

**Town of Erie
Ordinance No. 47-2020**

An Ordinance of the Board of Trustees of the Town of Erie Repealing and Reenacting Chapters 1, 2, 3, 5 and 10 of Title 10 of the Erie Municipal Code and Repealing Chapter 8 of Title 10 of the Erie Municipal Code

Whereas, at a public meeting on October 21, 2020, the Planning Commission reviewed modified versions of Chapters 1, 2, 3, 5 and 10 of Title 10 of the Erie Municipal Code (the "UDC"), and a proposed repeal of Chapter 8 of the UDC;

Whereas, the revised versions of each Chapter are attached hereto and incorporated herein by this reference;

Whereas, the Planning Commission has recommended that the Board of Trustees adopt the modified versions of Chapters 1, 2, 3, 5 and 10 of the UDC, and repeal Chapter 8 of the UDC;

Whereas, at a public meeting on November 11, 2020, the Board of Trustees considered the modified versions of Chapters 1, 2, 3, 5 and 10 of the UDC, and the repeal of Chapter 8 of the UDC; and

Whereas, the Board of Trustees finds that it is in the best interest of the Town to make the modifications to the UDC as set forth herein, and that such modifications are necessary for the preservation of the public property, health, safety, and welfare.

Now Therefore be it Ordained by the Board of Trustees of the Town of Erie as follows:

Section 1. Chapter 1 of the UDC is hereby repealed in its entirety and reenacted as set forth in the attached Chapter 1.

Section 2. Chapter 2 of the UDC is hereby repealed in its entirety and reenacted as set forth in the attached Chapter 2.

Section 3. Chapter 3 of the UDC is hereby repealed in its entirety and reenacted as set forth in the attached Chapter 3.

Section 4. Chapter 5 of the UDC is hereby repealed in its entirety and reenacted as set forth in the attached Chapter 5.

Section 5. Chapter 10 of the UDC is hereby repealed in its entirety and reenacted as set forth in the attached Chapter 10.

Section 6. Chapter 8 of Title 10 of the UDC is hereby repealed in its entirety.

Section 7. Severability. If this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 8. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 9. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED THIS 10TH DAY OF NOVEMBER, 2020.

PUBLISHED IN FULL ON THE 18th DAY OF NOVEMBER, 2020.

**TOWN OF ERIE, COLORADO
A Colorado Municipal Corporation
s/s: Jennifer Carroll, Mayor
s/s: Heidi Leatherwood, Town Clerk**

CHAPTER 1: GENERAL PROVISIONS

10.1.1 TITLE AND EFFECTIVE DATE

The Unified Development Code of the Town of Erie, Colorado, may be referred to throughout this document as “this UDC.”

10.1.2 AUTHORITY

This UDC is enacted pursuant to the powers granted and limitations imposed on municipalities by the laws of the State of Colorado, including without limitation C.R.S. §29-20-101 *et seq.* (Local Government and Land Use Enabling Act). This UDC has been adopted by reference into the Erie Municipal Code (Ordinance 20-2012).

10.1.3 PURPOSE OF THIS TITLE

A. General Purpose

This UDC has as its general purpose the promotion of the health, safety, and general welfare of the Town of Erie (“Town”).

B. Specific Purposes

The provisions of this UDC are specifically intended to:

1. Foster quality, compatible, and efficient relationships among land uses;
2. Promote a healthy and convenient distribution of population by regulating and limiting the density of development;
3. Ensure greater public safety and accessibility through quality physical design and location of land use activities;
4. Encourage the efficient use of the available land supply;
5. Promote a balanced supply of residential, commercial, industrial, institutional, and transportation land uses that are substantially compatible with adjacent land uses and that have good access to transportation networks;
6. Preserve the character and quality of the Town’s residential neighborhoods;
7. Promote a balanced, diverse supply of affordable, quality housing located in safe and livable neighborhoods;
8. Enhance the appearance, visual scale, orientation, quality, and mix of land uses of new developments;
9. Ensure that developments are substantially compatible with the Town’s Comprehensive Plan;
10. Promote the vitality and development of the Town’s major employment centers, town centers, and its other commercial and mixed-use districts;
11. Manage traffic congestion in the streets;
12. Ensure the provision of adequate open space for light, air, and fire safety;
13. Manage the preservation of existing trees and vegetation, wetlands, floodplains, wildlife and habitat, stream corridors, scenic views, and other areas of scenic and environmental significance from adverse impacts of land development;

14. Encourage development of a sustainable and accessible system of recreational facilities, parks, trails, and open space that meets year-round neighborhood and community-wide needs;
15. Facilitate and cooperate with other governments to provide adequate and safe provision of transportation, water, wastewater, storm drainage, schools, parks, and other public facilities;
16. Provide a clear, timely, business friendly development processing atmosphere;
17. Provide appropriate development incentives to achieve an economically balanced and diverse community; and
18. Ensure that service demands of new development will not exceed the capabilities of existing streets, utilities, or other public facilities and services.

10.1.4 APPLICABILITY AND JURISDICTION

A. General Applicability

The provisions of this UDC shall apply to all land, buildings, structures, and land uses thereof located within the Town, unless an exception is provided by the terms of this UDC.

B. Jurisdictional Area

The territorial jurisdiction of this UDC shall include all land located within the legal boundaries of the Town or to a limited extent those lands that desire to annex to the Town through a formal petition process.

C. Application to Governmental Agencies

To the extent permitted by law, the provisions of this UDC shall apply to all land, buildings, structures, and uses owned by government agencies in the Town. Where the provisions of this UDC do not legally apply to such land, buildings, structures, and uses owned by government agencies, such agencies are encouraged to meet the provisions of this UDC.

D. Compliance Required

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with all of the applicable regulations established by this UDC. No lot of record that did not exist on the effective date of this UDC shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this UDC.

10.1.5 LIABILITY FOR DAMAGES

This UDC shall not be construed to hold the Town or its authorized representatives responsible for any damage to persons or property by reason of inspection or reinspection authorized in this UDC or failure to inspect or reinspect, or by reason of issuing a building permit as provided in this UDC.

10.1.6 CONFLICTING PROVISIONS

A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This UDC is intended to complement other Town, State, and Federal regulations that affect land use. This UDC is not intended to revoke or repeal any other Town, State or Federal law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this UDC are either more restrictive or less restrictive than comparable standards imposed by any other Town, State or Federal law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern.

B. Conflict with Private Agreements

This UDC is not intended to revoke or repeal any easement, covenant, or other private agreement. In no case shall the Town be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

10.1.7 SEVERABILITY

- A.** If any court of competent jurisdiction invalidates any provision of this UDC, then such judgment shall not affect the validity and continued enforcement of any other provision of this UDC.
- B.** If any court of competent jurisdiction invalidates the application of any provision of this UDC, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.
- C.** If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

CHAPTER 2: ZONING DISTRICTS

10.2.1 GENERAL PROVISIONS

This Chapter establishes the zoning districts and contains basic information pertaining to zoning districts, primarily statements of purpose and district-specific regulations. Chapter 3 and Chapter 4 set forth the land uses permitted within the districts and the dimensional standards applying to development in the districts, respectively.

A. Districts Established; Zoning Map

1. Zoning Districts Established

The following zoning districts are established:

District Type	Abbreviation	District Name
Residential	RR	Rural Residential
	ER	Estate Residential
	SR	Suburban Residential
	LR	Low-Density Residential
	MR	Medium-Density Residential
	HR	High-Density Residential
	OTR	Old Town Residential
Commercial	CC	Community Commercial
	RC	Regional Commercial
	B	Business
Industrial	LI	Light Industrial
	I	Industrial
	HI	Heavy Industrial
Mixed-Use	DT	Downtown District
	NMU	Neighborhood Mixed-Use
	CMU	Community Mixed-Use
Inactive Districts	RP-1	Rural Preservation 1
	RP-2	Rural Preservation-2
	RP-3	Rural Preservation-3
Other Districts	AG/OS	Agricultural/Open Space
	AP	Airport
	PLI	Public Land and Institutions
	PD	Planned Development
Overlay Districts	APO	Airport Overlay
	FPO	Floodplain Overlay
	PUD	Planned Unit Development Overlay

2. Zoning Map

The zoning districts are shown on the “Town of Erie, Colorado Zoning Map” (“Zoning Map”), which is adopted as part of this UDC as fully as if the same were set forth in this Section in full. Procedures for amending the Zoning Map are set forth in Section 7.5.

3. Newly Annexed Areas

Unless otherwise zoned at annexation, all undeveloped or unplatted territory hereafter annexed to the Town shall be zoned AG/OS. The procedure for establishing the zoning on any annexed territory shall be the same as is provided in Section 7.4.

10.2.2 RESIDENTIAL DISTRICTS

A. General Purposes of Residential Districts

The residential zoning districts contained in this Section are intended to:

1. Provide appropriately located areas for residential development that are substantially consistent with the Town’s Comprehensive Plan and with standards for public health, safety, morals, and general welfare;
2. Allow for a variety of housing types that meet the diverse economic and social needs of residents;
3. Allow mixed-density residential development in certain districts where district and development standards ensure that mixed use development will maintain and improve the function and appearance of surrounding development and traffic flow;
4. Provide the opportunity to protect sensitive environmental and cultural resources;
5. Protect the scale and character of existing residential neighborhoods and community character;
6. Ensure adequate light, air, privacy, and open space for each residential dwelling unit, and protect residents from the potentially harmful effects of excessive noise, glare and light pollution, traffic congestion, and other significant adverse environmental effects;
7. Protect residential areas from commercial and industrial hazards such as fires, explosions, toxic fumes and substances, natural hazards such as mining subsidence and flooding, and other public safety hazards;
8. Facilitate the provision of services, such as utilities, telecommunications technology, and streets and roads to accommodate planned population densities; and
9. Protect residential development from neighboring uses that are incompatible with a residential environment.

B. Rural Residential (RR)

1. Purpose

To provide areas for residential uses of a rural character, at a gross density not to exceed 1 dwelling unit per 2 acres.

C. Estate Residential (ER)

1. Purpose

To provide areas for residential uses of an estate character, at a gross density not to exceed 1 dwelling unit per acre.

D. Suburban Residential (SR)

1. Purpose

To provide areas for residential uses of a suburban character, at a gross density not to exceed 3 dwelling units per acre.

E. Low-Density Residential (LR)

1. Purpose

To provide areas for residential uses of an urban character, at a gross density not to exceed 5 dwelling units per acre, and at a minimum gross density of 3 dwelling units per acre.

F. Medium-Density Residential (MR)

1. Purpose

To provide areas for residential uses of an urban character, at a gross density not to exceed 10 dwelling units per acre. A minimum gross density of 5 dwelling units per acre is required.

G. High-Density Residential (HR)

1. Purpose

To provide areas for residential uses of an urban character, at a gross density not to exceed 25 dwelling units per acre. A minimum gross density of 10 dwelling units per acre is required.

H. Old Town Residential (OTR)

1. Purpose

To ensure the preservation of the unique character and quality of life in the historic residential area of the Town by encouraging compatible redevelopment and infill development. Single-family residential density shall not exceed 5 dwelling units per acre, and multi-family residential density shall not exceed 10 dwelling units per acre.

A. General Purposes of Commercial and Industrial Districts

The commercial and industrial zoning districts contained in this Section generally are intended to:

1. Provide appropriately located areas substantially consistent with the Town's Comprehensive Plan for industrial, retail, service, and office uses;
2. Expand the Town's economic base and provide employment opportunities primarily for Erie residents and the region;
3. Minimize any potentially negative impact of commercial and industrial development on adjacent residential districts;
4. Ensure that the appearance and effects of commercial and industrial buildings and uses are of an appropriate high quality and are substantially consistent with the character of the area in which they are located; and

B. Community Commercial (CC)

1. Purpose

To provide areas for a full range of community-oriented retail and service commercial uses.

C. Regional Commercial (RC)

1. Purpose

To provide areas for a variety of regionally oriented large retail and service commercial uses, and highway-oriented commercial uses such as shopping centers, big-box retail, gas stations, restaurants, hotels and similar and associated land uses.

D. Business (B)

1. Purpose

To provide areas for office, research and development, and other similar uses.

E. Light Industrial (LI)

1. Purpose

To provide areas for light industrial uses including warehousing and limited outdoor sales and storage.

F. Industrial (I)

1. Purpose

To provide areas for industrial uses which, by their nature, have minimal detrimental effect beyond the zone district in which they are located. Accordingly, industrial and manufacturing operations may locate in an I District when their operations do not constitute a detriment to the public health or welfare by reason of smoke, radiation, noise, dust, odor, gas, glare, vibration, particulate matter or water pollution.

G. Heavy Industrial (HI)

1. Purpose

To provide areas for industrial uses that are typically more intensive than those businesses in either the LI Light Industrial or I Industrial District.

