is submitted for review.
- b. Construction Sequence. A construction sequence outlining the proposed timetable for completion of each phase of site grading work may be required to be submitted with the grading plan to the Planning Department for review and approval.
 - c. Where practical, construction of all slopes and retaining structures shall be completed and approved by inspection and certification prior to initiating any approved building construction. Practicality shall be determined on a case specific basis by the Director or their designee.

12-4-30: Signs

- (a) **Purpose.** The intent of this Section is to define the types of signs which will be permitted in various zoning districts and those which will be prohibited, the manner in which sign areas and dimensions will be measured, and exempting certain types of signs from this Section. It is further the intent of this Section to:
- (1) Promote the safety of persons and property by ensuring that signs do not create a hazard by: confusing or distracting motorists; or impairing drivers' ability to see pedestrians, obstacles or other vehicles, or traffic directional signs;
 - (2) Protect the public welfare and enhance the appearance and economic value of the landscape by avoiding visual clutter;
 - (3) Protect and enhance the visual impact of future development within the Town and in accordance with the Town's Comprehensive Plan;
 - (4) Ensure that signs are attractive and compatible with adjacent property and prevent the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;
 - (5) Enhance property values and business opportunities; and
 - (6) Provide fair and consistent permitting and enforcement.

(b) **Signs Permits.**



- (1) No sign, except for signs exempted pursuant to subsection ~~(e)~~ (c) shall be constructed, erected, remodeled, relocated or expanded until a sign permit for such sign has been issued by the Town. Such requirement shall apply to both permanent or temporary signs, unless exempted pursuant to subsection ~~(e)~~ (c).
- (2) A sign permit shall be granted if such sign complies with the requirements of this Section and this Chapter.

(c) **Signs Exempted from Permit Requirement.** The following signs shall be exempt from the permit requirements of this Section and shall be in addition to any other signs permitted in a zoning district but, except as stated below, shall otherwise conform to the sign requirements of the zoning district in which they are located:

- (1) Flags. A flag, pennant or insignia of any nation, organization of nations, state, county, or city, religious, civic or fraternal organization or any educational institutions not exceeding the greater size of the largest sign permitted in the zoning district or forty (40) square feet.
- (2) Required/Authorized Signs. Signs required by or specifically authorized for a public purpose by any law, statute or ordinance, by way of illustration and not limitation, including traffic or similar regulatory devices, legal notices, and other instructional or regulatory signs having to do with public health, safety, welfare or regulation.
- (3) Housing Numbering. Address numerals and other signs required to be maintained by law or governmental order, rule or regulation; provided, that the content and size of the sign do not exceed the requirements of such law, order, rule or regulation.
- (4) Regulatory. Small signs, not exceeding five (5) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances and the like.
- (5) Scoreboards. Scoreboards in athletic stadiums that are not visible from any residence or public street.
- (6) Decorations. Holiday decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided, that such signs shall be displayed for a period of not more than ninety (90) consecutive days nor more than ninety (90) days in any one year; and may be of any type, number, area, height, location, illumination or animation.
- (7) Memorials. Memorial signs and tablets displayed on private property.
- (8) Nameplates. Nameplate signs not exceeding two (2) square feet in gross surface area accessory to a single-family or two-family dwelling.
- (9) Identification. Identification signs not exceeding fifteen (15) square feet in gross surface area accessory to a multiple-family dwelling.
- (10) Bulletin Boards. Bulletin board signs not exceeding fifteen (15) square feet in gross surface area accessory to a church, school or public or nonprofit institution.
- (11) Yard Signs. Yard signs which are temporary portable signs constructed of paper, vinyl, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time. Yard signs are only allowed in residential zone districts. Such signs shall not exceed four (4) square feet in area and forty two inches (42") in height and may not be illuminated. Such signs must be located on private property and only with the consent of the property owner.



- (12) Site Signs. Site signs are freestanding signs constructed of vinyl, wood or metal that shall not exceed six (6) square feet per face and not more than forty two inches (42") high. Site signs shall be set back a minimum of five feet (5') from any property line and are limited to one per street frontage.
- (13) Interior Signs. Signs posted on the interior of any building or structure not attached to, or located within, one foot (1') of a window and visible from off of the zone lot.
- (14) Wayfinding Sign. Signs erected by the town or by any federal, state or county government agency designed to orient and navigate the general public from place to place, including, but not limited to, traffic control and legal notices.
- (15) Vending Machines, Publication Dispensers, Equipment. Standard product or company signs on vending machines, publication dispensers, dumpsters and other property or equipment which are not directly associated with the primary business at the location.
- (16) Wall Signs. Wall signs are exempted from permitting when all of the following criteria are met:
 - a. Oriented to pedestrians, not vehicles;
 - b. Affixed to a structure below the roofline or parapet;
 - c. Constructed of vinyl, wood or metal;
 - d. Do not exceed six (6) square feet in area or letter heights of twelve (12) inches; and
 - e. Are not illuminated.
- (17) Window Signs. Window signs are exempted from permitting when all of the following criteria are met:
 - a. Oriented to pedestrians, not vehicles;
 - b. Affixed to a structure below the roofline or parapet;
 - c. Constructed of vinyl, wood or metal;
 - d. Do not exceed six (6) square feet in area or letter heights of twelve (12) inches; and
 - e. Are not illuminated.

(d) General Sign Standards

- (1) Gross Surface Area of Sign. The "gross surface area of sign" shall be defined as the entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements lying outside the limits of such sign and which do not form an integral part of the display. The gross area of a sign shall be measured only on one side of such sign unless more than one side is utilized as a sign in which case the gross surface area of each sign face shall be counted. When two (2) or more signs are located on a zoning lot, the total gross surface area of all signs shall not exceed the maximum district regulations. For computing the area of any wall or window sign which consists of letters mounted or painted on a wall or window, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.
- (2) Height Of Sign. Sign height shall be measured from average ground level at the base of or below the sign to the highest element of the sign.



- (3) Building And Electrical Codes Applicable. All signs must conform to the regulations and standards of the building regulations. Wiring of all electrical signs must conform to the electrical code.
- (4) Prohibited Sign Types. No flashing signs, rotating or moving signs, animated signs, signs with moving lights or signs which create the illusion of movement shall be permitted. No sign or sign lighting shall create a traffic hazard or a distraction to motorists or pedestrians or create a public nuisance. A sign whereon the current time and/or temperature are indicated by intermittent lighting shall not be deemed to be a flashing sign.
- (5) Sign Clearance
- Signs illuminated by a means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet (9').
 - No ground sign shall be located within eight feet (8') vertically and four feet (4') horizontally of electric wires or conductors.
- (6) Sign Materials. Signs principally constructed of glass or glossy plastic materials shall be prohibited in all zone districts. Metallic signs shall be finished so as to eliminate any glare or reflection from the sign surface. No phosphorescent or reflective paint shall be used on any sign surface. All materials used shall be compatible with the historic character of the town and with surrounding uses and signage and shall, as nearly as possible, resemble natural materials.
- (7) Illumination
- Illumination may be provided externally by an indirect and concealed source or the sign may be internally lit: Sign lighting shall not exceed the illumination levels provided in this Chapter, regarding outdoor lighting, except:
 - Freestanding signs less than ten (10) feet in height may be uplit provided that the light does not extend beyond the face of the sign and the area around the base of the sign is landscaped.
 - Landmark signs shall produce no more than three hundred (300) lumens (approximately the light emitted by a forty [40] watt incandescent bulb). In addition, any historic unshielded fixtures should be diffused if possible (i.e., using translucent glass instead of transparent glass), if diffusion is consistent with historical or cultural considerations.
 - Gas lit tubing may be used for window signs otherwise meeting the requirements of the sign code in commercial districts.
 - Lighting for signs shall be held to the minimum needed to convey the sign's message. Uplighting of signs is not allowed, except as described in this subsection (7). Sign lighting shall not be so bright and distracting as to be a traffic hazard. External light sources for the purposes of sign lighting should be placed in an inconspicuous location where it will not obscure other features of the building.
- (8) Landmark Signs
- A landmark sign is a nonconforming sign erected fifty (50) years ago or more that has been determined to be, or identify, a significant community landmark.



- b. The Town Manager or their designee shall classify a sign as a landmark sign if the sign complies with all of the following criteria:
 - 1. There is evidence that the sign was installed on or before fifty (50) years preceding the date of submittal for landmark sign status;
 - 2. The sign is, or identifies a use or business that is generally recognized as a significant community landmark; and
 - 3. The sign, though nonconforming, is in harmony with the purpose and intent of the sign regulations.
 - c. A nonconforming sign may continue to exist if it is determined by the Town Manager or their designee that the sign qualifies as a landmark sign. Any landmark sign that undergoes a name change, or has twenty percent (20%) or more of the text or structure changed shall be brought into conformance immediately with the current sign code.
- (9) Off Premises Signs. Signs, which direct attention to a business, commodity, service or entertainment, conducted, sold, or offered at a location other than the premises on which the sign is located or to which it is affixed, are prohibited.
- (10) Traffic Safety. No sign shall be maintained at any location whereby reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of or be confused with any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.
- (11) Window Signs. A "window sign" is a sign which is applied or attached to the interior of a window, which sign is visible from off of the property or lot. No window sign shall exceed twenty five percent (25%) of the 'window's surface.
- (12) Maintenance
- a. Every sign shall be maintained in good condition at all times as determined by the Town Manager. Signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust resistant metals. The Town Manager or their designee, shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which is not in conformance with this code or is inadequately maintained, dilapidated or obsolete.
 - b. The owner of a sign and the owner of the property on which such sign is located shall be jointly and severally liable to maintain all signs on the property, including any illumination sources, in a neat and orderly condition, in good working order and shall prevent or correct any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.
 - c. All signs must comply at all times with any applicable building or electrical code.
 - d. Painting, repainting or cleaning of an advertising structure, or changing the advertising copy or message thereon, shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.
- (13) Motor Vehicles, Trailers Used As Signs. Motor vehicles or trailers used as signs or sign structures, are prohibited, not including signs permanently attached to motor vehicles or trailers which are being operated or stored in the normal course of



business, such as signs on delivery trucks; provided that the primary purpose of such vehicles is not for the display of signs, and that such vehicles are parked or stored in areas appropriate to their use as vehicles. Signs painted on trailers used on construction sites are also exempt, provided that a building permit has been issued for that site and the trailer is not stored in such a way as to act as a sign. Parking such vehicles or trailers other than at the location of the business advertised thereon for the sole purpose of advertising is prohibited.

- (14) Temporary, Portable Signs. All temporary or portable signs are prohibited except those expressly permitted in this Section.
- (15) Wall Signs. A “wall sign” is any sign painted on or affixed to the wall of a building or structure, or any sign consisting of cutout letters or devices affixed to a wall with no background defined on the wall in such a manner that the wall forms the background surface of the sign.

(e) SFR and MFR Zoning District

- (1) General. Signs may be erected, ~~altered~~altered, and maintained only for a permitted use in the district in which the signs are located; and shall be located on the same lot as the permitted use.
- (2) Number Of Signs Permitted. Two (2) for each developed site.
- (3) Maximum Gross Surface Area
 - a. Nameplate signs: two (2) square feet.
 - b. Bulletin board signs: fifteen (15) square feet.
 - c. Yard signs: four (4) square feet, forty-two inches (42") in height.
- (4) Maximum Height
 - a. Wall and window signs: eighteen feet (18').
 - b. Ground signs: ten feet (10').
- (5) Required Setback
 - a. Wall and window signs, same as permitted uses.
 - b. Ground signs, on the owner's property.
- (6) Illumination. No sign shall be illuminated within these districts.

(f) B Zoning District

- (1) General. Signs may be erected, altered, and maintained only for a permitted use in the district in which the signs are located; and shall be located on the same lot as the permitted use and shall be clearly incidental, customary and commonly associated with the operation of the permitted use.
- (2) Number Of Signs Permitted. Two (2) signs, one (1) primary and one (1) secondary sign are allowed per business. In addition, one (1) ground sign shall be permitted for each lot where the building in which the business is located is setback ten (10) feet or more.
- (3) Maximum Sign Area
 - a. *Primary Sign*. Each business is allowed one (1) primary sign not to exceed a size of fifteen percent (15%) facade area on which it is placed.



- b. *Secondary Sign.* Each business is allowed one (1) secondary sign not to exceed fifteen (15) square feet in size.
- c. If the business is setback ten (10) or more feet from the public right-of-way, a freestanding sign may be allowed if its location maintains clear sight at driveways and shall not exceed thirty-two (32) square feet per sign face, not to exceed two (2) sign faces.
- (4) Maximum Letter Height. No sign letter may exceed two (2) feet in height.
- (5) Maximum Height. All signs, twenty feet (20'), except wall signs shall not project beyond the existing roofline or parapet.
- (6) Minimum Clearance. None; except, any sign hanging over any pedestrian walkway shall maintain a clearance to ground of at least seven feet (7').
- (7) Required Setback. None; however, no sign shall extend more than six feet (6') over any property line and if located within the right-of-way is subject to Town Manager approval.

(g) Design Guidelines for the DV Overlay District

- (1) Signs may feature art and be highly graphic in form, expressive, and individualized. Encourage signs to incorporate art, education, history, and other whimsical, creative, and informative elements.
- (2) The landmarking of historic signs is strongly encouraged and the Town supports collaborative opportunities with local artists.
- (3) Ensure that signage is representative of the business and compatible with the unique character and natural beauty of the town.
- (4) Lighting of signage shall be compatible with the architectural character of the building and the surrounding area; and is compatible with signs on adjoining premises.

12-4-40: Access, Connectivity and Circulation

- (a) Purpose.** The purpose of the access, connectivity and circulation standards is to improve multimodal circulation for existing and future development areas and to increase the effectiveness of local service delivery and emergency service times throughout the Town.

Applicability. These standards apply to all new development, unless otherwise stated in this Chapter.

Driveways

(b) and Access

- (1) Every lot shall have sufficient access to afford reasonable means of ingress and egress for emergency vehicles as well as those needing access to the property for its intended use.
- (2) Driveways and access points shall comply with Chapter 11 of the Municipal Code, as relevant, and shall meet all applicable construction standards and all other applicable technical standards and specifications adopted by the Town.

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- (c) **Streets and Vehicular Circulation.** All streets shall comply with the standards in Section 12-5-20, Subdivision Design Standards.

Pedestrian

(d) **Circulation**

(1) Sidewalks

- a. Where required, concrete sidewalks shall be installed on both sides of the street and shall be at least five feet wide. Sidewalks shall be separated from the edge of asphalt, or curb if installed, by a minimum of six feet, unless otherwise approved by the Town Manager.
- b. Property owners are responsible for the construction and maintenance of required sidewalks to the standards of all applicable construction standards and other technical standards and specifications adopted by the Town.
- c. When Required:
 1. Curb, gutter and/or sidewalk shall be required if the Town Manager determines that such improvements are necessary to serve the development and/or to protect the public health, safety, or welfare.
 2. A new sidewalk shall not be required for the development of one infill lot or construction of a new accessory dwelling unit, unless determined by the Town Manager to protect the public health, safety, or welfare and are necessary to maintain or create a general and consistent pattern of development within the area.

- (2) On-Site Pedestrian Connections. All new nonresidential and multifamily development shall provide a network of on-site pedestrian walkways with a minimum width of five feet to and between the following areas:
- a. Entrances to each building on the site, including pad site buildings;
 - b. Public sidewalks, trails, or walkways on the adjacent properties that extend to the boundaries shared with the subject development; and
 - c. Adjacent public parks, open space, trails, or other civic uses such as schools, places of worship, public recreational facilities, or government offices.

12-4-50: Off-Street Parking and Loading

- (a) **Purpose.** This Section is intended to ensure off-street parking and loading facilities are provided in rough proportion to the generalized parking, loading, and transportation demands of different land uses. This Section is also intended to help protect the public health, safety, and general welfare by:

- (1) Avoiding and mitigating traffic congestion;
- (2) Encouraging multi-modal transportation options and enhanced pedestrian safety;
- (3) Reducing stormwater runoff and the heat island effect of large paved parking areas; and
- (4) Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the Town.

- (b) **Applicability.** This Section applies to all new development and changes in use after the effective date of this Chapter, unless exempted by subsection (c) below.

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- Exemptions.** This Section shall not apply to the
- (c) following:
- (1) Properties in the DV overlay district with payment of an occupier fee-in-lieu in an amount established and periodically amended by the Town's fee schedule.
 - (2) Expansions, renovations, alterations, or remodels that increase the square footage of an existing structure by less than twenty percent (20%) providing that existing off-street parking remains unaltered.
 - (3) Changes in use of a structure that do not expand the square footage of the structure provided that the existing off-street parking remains unaltered.
- (d) **Computation of Parking and Loading Requirements**
- (1) Area Measurements. All square-footage based parking and loading requirements shall be computed on the basis of gross floor area of the subject use. Structured parking within a building shall not be counted in such computation of the gross floor area of the subject use.
 - (2) Fractions. When measurements of the number of required spaces result in a fractional number, the fraction shall be rounded to the nearest whole number. For example, if a computation results in a parking requirement of 3.49 spaces, that shall be rounded down to 3 spaces. If a computation results in a parking requirement of 3.5 spaces, that shall be rounded up to 4 spaces.
- (e) **Minimum Required Off-Street Parking Spaces.** Unless otherwise provided in this Section 12-4-50, the number of off-street parking spaces shall be in accordance with Table 4-A below.

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Table 4-A: Minimum Number of Off-Street Parking Spaces Required

Use Type	Minimum Parking Requirement
Residential Uses	
Continuing Care Retirement Facility	1 space per 400 sq ft
Dwelling, Single-Family	2 spaces per unit
Dwelling, Two-Family	1.5 space per unit
Duplex	1.5 space per unit
Dwelling, Multi-Family	1.5 space per unit
Group Home, Large	1 space per 400 sq ft
Group Home, Small	1 space per 400 sq ft
Townhome	1.5 space per unit
Public, Institutional and Civic Uses	
Civic or Community Building	1 space per 500 sq ft
Club or Lodge	1 space per 500 sq ft
Day Care Center, Adult	1 space per 400 sq ft
Day Care Center, Child	1 space per 400 sq ft



Fire Station	1 space per 500 sq ft
Medical Clinic/Office	1 space per 250 sq ft
Public Recreation	20 spaces per field or 1 space per 4 seats, whichever is greater (Bench capacity is calculated as one seat per 20 inches)
Public Building/ Municipal Office	1 space per 500 sq ft
Religious Assembly	1 space per 6 seats in worship area (Bench capacity is calculated as one seat per 20 inches)
School	The lesser of: 2 spaces per 8 seats in main auditorium, or 3 spaces per classroom
Commercial or Service Uses	
Automobile Sales, Service and Repairs	3 spaces per service bay used for repairs; 1 space per 500 sq ft showroom and sales area
Bar, Brewery, Distillery	1 space per 250 sq ft of seating/tasting area
Bed and Breakfast	1 space per room, plus 1 space for manager
Commercial Recreation, Indoor	1 space per 500 sq ft
Commercial Recreation, Outdoor	1 space per 250 sq ft, plus 1 space per 10,000 sq ft site area
Community Garden	No requirement
Financial Institution	1 space per 250 sq ft; 3 stacking spaces per drive-through lane
Gasoline Service Station and Car Wash	1 space per fuel pump, plus 1 space per 400 sq ft retail or repair area; 3 stacking spaces per automatic car wash facility
Hotel or Motel	1 space per guestroom
Kennel / Petcare	1 space per 1,000 sq ft of building area
Personal Services	1 space per 250 sq ft; 3 stacking spaces per drive-through lane
Professional Office	1 space per 500 sq ft
Restaurant	1 space per 250 sq ft; 3 stacking spaces per drive-through lane
Retail Store	1 space per 500 sq ft
Short-Term Rental	Based on housing type
Veterinary Clinic	1 space per 500 sq ft
Industrial Uses	
Manufacturing and Processing	1 space per 1,000 sq ft manufacturing area; plus 1 space per 500 sq ft office/administrative area
Self-Storage and Mini-Warehousing	3 spaces, plus 1 space for office/caretaker
Accessory Uses	
Accessory Dwelling Unit	1 space per unit
Home Occupation	1 space per each employee residing off-premises
Outdoor Dining	
Temporary Uses	
Mobile Food Vendor / Peddler	
Temporary Retail and Display	
Temporary Special Event	Determined on a case-by-case basis at time of permit

(f) Unlisted Uses. For applications proposing a use not expressly listed in Table 4-A, the Town Manager is authorized to establish the minimum off-street parking requirement based upon one of the following factors:

- (1) Parking requirements for a listed use that is deemed most similar to the proposed use;



- (2) National or local best practices; or
- (3) A parking study prepared by the applicant that estimates parking demand based on recommendations from the Institute of Traffic Engineers (ITE) or other reputable source of information.