10.2.4 MIXED-USE DISTRICTS

A. General Purposes of Mixed-Use Districts

Mixed-use districts define the uses of land and the siting and character of the improvements and structures to promote compatibility between uses. Buildings are typically oriented to maximize visibility and provide high quality open space, landscaping, and architectural features. The districts are also intended to encourage redevelopment of underutilized parcels and infill development of vacant parcels. The mixed-use districts specifically are intended to:

1. Concentrate higher-density residential, commercial and office land uses efficiently in and around major employment centers, town centers, and other designated centers of community activity;
2. Encourage mixed-use and higher-density redevelopment, conversion, and reuse of aging or underutilized areas, and increase the efficient use of available commercial land in the Town;
3. Contain a transportation system network designed to ensure that residential areas will have direct access to adjacent non-residential portions of the proposed development or redevelopment;
4. Create compact and pedestrian-oriented environments that encourage transit use and pedestrian access;
5. Concentrate a variety of commercial and retail services and public facilities that serve the surrounding community;
6. Ensure that the appearance and function of development in mixed-use areas is appropriately compatible and appropriately integrated with surrounding neighborhoods;
7. Ensure that development in mixed-use areas is of high quality and provides pedestrian scale

and interest through use of appropriately varied forms, materials, details, and colors, especially at the ground-floor;

8. Provide adequate light, air, privacy, and open space for each residential dwelling, and protect residents from the potentially undesirable effects of excessive noise, glare, light pollution, traffic congestion, and other potentially adverse environmental effects; and
9. Minimize potential negative impacts of development on stream corridors, wetlands, and other important natural resources.

B. Downtown District (DT)

1. Purpose

To provide for and encourage development and redevelopment that preserves and enhances the unique character and vitality of Old Town Erie. Small-scale offices, retail, and residential uses are permitted. New mixed-use development is encouraged to place residential above the ground floor. Design standards focus on creating a human-scaled, pedestrian-oriented and walkable downtown that invites commercial development and complementary residential opportunities. Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged.

C. Neighborhood Mixed-Use District (NMU)

1. Purpose

To provide for small, compact commercial centers within or surrounded by residential areas, compatible in scale and character with surrounding residential uses, to primarily serve the convenience needs of generally the immediately surrounding neighborhood. NMU centers are typically up to approximately 5 acres in size. Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged.

D. Community Mixed-Use District (CMU)

1. Purpose

To provide for a community-serving mixed-use development at a higher scale than is appropriate for neighborhood locations. The CMU district is intended for use along key transportation corridors and at important nodes in the Town on sites of typically 5 acres or larger. The CMU district is intended to include commercial, institutional, recreational, and service facilities needed to support surrounding neighborhoods and the community at-large. Medium to higher-density housing should be incorporated within or located around the district, and development should facilitate pedestrian connections between residential and nonresidential land uses.

10.2.5 OTHER DISTRICTS

A. Agricultural/Open Space (AG/OS)

1. Purpose

To provide areas to be used for agricultural and open space purposes. The zoning classification is intended to recognize and preserve lands suitable for long-term production of agricultural commodities, lands suitable for grazing, and animal husbandry, view protection, passive and active recreation, and conservation uses.

B. Airport (AP)

1. Purpose

To provide areas for the development of airport land uses. The area is also regulated by the Airport Overlay (APO) described in Section 2.7.

C. Public Land and Institutions (PLI)**1. Purpose**

To provide areas for the development of public or quasi-public facilities or private facilities of a non-commercial character, including churches, schools, libraries, and cultural facilities.

D. Planned Development (PD)**1. Purpose**

- a. This Section makes available, pursuant to the Planned Unit Development Act of 1972, Article 67 of Title 24, C.R.S., a procedure to modify specific regulations of the UDC within a Planned Development (PD) zone district at the time of initial zoning for annexation or as a rezoning of a property from another zone district. Within the PD zone district modification may be considered for the following Sections of the UDC:
 - i. Chapter 3: Use Regulations;
 - ii. Chapter 4: Dimensional Standards;
 - iii. Chapter 5: Section 5.4 Layout and Design of Subdivisions; and,
 - iv. Chapter 6: Development and Design Standards.
- b. The PD zone district may be used when:
 - i. There is a special public benefit that does not coincide with standard zoning district requirements; or,
 - ii. A development proposal is unable to meet the standard zoning district requirements due to physical constraints of the property; or, A development proposal is unable to meet the standard zoning district requirements due to unique development design; or,
 - iii. A development proposal is unable to meet the standard zoning district requirements due to a unique mix of land uses.
- c. The PD zone district is not a general waiver of the UDC regulations. PD zone districts are to be based on one or more of the following attributes that could not otherwise be achieved through other standard zoning districts:
 - i. innovative approaches to development,
 - ii. creative designs of land uses,
 - iii. preservation of significant natural features within the Town,
 - iv. retention of historic structures and sites,
 - v. retention of open space,
 - vi. compatibility with overall community objectives,
 - vii. and consideration of environmental concerns.
- d. PD zone district modifications shall be generally consistent with the overall land uses and objectives of the Town's Comprehensive Plan, Transportation Master Plan; Parks, Recreation, Open Space, and Trails Master Plan, and other pertinent Town plan and policy documents.
- e. The flexibility permitted in a PD zone district shall be made in exchange for greater public benefits that would not have otherwise been achieved through development

10.2.6 INACTIVE DISTRICTS

under another zone district.

A. General Purpose

These districts are carried forward from the previous zoning ordinance. The intent is to allow the districts to remain in conformance under this UDC. These districts will be restricted to the current districts as such, and will not be available for Initial Zonings or Rezonings.

B. Rural Preservation 1 (RP-1)

1. Purpose

To provide for areas to be free from the urban development for agricultural uses, preservation of wildlife habitat, view corridors, natural resources and open space, outdoor recreation, mining and reclamation, and single-family dwellings at a gross density not to exceed 1 dwelling unit per 17.5 acres.

C. Rural Preservation 2 (RP-2)

1. Purpose

To provide for areas to be free from the urban development for agricultural uses, preservation of wildlife habitat, view corridors, natural resources and open space, outdoor recreation, mining and reclamation, and single-family dwellings at a gross density not to exceed 1 dwelling unit per 5 acres.

D. Rural Preservation 3 (RP-3)

1. Purpose

To provide for areas to be free from the urban development for agricultural uses, preservation of wildlife habitat, view corridors, natural resources and open space, outdoor recreation and solid waste disposal and reclamation, and single-family dwellings at a gross density not to exceed 1 dwelling unit per 5 acres if not precluded by federal, state or other local ordinances.

10.2.7 OVERLAY DISTRICTS

A. General Purpose

Overlay zoning is typically used when there is special public interest that does not coincide with a specific zoning district. An overlay zone district establishes a supplemental set of standards for covered properties in an underlying zone district.

B. Airport Overlay District (APO)

1. Purpose

The purpose of the Airport Overlay district is to minimize exposure of residential and other sensitive land uses to aircraft and their potential impacts, including noise, to minimize risks to public safety from aircraft accidents, and to discourage traffic congestion and incompatible land uses proximate to, and within, airport influence areas.

2. Warning and Disclaimer of Liability

The degree of protection provided by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study and does not imply that areas outside the airport influence will be totally free from potential safety issues associated with aircraft activity. This Section shall not create a liability on the part of, or cause an action against, the Town or any officer or employee thereof, for any damages that may result directly or indirectly from the reliance on this Section.

3. Nonconforming Structures or Uses

- a. These regulations shall not require any change in the construction, alteration, or

intended use of any structure, the construction or alteration of which began prior to the effective date of this Section and is diligently prosecuted; provided, however, that when the nonconforming structure is destroyed or damaged to the extent of more than 50 percent of the appraised value of the nonconforming structure, any reuse, reconstruction or replacement shall be deemed a new use and shall be subject to the applicable provisions of the UDC.

- b. The owner of any nonconforming structure or object of natural growth is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as required by the Federal Aviation Regulations ("FAR") Part 77, to indicate to the operators of aircraft in the vicinity of the airport the presence of such nonconforming structures or objects of natural growth. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of such nonconforming structure or object of natural growth.

4. Development Standards

- a. Noise contours and FAR Part 77 shall be used when reviewing land use proposals.
- b. Noise attenuation in building design should be included in development proposals.
- c. An aviation easement is required for all areas within the designated Airport Influence Area.

5. Height Limitations

- a. Height limitations within the Airport Influence Area, except as otherwise provided in this Section, are subject to the limitation of the district within which the property is located, recommendations of the Erie Airport Manager, and other appropriate referral agencies. No structure or object of natural growth shall be constructed, erected, altered or permitted to grow or to be maintained in excess of height limits and zones herein established.
- b. The specific height zone and limitations for each airport/heliport shall be the designated elevation as shown on the approved airport plan or as calculated using the procedure stipulated on the airport plan.
- c. Notice to the Federal Aviation Administration ("FAA") shall be required for the construction or alteration of any structure 200 feet or higher located within 20,000 feet of any Erie Municipal Airport runway.

6. Land Use Limitations

No use may be made of land within the designated Airport Influence Area in such a manner as to:

- a. Create electrical interference with radio communication between the airport and aircraft;
- b. Make it difficult for pilots to distinguish between airport lights and other lights;
- c. Cause glare in the eyes of pilots using the airport;
- d. Impair visibility in the vicinity of the airport; or
- e. Otherwise endanger the landing, taking off, or maneuvering of aircraft at the airport or in the vicinity of the airport.

7. Airport Influence Area

An application for Initial Zoning, Rezoning, PD or PUD approval for land within the Airport Influence Area shall include, in addition to any other submittal requirements herein, the

following:

- a. An aviation easement signed by the landowner that acknowledges flight operations above the land, recorded in the office of the county clerk and recorder. The book and page of the recorded easement shall be noted on subsequent approved plans and plats involving the land.
- b. A study which shows compliance with the FAA, FAR Part 77, and a plat note on the Final Plat stating that the plat is in compliance with FAR Part 77.
- c. Referral to the Erie Airport Manager for review and comment.
- d. A copy of the public disclosure statement to be provided to prospective buyers, disclosing the airport activity.
- e. A land use compatibility map depicting the 55, 60 and 65 Ldn noise contours overlaid on the property.

8. Airport Influence Area Requirements

Within the following specific portions of the Airport Influence Area, the following shall be required:

- a. Approach Surface: Structure height shall be restricted to a maximum of 100 feet or as provided in FAR Part 77, whichever is less.
- b. Runway Protection Zone:
 - i. Non-aeronautical structures are prohibited.
 - ii. Structure height shall be restricted to a maximum of 100 feet or as provided in FAR Part 77, whichever is less.
- c. 65 Ldn Noise Zone: Residential and other noise sensitive development shall be discouraged. To the extent development is permitted, noise attenuation shall be required.

C. Floodplain Overlay District (FPO)

1. Findings of Fact

The flood hazard areas of the Town are subject to periodic inundation which could possibly result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the overall tax base. All of which could collectively have an adverse effect on public health, safety and general welfare.

Such potential flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage may also contribute to the flood loss.

2. Purpose

To promote the public health, safety, and general welfare, to minimize flood losses in areas subject to flood hazards, and to promote wise use of the floodplain, this Section has been established with the following purposes intended:

- a. To reduce the potential hazard of floods to life and property through:
 - i. Prohibiting certain uses which may be dangerous to life or property during a flood.

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- ii. Restricting land uses which may be hazardous to the public health during a flood.
 - iii. Restricting land uses which are particularly susceptible to flood damage, so as to alleviate hardship and minimize demands for public expenditures for relief and protection.
 - iv. Requiring permitted floodplain uses, including public facilities which serve such uses, to be protected against flood by providing floodproofing and general flood protection at the time of initial construction.
 - v. Restricting or prohibiting uses which are known to be dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities.
 - vi. Requiring that uses vulnerable to floods, including facilities which serve such uses be protected against flood damage at the time of initial construction.
 - b. To protect floodplain occupants from a flood which is or may be caused by their own or other land use and which is or may be undertaken without full realization of the danger, through:
 - i. The prohibition of residential uses from being platted in the floodplain.
 - ii. Regulating the manner in which structures designed for human occupancy may be constructed so as to prevent danger to human life within such structures.
 - iii. Regulating the method of construction of water supply and sanitation systems so as to prevent disease, contamination and unsanitary conditions.
 - iv. Delineating and describing areas that could be inundated by floods so as to protect individuals from purchasing floodplain lands for purposes which are not in fact suitable.
 - v. Minimizing the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public.
 - vi. Minimizing prolonged business interruptions.
 - vii. Ensuring that potential buyers in the area are notified that property is in an area of special flood hazard.
 - viii. Ensuring that those who occupy flood hazard areas assume responsibility for their actions.
 - c. To protect the public from the burden of avoidable financial expenditures for flood control and relief by:
 - i. Regulating all uses within the floodplain areas so as to produce a method of construction and a pattern of development which will minimize the probability of damage to property and loss of life or injury to the inhabitants of the flood hazard areas.
 - ii. Minimizing damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
 - iii. Helping maintain a stable tax base by providing for the sound use and development in flood hazard areas and to minimize future flood hazard

areas.

- d. To protect the flood water storage capacity of floodplains and to assure retention of sufficient floodway area to convey flood flows which can reasonably be expected to occur by:
 - i. Regulating filling, dumping, dredging, and alteration of channels by deepening, widening, or relocating.
 - ii. Prohibiting unnecessary and damage creating encroachments.
 - iii. Encouraging uses such as agriculture, recreation and parking.
 - iv. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood water elevations or velocities.
- e. To protect the hydraulic characteristics of the small watercourses, including the gulches, sloughs and artificial water channels used for conveying floodwaters, which make up a portion of the urban drainage system, by:
 - i. Regulating filling, dumping, and channelization so as to maintain the natural storage capacity and slow flow characteristics.
 - ii. Regulating encroachment into the small watercourses to maintain their natural storage capacity and slow flow characteristics.
 - iii. Encouraging uses such as greenbelt, open space, recreation, and pedestrian and non-motorized vehicle trails.
 - iv. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters.
 - v. Controlling filling, grading, dredging, and other development which may increase damage caused by flooding.
 - vi. Preventing or regulating the construction of flood barriers which could divert floodwaters or which may increase flood hazards in other areas.

3. General Provisions

a. *Jurisdiction*

The provisions of this Section shall apply to flood hazard areas within the Town.

b. *Basis for Establishing the Areas of Special Flood Hazard*

The areas of special flood hazard in the Town are identified by the Federal Emergency Management Agency ("FEMA") in a scientific and engineering report entitled, "The Flood Insurance Study For Boulder County Colorado and Incorporated Areas", dated December 18, 2012 and updated on August 15, 2019, with accompanying Flood Insurance Rate Maps (the "FIRM") and any letter of map revisions thereto, which are hereby adopted by reference and declared to be a part of this Section. If a scientific and engineering report based on updated conditions is available, and that report identifies additional areas of special flood hazard, that report will be adopted by reference and made part of this Section. The intent of this Section is to use the most current and updated data available.

c. *Effect of Floodplain Regulations*

The regulations of this Section shall be construed as being supplementary to the regulations imposed on the same lands by any underlying zoning district. This Section supersedes provisions of any zoning relating to floodplain. Any underlying

zoning shall remain in full force and effect to the extent that its provisions are more restrictive than those of this Section.

d. Interpretation

The interpretation and application of the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Colorado statutes.

e. Warning and Disclaimer of Liability

The degree of flood protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods can and will occur upon occasion, or the flood height may be increased by manmade or natural causes, such as ice jams, and bridge openings restricted by debris. This Section does not imply that the areas outside the floodway district and floodway fringe district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damage. This Section shall not create liability on the part of the Town, any officer or employee thereof, or the FEMA, for any flood damage that results from reliance on this Section or any administrative decision lawfully made hereunder.

f. Compliance with Provisions

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Section and other applicable regulations.

g. Abrogation and Greater Restrictions

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

h. Letter of Map Revision Based On Fill (LOMR-F)

Any new structure constructed in an area removed from the flood hazard area utilizing a LOMR-F shall be constructed on fill so that the lowest floor (including basement) is at least 1 foot above the previous base flood elevation.

i. Critical Facilities

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulation for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Critical Facilities constructed within flood hazard area shall be constructed on fill so that the lowest floor (including basement), together with attendant utility and sanitary facilities, is at least 2 feet above the base flood elevation.

4. Floodway Districts and Mapping

a. Districts Established

In order to carry out the provisions of this Section, the areas of the 100-year flood are hereby divided into the following overlay zoning districts:

i. Floodway District (FW)

The FW shall be those areas identified as floodway in the flood insurance study. In areas outside of the boundaries of the flood insurance study, the FW shall be those areas identified as floodway in floodplain studies approved by the Town.

ii. Floodway Fringe District (FF)

The FF shall be those areas identified in the flood insurance study as being within the boundaries of the 100-year flood, but outside of the floodway. In areas outside of the boundaries of the flood insurance study, the FF shall be those areas identified in studies approved by the Town as being within the boundaries of the 100-year flood, but outside of the floodway.

b. Mapping of District Boundaries

The boundaries of the FW and the FF as established in Subsection 2.7.C.4.a above shall be shown upon the flood boundary-floodway map.

c. Interpretation of District Boundaries

The flood boundaries shall be established by flood elevations set forth in the flood insurance study. Where interpretation is needed of the exact boundaries of the FW and FF as shown in the flood insurance study, a survey shall be prepared by a licensed professional engineer or surveyor and submitted to the Town for review. If necessary, an elevation certificate along with other required documentation shall be submitted by the applicant to FEMA for obtaining a Letter of Map Amendment.

d. Amendment of District Boundaries

The boundaries of the FW and the FF district shall be changed on the zoning district map by the amendment procedure contained in the zoning title. Amendment of said district boundaries shall be subject to the following limitations:

- i. In areas within the boundaries of the flood insurance study, the flood boundaries shall be amended only to conform to changes previously approved by FEMA.
- ii. In areas outside of the boundaries of the flood insurance study, the boundaries of the FW and the FF district shall be changed only upon the

presentation of evidence, prepared by a registered professional engineer competent in open channel hydraulics, which shows clearly and conclusively that the boundaries of the districts, as mapped, are incorrect.

5. Floodway Fringe District (FF)

a. Development Standards

All uses or development in the FF shall comply with the following requirements:

i. Permits

Development within a FF site shall only be permitted which is authorized by a floodplain development permit and one of the following; a building permit, a manufactured home permit or a Special Review Use.

For waterways with Base Flood Elevations for which a regulatory Floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

ii. Certificate of Occupancy

No land shall be occupied or used and no building or manufactured home which is hereafter erected, placed, moved or structurally altered, shall be used or changed in use until the Chief Building Official or the Official's agent approves a Certificate of Occupancy stating compliance with the provisions of this Section.

iii. New Construction and Substantial Improvements:

(A) All new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall:

- (1) Be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads;
- (2) Be constructed with materials and utility equipment resistant to flood damage; and
- (3) Be constructed by methods and practices that minimize flood damage.

(B) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(C) Manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on sites:

- (1) Outside of a manufactured home park or subdivision;
- (2) In a new manufactured home park or subdivision;

- (3) In an expansion to an existing manufactured home park or subdivision; or

- (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, together with attendant utility and sanitary facilities, is elevated to 1 foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (D) Manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions within zones A1-30, AH, and AE that are not subject to the provisions of Subsection (A).(C).(3) of this Section shall be elevated so that either:
 - (1) The lowest floor of the manufactured home, together with attendant utility and sanitary facilities, is at or above 1 foot above the base flood elevation; or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- iv. *Preservation of Channel Capacity*

No use shall adversely affect the capacity of the channels or floodways of any tributary to the main stream, any drainage ditch, or any other drainage system or facility. Original channel capacity must be maintained in an altered portion.
- v. *Subdivisions and Other New Development*

All subdivisions and other new development shall meet the following requirements:

 - (A) New residential lots shall not be platted in the FF.
 - (B) All such activities shall be generally consistent with the need to minimize flood damage.
 - (C) All public utilities and facilities, such as sewer, gas, electrical, and water systems, shall be located and constructed to minimize or eliminate flood damage.
 - (D) Adequate drainage shall be provided to reduce exposure to flood hazards.
 - (E) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).
 - (F) The boundaries of the FW and FF district shall be shown upon preliminary and final subdivision plats. If a subdivision is located entirely within the FW or the FF district, that information shall be stated on the Preliminary and Final Plats.

vi. Water and Sewage Systems

New and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

vii. On-Site Waste Disposal Systems

On-site waste disposal or treatment systems shall be located to avoid impairment to them or contamination from them during flooding.

viii. Manufactured Homes

All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Manufactured homes shall be placed in the FF only upon the issuance of a manufactured home permit. Such a permit shall require that the placement of the manufactured home for which it is issued meets the following conditions:

- (A) The manufactured home shall be placed on a designated manufactured home space in a manufactured home park.
- (B) The manufactured home shall be anchored to the ground in the following manner:
 - (1) Over the top ties shall be provided at each of the 4 corners of the home. Homes at least 50 feet long shall have 2 additional ties per side at intermediate locations, and homes under 50 feet long shall have 1 additional tie per side.
 - (2) Frame ties shall be provided at each corner of the home. Homes at least 50 feet long shall have 5 additional ties per side, and homes under 50 feet long shall have 4 additional ties per side.
 - (3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - (4) Any additions to the manufactured home shall be similarly anchored.

ix. Establishment of Floodplain Development Permit

A floodplain development permit shall be obtained before construction or development begins within any area of special flood hazard established in Subsection 2.7.C.3.b. Application for a floodplain development permit shall be made on forms furnished by the administrative official and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (A) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (B) Elevation in relation to mean sea level to which any structure has been floodproofed;

- (C) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 2.7.C.5.b.ii below; and
- (D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

x. Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (A) A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
- (B) The bottom of all openings shall be no higher than 1 foot above grade.
- (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

xi. Recreational Vehicles

Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the Town's FIRM either:

- (A) Be on the site for fewer than 180 consecutive days,
- (B) Be fully licensed and ready for highway use, or
- (C) Meet the permit requirements of Subsection 2.7.C.5.a.ix, and the elevation and anchoring requirements for "manufactured homes" in Subsection 2.7.C.5.a.viii. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

xii. Below Grade Residential Crawlspace Construction

New construction and substantial improvement of any below grade crawlspace shall:

- (A) Have the interior grade elevation that is below base flood elevation no lower than 2 feet below the lowest adjacent grade;
- (B) Have the height of the below grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not to exceed 4 feet at any point;
- (C) Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
- (D) Be anchored to prevent flotation, collapse, or lateral movement of

the structure and be capable of resisting the hydrostatic and hydrodynamic loads;

- (E) Be constructed with materials and utility equipment resistant to flood damage;
- (F) Be constructed using methods and practices that minimize flood damage;
- (G) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- (H) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (1) A minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (2) The bottom of all openings shall be no higher than 1 foot above grade; and
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

b. Uses Permitted

Any use which is permitted by the underlying zoning district and those which involve fill, excavation, storage of materials or equipment, or construction or substantial improvement of a building or manufactured home park, is permitted upon approval of the necessary building permit, provided the use meets the requirements of Subsection A of this Section and the following requirements:

i. Residential Buildings

All new construction and substantial improvement of residential buildings shall be constructed on fill so that the lowest floor (including basement), together with attendant utility and sanitary facilities, is at least 1 foot above the base flood elevation. The fill shall be at an elevation at least 1 foot above the base flood elevation and shall extend at that elevation at least 15 feet beyond the limits of any structure or building erected thereon.

ii. Nonresidential Buildings

All new construction or substantial improvement of nonresidential buildings shall have the lowest floor (including basement), together with attendant utility and sanitary facilities, elevated 1 foot above the base flood elevation, or together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

iii. Certification

Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of

practice for meeting the provision of this Subsection. Such

certifications shall be provided to the official as set forth in Subsection 2.7.C.8.

c. Storage of Materials And Equipment

- i. The storage or processing of materials that are buoyant, flammable, or which in times of flooding could be injurious to human, animal or plant life, shall be at or above a point 2 feet above the base flood elevation or in a building which has been floodproofed to a point 2 feet above the base flood elevation.
- ii. The storage of materials or equipment which is not subject to major damage by floods and which are firmly anchored to prevent flotation or are readily removable from the flood hazard area within the time available after flood warning, may be permitted below the base flood elevation.

6. Floodway District (FW)

a. Special Provisions

The following regulations, in addition to the requirements of Subsection 2.7.C.5.a shall apply to all uses within the floodway district. Additionally, a regulatory floodway is hereby adopted to which the following provisions shall apply:

- i. No new construction, placement or substantial improvement of existing buildings or manufactured homes shall be permitted.
- ii. No filling or excavating shall be permitted.
- iii. Storage of materials which are buoyant, flammable, or explosive, or which in times of flooding could be injurious to human, animal, or plant life, is prohibited.
- iv. No use shall be permitted which would result in any increase in the base flood elevation.

b. Uses Permitted by Right

The following uses have low flood damage potential and, provided they do not obstruct flood flows, shall be permitted subject to the provisions of the underlying zoning and Subsection 2.7.C.5.a and Subsection 2.7.C.6.a above, provided they do not require structures, fill, excavation, or storage of materials or equipment:

- i. Agricultural uses such as general farming, truck farming, sod farming, plant nurseries, and horticulture.
- ii. Industrial and commercial uses such as loading areas, parking areas and airport landing strips.
- iii. Open space.
- iv. Private and public recreational uses such as parks, picnic grounds, golf courses, driving ranges, swimming areas, wildlife and nature preserves, fishing areas, and trails for hiking, bicycling and horseback riding.
- v. Residential uses such as lawns, gardens, parking areas and play areas.

c. Special Review Uses Permitted

The following uses which involve structures other than buildings, fill, or storage of materials or equipment may be permitted only upon the approval and issuance a Special Review Use permit:

- i. Circuses, carnivals, and similar transient amusement enterprises.