(g) Sites with Multiple Uses. On sites with multiple principal uses, the total requirement for off-street parking shall be the sum of the requirements of the various uses computed separately in accordance with Table 4-A, unless the Town Manager approves a shared parking agreement pursuant to Section 12-4-50(i)(1).

(h) Use of Required Parking Areas

- (1) Spaces in garages and driveways shall count towards the requirements of this section.
- (2) Areas required to maneuver vehicles shall not be used or considered to meet off-street parking requirements, except for single or two-family dwellings or duplexes.

(i) Parking Alternatives

- (1) Shared Parking. The Town Manager may approve shared parking facilities or arrangements for developments or uses with different operating hours or different peak business periods pursuant to the following standards:
 - a. *Location*
 - 1. Shared parking spaces shall be located within 500 feet of a main entrance.
 - 2. The applicant shall demonstrate feasibility for shared parking showing that a reduction in required parking will not result in spillover of parking onto other properties or the public right-of-way.
 - b. *Adjustment of Required Parking.* The Town Manager may reduce the amount of parking spaces required per Table 4-A, or may increase the maximum parking requirement, up to twenty five percent (25%) based on the review of the shared parking feasibility demonstrated by the applicant with a fee-in-lieu determined by fee schedule.
 - c. Feasibility and Agreement.
- (2) Off-Site Parking
 - a. Required vehicle parking may be provided off site, provided that such property is located within 500 feet of the main entrance to the principal use.
 - b. The applicant shall demonstrate that off-site parking spaces will be available for use for a period of at least two years, after which required parking shall be provided on site or shall be provided in another off-site parking facility meeting the requirements of this subsection.
 - c. The parties involved in off-site parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the Town Manager as to the format and content of the agreement.
 - d. Required parking areas for nonresidential uses may extend up to 120 feet into a residential zoning district, provided that the parking area or space:
 - 1. Adjoins the nonresidential district;
 - 2. Has its only access to, or fronts upon, the same street that serves the nonresidential use, and is adjacent to the subject property; and



3. Is screened from adjacent properties in the residential zoning district by a fence or a buffer strip of vegetation at least six feet in height and complies with the screening and fencing requirements in Section 12-4-60.

(3) Bicycle Parking

- a. All nonresidential uses shall provide a minimum of one bicycle parking space with convenient access to the main entrance of the structure. Each bicycle parking space shall accommodate at least two bicycles.
- b. In all zoning districts, each bicycle parking space in excess of the required bicycle parking shall count as one-half of a required vehicle parking space up to a maximum of two required vehicle parking spaces, or ten percent (10%) of the required vehicular parking spaces, whichever is greater.
- c. A minimum of 36 inches of clearance shall be maintained on any public walkway where a bicycle parking space is installed per ADA requirements.

- (4) Parking Alternative Reductions are Cumulative. Any combination of parking alternative reductions in this section may be applied cumulatively.

(j) Parking Layout and Design

(1) Location of Parking Areas

- a. Off-street parking areas shall have vehicular access to a street or alley and shall be designed or installed with adequate space for turning so that no vehicle shall be required to back into the street, except from spaces used for single- or two-family dwellings and duplexes.
- b. If parking areas are provided on site in the DV overlay, they shall be located behind the front façade of the primary structure.
- c. For multi-family dwellings, no more than twenty percent (20%) of the required parking spaces shall be located between the front façade of the structure and the public right-of-way.

(2) Surfacing Requirements

- a. All off-street parking spaces shall be clearly marked and shall have a paved or other all-weather hardened surface of not less than 9 feet by 18 feet.
- b. All off-street parking spaces shall be maintained to prevent the creation of ruts, potholes, and/or mud.
- c. For lots with six or more parking spaces required per Table 4-A, all parking areas shall be surfaced with concrete, asphalt, or pavers.
- d. For lots with fewer than six parking spaces required per Table 4-A, surfaces for parking areas may include concrete, asphalt, pavers, and/or compacted or compressed stone or gravel of sufficient size and depth to completely cover the surface of the parking area.

(3) Parking Lot Landscaping

- a. ~~The following requirements shall be provided for all parking lots with ten (10) spaces or more:~~
 1. ~~Site Trees: A minimum of one (1) tree planted per five (5) parking spaces. Trees should be grouped together in landscape islands, which are a minimum of ten (10) feet wide. Landscaping should be used to break up large expanses of pavement and to create a tree canopy for summer shade.~~

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- ~~2. *Shrubs:* A minimum of one (1) shrub planted per one hundred fifty (150) square feet of landscaped area. Plantings should be grouped in landscape islands.~~
- ~~3. *Groundcover:* Areas of irrigated turf should be limited. Grass is discouraged in areas less than ten (10) feet wide. Install a grass buffer (native grass, where possible) around the perimeter to filter runoff and improve water quality.~~
- ~~4. *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 the street and parking areas and to screen from parking from the street. This setback may be reduced to fifteen (15) feet if used in combination with three to four (3-4) foot articulated masonry or stone decorative wall with trees and shrubs on both the street and parking lot sides of the wall to soften its appearance. Signage may be included in this setback.~~
- ~~5. All landscaping within and adjacent to parking lots shall be owned and maintained by the landowner or occupant.~~
- ~~6. For all development except for single family and two family dwellings and duplexes, a landscaped buffer shall be required between any parking area and property lines, excluding those property lines within or adjacent to an alley. Such buffer shall be a minimum of five feet in width. Required buffers shall count toward the minimum landscaping area.~~

(k) Off-Street Loading

- (1) Off-Street loading spaces shall be provided for all nonresidential zoning districts according to the following:
 - a. Use size under 15,000 square feet: no loading spaces required
 - b. Use size 15,000 to 49,999 square feet: 1 loading space required
 - c. Use size 50,000 square feet or higher: 2 loading spaces required.
- (2) Loading spaces shall meet all required construction standards and all other applicable technical standards and specifications as adopted by the Town.

(l) Stacking

- (1) Where traffic flow is controlled by an entry gate or drive-through service facility, an adequate stacking lane outside of the public right-of-way shall be provided separate from the required parking spaces or required maneuvering areas for flow of aisles, streets, bicycle paths, or pedestrian walkways as determined by the Town Manager.

12-4-60: Fencing and Screening

(a) Fences

- (1) It is the intent of this section to ensure that fences are erected in a safe manner without hazards, and for fencing to be aesthetically pleasing and be compatible with the development found on the applicable property and on neighboring properties. All fencing shall be of a design and quality compatible with the site and adjacent uses and shall provide appropriate screening, visibility, security, and appearance.



- (2) Barbed wire fencing is not permitted within any zone district within the Town, except that up to four strands of barbed wire may be permitted for public utilities or other similar uses.
- (3) Electrified fences are not allowed to be used within any zone district within the Town, except that low amperage/low voltage (four volts) commercially available invisible "pet" electric fences may be used in any district.
- (4) Fences in a front yard shall not exceed forty-eight (48) inches in height, except for fences in a commercial or industrial use area determined by the Director to be necessary for securing merchandise such as for commercial garden shops, nurseries, greenhouses, automobile sales, or as is necessary for a day care or pre-school, or other similar uses.
- (5) Except as otherwise provided for within this Section, no fence shall exceed seventy-two (72) inches in height, except for fences for the following uses: tennis courts, baseball fields, or other similar public recreational uses.
- (6) For properties zoned or developed with industrial or utility uses, fences may be up to ninety-six (96) inches in height.
- (7) All applicable fences must be constructed with the fence finishing facing the exterior of the lot towards the property boundaries and public rights-of way, common open spaces, or other public areas, rather than the interior of the lot.
- (8) Any fencing within a utility easement, drainage easement, and/or easements dedicated for other public use purposes shall not interfere with the purpose of the easement or improvement including access by the utility or service provider or easement holder. The Town, service provider, or utility holder may remove any improvement, including fencing, interfering with the use of the easement or public improvement and the property owner may be responsible for replacing any improvement at his own expense, and may be required to reimburse the Town or service or utility provider for removal costs.
- (9) The property owner shall be responsible for proper installation of the fence, including determining the property boundaries and installing the fence on his or her property.
- (10) All fences shall be maintained by the property owner, including periodic staining and painting as necessary to keep the fence in good condition. In the event that a fence has not been maintained or has been damaged, the Town may require the owner to repair, paint, stain, or remove the fence within thirty (30) days of written notice or other reasonable time period as determined by the Town.
- (11) Fences within a Planned Unit Development (PUD) district may vary from these standards, but in such case must be in conformance with the plan for the development.
- (12) Administrative Exemption. Where by reason of an extraordinary or exceptional, or condition peculiar to a piece of property the strict application of any provision of this section 12-4-60 would result in exceptional, demonstrable unnecessary hardship, the Town Manager or their designee shall have the power to grant an administrative exemption from such strict application so as to relieve such demonstrable difficulties



or hardships. Any applicant may appeal the decision of the Town Manager or their designee to the Board of Adjustment.

(b) Screening and Buffers

- (1) Where a proposed nonresidential use or a proposed expansion of a nonresidential use abuts a legal, conforming residential use within a residential district, a physical barrier in the form of an opaque fence, wall, and/or landscape screen shall be provided to adequately buffer the residential use.
- (2) In each instance where a nonresidential use abuts a residential use, a fifteen-foot buffer easement shall be provided, unless such use areas are separated by a roadway or other public land of at least fifteen (15) feet in width.
 - a. The buffer easement shall be kept free of buildings or structures, other than those required by subsection (b)(1) above, and shall be landscaped, screened, or protected by natural features, so that the adverse effects on abutting areas are minimized. No more than twenty-five percent (25%) of such buffer area shall be utilized by parking.
- (3) Outdoor Storage Screening. Outdoor storage, where permitted by the regulations of this Chapter, shall be enclosed by a fence, landscaping, and/or other appropriate treatment, which shall be adequate to conceal such facilities from adjacent properties and streets.
- (4) Trash Receptacle and Service Area Screening. All outdoor service areas, service equipment, and trash receptacles including dumpsters shall be screen or concealed from the view of adjacent properties and streets, except for residential curb sides trash service. Such screening may include fencing, landscaping, and/or other appropriate treatment adequate to conceal such facilities from adjacent properties and streets.
- (5) Rooftop Equipment Screening. All rooftop equipment shall be screened or concealed from view from adjacent properties and streets by the use of compatible and appropriate materials similar or complimentary to the primary building materials. Solar panels in residential zone districts are exempt from this requirement.
- (6) Special equipment such as silos, dust collectors, cooling towers, or other similar structures shall be sited away from the view of adjacent streets and properties and/or integrates into the building design with compatible and appropriate materials similar to the primary building materials.

(c) Sight Visibility and Vision at Corners

- (1) No type of fence, wall, sign, tree or landscape planting, or portion thereof, or any type of obstacle shall be planted, placed, or retained in such a manner that would obstruct the vision clearance at corners, curb cuts, or cause a traffic hazard.
- (2) To allow for appropriate sight distance and vision clearance, no solid object exceeding twenty-four inches (24) in height above the street centerline grade, including but not limited to fences, walls, signs, trees and landscape plantings, shall be placed within the “clear sight triangle,” as described below.
 - a. A “Clear sight triangle” is measured at the intersection of any two (2) streets. A triangle measuring fifteen (15) feet for alleys, thirty (30) feet for local streets, fifty (50) feet for collector streets and one hundred (100) feet for arterial streets



- along each curb or edge of roadway/pavement from their point of intersection, the third being a diagonal line connecting the first two (2).
- (3) All intersections shall comply with all other required sight distance standards and required construction standards and all other applicable technical standards and specifications as adopted by the Town.

12-4-70: Site and Building Design

(a) Purpose. The purpose of these standards is to promote high-quality and attractive development in Green Mountain Falls. These standards are intended to:

- (1) Protect and enhance the character and quality of residential, commercial and mixed-use areas in Green Mountain Falls;
- (2) Balance economic and aesthetic concerns; and
- (3) Mitigate the negative visual impacts of the scale, bulk, and mass of larger buildings.

(b) Residential Site and Building Design Standards

- (1) Applicability. This subsection applies to the following uses and areas:
 - a. In all districts, any multifamily development with three or more units; and
 - b. All residential development in the MFR, B, and PF zone districts
- (2) Building Mass and Form. Blocky, uniform facades are prohibited. Buildings shall be articulated through the incorporation of three or more of the following:
 - a. Balconies;
 - b. Bay or box windows;
 - c. Relief in wall plane of 12 inches or more;
 - d. Front porches;
 - e. Prominent entry features;
 - f. Dormers;
 - g. Variation in materials;
 - h. Windows and door trim at least four inches wide or with a reveal from the wall plane of at least three inches; or
 - i. Other design elements that add visual interest as determined by the Town Manager.
- (3) Roof Form. Roof forms shall avoid large, unbroken expanse and long, continuous rooflines using the following techniques:
 - a. Variation in rooflines at a maximum of every 40 feet;
 - b. Variation in roof height at a maximum of every 40 feet and by a minimum of two feet; and
 - c. Use of dormers.
- (4) Garage and Carports.
 - a. *Front-Loading (Street-Facing) on Lots without Alley Access*
 1. Front-loading (street-facing) garages and carports are prohibited unless the garage or carport is detached from the primary structure and located in the rear yard.
 2. Front-loading garages shall not protrude more than 10 feet from the front plane of the building.
 3. The garage façade shall not comprise more than sixty percent (60%) of the width of the front façade of the building.



- b. *Blocks with Alley Access.* Garages and carports on blocks with alley access shall be accessed from the alley, not from the primary street.
- (5) **Multi-Building Developments.** For developments with three or more buildings, the buildings shall be arranged using one or more of the following techniques:
 - a. Organize units around a central courtyard that maintains a consistent side yard setback between units along the street frontage;
 - b. Locate the buildings on the corner of an adjacent street intersection or entry point to the development to frame the corner;
 - c. Locate parking areas behind the primary structures;
 - d. Provide outdoor dining and/or common gathering spaces between buildings; and/or
 - e. Other site development elements approved by the Town Manager.
- (c) **Nonresidential Site and Building Design Standards**
 - (1) **Applicability.** The nonresidential site and building design standards in this subsection apply to the following uses and areas:
 - a. All nonresidential and mixed-use development in the MFR, B or PF districts.
 - (2) **Building Orientation.** Local climatic conditions shall be considered when orienting buildings on a site. The following shall be incorporated into the building orientation to the maximum extent possible:
 - a. Building entries on north-facing facades shall be designed to prevent ice accumulation;
 - b. Snow shed from roofs and snow piling areas along internal streets and walkways shall be considered; and
 - c. Adequate solar access shall be considered when planning outdoor spaces, with shade and relief from glare provided by landscaping and/or overhead structures.
 - (3) **Multi-Building Developments.** Nonresidential and mixed-use developments with three or more buildings shall comply with the multi-building development standards for residential developments in subsection (b)(5).
 - (4) **Building Mass and Form**
 - a. Buildings shall vary in size and shape for developments with three or more buildings.
 - b. Buildings shall incorporate features at the ground level to enliven pedestrian space. Examples are well-defined and articulated entries and windows, awnings, canopies, arcades, recessed entries, changes in color, material, or texture.
 - c. Buildings shall incorporate horizontal architectural elements or materials that distinguish the base, body, and top of the building. The body (middle) of the building shall comprise a minimum of fifty percent (50%) of the total building height.
 - (5) **Building Transparency.** Building facades facing a street, plaza, park, or other public space shall comply with the following standards:
 - a. At least thirty percent (30%) of the ground floor shall be comprised of transparent window openings to allow views of interior spaces; and
 - b. At least twenty percent (20%) of each upper floor shall be comprised of transparent or nontransparent glazing.



(6) Primary Entrance. Buildings shall feature visually prominent entrances. Unless otherwise provided in this Chapter, primary building entrances shall incorporate two or more of the following techniques:

- a. Canopy, portico, archway, arcade, or other similar projection that provides architectural interest and protection for pedestrians;
- b. Prominent tower, dome, or spire;
- c. Peaked roof;
- d. Projecting or recessed entry;
- e. Outdoor features such as seat walls or permanent landscape planters with integrated seating; or
- f. Other techniques deemed comparable by the ~~Town Manager~~.

(7) Primary Building Materials. Primary buildings should use a variety of durable materials, including:

- a. Brick, stone, or other masonry;
- b. Steel;
- c. Cast stone;
- d. Split-face block;
- e. Composite siding;
- f. Rot-resistant wood;
- g. Traditional concrete stucco; or
- ~~h. Comparable material as approved by the Town Manager.~~

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Article 5: Subdivisions

12-5-10: Purpose and Applicability

- (d) **Purpose.** This Article establishes minimum standards for the design and improvement of land subdivision to ensure that each building site can accommodate a structure for the intended use of land, is adequately served by public improvements, and protects sensitive lands from the impacts of development within that subdivision. It also establishes standards for the development of previously and legally subdivided land that may not have adequate public facilities needed to support new development where the proposal does not include the subdivision of land, but does require the installation of public facilities for new development within the Town.
- (e) **Applicability.** This Article shall apply to all applications listed in Section 12-7-60(a)(2), (b)(2), and (c)(2).
- (f) **Compliance with Other Applicable Requirements.** In addition to the subdivision requirements established in this Article, all subdivision plans shall comply with the intent of this Chapter and the applicable zoning district(s) in which the subdivision is located. Subdivisions shall be designed to avoid creating lots that will make compliance with other development standards in this Chapter difficult.

12-5-20: Subdivision Design Standards

- (a) All subdivisions shall be designed and improved in accordance with the standards in this section.
- (b) **Suitability of Land for Subdivision**
- (1) Avoidance of Sensitive Areas. Land in sensitive areas subject to flooding, improper drainage, steep slopes, landslides, wildfires, hazardous topography, or other features that could be harmful to the safety, health, and general welfare of the present or future inhabitants shall be considered unsuitable for occupancy or subdivision unless adequate mitigation is provided. Development and subdivisions located within natural hazard areas shall be regulated by Section 12-4-10, *Natural Hazard Risk Reduction and Mitigation*.
 - (2) Adjustment of Minimum Lot Sizes. If avoidance of sensitive areas results in the subdivision containing fewer buildable parcels than it would have if sensitive areas were not avoided, the Town Manager may adjust the minimum lot size or lot width dimensions by up to twenty-five percent (25%) to allow for additional lots that would have otherwise been possible.

(e) Lot and Block Design

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- (1) Lots
- a. ~~Lot sizes shall comply with the applicable zoning district dimensional standards in Table 2-B.~~
 - b. ~~Driveway access shall be provided pursuant to Section 12-4-40(e).~~



- ~~e. The use of an easement for primary access to a lot is prohibited unless the Town Manager determines that there is no other alternative available.~~
- ~~d. Lots with double frontage shall be avoided except where essential to provide separation from major arterials or because of the slope. Side lot lines shall be perpendicular to street lines to the maximum extent feasible.~~
- ~~e. Lot lines shall not cross municipal boundary lines.~~

(2) Blocks

a. Generally

- ~~1. New block lengths shall be at least three hundred fifty (350) feet and shall not exceed eight hundred (800) feet.~~
- ~~2. Blocks within one quarter (1/4) mile of the original plat of Green Mountain Falls shall reproduce block lengths of the original town plat and shall replicate the historic pattern of the surrounding lands.~~

b. In the SFR and MFR lots

- ~~1. New blocks shall be oriented to match the existing lot pattern in adjacent subdivisions. Rear yards of new lots shall abut rear yards and alleys, side yards of new lots shall abut existing side yards along street connections, and front yards shall abut existing streets with existing front yards of homes across the street.~~
- ~~2. Alleys should be provided between the proposed lots and existing homes where feasible, at the Town Manager's determination.~~

(d) Public Facilities and Services

- (1) Generally. No final development and/or subdivision plan shall be approved unless public facilities and services will be adequate to support and service the area of the proposed development and/or subdivision. The applicant shall submit sufficient information and data on the proposed development and/or subdivision to demonstrate the expected impact on and use of public facilities by possible development within the subject development and/or subdivision. Public facilities and services include streets, alleys, public transportation facilities, storm water drainage, water, electric, gas, internet, streetlights, sanitary sewer, and parks and open space.
- (2) Adequacy Determination. The Board of Trustees shall periodically establish by resolution guidelines for the determination of the adequacy of public facilities and services based on an analysis of current growth and the amount of additional growth that can be accommodated by future public facilities and services.
- (3) Relationship to Town Policies. Proposed public improvements shall generally comply with the Town's Comprehensive Plan and capital improvements plans.
- (4) Offsite Improvements. All public improvements and required easements shall be extended through the parcel on which a new development and/or subdivision is proposed. Streets, alleys, waterlines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through new development and/or subdivision to promote the logical extension of public infrastructure.
- (5) Standard Specifications. Construction of streets, alleys, curb (if any), gutter, sidewalks, water distribution system, sanitary sewer system, internet, street lights,



drainage system, landscaping, and other public utilities and improvements shall be in accordance with the adopted specifications and Town ordinances where cited, the required construction standards and all other applicable technical standards and specifications adopted by the Town, and with applicable Colorado standard specifications as promulgated by the Colorado Department of Transportation, and shall address all applicable requirements included in the Town's Land Use Administrative Manual.