- ii. Storage yards for equipment, machinery or materials, as long as such storage does not conflict with the provisions of Subsection 2.7.C.5.a.

d. Provisions within Floodways

Located within areas of special flood hazard established in Subsection 2.7.C.3.b are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potentials, the following provisions apply:

- i. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a Colorado licensed, registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- ii. If Subsection 2.7.C.6.d.i above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.

7. Special Review Use Permits

a. Purpose

Certain uses may have an adverse impact when located in the floodplain because of their effect upon floods or because of the effect of flood upon them. The intent of the Special Review Use permit is to provide the means for review of such uses to assure that the purposes of this Section are met and the potential for adverse effects is minimized.

b. Authority to Grant a Special Review Use

At a public hearing, the Board of Trustees, after review and recommendation by the Planning Commission, shall hear and decide all requests for Special Review Use permits and construction application within the 100-year floodplain in the manner prescribed by this Section.

c. Conditions for Authorizing Construction Under a Special Review Use Permit

i. Exceptions

Authorizations for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places may be issued without regard to the procedures set forth in the remainder of this Section.

ii. Restrictions and Limitations on Issuance

- (A) Special Review Use permits shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (B) Authorization shall be issued only upon a determination that the same is the minimum necessary, considering the flood hazard, to afford relief.
- (C) Authorization shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the authorization would result in exceptional hardship to the applicant; and

- (3) A determination that the granting of an authorization will not result in increased flood heights, additional threats to public

safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

- (D) Lot Size: Generally, Special Review Use permits may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided Subsection 2.7.C.9.c have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justifications required for issuing the Special Review Use permits increase.

8. Administration of Provisions

a. Duties of Administrative Official

Duties and responsibilities of the Public Works Director (i.e. Administrative Official) in carrying out the provisions of this Section shall include, but not be limited to, the following:

- i. The review of permits for proposed development to determine whether proposed building sites will be reasonably safe from flooding by a 100-year flood.
- ii. The review of permits for proposed development to assure that the permit requirements of this Section have been satisfied and that all necessary permits have been obtained from those federal, state or local agencies from which prior approval is required.
- iii. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to the FEMA; require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- iv. The approval of certificates of occupancy for all lands in the FW and the FF upon verification that the premises and structures thereon conform with all of the requirements of this Section.

(A) When there has been fill, excavation, erection or substantial improvement of a structure, or construction, enlargement or substantial improvement of a manufactured home park, the administrative official shall require the applicant to provide certification by a registered professional engineer or surveyor that the finished fill, excavation, building floor elevations, floodproofing measures, or other flood protection measures were accomplished in compliance with the provisions of this Section. Certification of the adequacy of the floodproofing of a non-residential use building may be provided by a registered architect in lieu of a professional engineer or surveyor.

(B) The certification provided by the professional engineer or architect shall include the elevation (in relation to mean sea level) of the lowest floor (including basement) of all buildings that have not been floodproofed.

(C) Records of all certificates provided by professional engineers or

architects in compliance with this Section shall be maintained by the Town.

- v. The maintenance of records of all Special Review Use permits granted from the requirements of this Section, including justification for the granting of the Special Review Use permits.
- vi. An annual inspection of all properties in the FW and the FF district to assure conformance to the provisions of this Section and to all permits issued there under.
- vii. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 2.7.C.9.
- viii. Review all floodplain development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Subsection 2.7.C.6 are met.

b. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Subsection 2.7.C.3.b, the administrative official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for new construction, substantial improvements or other development in zone A in order to administer Subsection 2.7.C.5.a.

c. Information to be Obtained and Maintained

- i. The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement, shall be obtained and recorded.
- ii. For all new or substantially improved floodproofed structures, the following shall be done:
 - (A) Verify and record the actual elevation (in relation to mean sea level to which the structure has been floodproofed); and
 - (B) Maintain the floodproofing certifications required in Subsection 2.7.C.5.a.ix(C).
- iii. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
- iv. Maintain for public inspection all records pertaining to the provisions of this Section.

d. Approval or Denial of a Floodplain Development Permit

Approval or denial of a floodplain development permit by the Public Works Director shall be based on all of the provisions of this Section and the following relevant factors:

- i. The danger to life and property due to flooding or erosion damage;
- ii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

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- i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The compatibility of the proposed use with existing and anticipated development;
 - iii. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - iv. The costs of providing governmental, public or quasi-public services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - v. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - vi. The necessity to the facility of a waterfront location, where applicable;
 - vii. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 - viii. The relationship of the proposed use to the Town's Comprehensive Plan for that area.

9. Appeals

a. *Authority*

The Board of Adjustment shall hear and decide all appeals when it is alleged that there is an error in any requirement, decision or determination made by the administrative official in the enforcement or administration of this Section.

b. *Filing Appeal*

Any person alleging such an error shall file his appeal to the Board of Adjustment, in writing, within 30 days from the determination of the administrative official, in which he shall set forth in detail a basis for such alleged error.

c. *Considerations in Granting Appeal*

In passing upon any appeal, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other Subsections of this Section, and:

- i. The danger that materials may be swept onto other lands to the injury of others;
- ii. The danger of life and property due to flooding or erosion damage;
- iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iv. The importance of the services provided by the proposed facility to the Town;
- v. The necessity to the facility of a waterfront location, where applicable;
- vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

- vii. The compatibility of the proposed use with existing and anticipated development;
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- viii. The relationship of the proposed use to the Town's Comprehensive Plan and floodplain management program for that area;
- ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

d. Conditions of Appeal

The Board of Adjustment may attach any conditions to authorizing construction within the 100-year floodplain that it deems necessary to further the purposes of this Section.

e. Records Kept

The Board of Adjustment shall maintain through its administrative officer the records of all appeal and application actions and report any decisions to the FEMA upon request.

f. Further Appeals to District Court

Those aggrieved by the decision of the Board of Adjustment may appeal such decisions to the appropriate County District Court, as provided in C.R.S. §31-23-307.

10. Penalties

a. Fine

Any person found guilty of violating any provision of this Section shall be punishable as provided in the Municipal Code. Each day that such violation continues to exist shall be considered a separate offense.

b. Additional Actions

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, or used, or any land is or is proposed to be used in violation of this Section, the Town, in addition to other remedies provided by law, may institute an appropriate action to prevent, enjoin, abate, or remove the violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act or use in or on such premises.

11. Variance Procedures

- a. The Board of Adjustment as established by the Town shall hear and render judgment on requests for variances from the requirements of this Section.
- b. The Board of Adjustment shall hear and render judgment on a variance request only when it is alleged there is an error in any requirement, decision, or determination made by the administrative official in the enforcement or administration of this Section.
- c. Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision as set forth in Subsection 2.7.C.9.
- d. The administrative official shall maintain a record of all actions involving a variance request and shall report variance requests to the FEMA upon request.

- e. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
- f. Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Subsection 2.7.C.8.d have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance request increases.
- g. Upon consideration of the factors noted above and the intent of this Section, the Board of Adjustment may attach such conditions to the granting of a variance request as it deems necessary to further the purpose and objectives of this Section.
- h. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- i. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the appeal is the minimum necessary to preserve the historic character and design of the structure.
- j. Prerequisites for granting a variance request:
 - i. Variances shall only be issued upon a determination that the variance request is the minimum necessary, considering the flood hazard, to afford relief.
 - ii. Variances shall only be issued upon:
 - (A) Showing a good and sufficient cause;
 - (B) A determination that failure to grant the appeal would result in exceptional hardship to the applicant; and
 - (C) A determination that the granting of a variance request will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - iii. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- k. Variances may be issued by the Board of Adjustment for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - i. The criteria outlined in Subsections 2.7.C.11.a through j, are met, and
 - ii. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. Planned Unit Development Overlay District (PUD)

1. Purpose

The PUD Overlay District is generally used when there is special public interest that doesn't coincide with the traditional zoning in a geographic area. The PUD Overlay District may only be used when an application is not able to meet the requirements of a standard zone classification. The PUD is a mapped area with restrictions in addition to, or less than, those in the underlying traditional zone. Rather than attempt to create a new zoning category, an overlay zone is superimposed over the traditional zone and establishes additional regulations, or reduces or extends the existing uses. The underlying zoning identifies permitted land uses, the overlay zone may provide design restrictions, additional setbacks, or other exceptions to the base district regulations.

General purposes of a PUD are as follows:

- a. Establish a procedure for the development of larger parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of zoning standards and procedures designed primarily for small parcels.
- b. Ensure orderly and thorough planning and review procedures that will result in high-quality urban design.
- c. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity.
- d. Provide a mechanism for considering mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activity.
- e. Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it.
- f. To convert land so poorly developed as to be a public liability.
- g. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
- h. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.
- i. To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

2. District-Specific Standards

In any PUD development, although it is permissible to depart from literal conformance with the individual-lot dimension and area regulations, there shall be no variation of:

- a. The underlying zone districts maximum density requirements;
- b. Height requirements, except in the RC district;
- c. Parking requirements;
- d. Loading and unloading area requirements;
- e. Public street and alley standards;
- f. Exterior lighting standards;

- g.** Operational standards;
- h.** Parks, Open Space and trails dedication requirements;
- i.** Natural and Scenic Resource Protection requirements;
- j.** Abandoned mine requirements;
- k.** Oil and gas wells and production facility requirements;
- l.** Floodplain protection; and
- m.** Stormwater requirements.

The Planning Commission shall attach reasonable standards to ensure that there shall not be a departure from the intent of this UDC. The PUD development shall conform to such standards. Because a PUD development is inherently more complex than individual-lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible.

- a.** Development along the perimeter of the PUD shall adhere to all required setbacks of the underlying zoning.
- b.** Access points to all arterial streets shall be located no more frequently than once every 1/8 to a quarter of a mile. The Planning Commission may approve the location of temporary access points.
- c.** Wherever there is an abrupt change in uses – i.e., residential to commercial – a buffer area of open space, protective planting, or other approved screening, or combination thereof shall be placed between them which will protect each use from the undesirable effects of the other.

The review procedures contained in Section 7.6, shall apply to all development in a PUD Overlay District.

CHAPTER 3: USE REGULATIONS

10.3.1 TABLE OF PERMITTED USES

Table 3-1 below lists the principal uses permitted within all standard zoning districts. Each of the listed uses is defined in Chapter 11. Specific use standards may be found in Section 3.2.

A. Classification of New and Unlisted Uses

New types of land use will develop and forms of land use not anticipated may seek to locate in the Town When application is made for a use category or use type that is not specifically listed in Table 3-1, the following procedure shall apply:

1. The Director shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation, the Director shall consider its potential impacts, including without limitation the nature of the use; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.
2. Standards for new and unlisted uses may be interpreted as those of a similar use by the Director.

B. Table of Permitted Uses

TABLE 3-1: TABLE OF PERMITTED USES																				
P = Permitted Use by Right S = Special Review Use <u>Blank Cell = Prohibited</u>																				
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER		
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/ OS	AP	PLI
RESIDENTIAL USES																				
Household Living	Dwelling, Duplex			P	P	P	-	S							P	P				
	Dwelling, Live/Work											S			P	P	P		S	S
	Dwelling, Multi-Family			P	P	P	P	S							P	P	P			
	Dwelling, Single-Family Attached			P	P	P	P	S							P	P				
	Dwelling, Single-Family Detached	P	P	P	P	P	P	P							P	P				
	Mobile Home Park					S	S	S												
Group Living	Dormitory								S	S	S	S			S	S	S		S	P
	Group Home, Residential	P	P	P	P	P	P	P							P	P	P			P
	Group Home, Large				S	S	S									S	S			
	Group Home, Small	S	S	S	S	S	S	S							S	S	S			
	Nursing Home or Assisted Living Facility			S	S	P	P	S								P	P			P
PUBLIC / INSTITUTIONAL USES																				
Aviation	Airport and related uses											S							P	
	Heliport											S							P	
	Helistop									S	S	S							P	P

TABLE 3-1: TABLE OF PERMITTED USES																				
P = Permitted Use by Right S = Special Review Use <u>Blank Cell = Prohibited</u>																				
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER		
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/ OS	AP	PLI
Cemetery	Cemetery	S	S	S														S		P
Child Care	Child Care Center, Large	S	S	S	P	P	P	P	P	P	P	S			S	S	S			S
	Child Care Center Small	P	P	P	P	P	P	P	P	P	P	S			P	P	P			P
Community Facilities	Community Center (Public)	S	S	S	S	S	S	S	P	P	P	P			P	P	P	S	S	P
	Correctional Facility																			S
	Governmental Office	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P
	Neighborhood Recreation Center (Indoor/Outdoor)	P	P	P	P	P	P	P	P	P	P	P			P	P	P	S	S	P
	Public Works Facility								S	S	S	P	P	P				S	S	S
	Public Safety Station	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	S	S	S	S
	Transit Center								P	P	P	P	P	P	S	S	S	S	S	P
Cultural Facilities	Botanical garden	S	S	S	S	S	S	S	P	P	P	P			S	S	S	S	S	P
	Library				S	S	S	S	P	P	S	P			S	S	S	S	S	P
	Museum	S	S	S	S	S	S	S	P	P	P	S			S	S	S	S	S	S
	Zoo								S	S								S		S
Educational Use	College or University								P	P	P	P			S	S	P		S	P

TABLE 3-1: TABLE OF PERMITTED USES																				
P = Permitted Use by Right S = Special Review Use <u>Blank Cell = Prohibited</u>																				
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER		
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/ OS	AP	PLI
	Commercial School								P	P	P	S	S	P	P	P	P		S	
	School - Public	P	P	P	P	P	P	P	P		P						P			P
	School - Private	S	S	S	S	S	S	S	S		S						S			P
Human Health Services	Dental or Medical Office, Clinic, Lab								P	P	P	P			P	P	P			
	Hospital								P	P	P	P								S
	Laboratory												P	P			S			S
	Substance Abuse Treatment Facility, Outpatient								P	P	P	P					S			S
	Urgent Care Facility								P	P	P	P			S	S	P			S
Park and Open Space	Athletic Fields and Courts	P	P	P	P	P	P	P	P	P	P	P			P	P	P	S		P
	Community Garden	P	P	P	P	P	P	P										S		P
	Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Outdoor Amphitheater, Public							S	S	S	S	S			S	S	S			P
	Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious Assembly	Religious Assembly	S	S	S	S	S	S	S	P	P	P	S	S	S	S	S	P	S	S	P
Wireless Communication	Alternative Tower Structure and	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P		P

TABLE 3-1: TABLE OF PERMITTED USES																				
P = Permitted Use by Right S = Special Review Use Blank Cell = Prohibited																				
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER		
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AP	PLI
Facilities	Base Station											P							P	
	Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Utility Facilities	Utility Facility, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
	Utility Facility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Utility, Town-Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
COMMERCIAL USES																				
Agricultural	Agricultural Cultivation	S	S	S	S	S	S	S	S	S	S	S			S	S	S	P	S	P
	Agricultural Grazing	S	S	S	S	S	S	S	S	S	S	S			S	S	S	P		S
Animal Sales and Care	Animal Hospital, Large Animals (indoor)	S							S	S	S	P						P		
	Animal Hospital, Large Animals (outdoor facilities)	S							S	S	S	S						P		
	Animal Hospital, Small Animals (indoor)	S							P	P	P	P			P	P	P	P		
	Animal Hospital, Small Animals (outdoor facilities)	S							S	S	S	S						P		
	Horse Stables	S																P		
	Kennel or Animal Day Care (indoor)	S							P	P	P	P				S	S	P		

TABLE 3-1: TABLE OF PERMITTED USES																				
P = Permitted Use by Right S = Special Review Use Blank Cell = Prohibited																				
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER		
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AP	PLI
	Kennel or Animal Day Care (outdoor facilities)	S							S	S	S	S						P		
Assembly	General Assembly								S	S	S				S	S	S	S	S	S
	Residential Assembly (HOA)	S	S	S	S	S	S	S							S	S	S			
Financial Institution	Automated teller machine (freestanding)								P	P	P	P			P	P	P		P	S
	Bank								P	P	P	P			P	P	P			
	Bank, with drive-through service								P	P	P	P					S			
	Check-cashing Facility								P	P	P	P								
Food and Beverage Service	Bar/Tavern								P	P	P	P			P	P	P		P	
	Bar/Tavern (outdoor facilities)								P	P	P	P			P	S	P		P	
	Nightclub								P	P	P	S			P		P		S	
	Restaurant								P	P	P	P			P	P	P		P	S
	Restaurant, with drive-through or drive-up service								P	P	P	P					S			
	Restaurant, with outdoor seating area								P	P	P	P			P	S	P			
Office	Office, Business or Professional								P	P	P	P			P	P	P		P	P

TABLE 3-1: TABLE OF PERMITTED USES																				
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USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER		
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AP	PLI
	Recording or Broadcasting Studio								P	P	P	P			S	S	P			
Parking	Parking Lot								S	S	S	S	S	S	S	S	S		P	P
	Parking Structure								S	S	S	S	S	S	S	S	S			
Recreation/ Entertainment, Indoor	Commercial Amusement, Indoor								P	P	P	P			P	P	P			
	Sexually-oriented business																		S	
	Shooting Range, Indoor											S	P	P						
Recreation/																				
Entertainment, Outdoor	Campground																	S		S
	General Outdoor Recreation, Commercial								S	S	S	S			S	S	S	S	S	S
	Golf Course	P	P	P	P	P	P		P	P	P	P								S
	Golf Driving Range								S	S	S	S					S			
	Golf Putting Course	P	P	P	P	P	P		P	P	P	S								S
	Recreational vehicle park																			
	Shooting Range, Outdoor																			

TABLE 3-1: TABLE OF PERMITTED USES																				
P = Permitted Use by Right S = Special Review Use Blank Cell = Prohibited																				
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER		
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AP	PLI
Retail Sales and Service																				
	Funeral Parlor, Mortuary or Crematory								P	P	P	P					P			
	Gas Station								P	P	P	P	P	P			P		P	
	General Retail								P	P	P	P			P	P	P		P	
	Personal Service Establishment								P	P	P	P			P	P	P			
	Pharmacy								P	P	P	P			P	P	P			
	Pharmacy with drive-through service								P	P	P	P					S			
	Repair Shop, Appliances								P	P	P	P	P	P			P			
Vehicles and Equipment	Car Wash								S	S	S	S	P	P			S			
	Outdoor Recreational Vehicle Storage											S								
	Towing and Storage Facility																			
	Vehicle Sales and Rental								S	S	S	S								
	Vehicle Service and Repair, Heavy											S	P	P						
	Vehicle Service and Repair, Light								P	P	P	P	P	P	P		S			

TABLE 3-1: TABLE OF PERMITTED USES																				
P = Permitted Use by Right S = Special Review Use Blank Cell = Prohibited																				
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER		
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AP	PLI
Visitor Accommodation	Bed and Breakfast														S	S	S			
	Hotel or Motel								P	P	P	P					P			
MANUFACTURING AND LIGHT INDUSTRIAL USES																				
Industrial Service	Building Materials and Lumber Sales								P	P	P	P	P	P			S			
	Contractor's Shop or Storage Yard											S	P	P						
	Heavy Equipment Sales, Service and Rental											P	P	P						
	Industrial, Heavy												S	S						
	Industrial, Light											P	P	P					S	
	Light Equipment Sales, Service and Rental											P	P	P						
	Research and Development Facility								S	S	S	P	P	P					S	
Manufacturing and Production	Heavy Manufacturing, General												S	S						
	Light Manufacturing, General											P	P	P					S	
	Mining and Mineral Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
	Oil and Gas Operations													1						

TABLE 3-1: TABLE OF PERMITTED USES																				
P = Permitted Use by Right S = Special Review Use Blank Cell = Prohibited																				
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER		
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AP	PLI
Warehouse and Freight Movement	Bus Lot/Maintenance Facility											S	S	P						
	Freight or Truck Yard												S	P						
	Mini-warehouse/Self Storage											P	P	P						
	Wholesale Distribution Center											S	P	P						
	Recycling Center												S	S						
	Sanitary Landfill																			S

- Oil and Gas Operations are restricted to the Heavy Industrial zone district and may only be conducted with a permit issued pursuant to Chapter 12.

TABLE 3-1: TABLE OF PERMITTED USES P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited				
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS		
		RP-1	RP-2	RP-3
Household Living	Dwelling, Duplex			
	Dwelling, Live/Work			
	Dwelling, Multi-Family			
	Dwelling, Single-Family Attached			
	Dwelling, Single-Family Detached	P	P	P
	Mobile Home Park			
	Model Home			
Group Living	Dormitory			
	Group Home, Residential	S	S	S
	Group Home, Large			
	Group Home, Small	S	S	S
	Retirement Home, Nursing Home, or Assisted Living Facility			
Aviation	Airport and related uses			
	Heliport			
	Helistop			
Cemetery	Cemetery	S	S	S
Child Care	Child Care Center, Large		S	S
	Child Care Center Small		S	S
Community Facilities	Community Center (Public)			
	Correctional Facility			
	Governmental Office			

TABLE 3-1: TABLE OF PERMITTED USES P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited				
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS		
		RP-1	RP-2	RP-3
	Neighborhood Recreation Center (Indoor/Outdoor)			
	Public Works Facility			
	Public Utility Services	S	S	S
	Public Safety Station			
	Transit Center	S	S	S
Cultural Facilities	Botanical garden		S	S
	Library			
	Museum		S	S
	Zoo		S	S
Educational Use	College or University			
	Commercial School			
	School (public or private)	S	S	S
Human Health Services	Dental or Medical Office, Clinic, Lab			
	Hospital			
	Laboratory			
	Substance Abuse Treatment Facility, Outpatient			
	Urgent Care Center			
Park and Open Space	Athletic Fields and Courts			S
	Community Garden		S	S
	Open Space	S	S	S
	Outdoor Amphitheater, Public			

TABLE 3-1: TABLE OF PERMITTED USES P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited				
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS		
		RP-1	RP-2	RP-3
	Park	S	S	S
Religious Assembly	Religious Assembly		S	
Tele-communication Facilities	Antenna Collocation on Existing Tower	S	S	S
	Concealed Antennae and Towers	S	S	S
	Non-Concealed Building-Mounted Antennae and Towers	S	S	S
	Non-Concealed Freestanding Towers	S	S	S
Utility Facilities	Utility Facility, Major	S	S	S
	Utility Facility, Minor	S	S	S
	Utility, Town-Owned	P	P	P
Agricultural	Agricultural Cultivation	P	P	P
	Agricultural Grazing	P	P	P
Animal Sales and Care	Animal Hospital, Large Animals	P	P	P
	Animal Hospital, Large Animals (outdoor facilities)	P	P	P
	Animal Hospital, Small Animals	P	P	P
	Animal Hospital, Small Animals (outdoor facilities)	P	P	P
	Horse Stables	P	P	P
	Kennel or Animal Day Care	P	P	P
	Kennel or Animal Day Care (outdoor facilities)	S	S	S
Assembly	General Assembly Uses	S	S	S

TABLE 3-1: TABLE OF PERMITTED USES P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited				
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS		
		RP-1	RP-2	RP-3
	Residential Assembly (HOA)			
Financial Institution	Automated teller machine (freestanding)			
	Bank			
	Bank, with drive-through service			
	Check-cashing Facility			
Food and Beverage Service	Bar/Tavern			
	Bar/Tavern (outdoor facilities)			
	Nightclub			
	Restaurant			
	Restaurant, with drive-through service			
	Restaurant, with outdoor seating area			
Office	Office, Business or Professional			
	Recording or Broadcasting Studio			
Parking	Parking Lot			
	Parking Structure			
	Bus Lot /Maintenance Facility			
Recreation/ Entertainment, Indoor	Commercial Amusement, Indoor			
	Sexually-oriented Business			
	Fitness and recreational sports center			
	Shooting Range, Indoor		S	S

TABLE 3-1: TABLE OF PERMITTED USES P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited				
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS		
		RP-1	RP-2	RP-3
	Campground		S	S
	General Outdoor Recreation, Commercial	S	S	S
	Golf Course	S	S	S
	Golf Driving Range			
	Golf Putting Course		S	S
	Recreational vehicle park			
	Shooting Range, Outdoor		S	S
	Farm Market			
	Funeral Parlor, Mortuary or Crematory			
	Gas Station			
	General Retail			
	Personal Service Establishment			
	Pharmacy			
	Pharmacy with drive-through service			
	Repair Shop			
	Shopping Center			
Vehicles and Equipment	Car Wash			
	Outdoor Recreational Vehicle Storage			
	Towing and Storage Facility			
	Vehicle Sales and Rental			

TABLE 3-1: TABLE OF PERMITTED USES P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited				
USE CATEGORY	USE TYPE	RURAL PRESERVATION DISTRICTS		
		RP-1	RP-2	RP-3
	Vehicle Service and Repair, Heavy			
	Vehicle Service and Repair, Light			
Visitor Accommodation	Bed and Breakfast		S	S
	Hotel or Motel			
Industrial Service	Building Materials and Lumber Sales			
	Contractor's Shop or Storage Yard			
	Heavy Equipment Sales, Service and Rental			
	Industrial, Heavy			
	Industrial, Light			
	Light Equipment Sales, Service and Rental			
	Research and Development Facility			
Manufacturing and Production	Heavy Manufacturing, General			
	Light Manufacturing, General			
	Mining and Mineral Extraction	S	S	S
Warehouse and Freight Movement	Freight or Truck Yard			
	Mini-warehouse/Self Storage			
	Wholesale Distribution Center			
Waste-Related Uses	Auto Wrecking and Salvage Yard/Junkyard			
	Hazardous Materials Handling and Transfer Facility			

TABLE 3-1: TABLE OF PERMITTED USES P = Permitted Use By Right S = Special Review Use Blank Cell = Prohibited				
		RURAL PRESERVATION DISTRICTS		
USE CATEGORY	USE TYPE	RP-1	RP-2	RP-3
	Recycling Center			
	Sanitary Landfill			S

10.3.2 USE-SPECIFIC STANDARDS

- A. Residential Uses.** The Residential Design Standards contained in Section 6.7 shall apply to the following residential uses: Dwelling, Duplex; Dwelling, Multi-Family; Dwelling, Single-Family Attached; and Dwelling, Single-Family Detached.