(e) ~~Street Design~~

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- (1) ~~Generally~~. All streets shall generally conform to existing street patterns, the current Comprehensive Plan, and any applicable policies and specifications and technical standards adopted by the Town. All streets proposed for dedication to the public shall be laid out, graded, and paved from curb to curb, where applicable, or from the edge of asphalt to the opposite edge of asphalt. Asphalt, drainage control, sidewalks, and buffer shall be installed on all streets according to this Chapter and all other applicable technical standards and specifications adopted by the Town.
- (2) Street Connections. Street connections shall be provided to adjoining undeveloped and/or underdeveloped lands within and outside the Town to allow future development to connect to a public street system.
- (3) Improvement of Existing Streets. In cases where an existing street does not meet Town specifications, such street shall be improved to meet the Town specifications for new developments located adjacent to the subject right-of-way that propose ten (10) or more dwelling units and/or ten thousand (10,000) square feet or more of nonresidential gross floor area, or subdivisions proposing ten (10) or more lots. At a minimum, the developer/subdivider shall be responsible for improving the portion of the street adjacent to the subject property to meet Town specifications.
- (4) Cul-de-Sacs and Dead-End Streets Discouraged. The design of street systems shall use through-streets. Permanent cul-de-sacs and dead-end streets shall only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical.

(f) Sidewalks. Sidewalks shall be installed pursuant to Section 12-4-40(e).

(g) Alleys and Easements

- (1) Alleys. Alleys are permitted and encouraged in new developments and subdivisions in the Town of Green Mountain Falls. Alleys shall:
 - a. Be a minimum width of twenty (20) feet;
 - b. Be built to the requirements of the Town of Green Mountain Falls, and the required construction standards and all other applicable technical standards and specifications adopted by the Town; and
 - c. Be dedicated to the Town.
- (2) Easements. Utilities, drainage, trails, pedestrian ways or other public facilities located outside of street rights-of-way shall require easements for such purposes. Such easements shall be located on rear or side lot lines, unless otherwise required by individual utility providers.



(h) **Water Distributions.** All proposed developments and/or subdivisions and all habitable buildings and lots shall connect to the Town water supply system and be capable of providing water for health and emergency purposes in accordance with this Code, unless otherwise agreed to by the Town.

(i) **Underground Utilities.** All new utilities shall be placed and maintained underground, unless determined by the Town, in its sole discretion, that extraordinary circumstances related to the physical condition of the property render undergrounding impossible. Such utilities shall be constructed within street rights-of-way or within easements dedicated for such use.

12-5-30: Required Improvements and Dedications

(a) **Open Space, Parks and Trails Dedication**

(b) **Contribution for Public School Sites**

12-5-40: Public Improvements Agreements

(a) **Applicability.** All applicants granted subdivision approval, or approval of public improvements deemed necessary to comply with required adequate public improvements, shall timely, completely, and satisfactorily construct or install all public and other required subdivision improvements and infrastructure as called for in this Chapter and or as may have been specified as a condition of approval. All improvements and infrastructure intended for public use shall be dedicated and/or transferred to the Town free of all liens and encumbrances.

(b) **Public Improvements Agreement and Guarantee.** No final plat shall be executed by the Town and no building permits shall be processed or issued for any lot or property within a subdivision involving or requiring the installation of public or other subdivision improvements absent the preparation and execution of a written public improvements agreement which shall be recorded simultaneously with the final plat.

(1) Contents of Agreement. Such agreement shall, at a minimum, set forth:

- a. Construction specifications for required public improvements;
- b. A construction and completion schedule;
- c. Provide for security and guarantees concerning the timely and satisfactory completion of the improvements; and
- d. Identify the terms and conditions for the acceptance of the improvements by the Town.

(2) Timing of Agreement. The public improvements agreement shall also include a requirement that all improvements be maintained by the developer/subdivider at the cost of the developer/subdivider until such improvements have been fully accepted by the Town.

(3) Agreement to Run with the Land. A public improvements agreement shall run with the land and bind all successors, heirs, and assignees of the developer.



(4) **Security.** Public improvements agreements shall include a requirement for the posting of adequate financial security to insure the timely, complete, and satisfactory construction or installation of all public improvements and infrastructure as called for in the agreement.

- a. *Amount of Security.* Security shall be in an amount not less than one hundred twenty five percent (125%) of the estimated cost of completion of all improvements or infrastructure and may be provided by letter of credit, cash escrow, or other financial instrument as approved by the Town within its sole discretion.
- b. *Letter of Credit.* If a developer/subdivider posts a letter of credit as security, it shall:
 1. Be irrevocable;
 2. Be for a term, inclusive of renewals, sufficient to cover the completion, maintenance and warranty periods as required in subsection (b)(2); and
 3. Require only that the Town present the letter of credit with a demand and an affidavit signed by the Town Manager attesting to the Town's right to draw funds under the letter of credit.
- c. *Cash Escrow.* If a developer/subdivider posts a cash escrow, the escrow instructions shall provide:
 1. That the developer/subdivider shall have no right to a return of any of the funds except as provided in Section (b)(4)d.; and
 2. That the escrow agent shall have a legal duty to deliver the funds to the Town whenever the Town Manager presents an affidavit to the agent attesting to the Town's right to receive funds, whether or not the developer/subdivider protests that right.
- d. *Reduction of Security.*
 1. Upon preliminary acceptance of a public improvement or public infrastructure, the Town shall release all but twenty five percent (25%) of total actual costs of construction and installation of all improvements, so long as the developer is not in default of any provision of the public improvements agreement.
 2. The residual twenty five percent (25%) retained by the Town shall act as security for the developer's/subdivider's guarantee that the public improvements and infrastructure remain free of defect during the applicable warranty period. The developer/subdivider may at any time during the preliminary acceptance or warranty period offer to provide a substitute or supplemental form of financial security to that security as originally posted with and/or retained by the Town. The Town may accept substitute or supplemental forms of security in its sole discretion.

(c) Temporary Improvements. The applicant shall build and pay for all costs of temporary improvements required by the Board of Trustees or Town Manager and shall maintain those temporary improvements for the period specified by the Board of Trustees. Prior to construction of any temporary facility or improvement, the developer/subdivider shall file



with the Town a separate public improvements agreement and a letter of credit or cash escrow in an appropriate amount for temporary facilities, which agreement and credit or escrow shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

(d) Failure to Complete Improvements.

- (1) For developments/subdivisions without an executed agreement or security, improvements shall be completed within a period specified by the Town, or the associated development/subdivision application approval shall be deemed to have expired.
 - (2) In those cases where a public improvements agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the Town may:
 - a. Declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default;
 - b. Suspend or revoke authorization for subdivision, including without limitation suspension or revocation of previously issued building permits and suspend issuance of further building permits until the improvements are completed and record a document to that effect for the purpose of public notice;
 - c. No certificate of occupancy shall be processed or issued for any lot or building within a development prior to the complete and satisfactory installation of all development improvements or infrastructure required to serve such lot or building, and the payment of any and all development fees then due to the Town by the developer/subdivider.
 - d. Obtain funds under the security and complete improvements itself or through a third party;
 - e. Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete improvements in the subdivision; and/or
 - f. Exercise any other rights available under the law.
- (c) Acceptance of Dedication Offers.** The acceptance of streets, parks, easements, or other public areas dedicated to the Town other than by appropriate dedication language on a final plat shall be by resolution adopted by the Board of Trustees.
- (d) As-Built Plans Required.** As-built plans shall be submitted to the Town prior to final acceptance of facilities or improvements by the Town. Such plans shall include and address all requirements included in the Town's Land Use Administrative Manual.



Article 6: Historic Preservation

12-6-10: Purpose and Applicability

(a) Purpose. The purpose of this Article is to:

- (1) Effect and accomplish the protection, preservation, enhancement and perpetuation of historic buildings, sites, structures and neighborhoods which capture, exemplify and reflect the Town's cultural, social, architectural and economic history and character.
- (2) Promote high standards of building design and preservation in historic neighborhoods for the purpose of protecting and perpetuating an atmosphere reflective of and consistent with the historic character and past of the Town.
- (3) Promote and maintain the attractiveness and use of historic buildings, sites, structures and neighborhoods for the benefit and enjoyment of Town residents, tourists and visitors, and enhance and strengthen business and the economy of the Town.

(b) Applicability. The standards and procedures within this Article shall apply to all development on parcels or lots located within the boundaries of the HP Overlay district, as shown on the Official Zoning Map, and as further described in Section 12-2-80(a)(5).

12-6-20: Designation of local historic districts and landmarks; procedure

(a) Procedure. A local historic district or landmark may be designated by the submission of a nomination petition. The petition shall follow the stages of the Town land development process outlined below. No building permit, demolition permit or other permit required to undertake an external improvement or alteration on any lot, building, structure or site under consideration for designation or within an area under consideration for designation as a historic district shall be processed, issued or allowed pending the final processing and determination of the historic district or landmark designation petition by the Board of Trustees.

- (1) **Preapplication Conference.** Attendance at a preapplication conference is recommended for an applicant intending to submit a nomination petition to establish a historic district or landmark.
- (2) **Submit Application.** The applicant shall submit a complete application to the Manager containing those materials listed in subsection (b) below, application contents. Applications for the establishment of a historic district or landmark may be initiated by any resident within the Town, any property owner owning the proposed landmark or any property owner owning property within the proposed district, or upon the initiative of the Historic Preservation Commission ("HPC"), Planning Commission or Board of Trustees.
- (3) **Staff Review.** The Manager shall review the application to determine whether it is complete. Upon determination of the application being complete, the Manager and one (1) member of the HPC shall contact the owners of the proposed landmark or historic district outlining the reasons and effects of designation and, if possible, secure the consent of the owners to such designation. The Manager shall forward a report to the HPC, which summarizes the application's compliance with the review standards contained in Section 12-6-30, Historic Districts and Landmarks Designation Review Standards, and other applicable provisions of this Code. The

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technical comments and professional recommendations of other agencies, organizations and consultants shall be solicited in drafting the report, as necessary.

- (4) Public Notice by HPC. Public notice that a nomination for establishment of a historic district or landmark is being considered by the HPC shall be provided as specified in Section 12-7-30(e), of this Chapter. Such notice shall contain a name for the new district or landmark and accurately describe the district's or landmark's proposed geographical boundaries. Additionally, written notice of the public hearing shall be mailed via certified mail to all of the owners of record, as reflected by the records of the County Assessor, of all of the property included to be designated. Mailing shall be accomplished fifteen (15) days prior to the hearing.
- (5) Action by HPC. The HPC shall conduct a public hearing to review the conformance of the nomination application with all applicable provisions of this Chapter. If the HPC finds that the application is in conformance, it shall recommend that the Board of Trustees approve the application. The HPC shall make written findings and recommendations concerning the merits of the petition and forward the same on to the Board of Trustees.
- (6) Public Notice by Board of Trustees. Notice that the Board of Trustees shall consider the nomination application to establish a historic district or landmark shall be provided as required in Section 12-7-30(e).
- (7) Action by Town Board. The Board of Trustees shall thereafter conduct a public hearing on the petition preceded by timely published notice in the form described above. A determination by the Board of Trustees to establish a historic district or landmark shall be made by written ordinance that shall, at a minimum, contain an accurate description of the district's or landmark's geographical boundaries and be accompanied by an accurate map depicting the boundaries as finally determined by the Board of Trustees and a statement of findings supporting the granting or denial of landmark designation status. Attendance by the owner at the Board of Trustees meeting shall not, at the owner's option, be required, but shall be strongly recommended. A copy of the ordinance shall be promptly sent by certified mail, return receipt requested, or personally delivered to the owner of the subject property.
 - a. *Designation of a Landmark with a Nonconsenting Owner.* If a property owner does not consent to the review, approval shall require the assent of at least five (5) of the six (6) Board of Trustees members. The basis for approval shall be that the property has overwhelming historic importance to the entire community. The term *overwhelming significance* shall, for the purposes of this Section, encompass the following: possessing such unusual or uncommon significance that the structure's potential demolition or major alteration would diminish the character and sense of place in the community of Green Mountain Falls.
- (8) Actions Following Approval.
 - a. *Recordation.* The ordinance shall be promptly published in a newspaper of general circulation within the Town or a certified copy of the same, inclusive of



the final approved district map, shall be recorded in the real property records of the County Clerk and Recorder.

- b. *Copies.* The final approved ordinance shall be maintained in the office of the Town Clerk.

(b) Application Contents. An application for designation of a historic district or landmark shall contain the following information.

(1) General Development Application.

(2) Geographic Boundaries.

- a. *Map.* An adequate description of the geographical boundaries of the proposed district or landmark and a map accurately defining the boundaries of the proposed district or landmark.
- b. *Name.* A proposed name for the proposed historic district or landmark.

12-6-30: Historic district and landmark designation review standard

In determining whether a historic district or landmark shall be established, one (1) or more of the following criteria shall be satisfied:

(a) Historic District

- (1) Whether the proposed district contains and is defined by a certain style of buildings, sites, structures and/or appearance associated with a significant period, person, event, or architectural style in the Town's past.
- (2) Whether the buildings, sites, structures and/or appearance of the proposed district possess historical and/or architectural significance which identifies or differentiates the district from surrounding areas, and/or whether allowing variations or changes thereto would harm the unique historic character or value of the buildings, sites, and structures within the district.
- (3) At least fifty-one percent (51%) of the property owners in the desired district must not object to the designation. A survey of support for the creation of the district must be solicited via certified mail, with each property owner in the proposed district permitted one (1) response. A lack of response will not be considered either an affirmation of support or a negative response to the creation of the district. Certified mailings must be sent at least thirty (30) days prior to action by the HPC, with responses due at least fifteen (15) days prior to action by the HPC.

(b) Landmark

- (1) Exemplary property. The subject property exemplifies or reflects the Town's cultural, social, economic, political, engineering, or architectural history.
- (2) Historic significance. The subject property is identified with a historically important person or persons, or with an important event in the history of the Town, region, State or Nation.
- (3) Architectural significance. The subject property embodies the distinguishing characteristics of an architectural style, type, or specimen valuable for the study of a period, type or method of construction, or the use of indigenous materials or craftsmanship.



- (4) Noted designer. The subject property is representative of the work of a notable or master architect, builder, engineer, or designer whose work influenced architecture, building, design or development in the Town, region, State or Nation.
- (5) Archeological importance. The subject property contains or reflects significant archeological importance.
- (6) Contributing building or structure. The subject property has been listed as a contributing building or structure within a historic district or nominated for inclusion and/or listed on the National Register of Historic Places or the State Inventory of Historic Places.

12-6-40: Activities subject to review and certificate of approval regarding landmarks or within historic districts

- (a) Unless otherwise specifically provided for in this Article, no person may or shall engage in, or allow or direct others to engage in, any of the following activities within a historic district or on a landmarked building structure or site without first applying for and obtaining a certificate of approval as outlined in Section 12-6-60 below.
 - (1) The construction, erection, demolition, moving, exterior alteration or relocation of or exterior addition to any building or structure.
 - (2) The exterior renovation, rehabilitation, reconstruction, repair or remodeling of any building or structure, excepting ordinary maintenance and/or repair.
 - (3) The removal, modification, reconstruction, covering up or destruction of an exterior architectural feature.
 - (4) The cleaning of an exterior surface of a contributing or landmark building or structure by sandblasting, high-pressure spraying or other chemical or mechanical means which could cause physical damage to the building or structure.
 - (5) The construction of public or private improvements upon public property by any person or unit of government which alters the layout, design or character of a street, alley, sidewalk, pedestrian way, right-of-way, utility installation, street light, wall or fence.
 - (6) The application of any sealant, paint, stucco, texture or other material that would conceal, alter or damage the exterior of any contributing or landmark building with an existing unfinished or unpainted brick, masonry or other unfinished siding or structural element.

12-6-50: Demolition or relocation of buildings, ~~structures~~structures, or sites

- (a) Consistent with the purposes of this Article, it is the intent of this Section to preserve the historic districts and historical and architectural resources of the Town through limitations on the demolition and relocation of landmark and contributing buildings, structures, or sites to the maximum extent feasible, and to regulate the demolition and relocation of non-landmark and noncontributing structures within historic districts. The demolition and/or relocation of landmark and contributing buildings, structures and sites are to be discouraged in favor of preservation, renovation, adaptive reuse, or relocation within a historic district. Notwithstanding the foregoing, it is recognized that structural deterioration, economic hardship, and other factors not within the control of a property



owner may cause or require the demolition or relocation of a landmark or contributing building, structure or site.

- (1) Certificate of Approval Required. No landmark or contributing building, structure or site, and no building, structure, or site within a historic district, may be demolished or relocated without first having been approved through the issuance of a certificate of approval as outlined in Section 12-6-60 below.
- (2) Major Activity. An application for a certificate of approval to demolish a landmark or contributing building, structure or site, or a building, structure, or site within a historic district, shall be considered a substantial or major activity.
- (3) Demolition by Neglect Prohibited. No owner or person occupying or using a landmark or contributing building, structure or site shall allow or cause the demolition, destruction, damage or deterioration of such building, structure, or site by neglect.

12-6-60: Certificates of approval; procedure

- (a) No building permit for work or activity requiring a certificate of approval shall be valid or issued by the Building Official absent the receipt by the official of the necessary certificate of approval (CA). Conversely, the issuance of a CA shall not relieve an applicant from having to obtain any and all other permits or approvals for the subject work or activity as may be required under the Town's zoning, subdivision, building or other life/safety codes.
- (b) Certificates of approval may be made subject to such terms, conditions or limitations as determined necessary to protect and preserve the structural, aesthetic and/or historic integrity and value of the building, structure or site to which it pertains. A CA shall not constitute a site-specific development plan or vested property right and, unless acted upon in a substantial fashion or otherwise specifically authorized and provided for in the permit, shall automatically expire one (1) year from its date of issuance, unless extended by order of the Historic Preservation Commission.
 - (1) Procedure. Applications for a CA shall follow the stages of the land development process outlined below:
 - a. *Preapplication Conference*. Attendance at a preapplication conference is recommended for an applicant intending to submit an application for a CA.
 - b. *Application Submittal*. The applicant shall submit a complete application to the Manager containing those materials listed in Subsection 12-6-60(b)(2) below.
 - c. *Staff Review*. The Manager or their designee shall review the application to determine whether it is complete. The Manager or their designee shall forward a report to the HPC, which summarizes the application's compliance with the review standards contained in Section 12-6-70 below, and other applicable provisions of this Chapter. The technical comments and professional recommendations of other agencies, organizations and consultants shall be solicited in drafting the report, as necessary.
 - d. *Posting of Notice*. Posting of notice that the HPC will hold a public hearing for major certificate of approval shall be accomplished by the Town as specified in



Section 12-7-30(e). Public notice is not required for applications for a minor certificate of approval.

e. *Action by the Historic Preservation Commission.*

1. Minor Activity. An application regarding minor activity shall be reviewed and ruled upon by the Planning Department and, as needed, two (2) designated members of the HPC within ten (10) business days from the date the application was deemed complete. If it is determined that the application pertains to minor activity only or to activity that will not detrimentally impact or influence the historic integrity and/or appearance of a landmark or designated historic district, a CA shall be issued authorizing the activity. If it is determined that the application pertains to major activity, it shall be referred to the HPC for review and determination at a regular or special meeting.
2. Major Activity. An application regarding major activity shall be reviewed and ruled upon by the HPC at a regular or special meeting to be conducted within thirty-one (31) days from the date the application was determined complete, or within such longer time period as necessary to reasonably accommodate the application on an HPC meeting agenda. Written notice of the date, time and location of the meeting shall be mailed by regular mail or personally delivered to the applicant not less than fifteen (15) days prior to the meeting. The unexcused absence of the applicant from the meeting shall cause the HPC to deny the application or, at the HPC's option, continue the matter to a later meeting date of its choosing.