1. Group Home, Residential

a. Compliance with State and Federal Law

Residential Group Homes shall comply with all state and federal law.

2. Mobile Home Park

a. General Provisions

- i. All mobile homes shall be located in a Mobile Home Park.
- ii. Existing mobile homes whether they be located within or outside of a mobile home park shall be upgraded or replaced with newer and higher quality contemporary mobile homes.
- iii. All mobile homes are required to meet the provision of C.R.S. Article 32, Title 24 that requires comprehensive regulation of the installation of mobile homes to ensure the safety, affordability and performance of such dwelling units.
- iv. All mobile homes shall be skirted between the floor and the ground surface with durable, all-weather construction as manufactured specifically for covering the undercarriage area of the mobile home.

No replacement mobile home shall be moved onto any lot unless such mobile home is certified pursuant to the "National Mobile home Construction and Safety Standards Act of 1974", 42 U.S.C. §5401 et seq., as amended or is certified by the Colorado Division of Housing pursuant to C.R.S. § 24-32-701, et seq. A replacement mobile home shall be less than 10 years old. A mobile home presently located within a mobile home park that is relocated within the same mobile home park is exempted from the requirements of this Chapter.

3. Retirement Home, Nursing Home, or Assisted Living Facility

- a. The number of residents occupying a facility at any 1 time (including staff and family of staff) shall not exceed 1 person per 200 square feet of living area.
- b. Structures 5,000 square feet or more in size shall comply with the multi-family residential design standards in Chapter 6.
- c. Subject to requirements in Section 6.3.

B. Institutional and Public Uses

1. Child Care Center

All Child Care Centers, both Large and Small, shall meet all of the applicable licensing requirements of C.R.S. §26-6-102 et seq. and the Regulations of the Colorado Department of Human Services (12 CCR 2509-9).

C. Commercial Uses

1. Sexually Oriented Business

None of the following permitted uses may be established, operated, or maintained within 750 feet of a residential district, park, library, state licensed day-care facility, religious assembly, or a school that meets all requirements of the compulsory education laws of the state; nor shall more than 2 of the following uses be established, operated, or maintained within 750 feet of each other.

- a. Adult bookstore.
- b. Adult photo studio.
- c. Adult theater or mini-motion picture theater.
- d. Adult novelty store or adult retail store.
- e. Adult cabaret or restaurant.
- f. Adult hotel or motel.

2. Agricultural Cultivation/Grazing

Agricultural cultivation and grazing shall only be permitted as a special review use on a parcel, tract or lot of at least five (5) acres in size. The raising of hogs, pigs or other livestock fed from silage, garbage or offal, or any confined animal feeding operation, is prohibited.

3. Animal Hospitals, Large and Small Animals

Unless outdoor facilities are authorized under Table 3-1, all facilities, including all treatment rooms, cages, pens, kennels, training rooms and exercise runs, shall be maintained within a completely enclosed, soundproof building and shall be sufficiently insulated so that, to the maximum extent feasible, noise or odor cannot be detected off-premises.

4. Drive-Through Service or Drive-Up Service

Drive-through or drive-up services are permitted as accessory uses to the following primary uses if such uses are permitted uses in the applicable zone district: restaurant, pharmacy, and financial institution. The following standards apply to all drive-through or drive-up services:

a. Stacking Spaces

Stacking spaces shall be provided pursuant to Table 6-6.5, Schedule of Vehicle Stacking Spaces.

b. Impact on Adjacent Uses

- i. A drive-through or drive-up shall be located, sized, and designed to minimize traffic, noise, and glare impacts on surrounding properties.
- ii. The drive-through or drive-up shall be buffered from adjacent right-of- ways and properties through architectural elements, screening, landscaping, or site design.
- iii. A landscaping buffer with a minimum width of 10 feet is required when drive-through or drive-up uses abut residential lots in a residential or mixed-use district.
- iv. The noise generated on the site by talk boxes shall not cause a nuisance.

5. Kennel or Animal Day Care

- a. Unless outdoor facilities are authorized under Table 3-1, all facilities, including cages, pens, kennels, training rooms and exercise runs, shall be maintained within a completely enclosed, soundproof building, and shall be sufficiently insulated so that, to the maximum extent reasonably feasible, noise or odor cannot be detected off-premises.
- b. A kennels or animal day care facility with outdoor facilities shall be located a minimum of 300 feet from any residential zone district.

6. Nightclub

- a. All facilities shall be maintained within a completely enclosed, soundproof building, and shall be sufficiently insulated, so that noise cannot be detected off-premises or constitute a nuisance.
- b. Notwithstanding the general dimensional standards in Chapter 4, except for the DT zone district, the minimum setback requirement shall be 25 feet if adjacent to a public right-of-way or to an industrial zoning district, and 50 feet if adjacent to a non-industrial zoning district.

7. Parking Structure

a. Ground-Floor Pedestrian-Oriented Uses Required

A ground-floor parking garage in any commercial district or any parking structure in any of the mixed-use districts shall provide a first-floor space that:

- i. Has a minimum depth of 25 feet;
- ii. Faces on each street, except alleys, for the full length of the building, except for places necessary for pedestrian and vehicle entrances and exits; and
- iii. Is designed for retail, restaurant, and other pedestrian-oriented uses otherwise permitted or approved in the zoning district.

b. Upper-Floor Facade

The street-facing facade of second and higher floors of a parking garage or any parking structure shall have a repeating pattern that includes no less than 3 instances of either:

- i. Color change;
- ii. Texture changes;
- iii. Material module changes; or
- iv. Expression of an architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

- c. At least 1 of these elements shall repeat at an interval of not more than 30 feet. This standard may be modified or waived at the sole discretion of the Director if the applicant can demonstrate an alternative building design that significantly articulates the wall plane.

Maximum Footprint

The maximum footprint of the parking garage shall not exceed 3000 square feet in the DT and NMU-Old Town zone districts.

8. Gas Station**a. Fuel Pump Canopy Design and Illumination**

- i. A fuel pump canopy shall utilize the same architectural design and materials as the principal building(s) on the lot.
- ii. Light fixtures mounted under canopies shall be full cut-off and shielded so that there is no glare or light spillage at the property line.
- iii. Lights shall not be mounted on the top or sides (fascias) of the fuel pump canopy and the sides (fascias) of the canopy shall not be externally illuminated, except as part of an internally illuminated sign that meets the standards of Section 6.12.

b. Car Wash Bays and Vehicle Repair Bays

- i. Notwithstanding the general setback requirements in Chapter 4, a 20 foot setback for vehicle service areas, bays, or canopies is required from any adjacent street. The setback shall be landscaped with a mixture of turf/sod, shrubs, trees, and other plants in accordance with the minimum live plant material requirements of the Town's Landscape Materials List, in order to screen the automotive wash, repair or maintenance facility from view from adjacent streets.
- ii. Vehicle wash or service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening wall or fence of at least 6 feet in height.
- iii. Outdoor vacuuming facilities may be outside, but not in the front setback nor closer than 25 feet from any residential district
- iv. All repairs shall be conducted inside a building.

c. Outside Displays

Outside display of merchandise shall be limited to petroleum products, propane, ice and vending machines, and auto- related equipment.

9. Restaurant with Outdoor Seating Area

- a. Eating and drinking establishments may provide outdoor seating areas on private property. The outdoor seating on private property shall meet the following criteria:
 - i. The pedestrian circulation and building entries shall comply with all applicable law, including without limitation the Americans with Disabilities Act. If a private sidewalk is adjacent to the outdoor seating area then a minimum of 4 feet of open sidewalk shall be maintained free of obstructions.
 - ii. The operators of the outdoor seating area shall be responsible for maintaining a clean, litter-free and well-kept appearance for the outdoor seating area.
 - iii. The outdoor seating area shall comply with applicable State and County Health Department regulations.
 - iv. The Director may impose conditions relating to the design, location, configuration and operation aspects of the outdoor seating to ensure that such area is compatible with surrounding uses.

- b. Eating and drinking establishments may provide outdoor seating areas on a sidewalk or in a designated parking area or travel lane within a public right-of-way as permitted in a revocable license agreement with the Town. The outdoor seating in the public right of way shall meet the following criteria:
 - i. To allow for pedestrian circulation, a minimum of 4 feet of open sidewalk shall be maintained free of obstructions adjacent to the outdoor seating area.
 - ii. Pedestrian circulation to the building and building entries shall not be impaired.
 - iii. Emergency access shall not be impaired.
 - iv. Within the outdoor seating area, chairs, tables, umbrellas, planters and trash receptacles may be permitted.
 - v. When a fence or barrier is permitted it shall be no taller than 4 feet in height, delineating the outdoor seating area.
 - vi. All furniture and encumbrances placed within the right of way must be compatible with the character of the street furniture and be moveable (not permanently attached) to allow maintenance of public infrastructure.
 - vii. The operators of the outdoor seating area shall be responsible for maintaining a clean, litter-free and well-kept appearance for the outdoor seating area.
 - viii. Alcoholic beverages shall only be served or consumed within the outdoor seating area in conformance with State Law and Town Municipal Code.
 - ix. The outdoor seating area shall comply with applicable State and County Health Department regulations.
 - x. The applicant shall be required to enter into a License Agreement with the Town for the use of the right-of-way as a condition of the issuance of the Outdoor Café Permit.
 - xi. The Director may impose additional conditions relating to the design, location, configuration and operation aspects; including but not limited to lighting, utility extensions and deck height, of the outdoor seating area to ensure that such area is compatible with surrounding uses.

10. Vehicle Sales and Rentals

- a. Vehicle repair services shall be clearly incidental to vehicle sales and rentals.
- b. All repairs shall be conducted inside a building.
- c. The outside storage of shop supplies, tires, other equipment or stock shall be prohibited.

D. Manufacturing and Light Industrial Uses

1. Auto Wrecking, Recycling and Salvage Yard / Junkyard

a. Location of Site

Such uses shall be located a minimum of 300 feet from any residential district, school, hospital, park, government office or place of public assembly.

2. Contractor's Shop or Storage Yard

a. Location of Site

The use shall not be located within 300 feet of any residentially zoned property boundary, or property boundary of a school, hospital, park, governmental office, or religious assembly.

b. Surface Requirement

Storage yard surface areas shall be paved in concrete or asphalt. Recycled concrete, recycled asphalt or equivalent may be approved by the Director for non-public storage areas.

Table 3-2 below lists the accessory uses and structures permitted within all standard zoning districts. Approval of Accessory Uses and Structures

1. When application is made for an accessory use or structure that is not specifically listed in Table 3-2, the procedure described in Subsection 3.1.A, shall be followed.
2. All accessory uses and structures shall be subject to the general standards set forth in this Subsection, as well as any use-specific standards set forth in Section 3.2 and 3.3.

B. Table of Accessory Uses and Structures

Table 3-2 below lists the accessory uses and structures permitted within all zoning districts.

TABLE 3-2: TABLE OF ACCESSORY USES AND STRUCTURES																			
P=Permitted Use By Right S=Special Review Use Blank=Not Permitted																			
ACCESSORY USE/ STRUCTURE	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED-USE				OTHER	
	RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NM	CM	AG/ OS	AP	PLI
Accessory dwelling unit	P	P	P	P	P	P	P							P	P	P			
Accessory Structure, General	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Airport Hanger	P																	P	
Backyard Chicken Hens	P	P	P	P	P	P	P								P				
Drive-thru or drive up								P	P	P						S			
Family child care home	P	P	P	P	P	P	P							P	P	P	P		
Home occupations	P	P	P	P	P	P	P							P	P	P	P		
Keeping of Household Pets	P	P	P	P	P	P	P							P	P	P	P		
Keeping of Large Animals	S	S															P		S
Outdoor display and sales								P	P	P	P			P	P	P			
Outdoor storage								P	P	P	P			P	P	P			P
Pool House	P	P	P	P	P	P	P							P	P		P		
Dwelling unit, caretaker/guard											P	P	P				P		P
Residential Guest House	P	P	P	P	P	P	P							P	P		P		
Recycling Collection Point								S	S	S	S					S			S
Swimming Pool/Hot Tub	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		P

C. General Standards

All accessory uses and structures shall comply with the general standards in this Section. No accessory use shall be located on any lot as the principal use.

1. Compliance

- a. All accessory uses and structures shall be subject to the standards set forth in this Section, and also the use-specific standards of Section 3.2 and 3.3. and the dimensional standards of Chapter 4. In the case of any conflict between the accessory use/structure standards of this Section and any other requirement of this UDC, the more restrictive standards shall control.

2. Location

The accessory use or structure shall be conducted and/or located on the same lot as the principal use. An accessory use or structure shall only be permitted on a lot that has a principal use. An accessory structure shall be located behind the front façade of the principal use.

3. Same Ownership Required

The property where the principal use and the accessory use are occurring shall be under the same ownership.

4. Same Utility Meter Required

The principal use and the accessory use shall utilize the same utility meter with the exception of an approved accessory dwelling unit that may have the same or separate utility meter.

5. Size of Structure

Unless specified below, an accessory structure shall be subordinate in gross floor area, extent and purpose to the principal structure. When multiple accessory structures are associated with a principal use, the total of all accessory structures shall be subordinate in gross floor area, extent and purpose to the principal structure.

Notwithstanding Subsection 3.3.D.1.d, the following are not required to be subordinate in gross floor area:

- a. Airplane hangars shall be exempt.
- b. Within the Rural Residential and Estate Residential districts, accessory structures shall not exceed 2 times the gross floor area of the principal building.

D. Additional Standards for Specific Accessory Uses and Structures

1. Accessory Dwelling Units

a. Purpose

Accessory dwelling units are intended to:

- i. Provide a mix of housing that responds to changing family needs;
- ii. Provide a means for residents, seniors, single parents and families with grown children to remain in their homes and neighborhoods, obtain extra income, security, companionship and services;
- iii. Provide a broader range of accessible and more affordable housing;
- iv. Create new housing dwelling units while respecting the look and scale of single-family detached neighborhoods; and
- v. To establish a procedure to minimize potential impacts from these conversions on abutting single-family uses.

b. Exception from Impact Fee Requirements

New accessory dwelling units shall not be subject to impact fee charges.

c. Creation of Accessory Dwelling Units

An accessory dwelling unit may be created by:

- i. Converting an existing living area, attic, basement or garage;
- ii. Addition of floor area to a single-family house;
- iii. Construction of a detached accessory dwelling unit on the single-family lot;
or
- iv. Construction of a new single-family detached house with an internal or detached accessory dwelling unit.

d. General Standards

All accessory dwelling units shall meet the following standards:

i. Districts Permitted

Accessory dwelling units shall be permitted as accessory uses to single-family detached residential uses as depicted in Table 3-2. A minimum lot size of 6,000 square feet is required.

ii. Where Permitted on Lot

An accessory dwelling unit shall comply with all applicable site and building design, access, and other standards for principal dwelling units in the zoning district in which the accessory dwelling unit will be located. Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.

iii. Size of Accessory Dwelling Unit

An accessory dwelling unit shall not exceed 800 square feet in gross floor area. An accessory dwelling unit shall contain a living/sleeping area, bathroom and full kitchen.

iv. Limit on Number

There shall be no more than 1 accessory dwelling unit on a lot in addition to the principal single-family detached dwelling. An accessory dwelling unit shall not serve as the principal dwelling on the site.

v. Parking Requirements

(A) On-site parking is not required if an accessory dwelling unit is built on a site with an existing single-family detached house that has on-street parking on the abutting street frontage.

(B) One additional parking space is required when:

- (1)** The street abutting the site does not have on-street parking;
or
- (2)** The accessory dwelling unit is built at the same time as the single-family detached house.

vi. Design Standards

Accessory dwelling units created by either an addition to an existing single-family detached house or as a separate structure from the principal structure shall meet the following additional design standards to insure compatibility with the principal dwelling unit.

- (A) All accessory dwelling units shall be designed to maintain the appearance, architectural style and character of the principle dwelling unit. Exterior siding, roofing, and trim shall visually match the appearance of the materials on the principal dwelling unit. Roof style shall visually match the predominant style of the principal dwelling unit. Exterior window trim, window proportions (width to height), patterns, and orientation (horizontal to vertical) shall visually match those of the principal dwelling unit. Eaves will project from the building walls the same distance as the eaves on the existing house.

2. Airport Hangers

Airport hangers shall only be permitted in the Erie Airpark Subdivision within the Rural Residential zone district of the Town. Airport hangers within the Erie Airpark Subdivision must have access easements to the Erie Airport property and runways established to be permitted.

3. Dwelling Unit, Caretaker/Guard

Only one dwelling unit for a caretaker or guard is permitted. The dwelling unit shall be located within a permanent structure that is used for the principal use. The maximum gross floor area of the dwelling unit shall be 800 square feet.

4. Family Child Care Home

Family child care homes shall comply with the Colorado licensing statutes codified at C.R.S. § 26-6-102, *et seq.*, and the Department of Human Service Regulations codified at 12 CCR 2509-8 *et seq.*

5. Home Occupations

Home occupations shall be an accessory use governed by the following regulations:

- a. A home occupation shall not be conducted until a home occupation has been reviewed and approved and a home occupation permit has been issued by the Director of Planning and Development. Said home occupation permit shall cite the conditions of the approval, if any.
- b. Home occupations must be clearly secondary to the use of the building as a residence and shall not occupy more than 25 percent of the total floor area of the main building; or if located in an accessory building(s), shall not occupy more than 500 square feet.
- c. The home occupation shall use the same water, electric and gas meters as the residence.
- d. Home occupations shall be operated entirely from an enclosed structure with no exterior storage of business related vehicles, materials or equipment. The home occupation owner's individual business/personal passenger vehicle is exempt from this requirement.
- e. There shall be no visible evidence of the operation, and it shall not change the residential character thereof.
- f. The residential building includes complete residential facilities, i.e., kitchen, living room, bathroom and bedroom(s).
- g. Only persons residing in the residence can operate the home occupation at the residence. A maximum of 2 off-site employees, independent contractors or others associated with the business may be at the residence at the same time for work assignments, supplies, etc.
- h. The operation shall not generate objectionable traffic in the area, and off-street parking must be provided to accommodate all needs created by the home occupation; however, in no case shall the number of additional parking spaces provided for the home occupation exceed the number of bedrooms in the residence.
- i. The operation shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar impacts.
- j. The following uses, because of their tendency to go beyond the limits permitted for home occupations and thereby impair the use and value of the residential area shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than 4 students are being instructed at 1 time); dental offices; medical offices; the painting of vehicles, trailers or boats; private schools with organized classes; motor vehicle towing operation; barber shops having more than 1 chair, beauty shops having more than 1 chair; welding shops; nursing homes; bed and breakfast and other such transient lodging; and retail sales where products are stocked and sold to purchasers at the home occupation residence like a retail store.

6. Keeping of Backyard Chicken Hens

The keeping of backyard chicken hens shall be an accessory use to single-family detached dwelling units on lots greater than 5,000 square feet in lot area that meet the following regulations:

- a.** No more than 6 backyard chicken hens are permitted per principal dwelling unit.
- b.** Roosters are prohibited.
- c.** Backyard chicken hens are required to be located within a designated chicken coop and chicken run that meet the following standards:
 - i.** The chicken coop and chicken run shall be located in the rear yard of a property.
 - ii.** The chicken coop and chicken run, nor any part thereof, shall be located between the rear of the principle structure and the front yard lot line.
 - iii.** The chicken coop and chicken run shall have a minimum 5 foot setback from any side or rear property line.
 - iv.** The chicken coop shall not be located within any utility easement.
 - v.** The chicken coop shall be predator resistant with a solid covered roof.
 - vi.** Water shall be provided onsite and be accessible at all times.
 - vii.** During daylight hours, chicken hens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to the chicken coop.
 - viii.** From dusk to dawn, chicken hens shall be protected from predators by being enclosed within a chicken coop.
 - ix.** The maximum chicken coop is 100 square feet in area.
 - x.** A minimum of 4 square feet of area per chicken hen shall be provided in both the coop and run.
 - xi.** The maximum height of the chicken coop shall be no more than 7 feet at the highest point of the roof.
- d.** The chicken coop and run shall be maintained and shall regularly be cleaned to control dust, odor and waste and not constitute a nuisance, safety hazard or health problem to surrounding properties.
- e.** No onsite slaughtering is permitted.
- f.** Chicken feed shall be stored in metal re-sealable, airtight, predator proof containers.
- g.** Chicken waste shall be stored in metal re-sealable, airtight, predator proof containers.

h. The keeping of backyard chicken hens shall not be conducted until a backyard chicken license has been reviewed and approved and a license has been issued by the Director. Said license shall cite the conditions of the approval, if any. The following are the application requirements need for review of a backyard chicken license:

- i. Completed Backyard Chicken License Application.
- ii. Non-refundable application fee.
- iii. Scaled Site Plan of the property showing location of chicken coop and run.

7. Keeping of Household Pets

Household pets including, but not limited to dogs, cats, potbelly pigs or similar domesticated animals shall be permitted in all zoning districts allowing for residential use provided that no more than 5 animals over 4 months of age are kept by the occupant of any residential dwelling unit. This provision limiting the number of pets does not apply to tropical fish, small rodent animals such as gerbils, hamsters, and small birds kept as pets, unless the animals are raised for commercial purposes. Kennels, boarding facilities, and commercial activities are not a permitted accessory use. Animals typically found on farms including but not exclusive of, turkeys, goats, sheep, cows, and pigs are not considered household pets. For regulations regarding keeping of large animals such as donkeys, horses, and llamas, etc., see Subsection 3.3 D.8 below.

8. Keeping of Large Animals

Horses, donkeys, mules, and llamas, or as otherwise approved by the Director, for non-commercial use provided at least two acres of pasture area is available for the first animal and 1 additional acre of pasture is available for each additional animal. The raising of hogs, pigs or other livestock fed from silage, garbage or offal is prohibited.

9. Outdoor Display and Sales

Outdoor display and/or sales may be permitted as an accessory use for all commercial uses, and requires Site Plan approval. It is the intent of this UDC to allow the display of merchandise for sale, but not where the display of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The display of goods shall meet all of the following requirements:

a. Procedural Requirements

Outdoor display and/or sales shall require approval of the Director. All new development plans must show the location of such areas in accordance with this Section. Existing non-residential uses must submit a plan showing the location of the outdoor display or sales areas and how the requirements of this Section are to be met. Approval may be subject to appropriate conditions established by the Director.

b. Where Permitted

- i. Outdoor display of goods shall not be located in parking spaces, drive aisles, loading zones and fire lanes. Outdoor display of goods on pedestrian walks shall only be allowed when a minimum of 5 feet of walk is maintained free of goods and overall pedestrian circulation routes and building entries are not impaired.

- ii. The area used for outdoor display or sales shall be limited to no more than 1/2 of the length of the store front, unless increased by the Director after taking into account aesthetics, and safety concerns or other relevant factors. In the case of a shopping center, the “storefront” shall include the entire frontage of the shopping center, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 percent of the aggregate store front of the overall shopping center.
- iii. The area of outdoor display or sales shall not encompass the width of the entrance doors to the facility as projected straight out from the facility. For example, if the width of the entrance doors is 10 feet, then there shall be at least a 10 foot clearance from the doors as projected straight out and away from the facility.
- iv. No goods or outdoor displays shall be attached to a building's exterior wall surface.
- v. The height of the outdoor display shall not exceed 6 feet, unless an exception to this provision has been granted by the Director.
- vi. The outdoor display area shall take place on an improved surface.

10. Outdoor Storage

In no case shall the storage or parking of trailers, semi-trailers, cargo containers or shipping containers outdoors, walk-in coolers or similar containers, or the warehousing of goods in such containers, be permitted as a principal use. Goods stored in an approved outdoor storage area shall be limited to storage of materials associated with the business on the lot; business of vehicle storage; or storage of businesses' vehicles and equipment. Outdoor storage shall meet all of the design standards in Chapter 6.