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- f. *Actions following approval.* A copy of each approved certificate of approval shall be transmitted by the Manager to the Building Official promptly upon its issuance.

(2) Application Contents. An application for a certificate of approval shall contain the following information:

- a. *Minimum Contents:* The minimum contents for all applications specified in Subsection 12-6-20(b) of this Chapter.
- b. *Photographs:* All applications shall be accompanied by photographs reasonably and accurately depicting the current status of the building, structure or site, or that portion thereof, subject to the application. Include photographs showing all sides of the structure, particularly the front and any side affected by the proposed project and detailed photographs of the features affected by the project.
- c. *Drawing Format:* Drawings shall be large enough so that all information is legible but no smaller than eleven (11) inches by seventeen (17) inches. Sketch drawings are acceptable if they provide accurate information and are reasonable drawn to scale.
- d. *Dimensioned Site Plan:* Site plan showing street locations, existing structure and proposed new elements or structures.
- e. *Dimensioned Floor Plan(s):* Floor plans showing existing structures and proposed new elements or structures.



- f. *Dimensioned Roof Plan*: Roof plan showing proposed new roof elements in context of the existing roof.
- g. *Dimensioned Exterior Elevations*: Exterior elevations showing appearance of proposed project with all materials and indicating finishes.
- h. *Building Sections and Construction Details*: Sections and details as required adequately explaining and clarifying the project. Note all materials and finishes.
- i. *Specification of Materials*: Manufacturer's product literature and material samples. Product literature is required for replacement windows.
- j. *Bids*: If proposing to replace existing historic materials or features with replicas rather than repair or restore, firm bids must be provided for both restoration and replication.
- k. *Window Replacement*: If proposing to replace historic windows (aside from wooden replica sash replacement) justification shall be provided as outlined in National Park Service Preservation Brief #9. Submittal must include written assessment of condition of existing windows.
- l. New Construction shall include the following information:
 - 1. Block Site Plan: A site plan or aerial photograph showing relationship of proposed structure to existing structures.
 - 2. Written Statement: A written statement of the design philosophy and building program.
 - 3. Massing Model: A massing model illustrating the relationship between the new structure(s) and existing building(s) on the project site and adjacent lots.
 - 4. Photographs: Photographs of the surrounding structures including both block faces and side streets.
- m. Demolition or relocation of a building, structure or site shall include the following:
 - 1. A detailed description of the reasons supporting or justifying the proposed demolition or relocation, including a delineation and explanation of all economic data where economic hardship or other economic cause is given as a reason for the proposed demolition or relocation.
 - 2. A detailed development or redevelopment plan for the demolition and/or receiving relocation site and a schedule for completion of the work.
 - 3. Elevations, building sections, construction details, specifications and massing model of proposed replacement structure similar to those required for new construction.
 - 4. For landmark or contributing structures the applicant must submit a report prepared by an architect, appraiser, engineer or other qualified person experienced in the rehabilitation, renovation and/or restoration of historic buildings, structures or sites addressing:
 - a) The structural soundness of the building, structure or site and its suitability for rehabilitation, renovation, restoration or relocation.
 - b) The economic and structural/engineering feasibility of the rehabilitation, renovation and/or restoration of the building, structure, or site at its current location.



- c) The economic and structural/engineering feasibility of relocating the building, structure, or site.

12-6-70: Certificates of approval; review standards

- (a) **Historic Landmark and/or Contributing Buildings, Structures or Sites.** All work performed in completion of an approved certificate of approval shall be in conformance with the most recent edition of the Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*, published by the U.S. Department of the Interior, National Park Service, Cultural Resource Stewardship and Partnerships, Heritage Preservation Services, Washington, D.C.
- (b) **Supplemental Guidelines.** The Manager or his or her designee with advice from the HPC may, subject to final approval by the Board of Trustees, devise, adopt, publish, and implement design guidelines to supplement the criteria set forth in this Section for the review, evaluation and approval of certificates of approval. Upon their approval by the Board of Trustees, said guidelines shall be enforced and have the same effect and authority as if fully set forth in this Section, and violations thereof shall be subject to the same penalties for violations of any other section contained in this Article. In addition, the following minimum criteria will be applied in reviewing and evaluating an application for a CA with respect to a historic landmark or contributing building, structure, or site:
 - (1) Architectural Character. Whether and/or to what extent the proposed work will preserve, protect, change, diminish, disguise, obscure, detract from or destroy the appearance or structural integrity of the historic features, design, materials, character or value of the structure or site.
 - (2) Original Materials. Whether original designs, materials, finishes and construction techniques that characterize the historic value and appearance of a structure or site can be retained, restored, or repaired as opposed to replaced, and whether replacement designs, materials or finishes can match and/or accurately replicate the originals.
 - (3) Minimum Change. Whether and/or to what extent the proposed work will require more than a minimal change to the historic appearance, materials or integrity of the structure or site.
 - (4) New Construction. New additions, exterior alterations and related work shall not destroy or detract from the existing historic structure and materials to the maximum extent feasible, and such new work or alterations shall be differentiated from, but compatible with, the existing size, scale and exterior architectural features of the structure or site so as to protect its historic identity and integrity.
 - (5) Historic Appearance. Work that will protect or return the original historic appearance of a structure or site, especially where documented by photographs, historic research or other credible evidence, shall be encouraged and favored.
 - (6) Work Necessary. Whether the proposed work is required or necessary to comply with a building, fire or other health/safety code.



(c) **Activities Within Designated Historic Districts.** The following minimum criteria will be applied in reviewing and evaluating an application for a CA with respect to a non-landmark or noncontributing building, structure or site within a designated historic district.

- (1) Enhance District. Whether and/or to what extent the proposed work will enhance and advance the purposes and intent underlying the establishment of the district.
- (2) Overall Character. New structures and additions to, or the exterior repair or alteration of, existing non-landmark and noncontributing structures shall be compatible with the historic architectural character, scale, shapes, sizes, heights, façades and materials predominant in the district to the maximum extent feasible.
- (3) Specific Compatibility. New structures and additions to, or the exterior repair or alteration of, existing non-landmark and noncontributing structures shall specifically harmonize with neighboring landmark and/or contributing structures or sites with regard to height, scale, shape, size, façade, materials, setback, landscaping and exterior architectural features to the maximum extent feasible.
- (4) Work Necessary. Whether the proposed work is required or necessary to comply with a building, fire or other health/safety code.

(d) **Demolition or Relocation of a Landmark or a Building, Structure or Site Within a Historic District.** The following criteria shall be used in determining whether a certificate of approval should be issued for the demolition or relocation of a landmark or a building, structure or site within a historic district:

- (1) The historic, social or architectural significance of the building, structure or site.
- (2) The structural soundness and safety of the building, structure, or site.
- (3) In the case of a landmark or contributing building, structure, or site, whether the same can be rehabilitated, renovated or restored at its current location as part of an economically feasible and beneficial use of the property.
- (4) In the case of a landmark or contributing building, structure, or site, whether the same has been properly maintained and/or been subject to disrepair, deterioration and/or demolition by neglect.
- (5) In the case of a landmark or contributing building, structure, or site, whether the same can be relocated to a historically appropriate alternative location in a manner that will protect and ensure its structural integrity.
- (6) The impacts of the proposed demolition or relocation of the building, structure, or site, and the planned redevelopment of the site, on the historical character of the existing neighborhood.

12-6-80: Exempt Activity and Exceptions

(a) **Exempt Activity.** A CA shall not be required for the interior alteration, renovation, repair, reconstruction, or rehabilitation of a landmark or contributing building or structure, or for any other building or structure within a historic district. Similarly, a CA shall not be required to undertake ordinary exterior maintenance and/or repair if such work involves and is carried out using materials and elements identical in appearance to



the materials and elements being repaired or worked on, and such maintenance and/or repair does not substantially alter the appearance, composition or texture of the exterior appearance, feature or surface of the building or structure.

- (b) **Exceptions.** Nothing in this Article shall prohibit the issuance of orders or correction notices, or the implementation of emergency enforcement actions, authorized by law for the purpose of correcting or abating conditions relative to any landmark, contributing or other building, structure or site determined to be dangerous to life, health or property in accordance with building and/or life and safety codes duly adopted by the Town, and/or such other governing authority with jurisdiction, including, when deemed necessary, the demolition or partial demolition of a building or structure. However, when the need for emergency action is not present, all work or activity normally subject to the provisions and procedures contained in this Article shall be undertaken and performed in compliance therewith.

12-6-90: Removal of landmark, contributing or historic district designation

- (a) **Finding by Town Board required.** The removal of a landmark or contributing designation for any building, structure or site, or the removal of the designation of a district as a historic district, shall only be approved upon a finding by the Board of Trustees after a noticed public hearing that the building, structure, site or district no longer satisfies the eligibility criteria for landmark, contributing or historic district status, and that it would be in the public interest and welfare to remove or rescind such designation.
- (b) **Procedure.** The procedures contained in Section 12-6-30 above with regard to the designation of landmark, contributing or historic buildings, structures, sites or districts, respectively, shall be followed in applying for and processing a petition for the removal or rescission of such a designation. Notwithstanding the foregoing, no landmark or other historic designation awarded to any building, structure, site or district by the United States Department of the Interior and/or the State, respectively, shall be removed, rescinded or modified except in accordance with the procedures and standards established by said governmental authority.

12-6-100: Violation and penalties

- (a) Violation of the provisions of this Chapter shall be punishable as set forth in Chapter 1 Article IV of this Code. Additionally, each separate violation and each day any violation continues shall constitute a separate offense and be subject to the penalties specified in this Section.
- (b) Any development, activity, facility or structure which is continued, operated or maintained in violation of the provisions of this Article, or the terms and conditions of a CA or any other permit, shall be subject to injunction, abatement and/or other appropriate legal remedy as may be sought and obtained by the Town, in which event the Town shall be entitled to recover its reasonable costs and attorney fees from the offending party or parties.
- (c) All penalties and remedies for violations of the provisions of this Article shall be nonexclusive and cumulative, and the Town's pursuit and/or exercise of one (1) remedy

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or penalty shall not foreclose or prohibit the pursuit and exercise of alternative or other remedies.



Article 7: Administration and Procedures

12-7-10: Purpose and Organization of this Article

- (a) The purpose of this Article is to provide consistent, equitable procedures for the review of development applications to ensure that development will be in accordance with the purpose and standards of this Chapter.
- (b) This Article describes the review and approval procedures for application for land use and development in the Town, and is divided into the following sections:
- (1) Section 12-7-30, *Common Review Procedures*, describes the standard procedures that apply to most development application types.
 - (2) Sections 12-7-40 through 12-7-70 contain specific information on each application type, including approval criteria and any additions or modifications to the common review procedures.
 - (3) Section 12-7-80 describes the review and decision-making authorities, including the Board of Trustees, the Planning Commission, the Director, and other Town officials.

12-7-20: Summary Table of Development Review Procedures

Table 7-A lists the development applications authorized by this Chapter. For each type of application, the table indicates whether a pre-application conference is required, and approval role of decision makers.

Table 7-A: Summary of Development Review Procedures					
R: Recommend D: Decide A: Appeal *: Public Hearing required					
Procedure	Code Section	Pre-Application Conference	Admin. Review	Planning Commission	Board of Trustees
Ordinance Amendments					
Rezoning	12-7-40(a)	Required	R	R*	D*
Rezoning to Planned Unit Development (PUD)	12-7-40(b)	Required	R	R*	D*
Code Text Amendment	12-7-40(c)	Optional	R	R*	D*
Development Permits					
Minor Site Plan	12-7-50(a)	Required	D	A	
Major Site Plan	12-7-50(b)	Required	R	D*	A
Conditional Use	12-7-50(c)	Required	R	R*	D*
Subdivisions					
Minor Subdivision	12-7-60(a)	Required	DR	A (if Director decides) D*	D* (if public dedication required) A
Major Subdivision - Preliminary Plat	12-7-60(b)	Required	R	D*	A
Major Subdivision - Final Plat	12-7-60(c)	Optional	R	R*	D*
Condominiumization	12-7-60(d)	Required	R	R*	D*
Vacation of Plat, Right-of Way, or Easement	12-7-60(e)	Required	R	R*	D*
Historic Preservation					
Landmark and District Designation	12-6-30	Optional	R	D*	A

Commented [TC31]: From PC: minor sub. should have same review as major sub. Only difference is no preliminary plat process for minor



Certificate of Approval	12-6-70	Optional	R	D*	A
Demolition Permit	12-6-50	Optional	R	D*	A
Variance Relief and Appeals					
Variance	12-7-70(a)	Required	R	D* (Board of Adjustment)	A
Appeals	12-7-70(b)		<i>Pursuant to specific appeal procedures</i>		

12-7-30: Common Review Procedures

(a) **Purpose.** This Section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this Code. Common review procedures include some or all of six steps, listed and shown below. Application-specific procedures in sections 12-7-40 through 12-7-70 identify additional procedures and rules beyond those in this Section.

(b) Pre-Application Conference

- (1) Purpose. The pre-application conference is intended to provide an opportunity for the applicant to meet with Town staff to review submittal requirements, review procedures, and applicable Code standards associated with the proposed development.
- (2) When Required. A pre-application conference is required for certain applications as listed in Table 7-A, and is optional for all other applications
- (3) Procedure
 - a. *Request.* The applicant shall submit a request for a pre-application conference to the Planning Department on a form prescribed by the Director.
 - b. *Required Information.* Prior to scheduling the pre-application conference, the applicant shall submit the following:
 1. A written description of the project;
 2. Conceptual drawings showing the location, layout, and key elements of the proposed development;
 3. Specific uses, location of uses, and densities proposed;
 4. Proposed construction phasing, if applicable; and
 5. Location of required public improvements, if applicable.
 - c. *Scheduling.* When required or requested by the applicant, the Director shall schedule pre-application conferences and notify appropriate staff and the applicant of the time and location of the meeting.
 - d. *Conference Determinations.* Town staff attending the pre-application conference will identify initial concerns or issues the applicant should address related to the scope, features, and potential impacts of the project as they relate to this Chapter. Town staff will also indicate the approval procedures required for the proposed project.

(c) Application Submittal and Handling

- (1) Authority to Submit Application
 - a. A development application shall be submitted by:



1. The owner, contract purchaser, or any other person having a recognized property interest in the land on which the development or activity is proposed; or
 2. A person authorized to submit the application on behalf of the owner, contract purchaser or other persons having a recognized property interest in the land, as evidenced by a letter or document signed by said individual.
 - b. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such individuals shall sign the application or a letter consenting to the application.
 - c. No application shall be submitted prior to attending a pre-application conference, if required pursuant to Table 7-A, *Summary of Development Review Procedures*.
- (2) Concurrent Review. When a proposed development involves multiple application types, the applications may be reviewed concurrently at the option of the applicant.
- (3) Application Content. The application shall be submitted to the Director on a form established by the Director. The applicant bears the burden of demonstrating compliance with application requirements.
- (4) Application Fees
- a. *General*. Every application filed pursuant to this Chapter shall be submitted with the appropriate fees and charges for the type of application being submitted. This may also include a cost reimbursement agreement in a form approved by the Town Attorney. The amount of such fees and charges shall be established by resolution of the Board of Trustees, as may be amended from time to time, and available for review by the public at Town Hall during normal business hours.
 - b. *Additional Fees for Outside Consultation, Planning Services or Processing*
 1. In addition to the minimum application fees, if additional review by an outside professional is necessary to make a determination, process the application, or provided planning services, the applicant shall also be charged the actual review costs and fees for outside professional services for review of the application.
 2. The minimum application fees shall be due and payable upon submission of the application. In addition, at the time of submittal of the application, the applicant shall deposit funds equal to two times the minimum application fee to be used as the initial payment to offset the costs of outside professional services for review or processing of the application, unless a different deposit amount is required in the Town's Schedule of Fees, established by the Town Board and amended from time to time.
 3. After exhaustion of the initial deposit, statements for professional review or processing services shall be mailed to the applicant, and payment of such amounts is due within 30 days of receipt of the statement. ~~Interest shall be imposed at a rate of one and one-half percent per month on all balances not paid within 30 days of the statement.~~ A flat fee, determined annually by the Board of Trustees, will be imposed if invoiced balances are not paid within 45 days.

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~~3.4.~~ All fees paid ~~on deposited as part of the initial deposit~~ shall be credited against future billings and amounts deposited in excess of fees subsequently incurred shall be timely refunded, without interest, to the applicant.

~~4.5.~~ All costs of providing notice, ~~including publication, mailing and posting, via mail~~ shall be borne by the applicant. Recording and filing fees imposed by the County Clerk and Recorder, and others, as a result of the application, shall be ~~advanced paid~~ by the applicant prior to the documents being recorded.

~~c.~~ Land use approval documents shall not be deemed effective until recorded in the real property records of the County (if required pursuant to the specific application type) and all fees and charges owed to the Town are paid in full.

~~e.d.~~ The applicant shall provide proof of recording to Town staff upon completion of the recording process.

~~d.e.~~ In the event the Town is forced to pursue collection of any amounts due and unpaid, the Town shall be entitled to collect attorney's fees and costs incurred in such collection efforts in addition to the amount due and unpaid. The Town reserves the right to suspend review of an application, withhold approval, or postpone public hearings if an applicant fails to pay outstanding review fees as required. Delinquent charges may be certified to the County Treasurer and collected in the same manner as municipal taxes according to the procedure established in the Municipal Code.

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(5) Application Review Timeline. The Director shall establish a review timeline for development applications and shall include that information in the Town's Land Use Administrative Manual. The Director may amend the timeline to ensure effective and efficient review under this Chapter.

(6) Determination of Application Completeness

- a. Upon receipt of the submittal, the Director shall review the application for completeness in accordance with the pre-application checklist and the applicable requirements of this Chapter. Within thirty (30) days of the submittal, the Director shall determine if the application is complete and entitled to proceed.
- b. In the event the Director determines that an application is incomplete, the Director shall notify the applicant in writing by stating the deficiencies.

(7) Abandoned Applications. If an application has not been resubmitted to address the noted deficiencies within six months, then such application shall be deemed abandoned. Abandoned applications ~~may require a new pre-application conference and may be subject to additional fees, will be considered terminated, and a new application, including all associated fees, will be required.~~

(8) Minor Application Revisions. An applicant may revise an application after receiving notice of compliance deficiencies following staff review. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the development proposed in the



application, as determined by the Director. All other application revisions shall be processed as a new application.

(9) Application Withdrawal

- a. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director.
- b. An applicant is not entitled to a refund of application fees for withdrawn applications. However, the Director may refund fees not expended during the first round of staff review if the application is withdrawn within 10 days of acceptance and prior to preparation or distribution of any official written comments.

(d) Staff Review and Action

(1) Department and Agency Referral Review

- a. The Director shall distribute the complete application to the appropriate staff and other internal and external review agencies per the Town's Land Use Administrative Manual.
- b. Such review agencies shall provide comments to the Director within ten (10) days following the distribution.

(2) Staff Review and Application Revisions

- a. Staff shall review the application and submit recommendations and comments to the applicant in a form established by the Director. The Director shall compile the comments from other reviewers and agencies and shall consider and incorporate such comments as necessary into the written summary of the issues provided to the applicant.
- b. Following receipt of staff comments, the applicant may request at their discretion a meeting with the Director to discuss staff recommendations and comments.
- c. An application shall not move forward for further review until the Director determines that the applicant has adequately addressed the Town's recommendations and comments.

(3) Applications Subject to Staff Recommendation

- a. *Staff Report.* For applications subject to staff recommendation per Table 7-A, staff shall prepare a written staff report. Such report shall state whether the application meets the requirements of this Chapter and other applicable standards of the Town and shall include a recommendation for consideration by the appropriate decision-making body.
- b. *Distribution and Availability of Application and Staff Report.* The Director shall submit a copy of the staff report to the applicant and the advisory or decision-making body and shall make the report and related materials available for public review within a reasonable timeframe to review prior to any public meeting, public hearing, or decision.

(4) Applications Subject to Staff Approval

- a. *Decision*



1. If an application is subject to staff review and final decision by the Director, the Director shall make the decision based on review standards applicable to the application type. The decision shall be in writing and if denied or approved with conditions, shall clearly state the reasons for denial or any conditions of approval.
 2. If the Director requests changes or additional information during its review, the applicant shall submit copies of the required changes or information to the Director. The Director shall review the additional submittal with appropriate Town departments and other agencies.
- b. *Effect of Decision.* For administrative approval, the Director's decision is final.
- c. *Conditions of Approval.* Any conditions of approval shall be limited to the minimum conditions necessary to ensure compliance with the requirements of this Chapter and shall relate directly to the anticipated impacts of the proposed development or activity.

(e) Scheduling and Notice of Public Hearings

(1) Scheduling Public Hearings

- a. If an application is subject to a public hearing pursuant to Table 7-A, the Director shall schedule the public hearing for either a regularly scheduled meeting or a special meeting of the decision-making body.
- b. The public hearing shall be scheduled to allow sufficient time to prepare a staff report pursuant to subsection 12-7-30(d)(3)a.

(2) Notice of Public Hearings

- a. *General Requirements.* Unless otherwise stated in this Chapter, for all actions requiring a public hearing pursuant to Table 7-A, ~~the applicant~~ Town staff shall provide public notice and shall demonstrate that such public notice conforms to the requirements of this subsection and the Town's Land Use Administrative Manual.

~~b. Responsibility of Party Seeking Hearing~~

- ~~1. The applicant or person seeking the public hearing~~ Town staff shall be responsible for the accuracy and proper publication, mailing, and posting of notice, and shall bear the costs incurred by such notice.

- ~~2. The applicant shall provide certification that proper notice has been provided, including photographic evidence (for posted notices). The format of such certification shall be established by the Director. The applicant shall submit the certification to the Director prior to the start of the scheduled hearing.~~

~~e-b.~~ Notice Format and Content

1. Content of all Public Notice types shall:
 - a) Identify the application type;
 - b) Describe the nature and scope of the proposal;
 - c) Identify the location subject to the application, including address and legal description, if available;
 - d) Identify the date, time and location of the hearing;
 - e) Identify when and where the application may be inspected, including a phone number of the appropriate Town or local government agency; and

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- f) Indicate if there will be an opportunity to appear and provide feedback during the hearing.
 - 2. Published Notice. Except as otherwise required by law, notice of the hearing shall be published in a newspaper of general circulation within the Town at least 10 days in advance of the hearing.
 - 3. Mailed Notice. Except as otherwise required by law, notice shall be sent by first class mail to all property owners within 200 feet of the property in question at least 15 days in advance of the hearing.
 - 4. Posted Notice.
 - a) At least one notice sign shall be posted by ~~the applicant~~ Town staff on the subject property at least 15 days in advance of the hearing. The dimensions of the sign shall be at least 11 by 17 inches, and the materials to which the notice is affixed shall be upright, sturdy, and waterproof.
 - b) The Director may require additional signs based on the access and configuration of the subject property.
- (3) Notice to Mineral Estate Owners and Lessees. The applicant shall provide notice by certified mail, return receipt requested, to all mineral estate owners and lessees on the subject property for development applications in accordance with C.R.S. 24-65.5-103. Such notice shall be provided not less than 30 days prior to the initial public hearing, or not less than 30 days prior to the final decision if the application does not require a public hearing. The burden of determining mineral estate owners and lessees shall be on the applicant.

(f) Review and Decision

- (1) Review and Decision by the Director. Applications subject to administrative review and approval shall be decided by the Director in accordance with subsection 12-7-30(d)(4), *Applications Subject to Staff Approval*.
- (2) Review and Recommendations or Decisions by Planning Commission or Board of Trustees
 - a. Applications shall be subject to review, hearings, recommendations, and decisions in accordance with Table 7-A, *Summary of Development Review Procedures*.
 - b. If an application requires a public hearing, the decision-making body shall hold a public hearing in accordance with Section 12-7-30(e), *Scheduling and Notice of Public Hearings*, and Section, *Review and Decision-Making Bodies*.
 - c. The decision-making body shall consider the application, supporting materials, staff report, and any evidence presented during the public hearing (if required).
 - d. The advisory board shall recommend, and the decision-making body shall approve, approve with conditions, or deny the application based on the applicable approval criteria relevant to the application type.
 - e. In making its recommendation, the body may continue the hearing to a date certain because additional information or changes are necessary to determine whether the application complies with this Chapter. The applicant may also request to continue the hearing to a date certain, but any subsequent requests for



continuance shall be at the discretion of the governing body. If the hearing is continued, the requested information shall be provided to the Director at least 10 days prior to the date of the continued hearing. Nothing shall prohibit the advisory or decision-making body from continuing a hearing more than once.

- f. If the application requires a quasi-judicial hearing, the recommendation or decision shall be based only on the record of the public hearing, shall include findings of fact based on evidence, shall reflect the determination of any contested facts, and shall state how the findings support compliance with the approval criteria.
- g. The decision-making body shall clearly state the factors considered in making its recommendation or decision, as well as the rationale for such recommendation and decision.
- h. Any recommendation or decision to deny an application shall specify the reasons, citing specific Code provisions or adopted policies of the Town with respect to the proposed development.

(3) Conditions of Approval

- a. Any conditions of approval shall be limited to the minimum conditions necessary to ensure compliance with the requirements or standards of this Chapter and shall be reasonably related to the anticipated impacts of the proposed development or activity.
- b. The approving body may modify conditions recommended by the reviewing body prior to making a final decision on an application.
- c. Unless otherwise provided in this Chapter, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

(4) General Approval Criteria. The following general criteria shall apply to the various application types submitted to the Town for review and approval. If there is a conflict between these general criteria and the specific review criteria listed for a particular application type, then the specific review criteria shall control.

- a. *Compliance with this Chapter*. The proposed use and development shall comply with the applicable standards in this Chapter, including but not limited to zoning districts, use regulations, and development standards in effect at the time of application submittal.
- b. *Compliance with Other Applicable Regulations*. The proposed use and development shall comply with all other Town regulations and with all applicable standards or requirements of federal, state, or other local government control of the property or the current or proposed use of the property.
- c. *Compliance with Prior Approvals*. The proposed use and development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This criterion includes consistency with approved development phasing plans and the installation of public improvements.



- d. *Consistency with Adopted Plans.* The proposed use and development are consistent with applicable Town policies of the Comprehensive Plan and other adopted Town plans and policies.

(g) Post-Decision Actions and Limitations

- (1) Appeal. A party aggrieved by final decisions may appeal the decision in accordance with the appeal procedures in Section 12-7-70(b).
- (2) Expiration of Approval
 - a. An application approval shall be valid as authorization for the approved activity unless it expires in accordance with the expiration time periods provided in this Chapter.
 - b. A change in ownership shall not affect the established expiration time period of an approval unless otherwise stated in this Chapter, or in the final decision of approval.
 - c. The Director may grant extensions of the expiration time period for up to one year following a written request that explains reasonable cause for such extension, prior to that expiration date. The Director shall determine whether there is reasonable cause for the extension. Further extensions shall be subject to the approval by the decision-making body for the original application.
- (3) Format of Final Submissions. All final submissions, including subdivision plats, development plans, record drawings, and annexation maps shall be submitted to the town on a method of data transfer acceptable to the Town as detailed in the Town's Land Use Administrative Manual. This requirement may be waived at the discretion of the Director.
- (4) Modification or Amendment of Approval. Unless otherwise provided in this Chapter, any substantial modifications to approved plans, permits, or conditions shall require a new application submitted and reviewed in accordance with the full procedure requirements applicable to the original application. The Director shall determine whether proposed modifications or amendments to an approval are considered substantial and may require further determination by the decision-making body of the original application.
- (5) Limitation on Subsequent Similar Applications. Following denial of an application, the decision-making body shall not decide on applications that are same or substantially similar within one year of the denial. This waiting period may be waived by the decision-making body provided that there is substantial change to circumstances or new information is available related to the issues or facts considered during the previous review.

12-7-40: Ordinance Amendments

(a) Rezoning

- (1) Purpose. The rezoning procedure amends, supplements, or changes the Town's Official Zoning Map.



(2) Applicability. The rezoning procedure should not be used when a conditional use or variance could be used to achieve a similar result. Changes to dimensional standards within a zoning district (such as setbacks or building height) should be processed as Code text amendments pursuant to subsection 12-7-40(c). A rezoning to a Planned Unit Development shall be processed pursuant to subsection 12-7-40(b).

(3) Rezoning Procedure

a. *Pre-Application Conference*

1. Required
2. See 12-7-30(b)

b. *Application Submittal and Handling*

1. See 12-7-30(c)
2. Application may be initiated by the Board of Trustees, the Planning Commission, the Director, or the owner of the real property subject to the proposed rezoning.
3. When multiple parcels are proposed for rezoning, a separate application for each property shall be submitted, unless the Director approves a consolidated application during the pre-application conference.

c. *Concurrent Review.* An applicant may request concurrent review of a development permit and/or subdivision approval with a rezoning application. Guidance will be provided during the pre-application conference.

d. *Staff Review and Action.* The Director reviews the application and prepares a staff report and recommendation, pursuant to section 12-7-30(d).

e. *Scheduling and Notice of Hearings*

1. Public hearings before the Planning Commission and Board of Trustees.
2. Scheduled and noticed pursuant to 12-7-30(e).

f. *Review and Decision*

1. Planning Commission Review and Recommendation. The Planning Commission shall review the application and recommend approval or denial pursuant to 12-7-30(f) and the below approval criteria.
2. Board of Trustees Review and Decision. The Board of Trustees shall review the application, and the recommendations of Planning Commission, and act to approve or deny the rezoning pursuant to 12-7-30(f) and the below approval criteria. Conditions are not attached to a rezoning decision.

g. *Rezoning Approval Criteria.* In reviewing a proposed rezoning, the Planning Commission and Board of Trustees shall consider whether:

1. The proposed amendment is consistent with the Comprehensive Plan;
2. The proposed amendment is consistent with the purpose of the zoning district to which the property is proposed to be designated; and
3. The development allowed by the proposed zoning would be compatible with surrounding districts, land uses, and neighborhood character.

OR

1. The applicant has demonstrated that conditions affecting the subject parcel or the surrounding neighborhood have changed, or that due to the incorrect



assumptions or conclusions about the property, one or more errors in the Official Zoning Map boundaries have occurred.

- h. *Post-Decision Actions and Limitations.* Subsection 12-7-30(g) applies, with the following modifications:
 - 1. Following approval of a rezoning, the Director shall prepare an appropriate revision to the Official Zoning Map, compliant with Section 12-2-10(c).
 - 2. An owner of any property affected by a rezoning may protest pursuant to the statutory requirements of C.R.S. 31-23-305.

(b) Rezoning to Planned Unit Development

- (1) Purpose. The purpose of a rezoning classification to a planned unit development (PUD) is to encourage innovation and achieve flexibility in order to create a better living environment, preserve the unique features of the site and provide services in a more economic matter, while providing greater benefit to the Town and to ensure efficient provision of services and utilities. Examples of a PUD may provide greater benefit to the Town include:

- a. Improved design quality;
- b. Variety of development types to promote the most suitable use of the site;
- c. Preservation of unique, natural, scenic, historical and cultural features of a site;
- d. Greater mix of uses and building types;
- e. Encouragement of energy conservation;
- f. Innovative and diverse housing types; and
- g. Higher level of public amenities such as open spaces, parks, recreational areas, trails, and schools.

- (2) Applicability

- a. The PUD procedure should not be used when a conditional use, variance or rezoning to a base zoning district could achieve a similar result.
- b. An application to rezone to PUD may be submitted for any tract of land, or contiguous parcels of land, within any combination of zoning districts, held under single ownership or under unified control.
- c. The PUD zoning classification is established by overlaying the designation on land within an existing or newly created zoning district.
- d. Development within a PUD may be proposed to be phased, if neither the initial phase nor subsequent phases will have an adverse impact on the PUD or its surroundings.

- (3) Rezoning to PUD Procedure

- a. *Pre-Application Conference*
 - 1. Required
 - 2. See 12-7-30(b)
- b. *Application Submittal and Handling*
 - 1. See 12-7-30(c)
 - 2. An PUD plan is required prior to approval of a development permit in a PUD district. Submittal requirements associated with a PUD plan are included in the Town's Land Use Administrative Manual.



- c. *Concurrent Review*
 - 1. Development permit applications may be submitted concurrently with a PUD application.
 - 2. A subdivision application may be reviewed concurrently with an application for rezoning to PUD. A preliminary plat on a site covered by a proposed PUD shall not be approved until after the rezoning to PUD is approved.
- d. *Staff Review and Action.* The Director reviews the application and prepares a staff report and recommendation, pursuant to section 12-7-30(d).
- e. *Scheduling and Notice of Hearings*
 - 1. Public hearings before the Planning Commission and Board of Trustees.
 - 2. Scheduled and noticed pursuant to 12-7-30(e).
- f. *Review and Decision*
 - 1. Planning Commission Review and Recommendation. The Planning Commission shall review the application and recommend approval or denial pursuant to 12-7-30(f) and the approval criteria below.
 - 2. Board of Trustees Review and Decision. The Board of Trustees shall review the application, and the recommendations of Planning Commission, and act to approve or deny the rezoning to PUD pursuant to 12-7-30(f) and the approval criteria below.
- g. *Rezoning to PUD Approval Criteria.* In reviewing a proposed PUD, the Planning Commission and Board of Trustees shall consider whether and to what extend the PUD:
 - 1. Meets the general approval criteria in 12-7-30(f)(4) and the approval criteria for rezonings in 12-7-40(a)(3)(g);
 - 2. Addresses a unique situation, provides substantial benefit to the Town, or incorporates innovative design that achieves a higher quality standard than could otherwise be achieved through strict application of a base zoning district; and
 - 3. Provides a variety of housing types and densities, if residential is proposed as part of the PUD.
- h. *Approval of a PUD Plan.* The approved PUD zoning and the approved PUD plan along with associated exhibits are inseparable.
- i. *Post-Decision Actions and Limitations.* Subsection 12-7-30(g) applies, with the following modifications:
 - 1. Effect of Approval. The regulations of this Chapter remain applicable to areas within a PUD district unless expressly modified by the approved PUD.
 - 4. Expiration. A PUD shall remain valid until a PUD is subsequently amended or rezoned to another zoning district.
 - 5. Map Revision. Following approval of a rezoning to PUD, the Director shall prepare an appropriate revision to the Official Zoning Map to demarcate the PUD overlay.
 - 6. Recording. The PUD plan and zoning amendment shall be recorded with the County Clerk and Recorder.



7. Protest. An owner of any property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of C.R.S. 31-23-305.
8. Amendment.
 - a) Except as provided below for minor amendments, an approved PUD plan may only be amended pursuant to subsection 12-7-30(g)(4).
 - b) Minor amendments to an approved PUD plan may be approved by the Director if the proposed amendments do not:
 - 1) Change the ratio of residential units to square feet of non-residential building square footage by more than ten percent.
 - 2) Increase the number of residential units by more than ten percent.
 - 3) Increase the gross square footage of non-residential building area by more than ten percent.
 - 4) Change the allowed uses listed in the approved PUD plan.
 - 5) Change the number or location of vehicular access points in such a way that negatively impacts public safety or the flow of traffic into public streets.

(c) Code Text Amendment

- (1) Purpose. This procedure is provided to revise the text of this Chapter 12 to respond to changed conditions or changes in public policy, or to advance the general welfare of the Town.

(2) Code Text Amendment Procedure

- a. *Pre-Application Conference*
 1. Optional, but recommended for a private applicant
 2. If held, *see* 12-7-30(b)
- b. *Application Submittal and Handling*
 1. *See* 12-7-30(c)
 2. Application may be initiated by the Board of Trustees, the Planning Commission, the Manager, the Director, a resident of the Town, or an owner of a property within the Town.
 3. The applicant shall submit a complete text amendment application to the Director containing the precise amended wording. The Director shall be responsible for submitting the application materials for an amendment initiated by the Board of Trustees or Planning Commission
- c. *Staff Review and Action.* The Director forwards a report to the Planning Commission that summarizes the application's compliance with the applicable approval criteria below, and other applicable provisions of this Chapter. Technical comments and professional recommendations of other agencies and organizations may be solicited when preparing the summary report.
- d. *Scheduling and Notice of Hearings*
 1. Public hearings before the Planning Commission and Board of Trustees.
 2. Scheduled and noticed pursuant to 12-7-30(e).
- e. *Review and Decision*
 1. Planning Commission Review and Recommendation. The Planning Commission shall review the application and recommend approval or



denial pursuant to 12-7-30(f) and the approval criteria below, or shall remand the application to the applicant with instructions for modification or additional information or action.

2. Board of Trustees Review and Decision. The Board of Trustees shall review the application, and the recommendations of the Planning Commission, and act to approve or deny the proposed amendment pursuant to 12-7-30(f) and the approval criteria below, or remand it to the applicant with instructions for modification or additional information or action.
- f. *Code Text Amendment Approval Criteria.* In reviewing a proposed code text amendment, the Planning Commission and Board of Trustees shall determine that the following criteria are met:
 1. The proposed amendment is consistent with the general purpose and intent of this Chapter;
 2. The proposed amendment shall not conflict with any other applicable provisions of this Chapter, or the Town shall repeal or amend provisions of this Chapter that are inconsistent, unreasonable, or out-of-date;
 3. The proposed amendment shall be consistent with the Comprehensive Plan; and
 4. The proposed amendment shall preserve the public health, safety, general welfare, and environment and shall contribute to the orderly development of the Town.
- g. *Post-Decision Actions and Limitations.* Upon approval of the amendment and the filing, the Director shall cause the amended text of this Chapter to be officially codified.

12-7-50: Development Permits and Approvals

(a) Minor Site Plan

- (1) Purpose. The minor site plan process allows the Town to administratively evaluate smaller developments for compliance with the development and design standards of this Chapter. The minor site plan review procedure ensures that potential impacts are considered prior to an applicant submitting engineered construction plans or issuance of a building permit and certificate of occupancy.

- (2) Applicability

- a. *Exemptions from Site Plan Review.* The following are exempt from the site plan review procedures, but are still subject to standards of this Chapter and other federal, state, and local permit requirements including, without limitation, building permits and development permits:
 1. A change in use that does not involve or require other development (such as additional parking);
 2. Tenant improvements or interior remodels that do not increase gross floor area or building height, increase the density or intensity of the use, or affect development standards (such as parking requirements); ~~and~~
 3. ~~Fences, hedges, retaining walls, screening or buffers.~~



- b. *Thresholds for Site Plan Review.* Unless exempted from the site plan review procedure in paragraph a, above, the applicable site plan review type (minor or major) are as follows:

1. **Minor Site Plan:**

- ~~a) Construction of single family detached dwellings or two family dwellings or duplexes; and~~
- ~~b) Additions or accessory structures to any existing single family detached dwellings or two family dwellings or duplexes;~~
- ~~e)a) Accessory structures 200 square feet or less; and~~
- ~~b) Signs;~~
- ~~c) Fences; and~~
- ~~d) All retaining walls.~~

2. **Major Site Plan:**

- ~~a) Constructions or additions to any development not listed under Minor Site Plan in b.1 above; and~~
- ~~b) Construction of single family detached dwellings or two-family dwellings or duplexes;~~
- ~~c) Additions or attached accessory structures to any existing single-family detached dwellings or two-family dwellings or duplexes;~~
- ~~a)d) Accessory structures over 200 square feet.-~~

- c. Regardless of the thresholds above, any development that requires dedication of land to the Town shall be deemed a major site plan.

(3) Minor Site Plan Procedure

- a. *Pre-Application Conference*
 - 1. Required
 - 2. See 12-7-30(b)
- b. *Application Submittal and Handling.*
 - 1. See 12-7-30(c)
- c. *Concurrent Review*
 - 1. A site plan application may be submitted and reviewed concurrently with a conditional use, variance, or subdivision plat.
 - 2. At the sole risk of the applicant, construction plans may be submitted concurrently with a site plan application, and proposed development must comply with the required construction standards and all other applicable technical standards and specifications adopted by the Town.
- d. *Staff Review and Action.* The Director shall review the application and approve, approve with conditions, or deny the minor site plan pursuant to subsection 12-7-30(f)(4) and the below approval criteria.
- e. *Site Plan Approval Criteria.* In reviewing a minor site plan application, the Director shall consider whether:
 - 1. The site plan is consistent with the Comprehensive Plan and other adopted Town policies and plans;
 - 2. The site plan is consistent with the standards, purpose and intent of this Chapter;



3. The site plan is consistent with any previously approved plat, PUD plan, or other previous land use approval applicable to the site; and
 4. All required natural hazard assessments were conducted prior to submittal of the development application, pursuant to Section 12-4-10, *Natural Hazard Risk Reduction and Mitigation*.
- f. Post-decision Actions and Limitations
1. Filing of Site Plan. An approved site plan shall be officially filed with the Planning Department within 60 days of its approval.
 2. No Building Permit or Certificate of Occupancy without Approval
 - a) No building permit shall be issued without approval of the site plan, unless exempted from site plan review under 12-7-50(a)(2)a.
 - b) The building permit shall incorporate any conditions of approval associated with the site plan.
 - c) If the development includes construction of significant public improvements, a development agreement may be required to define the standards for construction, inspection, ~~acceptance~~ acceptance, and dedication of said public improvements prior to the issuance of a building permit.
 3. Expiration of Approval. Site plans shall expire if the applicant fails to submit a complete application for a building permit within three years after the approval date of the site plan, unless an extension is granted in accordance with subsection 12-7-30(g)(2)c. If the applicant makes a timely application for a building permit, then the site plan shall remain in effect for as long as the building permit remains in effect after the three-year period has passed.
 4. Minor Changes Allowed. Development authorized by an approved site plan may incorporate minimal changes from the approved site plan without a new application, provided the Director finds that the proposed changes:
 - a) Comply with the standards of this Chapter;
 - b) Are necessary to meet conditions of approval; and
 - c) Would not alter the function, form, use, or intensity of the property or result in additional demands on public infrastructure or impacts on adjacent properties more than the originally approved site plan.

(b) Major Site Plan

- (1) Purpose. The major site plan procedure allows the Town to evaluate larger and more complex developments for compliance with the development and design standards of this Chapter. It also ensures that potential impacts are considered prior to an applicant submitting engineered construction plans or issuance of a building permit and certificate of occupancy.
- (2) Applicability. The applicable thresholds and exemptions listed in subsection 12-7-50(a)(2) shall apply to major site plans.
- (3) Major Site Plan Procedure
 - a. *Pre-Application Conference*

Commented [TC32]: This whole section should be re-thought:

1. Town doesn't have its own building dept
2. We are moving all additions to Major site plan section.



1. Required
2. *See* 12-7-30(b)
- b. *Application Submittal and Handling*
 1. *See* 12-7-30(c)
- c. *Concurrent Review.* A site plan may be submitted concurrently with those plans and applications listed for minor site plans in subsection 12-7-50(a)(3)c.
- d. *Staff Review and Action.* The Director reviews the application and prepares a staff report and recommendation, pursuant to section 12-7-30(d).
- e. *Scheduling and Notice of Hearings.*
 1. Public hearing before the Planning Commission.
 2. Scheduled and noticed pursuant to 12-7-30(e).
- f. *Review and Decision.* The Planning Commission shall review the application and approve, approve with conditions, or deny the major site plan pursuant to 12-7-30(f) and the approval criteria listed for minor site plans in subsection 12-7-50(a)(3)e.
- g. *Site Plan Approval Criteria.* In reviewing a proposed site plan application, the Planning Commission shall consider whether:
 1. The site plan is consistent with the Comprehensive Plan and other adopted Town policies and plans;
 2. The site plan is consistent with the standards, purpose and intent of this Chapter;
 3. The site plan is consistent with any previously approved plat, PUD plan, or other previous land use approval applicable to the site; and
 4. All required natural hazard assessments were conducted prior to submittal of the development application, pursuant to Section 12-4-10, *Natural Hazard Risk Reduction and Mitigation*.
- h. *Post-decision Actions and Limitations.* A major site plan is subject to the post-decision actions and limitations applicable to minor site plans pursuant to subsection 12-7-50(a)(3)f.

Commented [TC33]: Same comment as above regarding post-decision actions. We approve zoning, PPRBD approves structural plans and issues COAs

(c) Conditional Use

- (1) Purpose. The conditional use procedure evaluates and approves proposed land uses that are generally compatible with the permitted uses in a zoning district, but that require site-specific review of their location, design, intensity, density, operating characteristics, and configuration because they have unique or varied operating characteristics or unusual impacts. This is intended to ensure that the proposed development adequately mitigates anticipated impacts to ensure compatibility with surrounding areas and to ensure that the proposed development complies with all the standards of this Chapter.
- (2) Applicability. A conditional use approval is required for land uses as specified in Table 3-A: Table of Allowed Uses.
- (3) Conditional Use Procedure
 - a. *Pre-Application Conference*
 1. Required



2. *See* 12-7-30(b)
- b. *Application Submittal and Handling*
 1. *See* 12-7-30(c)
- c. *Concurrent Review.* A conditional use application may be submitted concurrently with a site plan, variance, or subdivision plat.
- d. *Staff Review and Action.* The Director reviews the application and prepares a staff report and recommendation, pursuant to section 12-7-30(d).
- e. *Scheduling and Notice of Hearings*
 1. Public hearing before the Planning Commission and Board of Trustees.
 2. Scheduled and noticed pursuant to 12-7-30(e).
- f. *Review and Decision.*
 1. Planning Commission Review and Recommendation. The Planning Commission shall review the application and recommend approval, recommend approval with conditions, or recommend denial of the conditional use approval pursuant to 12-7-30(f) and the approval criteria listed below.
 2. Board of Trustees Review and Decision. The Board of Trustees shall review the application, and the recommendations of Planning Commission, and approve, approve with conditions, or deny the conditional use approval pursuant to 12-7-30(f) and the approval criteria listed below.
- g. *Conditional Use Approval Criteria.* In addition to any use-specific standards applicable to the use that is subject to the conditional use approval, and in addition to the general approval criteria in subsection 12-7-30(f)(4), the application must comply with the following:
 1. The use shall be appropriate to its proposed location, and not disrupt or harm the prevailing uses and activities in the immediate vicinity;
 2. The use shall not cause undue traffic congestion, dangerous traffic conditions, or incompatible service delivery, parking, or loading problems. Necessary mitigating measures shall be proposed by the applicant;
 3. The operating characteristics of the use shall not create a nuisance, and the impacts of the use on surrounding areas shall be minimized with respect to noise, odors or other emissions, vibrations, glare, and similar conditions;
 4. There shall be adequate public facilities in place to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies that the use may cause; and
 5. The use shall not cause significant deterioration to water resources, wetlands, fire mitigation, wildlife habitat, scenic characteristics, or other natural features. As required pursuant to Section 12-4-10, *Natural Hazard Risk Reduction and Mitigation*, the proposed use shall mitigate its adverse impacts on the environment.
- h. *Post-Decision Actions and Limitations.* Subsection 12-7-30(g) applies, with the following modifications:
 1. Expiration of Conditional Use
 1. Within a one-year period, or other approved period, the approved permit holder must either obtain site plan approval, begin construction, or establish the land use authorized by the conditional use approval, including any conditions attached to the approval.



2. Failure to obtain a site plan approval, start construction, or establish such use within the one-year or other applicable time period shall result in automatic expiration of the conditional use approval.
3. Any discontinuance of the use for a period of one year, for any reason, shall result in automatic expiration of the conditional use, unless otherwise provided in the permit or an extension is granted pursuant to subsection 12-7-30(g)(2).
4. The approval of a conditional use may or may not identify an initial term for the conditional use. Upon expiration of the term, if the permit is so limited, the conditional use shall automatically expire, unless an extension is granted pursuant to subsection 12-7-30(g)(2).
2. Revocation of Conditional Use
 - a) All stipulations submitted as part of a conditional use application and all conditions imposed by the Board of Trustees shall be maintained in perpetuity with the conditional use. If at anytime the stipulations or conditions are not met or have been found to have been altered in scope, application, or design, the use shall be in violation of the conditional use approval.
 - b) If and when any conditional use is determined to be in violation of the terms and conditions of approval, the Director or Manager shall notify the approval holder in writing and shall provide the permit holder with a 30-day period in which to remedy the violation.
 - c) If the violation of the conditional use continues after the 30-day period specified in the written request to remedy the violation, the Director shall schedule a public hearing before the Board of Trustees.
 - d) Public notice for the hearing shall be in the same manner as that required for the initial grant of the conditional use approval. Such notice may be personally served, mailed to the approval holder's last known address by first-class U.S. mail, or conspicuously posted on the property upon which the use is located.
 - e) Following a proper hearing, the Board of Trustees shall issue a decision either revoking or sustaining the conditional use approval. If a conditional use approval is revoked, the Town shall issue a written notice of the revocation within 15 days of the completion of its consideration thereof. Such notice may be personally served upon the applicant or mailed to their last known address by first-class U.S. mail.
 - f) Appeals of the Board of Trustees decision regarding revocation of the conditional use may be brought by the approval holder according to the procedure established in Section 12-7-70(b).
3. Transfer or Conditional Use. Unless otherwise specified in the conditions of approval, a conditional use approval may be transferred to another individual or entity to operate the same use, in the same structures, on the same property, and under the same terms of the original conditional use approval.

12-7-60: Subdivision Approvals



(a) Minor Subdivision

(1) Purpose. The minor subdivision procedure evaluates proposed subdivisions that create no more than two lots or involve minimal adjustments or corrections to previously recorded final plats.

(2) Applicability

- a. The minor subdivision procedure applies when the following are met:
 1. The properties are within an approved preliminary plat;
 2. The proposed subdivision would create two or fewer lots or condominium units within a single plat; and
 3. The proposed subdivision would not require land dedication or dedication of public improvements.
- b. The following are eligible to be processed as a minor subdivision provided paragraph a, above, is met:
 1. Boundary or lot line adjustments to an approved final plat, including lot line vacations or eliminations;
 2. Condominiumization of units within an existing building
 3. An insubstantial change to an approved plat to address engineering or technical constraints with no material effect on the plat and no relocations of streets or rights-of-way; or
 4. Corrections of errors on an approved final plat.
- c. Any subdivision that requires dedication of right-of-way, public tracts, or public improvements to the Town shall be submitted to the Board of Trustees for acceptance or denial of the dedication.
- d. To prevent serial subdivision, an applicant may only be approved for one re-subdivision of a single property.

(3) Minor Subdivision Procedure

- a. *Pre-Application Conference*
 1. Required
 2. See 12-7-30(b)
- b. *Application Submittal and Handling*
 1. See 12-7-30(c)
 2. An application must include all of the subdivision submittal requirements listed in the Town's Land Use Administrative Manual and conform with all applicable requirements in Article 5 of this Chapter.
 3. For lot line adjustments and lot consolidations, the owners of all affected properties whose lot lines are being amended shall provide written consent to the application.
 4. To the extent that submittal information was submitted as part of a previous subdivision proposal and is adequate by current standards, the Director may waive submittal requirements at the request of the applicant.
- c. *Staff Review and Action*. The Director shall review the application and approve, approve with conditions, or deny the minor subdivision pursuant to subsection 12-7-30(f)(4) and the below approval criteria.



- d. *Post Decision Actions and Limitations.* Subsection 12-7-30(g) applies, with the additional requirement that the Director shall record the minor subdivision plat with the County Clerk and Recorder as soon as practicable.

- (4) Minor Subdivision Approval Criteria. The Director shall consider the general approval criteria in 12-7-30(f)(4) and also whether the minor subdivision:
 - b. Is consistent with the underlying zoning district(s);
 - c. Does not result in the creation of more than two lots;
 - d. Does not result in the creation of lots that cannot be built upon under this Chapter;
 - e. Does not affect a recorded easement without approval from the easement holder;
 - f. Provides all required in-lieu fees;
 - g. Will not limit the Town's ability to effectively provide facilities or services to all lots involved; and
 - h. All required natural hazard assessments were conducted prior to submittal of the application, pursuant to Section 12-4-10, *Natural Hazard Risk Reduction and Mitigation*.

(b) Major Subdivision – Preliminary Plat

- (1) Purpose. The preliminary plat procedure reviews and overall plan for a proposed subdivision to ensure compliance with this Chapter, the Comprehensive Plan and the adequate provision of facilities and services in the Town.
- (2) Applicability. A preliminary plat is required if the proposed subdivision:
 - a. Will result in more than two lots;
 - b. Will include the dedication of public right-of-way, other public tracts, or public improvements for any subdivision not determined to be eligible to be processed as a minor subdivision; or
 - c. Is not eligible to be processed as a minor subdivision.
- (3) Preliminary Plat Procedure
 - a. *Pre-Application Conference*
 - 1. Required
 - 2. See 12-7-30(b)
 - b. *Application Submittal and Handling*
 - 1. See 12-7-30(c)
 - 2. An application must include all of the subdivision submittal requirements listed in the Town's Land Use Administrative Manual and conform with all applicable requirements in Article 5 of this Chapter.
 - 3. To the extent that submittal information was submitted as part of the original subdivision proposal and is adequate by current standards, the Director may waive submittal requirements at the request of the applicant.
 - c. *Concurrent Review.* A preliminary plat may be submitted concurrently with a site plan, conditional use, or variance.
 - d. *Staff Review and Action.* The Director reviews the application and prepares a staff report and recommendation, pursuant to section 12-7-30(d).
 - e. *Scheduling and Notice of Public Hearings*



1. Public hearings before the Planning Commission.
 2. Scheduled and noticed pursuant to 12-7-30(e).
- f. *Review and Decision*
- (5) Planning Commission Review and Decision. The Planning Commission shall review the application, and approve, approve with conditions, or deny the plat pursuant to 12-7-30(f) and the approval criteria below.
- (6) Conditions of Approval. If the preliminary plat is approved with conditions, those conditions and the standards of this Chapter must be met prior to approval of a final plat.
- a. *Preliminary Plat Approval Criteria*. The Planning Commission shall consider the general approval criteria in 12-7-30(f)(4) and also whether the plat:
1. Complies with the applicable use, density, development, and design standards of this Chapter and of the applicable zoning district;
 2. Complies with any applicable public dedication, open space, in-lieu fees, and subdivision design standards required by Chapter 12, Article 5;
 3. Provides lots, roads, driveways, utilities, drainage facilities, and other services that are designed to minimize the amount of land disturbance, maximize connectivity, maximize the amount of open space, and preserve sensitive areas;
 4. Provides adequate mitigation to areas in natural hazard areas and that proposed uses of these areas are compatible with such conditions;
 5. Shows location of public water and sewer system connections;
 6. Provides a clear assumption of responsibility for maintaining roads, open spaces, and other public and common facilities in the subdivision;
 7. If proposed in phases, the plat proposes reasonable phasing for providing required infrastructure; and
 8. Complies with the requirements of Section 12-4-10, *Natural Hazard Risk Reduction and Mitigation*.
- b. *Post-Decision Actions and Limitations*
1. Expiration of Approval. Preliminary plat approval shall automatically expire if a final plat has not been recorded within one year after the date of the approval, or if an extension is granted pursuant to subsection 12-7-30(g)(2).
 2. Phased Final Platting. Whenever a preliminary plat is approved for development of a subdivision in phases, the Planning Commission may allow alternate timing for final plats for each phase following the first.
- (c) **Major Subdivision – Final Plat**
- (1) Purpose. The final plat procedure completes the major subdivision process and provides a mechanism to ensure compliance with the approved preliminary plat and applicable standards of this Chapter.
- (2) Applicability
- a. The final plat procedure applies to all major subdivisions in the Town unless otherwise stated in this Chapter.



- b. Any major subdivision that requires dedication of right-of-way, public tracks, or public improvements to the Town shall be submitted to the Board of Trustees for acceptance or denial of the dedication.

(4) **Final Plat Procedure**

- a. *Pre-Application Conference*
 - 1. Required
 - 2. See 12-7-30(b)
- b. *Application Submittal and Handling*
 - 1. See 12-7-30(c)
 - 2. An application must include all of the subdivision submittal requirements listed in the Town's Land Use Administrative Manual, and conform with all applicable requirements in Article 5 of this Chapter.
- c. *Concurrent Review.* A final plat may be submitted concurrently with a site plan, conditional use approval, or variance.
- d. *Staff Review and Action.* The Director reviews the application and prepares a staff report and recommendations, pursuant to section 12-7-30(d).
- e. *Scheduling and Notice of Hearings*
 - 1. Public hearings before the Planning Commission and Board of Trustees.
 - 2. Scheduled and noticed pursuant to 12-7-30(e).
- f. *Review and Decision.*
 - 1. Planning Commission Review and Recommendation. The Planning Commission shall review the application and recommend approval, approval with conditions, or denial pursuant to 12-7-30(f) and the below approval criteria.
 - 2. Board of Trustees Review and Decision. The Board of Trustees shall review the application, and the recommendations of Planning Commission, and act to approve, approve with conditions or deny the application pursuant to 12-7-30(F) and the below approval criteria.
- g. *Final Plat Approval Criteria.* In reviewing a final plat, the Planning Commission and Board of Trustees shall consider the general approval criteria in 12-7-30(f)(4) and also whether:
 - 1. The final plat complies with the approved preliminary plat, including any conditions of approval; and
 - 2. The proposed development will comply with the required construction standards and all other applicable technical standards and specifications adopted by the Town.
- h. *Post-Decision Actions and Limitations.* Subsection 12-7-30(g) applies, with the additional requirement that the Director shall record the final plat with the County Clerk and Recorder as soon as practicable.

(d) **Condominiumization**

- (1) Purpose. The condominiumization procedure ensures that condominium subdivisions comply with this Chapter and state law.
- (2) Applicability



- a. The creation of new condominium units and the conversion of existing buildings into condominium units shall follow the procedure for a minor subdivision in subsection 12-7-60(a), if applicable.
- b. Conversion of existing buildings into condominium units not meeting the eligibility requirements for processing as a minor subdivision shall follow this condominiumization procedure.
- c. Any condominiumization requiring dedication of right-of-way, public tracts, or public improvements to the Town shall be submitted to the Board of Trustees for acceptance or denial of the dedication.

(3) Condominiumization Procedure

- a. *Pre-Application Conference*
 - 1. Required
 - 2. *See* 12-7-30(b)
- b. *Application Submittal and Handling*
 - 1. *See* 12-7-30(c)
 - 2. In addition to the subdivision submittal requirements listed in the Town's Land Use Administrative Manual, an application must include the following:
 - a) Required parking spaces and joint trash collection areas;
 - b) Floor plans, elevations, and site plan as required to show separate ownership of all separate units, common elements, and limited common elements;
 - c) Number, type, and floor area of units, common elements, and other amenities delineated in square feet, proposed use for each unit, land area;
 - d) Statement of total number of units shown on the proposed plat; and
 - e) Documentation showing compliance with the standards and terms of the Colorado Common Interest Ownership Act, C.R.S. 38-33.3-201, et seq., as may be amended.
- c. *Concurrent Review.* A condominiumization application may be submitted concurrently with a site plan, conditional use approval, or variance.
- d. *Staff Review and Action.* The Director reviews the application and prepares a staff report and recommendation, pursuant to subsection 12-7-30(d).
- e. *Scheduling and Notice of Hearings*
 - 1. Public hearings before the Planning Commission and Board of Trustees.
 - 2. Scheduled and noticed pursuant to 12-7-30(e).
- f. *Review and Decision.*
 - 1. Planning Commission Review and Recommendation. The Planning Commission shall review the application and recommend approval, approval with conditions, or denial pursuant to 12-7-30(f) and the below approval criteria.
 - 2. Board of Trustees Review and Decision. The Board of Trustees shall review the application, and the recommendations of Planning Commission, and act to approve, approve with conditions or deny the application pursuant to 12-7-30(f) and the below approval criteria.



- g. *Condominiumization Approval Criteria.* In reviewing, a condominiumization application, the Planning Commission and Board of Trustees shall consider the general approval criteria in 12-7-30(f)(4) and also whether the condominiumization would not result in adverse impacts to the surrounding area or Town.
- h. *Post-Decision Actions and Limitations*
 - 1. After buildings have been constructed and final “as-built” surveys have been completed, the applicant shall submit an amended condominium plat showing graphically and dimensionally the subdivision of buildings into volumetric spaces and the relationship of these spaces with the boundaries of the site and other appurtenances on the site.
 - 2. Condominium plats shall comply with the requirements of C.R.S. 38-33.3-209, as may be amended and may be approved and amended by the Director.
 - 3. No individual condominium unit shall be sold into separate ownership until and unless a condominium plat has been approved by the Town based upon an “as-built” survey of the unit boundaries and such plat has been recorded with the County Clerk and Recorder. A plat note on the final subdivision plat for each condominium development shall be included to this effect.

(e) **Vacation of Plat, Right-of Way, or Easement**

- (1) Purpose. The vacation procedure provides a mechanism for vacating rights, interests, or title of the Town in and to any subdivision plat, right-of-way, or easement located in the Town.
- (2) Applicability. This procedure applies to any request to vacate any rights, interests, or title of any plat, right-of-way, or easement within the Town.
- (3) Vacation Procedure
 - a. *Pre-Application Conference*
 - 1. Required
 - 2. See 12-7-30(b)
 - b. *Application Submittal and Handling*
 - 1. See 12-7-30(c)
 - 2. Applications shall include a scaled survey from a Colorado registered surveyor or engineer that indicates the rights-of-way and adjacent properties subject to the vacation.
 - c. *Staff Review and Action.* The Director reviews the application and prepares a staff report and recommendation, pursuant to section 12-7-30(d).
 - d. *Scheduling and Notice of Hearings*
 - 1. Public hearings before the Planning Commission and Board of Trustees.
 - 2. Scheduled and noticed pursuant to 12-7-30(e).
 - e. *Review and Decision*
 - 1. Planning Commission Review and Recommendation. The Planning Commission shall review the application and recommend approval or denial pursuant to 12-7-30(f) and the below approval criteria.

Commented [TC34]: This section seems specific to Town-owned property. How do we deal with private property "combinations/merges"? Treat as minor subdivision?

Now we have three types of vacations defined:

- vacation by plat
- vacation by resolution
- administrative vacation

We dealt with a recent instance as an administrative vacation (internal lot line elimination to expand a property for development needs).

https://library.municode.com/co/green_mountain_falls/codes/municipal_code?nodeId=CH17SU_ARTVIIIVA_S17-135MEVA



2. Board of Trustees Review and Decision. The Board of Trustees shall review the application, and the recommendations of Planning Commission, and approve or deny the vacation pursuant to 12-7-30(f) and the below approval criteria.
- f. *Vacation Approval Criteria.* The Planning Commission and Board of Trustees shall consider the following in evaluating the vacation of a recorded plat, right-of-way, or easement:
 1. No roadway shall be vacated if doing so would leave any adjoining land without a means of access to another public road.
 2. In granting a vacation, the Town may reserve easements for the installation or maintenance of utilities, ditches and similar improvements.
 3. A subdivision plat, public right-of-way, or dedicated easement may be vacated if the vacation would be consistent with or implements the applicable intent statements, specific directions, and recommended actions of the Comprehensive Plan.
 4. A subdivision plat may be vacated if none of its lots have been sold or transferred; or, if there have been sales or transfers, no development on any lots in the subdivision and all of the owners agree to the vacation of the plat.
 5. A right-of-way shall be vacated pursuant to the terms set forth in subsection g.2. below.
- g. *Post-Approval Actions and Limitations*
 1. Record Vacation Plat. The Director shall record the vacation plat indicating the vacated plat, right-of-way, or easement with the County Clerk and Recorder as soon as practicable.
 2. Quitclaim Deed. Whenever the Town approves an application vacating a public right-of-way, the Town shall provide adjacent property owners with a quitclaim deed for the vacated lands, in exchange for the market value of the real property conveyed. The market value of the vacated right-of-way property being conveyed may be established by a real estate appraisal or by other objective data approved by the Town Manager or Town Board. Title to the vacated right-of-way shall vest with adjacent property owners or the original grantor or its successors-in-interest as provided by C.R.S. 43-2-302 et seq.

12-7-70: Flexibility and Relief Procedures

(a) Variance

- (1) Purpose. The variance procedure provides authorization to deviate from the literal terms of this Chapter where strict application and enforcement of this Chapter would result in exceptional practical difficulty or undue hardship preventing the use of the land as otherwise allowed by this Chapter. A variance shall not be granted solely because of the presence of nonconformities in the zoning district or adjoining districts.

- (2) Applicability

- a. Any property owner seeking relief from this Chapter may request a variance when the strict application of the Code would result in an undue hardship.



- b. Variance from the standards of the underlying zoning district shall be authorized only for lot size, frontage, setbacks, height, lot coverage, and parking requirements.
- c. Establishment or expansion of a use otherwise prohibited in a zoning district shall not be allowed by variance.

(3) Variance Procedure

- a. *Pre-Application Conference*
 - 1. Required
 - 2. See 12-7-30(b)
- b. *Application Submittal and Handling*
 - 1. See 12-7-30(c)
- c. *Concurrent Review.* A variance application may be submitted as a standalone application or submitted concurrently with a site plan, conditional use, or subdivision plat.
- d. *Staff Review and Action.* The Director reviews the application and prepares a staff report and recommendation, pursuant to section 12-7-30(d).
- e. *Scheduling and Notice of Hearings*
 - 1. Public hearings before the Board of Adjustment.
 - 2. Scheduled and noticed pursuant to 12-7-30(e).
- f. *Review and Decision*
 - 1. The Board of Adjustment shall review the application, and approve, approve with conditions, or deny the variance pursuant to 12-7-30(f) and the below approval criteria.
 - 2. The Board of Adjustment shall make a decision based on the staff report and the record of the public hearing and include findings of fact based on competent, material and substantial evidence presented, and shall state how the findings support compliance with the review criteria.
 - 3. The Board of Adjustment, in approving the variance, may impose such restrictions and conditions on such approval, and the premises to be developed or used pursuant to such approval, as it determines are required to prevent or minimize adverse effects from the proposed variance on other land in the neighborhood and on the general health, safety, and welfare of the Town. All conditions imposed upon any variance shall be set forth in the granting of such variance.
- g. *Post-Decision Actions and Limitations*
 - 1. Expiration of a Variance. If the property owner has not commenced development or obtained the required permits to carry out the development for which the variance was required within three years of the variance approval, then the variance shall automatically expire. Board of Adjustment may grant an extension of up to three years upon request.
 - 2. Non-Transferable. The variance shall apply only to the structure or property subject to the variance approval and shall not be transferable to any other property or structure.



(4) **Variance Approval Criteria.** Variances from the requirements of this Chapter shall be considered an extraordinary remedy. When considering, reviewing, and deciding on a variance application, the Board of Adjustment shall apply the criteria set forth below.

- a. The applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the applicant's property boundaries, or unique circumstances related to existing structures or topographic conditions.
- b. There are no reasonable design alternatives or alternative locations for structures that would eliminate or reduce the need for the requested variance, or decrease the scope or extent of the variance required, that do not involve unreasonable expense under the circumstances.
- c. The need for the variance does not result from the intentional, reckless or negligent actions of the applicant or their agent, a violation of any provision of this Chapter, this Code or any other code or ordinance adopted and in effect in the Town or a previously granted variance.
- d. Reasonable protections are afforded to adjacent properties
- e. The variance is the minimum variance that will make possible the reasonable use of the land or structure.
- f. The granting of the variance is consistent with the general purposes and intent of this Chapter.

(b) Appeals

(1) **Purpose.** The purpose of the appeals procedure is to define the circumstances by which persons may appeal a decision made by the Director or any Board or Commission other than the Board of Adjustment or Board of Trustees.

(2) **Applicability**

- a. Appeals shall be as indicated in Table 7-A: *Summary of Development Review Procedures*, and Table 7-B: *Summary of Appeal Procedures*.
- b. Appeals of decisions be made by the Board of Adjustment or Board of Trustees shall be final and may not be appealed except to the courts in accordance with state law.

Table 7-B: Summary of Appeal Procedures

Procedure	Code Section	Decision	Appeal
Ordinance Amendments			
Rezoning	12-7-40(a)	Board of Trustees	Courts
Rezoning to Planned Unit Development (PUD)	12-7-40(b)	Board of Trustees	Courts
Code Text Amendment	12-7-40(c)	Board of Trustees	Courts
Classification of New and Unlisted Use	12-3-20(d)	Planning Director	Planning Commission
Development Permits			



Minor Site Plan	12-7-50(a)	Planning Director	Planning Commission
Major Site Plan	12-7-50(b)	Planning Commission	Board of Trustees
Conditional Use	12-7-50(c)	Board of Trustees	Courts
Subdivisions			
Minor Subdivision	12-7-60(a)	Planning Director / Board of Trustees Planning Commission	Planning Commission / Courts Board of Trustees
Major Subdivision - Preliminary Plat	12-7-60(b)	Planning Commission	Board of Trustees
Major Subdivision - Final Plat	12-7-60(c)	Board of Trustees	Courts
Condominiumization	12-7-60(d)	Board of Trustees	Courts
Vacation of Plat, Right-of Way, or Easement	12-7-60(e)	Board of Trustees	Courts
Variance Relief			
Variance	12-7-70(a)	Board of Adjustment Planning Commission	Courts Board of Trustees

(3) Appeals Procedure

- a. *Pre-Application Conference*
 1. Optional
 2. If held, *See* 12-7-30(b)
- b. *Application Submittal and Handling.* *See* 12-7-30(c), with the following modifications:
 1. Application Contents. The appeal shall be in the form of a written letter of appeal delivered or postmarked to the Director within 15 days of the date the interpretation or decision was made. Such notice shall identify the date and nature of the order, decision, or interpretation at issue, and set forth in plain and concise language:
 - a) The facts and reasons for the appeal, including any relevant citation to any rule, regulation, or Code section relied upon; and
 - b) A copy of the order, decision, or interpretation being appealed if the same was issued in writing.
 2. Burden of Proof on Appellant. The burden of proof on appeal shall rest with the appellant. Such proof shall include applicable specific section references within this Chapter and shall be provided at the time of application.
- c. *Staff Review and Action.* Upon receipt of the appeal, the Director shall schedule the appeal for a regular or special meeting of the appropriate body within 31 days of the filing of the notice to appeal.
- d. *Scheduling and Notice of Public Hearings*
 1. Written notice of the time, date and location of the hearing shall be sent by regular mail to the appellant not less than 15 days prior to the hearing. In cases where a decision rendered during a public hearing is being appealed, notice shall be provided in accordance with 12-7-30(e).
 2. An appeal stays all proceedings from further action on the subject decision unless the Board of Trustees determines that a stay would create adverse impacts to the health, safety, or welfare of the Town or would cause imminent peril to life and property. Such determination shall be made only



after written request to the Director and a public hearing with the Board of Trustees. The public hearing shall be held within 31 days of receipt of the request.

- e. *Review and Decision.* The applicable review and decision-making body shall consider the appeal during the scheduled hearing and consider the following:
 - 1. Evidence. Formal Rules of evidence shall not be followed during hearings. The chair or presiding officer shall have the power to decide what evidence is material to the appeal. Written documents presented at the hearing shall be made part of the record, and public testimony shall be taken if the appeal required public notice.
 - 2. Basis of Decision. Review of the decision being appealed shall be limited to the record established before and relied upon by the designated decision-making body. An appealing body shall not have the authority to override the provisions of this Chapter. Any decision shall include a basis for the decision and cite specific sections of this Chapter.
 - 3. Decision. The appropriate appealing body shall hear all relevant evidence, and within a reasonable time and in no more than 15 days thereafter, shall render its decision. The appealing body may reverse, modify, or confirm the order, decision, or interpretation.
- f. *Post-Decision Actions and Limitations*
 - 1. Recording. Audio recordings of the hearing shall be necessary. A written summary of the audio recording shall be made in a timely fashion following the hearing. Whenever a written verbatim transcript of such recording is requested by the appellant or when a transcript is furnished by the Town pursuant to court order, the cost of preparing the transcript shall be borne in full by the appellant.
 - 2. Notice of Decision. All decisions on appeal shall be reduced to writing, containing a concise listing of facts and reasons supporting the same, and shall be promptly mailed by regular mail to the appellant.
 - 3. Further Appeals. Any further appeals from the appropriate appeal decision-making authority shall be made to the courts in accordance with state law.

12-7-80: Review and Decision-Making Bodies

The review and decision-making bodies shall be established and shall have the power and authority according to Chapter 2 of this Municipal Code. Decision-making bodies for applications in this Chapter shall be as indicated in Table 7-A: *Summary of Development Review Procedures*.



Article 8: Rules of Construction and Definitions

12-8-10: Rules of Construction

Chapter 1, Article II of this Code establishes rules that shall be observed and applied when interpreting the language of this Chapter, unless the context clearly requires otherwise.

12-8-20: Definitions ~~of Use Categories and Use Types~~

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Residential Uses

~~Household Living~~

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Uses characterized by residential occupancy of a dwelling unit by a "Family." Common accessory uses include recreational activities, raising of household pets, personal gardens, personal storage structures, hobbies, and resident parking. Specific use types include:

~~Dwelling, Single-Family~~

~~A detached principal dwelling designed for occupancy by one family as an independent living unit.~~

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~~Dwelling, Two-Family~~

~~Two dwelling units located on a single lot designed or arranged to be occupied by two families living independently. The dwelling units may be detached, or may be one building with two dwelling units, with a side-by-side, front and back, or stacked configuration.~~

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~~Duplex~~

~~Two single-family dwelling units that are attached side-by-side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one family on its own lot or tract.~~

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~~Dwelling, Multi-Family~~

~~A building containing three or more separate dwelling units designed or arranged as independent living units.~~

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~~Manufactured or Mobile Home Park~~

Any lot or series of continuous lots under common control or ownership upon which two or more mobile or manufactured homes are located and occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations.

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~~Group Living~~

~~Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a "family." Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses are limited to recreational facilities and vehicle parking for occupants and staff. Specific use types include:~~

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Continuing Care Retirement Facility



Any residential facility or institution that provides full-time or part-time care, for a period exceeding 24 hours, for two or more patients not related to the facility administrator or owner by blood or marriage. Continuing care may include assisted living, convalescent care, nursing care, hospice care, or personal care services for elderly individuals or individuals with disabilities.

Group Home, Small

A residential dwelling or facility where eight or fewer persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and as interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

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Group Home, Large

A residential dwelling or facility where more than eight persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

Family Child Care Home

A private residence providing day care for not more than twelve (12) children, and operated by a person who resides in the same dwelling where care is provided for periods of less than twenty-four (24) hours per day.

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Public, Institutional and Civic Uses

Community and Cultural

Uses including buildings, structures, or facilities to provide a service to the public. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. **Specify use types include:**

Civic or Community Building

A noncommercial public building which is owned by the Town, a County, the State, the United States federal government, or a nonprofit organization that is open to the public for the purposes of group assembly, a museum, or to promote the general health, safety, and welfare of the citizens of Green Mountain Falls. Some civic buildings are also considered government facilities, including those dedicated to maintenance, operations, and local governance.

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Club or Lodge

A membership organization catering exclusively to members and their guests, whose facilities are limited to use by the membership except on occasion, and whose activities are not conducted principally for monetary gain.

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Day Care Center, Child

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~~A non-residential facility or preschool which provides care and supervision of any number of children during the day for compensation.~~

~~Day-Care Center, Adult~~

~~A facility providing care and supervision for adults 60 years of age or older and/or functionally impaired adults. Care is provided for periods of less than 24 hours and does not include overnight care.~~

~~Public Recreation~~

~~Any area open to the public and dedicated to: indoor recreation, including fitness facilities, ball courts, playing fields, pools, and other facilities designed and equipped for the conduct of indoor sports and leisure activities; outdoor recreation, including playgrounds, trails, playing fields, ball courts, and accessory facilities that may include seating areas, picnic shelters, restrooms, drinking fountains, and parking areas; and any outdoor area dedicated to vegetative landscaping, outdoor recreation, gathering spaces, community agriculture, and educational, cultural or aesthetic purposes.~~

~~Religious Assembly~~

~~A structure used by a religious institution for regularly organized religious meetings and activities. Any affiliated preschool is considered a Child Day-Care Center, and any affiliated school is considered a School.~~

Medical Clinic/Office

An establishment where patients are admitted for medical examination and treatment by licensed health care practitioners or dentists, but not lodged overnight. This use includes health spas, alternative care, massage therapy, and holistic healing centers. Accessory uses may include retail sales of products incidental to the services provided.

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School

Any public, private, and parochial institution at the primary, elementary, middle, high school, secondary, or post-secondary level, including colleges and college campuses, that provides instruction and education to students and is licensed by and meets all requirements of the State of Colorado. Accessory uses commonly include play areas, cafeterias, recreation areas, auditoriums, and day care facilities.

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Transportation

Includes public and quasi-public uses primarily associated with automobile, train and bus facilities, which serve as a hub for transportation activity. Specific use types include:

Parking facility

A surface parking lot, above ground structure, or below ground structure operated as a principal use by local government or commercially.

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Transit stop

~~An area posted as a place where transit passengers board or exit.~~

Commercial or Service Uses

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Automobile Sales, Services and Repairs

An establishment primarily engaged in the display, sale, lease, rental, repair, servicing, or bodywork/painting of passenger automobiles, trailers, or trucks in operating condition and displayed for sale, lease, or rental.

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Bar

~~An establishment where fermented malt beverages, and/or malt, special malt, vinous, or spirituous liquors are dispensed, by the drink, for on-site consumption, and in which the sale of food products is secondary. Accessory uses may include live entertainment.~~

Bed and Breakfast

~~An overnight lodging establishment that is owner-occupied or occupied by a resident manager, where individual bedrooms are offered as single accommodations to guests for transient lodging and which facility includes incidental eating and drinking service from a single kitchen serving only residents and guests and is not operated in the manner of a commercial restaurant. Bed and breakfasts shall have a minimum of two bedrooms available for lodging and one bedroom available for the owner or manager residing on-site.~~

Brewery or Distillery

~~A small brewery, cidery, distillery, or winery serving beer, wine, or other alcohol for consumption onsite or sale of the same for consumption off the premises, but less than twenty-five percent of annual production is sold to other drinking establishments, restaurants, or wholesalers. Such uses may operate in conjunction with a Bar and/or a Restaurant.~~

Campground

An outdoor facility designed for short-term or seasonal overnight accommodation of human beings in tents, rustic cabins, or shelters for recreation, education, naturalist, or vacation purposes. No more than one recreational vehicle shall be allowed. Accessory uses may include office, retail, and other commercial uses commonly established in such facilities.

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Commercial Recreation, Indoor

A commercial recreation use conducted entirely within a building, including amusement arcades, bowling alleys, billiard halls, skating rinks, theaters, art galleries and studios, art centers, assembly halls, athletic and health clubs, auditoriums, exhibit halls, gymnasiums, swimming pools, ball courts, and sports fields. Accessory uses may include limited retail, concessions, and maintenance facilities.

Commercial Recreation, Outdoor

~~A commercial recreation use conducted mostly outdoors or partially in a building, including picnic areas, swimming pools, golf courses, driving ranges, miniature golf courses, skateboard parks, ball courts, sports fields, amphitheaters, outdoor arenas, and outdoor theaters. Accessory uses may include limited retail, concessions, and maintenance facilities.~~

Community Garden



~~Any public or not for profit area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. Incidental sales are permitted.~~

Financial Institution

~~An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check cashing facilities. Accessory uses may include automatic teller machines, drive through services, offices, and parking.~~

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Gasoline Service Stations and Car Washes

~~An establishment primarily engaged in the retail sale of batteries, tires, oil, gasoline, or other fuel for motor vehicles, including incidental facilities used for polishing, greasing, washing, or otherwise cleaning or light servicing of motor vehicles. Services shall not include tire recapping, sales of major auto accessories, wheel repair or parts, sale or rebuilding of engines, battery manufacturing or rebuilding, radiator repair or steam cleaning, body repair, painting, upholstery, installation of auto glass, or maintenance requiring open flame or welding.~~

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Hotel or Motel

~~An establishment offering transient lodging in bedrooms, sleeping rooms, and dwelling units at a daily rate. The building or buildings may include common facilities for reservations, reception, and maintenance and accessory facilities such as parking, restaurants, meeting rooms, recreations areas, or similar facilities commonly associated with lodging. The term does not include Bed and Breakfasts or Short Term Rentals~~

Kennel

~~Any establishment where four or more domestic animals are trained, groomed, boarded, fed, sold, or bred as commercial activity.~~

Personal Services

~~Uses that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Typical uses include commercial laundry and dry cleaning, self service laundromats, beauty and barber shops, catering services, funeral homes and mortuaries, massage facilities, photographic studios, tailor and shoe repair services, nail salons, tanning salons and yoga or dance studios.~~

Professional Office

~~A building or business which primarily provides professional services including administrative, professional, governmental, or clerical operations. Typical uses may include, but are not limited to, services such as legal, accounting, investment, insurance and real estate, engineering, architecture, survey and design services, and administrative and sales offices for business, industry, and government, provided that only the administrative, bookkeeping, and clerical activities of the sales offices are conducted on site. Merchandise is not sold except as incidental to a permitted use. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for use of the employees in the firm, company, or building.~~

Recreational Vehicle Park

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An outdoor facility designed for short-term or seasonal overnight accommodation of human beings in tents, rustic cabins, shelters, or recreational vehicles for recreation, education, education, naturalist or vacation purposes, which have accessory uses such as office, retail, dump stations, and other commercial uses commonly established in such facilities.

Restaurant

An establishment where food and beverages are prepared, served, and consumed primarily on the premises, within a building or on an outdoor patio.

Retail Store

Businesses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Includes establishments engaged in the retail sale of general merchandise or food to the general public for direct use and not for wholesale. This use includes, but is not limited to the sale of general merchandise, appliances, clothing and other apparel, convenience and specialty foods, liquor, dry goods, flowers and household plants and trees, and similar consumer goods. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sales.

Short-Term Rentals

A privately owned residential dwelling unit, such as a single family unit, duplex, or condominium, or townhome that is rented for occupancy for the purpose of lodging for any period less than 30 consecutive days, not to include Accessory Dwelling Units, Bed and Breakfasts and Hotels or Motels.

Veterinary Clinic

A facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. The use may include the incidental temporary overnight boarding of animals recuperating from treatment, but shall not be construed to include a Kennel.

Industrial Uses

Auto Salvage Business

An establishment which is used, operated or maintained for the keeping, buying, selling, or repairing of junk vehicles, and also includes property or places used for the wrecking or disassembling of automobiles, trucks, tractors, or machinery for the storing or leaving of worn out, wrecked, inoperable or abandoned automobiles, trucks, trailers, or machinery or any of the parts thereof, and shall include the retail sale of automobile vehicles or parts thereof.

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Construction Services

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Manufacturing and Processing

Uses include the excavation, transporting, manufacture, fabrication, processing, reduction, destruction or any other treatment of any article, substance or commodity, in order to change its form, character or appearance. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities.

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Self Storage and Mini Warehousing

~~An establishment consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for the self-storage of personal property. There are typically few customers present at any one time. Accessory uses may include offices and parking.~~

Utilities

~~Uses including all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communications signals, or other similar public services at a local level. This includes facilities used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential or commercial use, or vice versa, such as water storage tanks, storm water drainage facilities, utility transmission, renewable energy systems, electric sub-stations, natural gas regulator stations, telephone switching stations, water pressure control facilities, sewage lift stations and water and sewer treatment facilities, found in scattered sites throughout the Town~~

Accessory Uses

~~A use that is incidental and subordinate to the principal use of the lot, building, or another structure on the same lot. Specific use types include:~~

Accessory Building or Structure

~~A detached, subordinate building or structure located upon the same lot as a primary building or structure to which it is related, which is clearly incidental, subordinate, secondary, and devoted to the primary building or structure.~~

Accessory Dwelling Unit (ADU)

~~A residential dwelling unit located on the same lot as a primary dwelling unit and subordinate to that primary unit in conditioned living space. ADUs may be internal to, attached to, or detached from the primary dwelling unit and generally include living, sleeping, food preparation, and sanitary facilities, and a separate lockable entrance door.~~

Drive Through

~~A feature of primary use which provides such products and services as, but not limited to, food, beverages, or financial services, to customers in vehicles.~~

Home Occupation

~~A business, occupation, or trade conducted as an accessory use entirely within a primary residential building or accessory structure. The occupation is clearly incidental, secondary, and in addition to the use of the structure for dwelling purposes and is managed such that it does not change the character of the dwelling or adversely affect surrounding properties. Employment of the business shall include a resident of the dwelling, but may include employees residing off-premises, and may serve patrons on the premises.~~

Outdoor Retail and Display

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~~The outdoor sale and display area of retail goods, produce plants, handcrafts, and the like conducted on the same lot or parcel as the principal business with which such activities are associated. This use does not include Mobile Food Vendors or Peddlers.~~

~~Outdoor Storage~~

~~The incidental keeping of goods, materials, equipment, or personal property of any nature that are not kept in a structure having at least four walls and a roof. New or used motor vehicle sales and rental display and parking shall not be defined as outdoor storage.~~

Temporary Uses

~~Construction Support Activity~~

~~A temporary modular building located at a construction site which serves only as an office or for security purposes until the given construction work is completed.~~

~~Mobile Food Vendor and Peddlers~~

~~As defined in Chapter 6, Article IV of this Code.~~

~~Temporary Retail and Display~~

~~Retail sales or other commercial uses that occur in impermanent structures or land used for seasonal or temporary sales, including but not limited to: firework stands, artisan booths, farm stands, farmers' markets, holiday tree sales, etc. This definition shall not include yard sales, children's lemonade stands, catering for events, outdoor accessory sales of an existing business established on the property, or those commercial activities conducted by non-profit organizations for less than two days in a calendar month.~~

~~Temporary Special event~~

~~A temporary use on public or private property that extends beyond the normal uses and standards allowed by this Code. "Special events" include, but are not limited to, fundraising activities, educational, historic, religious, and patriotic displays or exhibits, circuses, amusements, outdoor concerts, festivals, revivals, street fairs, outdoor arts and craft fairs, and other organized community events.~~

12-8-30: Other Terms Defined

Accessory Uses

A use that is incidental and subordinate to the principal use of the lot, building, or another structure on the same lot. Specific use types include:

Accessory Building or Structure

A detached, subordinate building or structure located upon the same lot as a primary building or structure to which it is related, which is clearly incidental, subordinate, secondary, and devoted to the primary building or structure.

Accessory Dwelling Unit (ADU)

A residential dwelling unit located on the same lot as a primary dwelling unit and subordinate to that primary unit in conditioned living space. ADUs may be internal to, attached to, or detached

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from the primary dwelling unit and generally include living, sleeping, food preparation, and sanitary facilities, and a separate lockable entrance door.

Alley

A public or private way permanently reserved as a secondary means of access to abutting property.

Applicant

A person who submits a development application requesting approval of a permit or other permission authorized by this Chapter.

Bar

An establishment where fermented malt beverages, and/or malt, special malt, vinous, or spirituous liquors are dispensed, by the drink, for on-site consumption, and in which the sale of food products is secondary. Accessory uses may include live entertainment.

Bed and Breakfast

An overnight lodging establishment that is owner-occupied or occupied by a resident manager, where individual bedrooms are offered as single accommodations to guests for transient lodging and which facility includes incidental eating and drinking service from a single kitchen serving only residents and guests and is not operated in the manner of a commercial restaurant. Bed and breakfasts shall have a minimum of two bedrooms available for lodging and one bedroom available for the owner or manager residing on site.

Block

A unit of land bounded by streets or by a combination of streets and parks, open spaces, rights-of-way, waterways, or any other barrier to the continuity of development.

Buffer

Open spaces, landscaped areas, fences, walls, berms, or any combination thereof, used to visually cushion and provide a physical separation between adjacent structures or uses.

Brewery or Distillery

A small brewery, cidery, distillery, or winery serving beer, wine, or other alcohol for consumption onsite or sale of the same for consumption off the premises, but less than twenty five percent of annual production is sold to other drinking establishments, restaurants, or wholesalers. Such uses may operate in conjunction with a Bar and/or a Restaurant.

Building

Any structure used or intended for supporting or sheltering any use or occupancy in accordance with the building requirements and regulations as adopted by the Town.

Building Official

~~The local government officer or agency charged with the responsibility of issuing construction and demolition permits and generally enforcing the provisions of the building regulations and requirements as adopted by the Town.~~

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Certificate of Approval or CA

The official document/permit issued by the Town Manager approving and/or concerning, without limitation, the erection, moving, demolition, renovation, rehabilitation, remodeling, restoration, reconstruction, repair, or alteration of any historic landmark building, site or structure, or any building site or structure within a designated historic district.

Clear Sight Triangle

The area at an intersection of any two (2) streets that is to be kept clear of any structures, landscaping, fences, signs or other materials greater than two (2) feet in height above the street centerline grade. A Clear sight triangle is measured at the intersection of any two (2) streets. A triangle measuring fifteen (15) feet for alleys, thirty (30) feet for local streets, fifty (50) feet for collector streets and one hundred (100) feet for arterial streets along each curb or edge of roadway/pavement from their point of intersection, the third being a diagonal line connecting the first two (2).

Community Garden

Any public or not-for-profit area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. Incidental sales are permitted.

Conditional Use Approval

The procedure to evaluate and approve a use that is generally compatible with the other uses permitted in a zoning district, but that requires site-specific review of its location, design, configuration, density, intensity, and operating characteristics, and may require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location, to mitigate its potentially adverse impacts and **to ensure that it complies with all the standards of this Chapter.**

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Condominium

A common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by owners of the separate ownership portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Condominium Unit

A physical portion of a common interest community that is designated for separate ownership or occupancy and the boundaries of which are described or determined in this declaration.

Comprehensive Plan

That plan and amendments to that plan for the Town that provides objectives, guiding principles, and recommended actions to guide the current and long-range development of the Town.

Construction Plans

Technical engineered drawings demonstrating compliance with this Chapter, the Code, and all required construction standards and all other applicable technical standards and specifications adopted by the Town.



Construction Support Activity

A temporary modular building located at a construction site which serves only as an office or for security purposes until the given construction work is completed.

Demolition

The total or partial destruction, disassembly, damage, razing, or tearing down of a structure or any portion of a structure. The term includes the removal of any material constituting part of the structure other than for purposes of ordinary maintenance or repair, which removal affects the exterior appearance of the structure or that reduces the stability or longevity of the structure. The term includes the sudden or cataclysmic destruction of or damage to a structure due to acts of nature, including fire, earthquake, wind, excessive snow load, or flood.

Demolition by Neglect

Any total or partial destruction of or damage to a structure, or any portion of a structure, due to failure of the owner or lessee to adequately maintain or repair the structure.

Design Standards

Local, state, or national criteria, specifications, or requirements referenced within this Chapter and used for the design of public or private infrastructure.

Development

The construction, reconstruction, conversion, alteration, relocation, or enlargement of any building or structure; any mining, logging, excavation, or land disturbance; or any use or extensions of a use that alters the character of the property.

Development Approval

A permit issued by the Town that certifies that a proposed development has undergone and completed the required development review procedures in accordance with 12-7-50. The development approval may include one or more conditions, which conditions shall apply to any future development or use of the land, regardless of ownership changes, unless a new development permit is obtained.

Director Town Clerk

The Planning Director of the Town Town Clerk of the Town, or their designee, or the Town Manager or their designee, including contract planners hired by the Town.

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Dwelling

A building or portion of a building containing one room, or several rooms connected together, including a separate bathroom and a single kitchen, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a monthly or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure.

Dwelling, Single-Family

A detached principal dwelling designed for occupancy by one family as an independent living unit.

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Dwelling, Two-Family

Two dwelling units located on a single lot designed or arranged to be occupied by two families living independently. The dwelling units may be detached, or may be one building with two dwelling units, with a side-by-side, front and back, or stacked configuration.

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Duplex

Two single-family dwelling units that are attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one family on its own lot or tract.

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Dwelling, Multi-Family

A building containing three or more separate dwelling units designed or arranged as independent living units.

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Dwelling Unit

A building or portion of a building that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Fence

A freestanding structure made of metal, composition, or wood, or any combination thereof, resting on or partially buried in the ground, rising above ground level designed and constructed to mark a boundary or for enclosure, barrier, protection, or screening.

ILC – need definition

Home Occupation

A business, occupation, or trade conducted as an accessory use entirely within a primary residential building or accessory structure. The occupation is clearly incidental, secondary, and in addition to the use of the structure for dwelling purposes and is managed such that it does not change the character of the dwelling or adversely affect surrounding properties. Employment of the business shall include a resident of the dwelling, but may include employees residing off-premises, and may serve patrons on the premises.

Hotel or Motel

An establishment offering transient lodging in bedrooms, sleeping rooms, and dwelling units at a daily rate. The building or buildings may include common facilities for reservations, reception, and maintenance and accessory facilities such as parking, restaurants, meeting rooms, recreations areas, or similar facilities commonly associated with lodging. The term does not include Bed and Breakfasts or Short-Term Rentals

Kennel

Any establishment where four or more domestic animals are trained, groomed, boarded, fed, sold, or bred as commercial activity.



Lot

A portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards, as are required under the provisions of this Chapter, having not less than the minimum area and off-street parking spaces by this Chapter for a lot in the zoning district in which it is situated, and having frontage on any improved public street or on an approved private street.

Lot Area

The number of square feet included within the boundaries of the lot, measured on a horizontal plane upon which the boundaries have been vertically projected.

Low Impact Development

Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat.

Manager

The Manager or the Town, or their designee.

Materially Different

An application is considered materially different if it changes the means of access, the number of buildings, the number or size of lots, or an increase in the height or square footage of the proposed buildings relative to the previously submitted application or approved plan.

Maximum Extent Practicable

The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse impacts have been undertaken by the applicant, but full compliance cannot be achieved, and no feasible or practical alternative exists. Economic considerations may be taken into account, but shall not be the overriding factor.

Mobile Food Vendor and Peddlers

As defined in Chapter 6, Article IV of this Code.

Nonconforming Lot

Any lot that was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but that does not conform to the standards of this Chapter for the zoning district in which the lot is located regarding minimum lot size or minimum lot frontage.

Nonconforming Structure

Any structure that was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but that does not comply with the standards of this Chapter for the zoning district in which the structure is located regarding minimum setbacks, maximum height, maximum lot coverage, maximum density or other district dimensional standards.



Nonconforming Use

Any use of a structure or land that was lawfully established pursuant to the zoning and building regulations in effect at the time of its development, but which uses is not designated in this Chapter as a permitted or conditional use in the zoning district in which the use is located.

Outdoor Retail and Display

The outdoor sale and display area of retail goods, produce plants, handcrafts, and the like conducted on the same lot or parcel as the principal business with which such activities are associated. This use does not include Mobile Food Vendors or Peddlers.

Outdoor Storage

The incidental keeping of goods, materials, equipment, or personal property of any nature that are not kept in a structure having at least four walls and a roof. New or used motor vehicle sales and rental display and parking shall not be defined as outdoor storage.

Overlay Zone

~~A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zoning district.~~

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Permitted Use

A use that is allowed in a zoning district, subject to the restrictions applicable to that zoning district and all of the standards of this Chapter.

Personal Services

Uses that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Typical uses include commercial laundry and dry cleaning, self-service laundromats, beauty and barber shops, catering services, funeral homes and mortuaries, massage facilities, photographic studios, tailor and shoe repair services, nail salons, tanning salons and yoga or dance studios.

Professional Office

A building or business which primarily provides professional services including administrative, professional, governmental, or clerical operations. Typical uses may include, but are not limited to, services such as legal, accounting, investment, insurance and real estate; engineering, architecture, survey and design services; and administrative and sales offices for business, industry, and government, provided that only the administrative, bookkeeping, and clerical activities of the sales offices are conducted on-site. Merchandise is not sold except as incidental to a permitted use. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for use of the employees in the firm, company, or building.

Principal Use

The purpose or function for which a lot, structure, or building is intended, designed, or constructed, or the activity which is carried out within said lot, structure, or building.



Prohibited Use

A use that is not permitted in a zoning district.

Public improvements

Any drainage, ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility that the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which local government responsibility is established.

Public Recreation

Any area open to the public and dedicated to: indoor recreation, including fitness facilities, ball courts, playing fields, pools, and other facilities designed and equipped for the conduct of indoor sports and leisure activities; outdoor recreation, including playgrounds, trails, playing fields, ball courts, and accessory facilities that may include seating areas, picnic shelters, restrooms, drinking fountains, and parking areas; and any outdoor area dedicated to vegetative landscaping, outdoor creation, gathering spaces, community agriculture, and educational, cultural or aesthetic purposes.

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Owner

A person, firm, association, syndicate, joint venture, partnership, governmental unit, or corporation holding fee simple title to the property.

Parcel

See *lot*, as defined in this Chapter.

Planned Unit Development

A development designed to accommodate varied types of development in patterns or layouts or incorporating a variety of use types or development features not otherwise permitted by this Chapter in a base zoning district. Planned unit developments are intended to provide additional benefit to the Town in return for added flexibility and are negotiated through the Rezoning to PUD procedures.

Commented [TC37]: Better definition?

Plat

A map delineating the subdivision of land, commonly showing lots, blocks, streets, and other features relevant to the development of land pursuant to this Chapter.

Right-of-Way

Any area of land, including surface, overhead, or underground, granted by deed, easement, dedication, prescription, or lease, for construction and maintenance according to designated use, such as for streets and highways, drainage, irrigation, utilities, and other public services and improvements.



Religious Assembly

A structure used by a religious institution for regularly organized religious meetings and activities. Any affiliated preschool is considered a Child Day Care Center, and any affiliated school is considered a School.

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Restaurant

An establishment where food and beverages are prepared, served, and consumed primarily on the premises, within a building or on an outdoor patio.

Retail Store

Businesses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Includes establishments engaged in the retail sale of general merchandise or food to the general public for direct use and not for wholesale. This use includes, but is not limited to the sale of general merchandise, appliances, clothing and other apparel, convenience and specialty foods, liquor, dry goods, flowers and household plants and trees, and similar consumer goods. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sales.

Self-Storage and Mini-Warehousing

An establishment consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for the self-storage of personal property. There are typically few customers present at any one time. Accessory uses may include offices and parking.

Short-Term Rentals

A privately owned residential dwelling unit, such as a single-family unit, duplex, or condominium, or townhome that is rented for occupancy for the purpose of lodging for any period less than 30 consecutive days, not to include Accessory Dwelling Units, Bed and Breakfasts and Hotels or Motels.

Site Plan

A plan drawn to scale showing the uses and structures proposed for a lot or parcel. This definition also includes the evaluation of site plans in accordance with the procedures regarding minor site plans and major site plans.

Site-Specific Development Plan

A plan that has been submitted to the Town by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

Staff

An employee of the Town ~~Planning Department or Community Development Department~~

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Structural Alteration

An addition to or subtraction of parts from a structure, including walls, columns, beams, girders, foundation, doors, windows, or roof.

Structure

Any manmade item constructed or erected, that requires location on the ground or attached to something having a location on the ground, including but not limited to signs, buildings, and fences. Porches, slabs, patios, decks, walks, and steps that are uncovered and do not exceed 30 inches above grade are excluded from this definition.

Subdivision

The division of a lot, tract, or parcel or land into two or more lots, plats, sites, units, or other divisions of land for the purpose, whether immediate or future, of sale, transfer of ownership or building development; and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Temporary Retail and Display

Retail sales or other commercial uses that occur in impermanent structures or land used for seasonal or temporary sales, including but not limited to: firework stands, artisan booths, farm stands, farmers' markets, holiday tree sales, etc. This definition shall not include yard sales, children's lemonade stands, catering for events, outdoor accessory sales of an existing business established on the property, or those commercial activities conducted by non-profit organizations for less than two days in a calendar month.

Temporary Special event

A temporary use on public or private property that extends beyond the normal uses and standards allowed by this Code. "Special events" include, but are not limited to, fundraising activities, educational, historic, religious, and patriotic displays or exhibits, circuses, amusements, outdoor concerts, festivals, revivals, street fairs, outdoor arts and craft fairs, and other organized community events.

Town Clerk

The Town Clerk of the Town, or their designee, or the Town Manager or their designee, including contract planners hired by the Town.

Tract

An area, parcel, site, piece of land, or property that is subject of a development ~~applications~~[application](#). For subdivisions, the term is used for unties of land created for and limited by deed restriction or dedication to a specific use, including access, utilities, open space, or community amenities and resources.

Transit stop

—An area posted as a place where transit passengers board or exit.

Utilities

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Uses including all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communications signals, or other similar public services at a local level. This includes facilities used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential or commercial use, or vice versa, such as water storage tanks, storm water drainage facilities, utility transmission, renewable energy systems, electric sub stations, natural gas regulator stations, telephone switching stations, water pressure control facilities, sewage lift stations and water and sewer treatment facilities, found in scattered sites throughout the Town.

Variance

An authorization of deviation from the standards of this Chapter where strict application of this Chapter results in hardship due to circumstances of the lot and that is evaluated and decided in accordance with the procedures enumerated in this Chapter.

Veterinary Clinic

A facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. The use may include the incidental temporary overnight boarding of animals recuperating from treatment, but shall not be construed to include a Kennel.