11. Swimming Pool/Hot Tub

A swimming pool and/or hot tub may be permitted in any district as an accessory use subject to the following additional requirements:

- a. No public or private swimming pool or hot tub may be located in any required front yard or side yard abutting a street. No swimming pool shall be located closer than 10 feet to any side or rear lot line.
- b. Swimming pools or hot tubs and related facilities shall conform to all applicable Town and State regulations.

12. Accessory Structures, General

: An Accessory Structure to a principal use, that is over 120 square feet in gross floor area, shall meet the standards below.

- a. Facades shall not be constructed of metal materials.
- b. Accessory structures shall be similar in architectural design and character to the principal structure.
- c. Accessory structures for non-residential uses, such as storage tanks, and similar accessory structures shall be screened from public view from streets, alleys, sidewalks, trails, parks and open

space. Screening may be accomplished through the use of fencing and/or landscaping.

- d. Greenhouses, gazebos, playhouses and similar structures shall be exempt from the architectural design and character requirements and from the screening requirement

13. Pool House

A pool house is allowed as an accessory structure to a permitted principal dwelling unit on the same lot as the detached single-family dwelling unit. A pool house may contain detached residential living space.

14. Residential Guest House

A residential guest house is allowed as an accessory structure on the same lot as a detached single-family dwelling unit. A residential guest houses may include bedrooms, living rooms and bathrooms, but shall not contain a full kitchen.

15. Recycling Collection Point

The following regulations apply:

- a. Recycling collection points located on a parking lot may not occupy required off- street parking spaces and shall be located so as not to impede free traffic flow.
- b. No processing of the goods or products, including flattening of aluminum cans, may be performed on the site.
- c. Any container used as a recycling collection point must be fully enclosed, kept in proper repair and the exterior must have a neat and clean appearance.
- d. Litter in the immediate vicinity of a recycling collection point must be collected and disposed of properly. Goods or products shall not be stored outside the vehicle or container.

10.3.4 TEMPORARY USES AND STRUCTURES

A. Purpose

This Section allows for the establishment of certain temporary uses and structures of limited duration, provided that (1) a Temporary Use Permit is properly obtained pursuant to Section 7.16 of this UDC; (2) such uses do not negatively affect adjacent properties or Town facilities; (3) such uses or structures are discontinued upon the expiration of a set time period as defined by the Temporary Use Permit; and (4) temporary uses or structures do not involve the construction or alteration or any permanent building or structure.

B. Temporary Uses and Structures Permitted

The following temporary uses and structures may be permitted in accordance with the requirements of this Section.

- 1. Retail sales of products including without limitation seasonal trees, agricultural produce, sidewalk sales, and fireworks, is permitted in any nonresidential district for a period not to exceed the number of days specified in the Temporary Use Permit. Display of products need not comply

with the yard and setback requirements of this UDC provided that no display shall be located within an area restricted by the Corner Sight Distance requirements of Section 4.2.

2. Temporary office space and equipment storage is permitted when accessory to an approved construction project in accordance with Subsection 3.4.E. Such uses shall be located on the site no more than 30 days prior to the start of construction and removed no more than 30 days after completion of such project.
3. Offices associated with residential sales are permitted in residential zoning districts until all lots or houses are sold or leased in accordance with Subsection 3.4.E. Use of the sales office for sites outside of the project is prohibited.
4. Expansion or replacement facilities, consisting of transportable buildings that are pre-constructed and arrive at the site ready for occupancy and are readily removed and installed at other sites. Such facilities may include without limitation the following:
 - a. Expansion of existing religious assembly facilities, health care facilities, and government offices following the approval of filed plans and applications for the permanent alteration/expansion of these facilities.
 - b. Temporary classroom space for existing schools.
 - c. Temporary space for recreational uses provided in connection with an approved residential development under construction.
 - d. Temporary space for a non-residential use following the destruction of a building by fire or other catastrophic event. The building permit for the reconstruction of the permanent building must be obtained within 60 days of the approval of the Temporary Use Permit. For good cause, the Director may approve a written request for a 60 day extension of the Temporary Use Permit provided that the request is filed prior to the lapse of the original permitterm.
 - e. Temporary office space (1 per site) for hiring, membership solicitation, apartment office/leasing, and general office use following the issuance of a building permit for the construction of a permanent office building.
5. The Director may approve other temporary uses or structures using the process established in Subsection 3.1.A.

C. Temporary Use Permits

1. Permit Required

All temporary uses and structures shall obtain a Temporary Use Permit pursuant to the procedures set forth in Section 7.16. A Temporary Use Permit shall be reviewed, approved, or revoked only in accordance with the regulations of Section 7.16 and this Section.

2. Permit Exceptions

Notwithstanding Subsection 3.4.C.1, the following temporary uses are permitted in any district and are exempt from the Temporary Use Permit requirements:

- a. Town sponsored events utilizing Town property, public streets, or public right-of- ways, provided that the applicant shall coordinate the event with the Public Works Department, Police Department and Fire District, and comply with any conditions required by those departments;
- b. Up to 7, 1-day garage or yard sales per year per residential dwelling unit;
- c. Temporary car washes lasting no more than 7 days per year;
- d. Gatherings of less than 100 people, such as block parties, nonprofit bazaars, and fundraisers; and
- e. Temporary uses that occur wholly within an enclosed permanent building.

D. General Requirements for all Temporary Uses and Structures

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this UDC:

1. The temporary use shall comply with all applicable general and specific regulations, including zoning regulations, of this Section unless otherwise expressly stated.
2. Permanent alterations to the site are prohibited. If any alterations to the site occur the site shall be restored to its previous condition.
3. Unless otherwise stated in this UDC or in the terms of the Temporary Use Permit, the temporary use shall expire 30 days after approval of the Temporary Use Permit.
4. All temporary signs associated with the temporary use or structure shall be required to follow the Town sign regulations and obtain a permit. All signs shall be removed when the activity ends.
5. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
6. The temporary use regulations of this Section do not exempt the applicant or operator from any other required permits, such as building permits, health department permits, etc.
7. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, stream protection setbacks, wetlands, areas of slope greater than 20 percent.
8. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
9. Tents and other temporary structures shall be located not to interfere with the normal operations of any permanent use located on the property.
10. Off-street parking shall be adequate to accommodate the proposed temporary use.

11. Applications for temporary structures to be located in or near the 100-year floodplain shall be required to obtain a Floodplain Permit and submit a plan to the Planning Commission for the removal of such structure(s) in the event of a flood notification. The plan shall include the following information:
 - a. The name, address, and phone number of the individual responsible for the removal of the temporary structures;
 - b. The time frame prior to the event at which a structure will be removed;
 - c. A copy of the contract or other suitable proof of contract with a trucking company to ensure availability of removal equipment when needed; and
 - d. Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.

E. Additional Use-Specific Regulations for Certain Temporary Uses

In addition to complying with the general regulations in Subsection 3.4.D, the temporary uses listed below shall comply with the additional use-specific regulations below.

1. Construction Trailer and Outdoor Storage for Construction

Construction trailers and outdoor storage locations for construction shall be reviewed and if appropriate approved by the Director. Plans shall be submitted illustrating that the application meets all of the following requirements:

- a. The use shall be located on a lot.
- b. The use shall meet zoning category setback and height requirements.
- c. The use shall provide an all-weather access road to the trailer with a turn-around that is approved by the Fire District. The access and turn-around is required to be constructed before the trailer is installed.
- d. The construction trailer is not required to tap into the Town's water and sanitary sewer system. A port-a-let shall be provided.
- e. Outdoor storage shall be fenced; if adjacent to existing or future residential development, such fencing shall be opaque.
- f. The trailer and associated site elements shall be removed by the time the last Certificate of Occupancy is released within the filing within the development in which the trailer is located. Within 30 days of the trailer being removed from the site, the owner shall either have a building permit(s) issued for the site or the site shall be restored with appropriate ground cover in accordance with Town erosion control standards.

2. Model Homes

The following standards shall apply to all model homes:

a. Approval

- i. Model homes shall require the approval of the Director through the administrative Site Plan review process. Building permits for model homes shall be issued after paved streets are completed and accepted by the Public Works Director and the applicant has demonstrated the model homes will be connected to the Town's potable water and sanitary sewer systems;

and

- ii.* Off-street parking, sidewalks and landscape improvements shall be installed prior to the issuance of a Certificate of Occupancy is issued for any model home.

b. Construction Plans

Construction plans shall be filed that demonstrate:

- i.* Paved street access with sidewalk and landscaping that conform to district and development standards;
- ii.* The location of temporary on-site sales offices within the model home; temporary parking lots with all-weather surfacing; and temporary trap fencing; and
- iii.* Connection to the Town's potable water and sanitary sewer system.

c. Development Standards

Model homes and associated parking shall conform to the development and design standards applicable to residential uses in the zone district, and with the following additional standards:

i. Standards for Temporary Off-Street Parking

Model homes shall provide temporary off-street parking onsite or on an adjacent lot that conforms to the development and design standards for parking lots for similar commercial uses, as may be modified by the Director to reflect the temporary nature of the use. The temporary off-street parking shall have all-weather surfacing. Temporary parking lots shall be removed prior to the issuance of the last Certificate of Occupancy for a dwelling unit in the development is issued.

3. Temporary Sales Trailer or Temporary Sales Office

A temporary sales trailer or temporary sales office shall be reviewed and if appropriate approved by the Director. Plans shall be submitted illustrating that the application meets all of the following requirements:

- a.** The use shall be located on a lot.
- b.** The owner shall provide a paved road to Town standards as accepted on the construction plans, and shall provide secondary access if required by Fire District; to their standards.
- c.** The use shall meet zoning category setback and height requirements.
- d.** A water and sewer tap is required on the lot where the trailer/office is located to provide adequate public facilities within the sales trailer.
- e.** ADA access is required.
- f.** Temporary off-street parking shall be provided on-site or on an adjacent vacant lot.
- g.** Off-street parking shall have all-weather surfacing.
- h.** Off-street parking shall meet zoning category setback requirements.

- i. Access to a sales trailer and associated parking shall come from a local or collector streets and not from an arterial street unless the applicant can prove that it is impracticable to do so.
- j. A building permit for a temporary sales trailer or temporary sales office may only be issued after installation of a paved road access and installation of off-street parking.
- k. The trailer and associated site elements shall be removed by the time the last Certificate of Occupancy is released within the filing within the development in which the trailer is located. Within 30 days of the trailer being removed from the site, the owner shall either have a building permit(s) issued for the site or the site shall be restored with appropriate ground cover in accordance with Town erosion control standards.

CHAPTER 5: SUBDIVISION STANDARDS, DESIGN, AND IMPROVEMENTS

10.5.1 PURPOSE

The purpose of this Chapter is to:

- A. To assist orderly, efficient, and integrated development, and to promote the health, safety, convenience, order, prosperity, and general welfare of the present and future residents of the Town;
- B. To encourage the proper arrangement of subdivisions in relation to existing or planned subdivisions in order to facilitate safe, efficient and pleasant walking, biking and driving;
- C. To provide for a variety of lot sizes and housing types;
- D. To ensure an adequate and efficient street system by regulating the location, design, class, and type of street, sidewalk and other transportation corridors; and
- E. To secure adequate provisions of water, electric service, drainage, sewers and other facilities and services for the health and safety of Town citizens.

10.5.2 APPLICABILITY

The provisions of this Chapter shall be applicable to all subdivision and re-subdivision of land within the Town. The following shall be excepted from the provisions of this Chapter: (1) division of land through an estate proceeding; (2) division of land through a foreclosure of a deed of trust; (3) adjustment of the boundary line or the transfer of land between 2 adjacent property owners that does not result in the creation of any additional parcels.

10.5.3 GENERAL PROVISIONS

- A. It is unlawful to use, file, or record a plat of a subdivision of land with the Weld County Clerk and Recorder or Boulder County Clerk and Recorder, until the plat is approved by the Town, and signed by duly authorized representatives of the Town.

- B. **Minimum Standards**

The standards in this Chapter are minimum standards. The Town may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this UDC.

- C. **Phasing Schedule**

The Director may require that a subdivision conform to a phasing schedule based upon the scheduled availability of infrastructure to serve the subdivision. A phasing plan shall be submitted for approval at the time of application for Preliminary Plat and made a condition of that approval or with a subdivision agreement.

- D. **Compliance with Other Provisions of this UDC**

All subdivisions shall comply with all other applicable zoning, design, and development regulations set forth in this UDC, including without limitation:

- 1. The requirements of the zoning district in which the property is located (see Chapter 2, 3 and 4); and
- 2. Generally applicable development and design standards (see Chapter 6).

- E. **Compliance with other Town of Erie Adopted Plans and Policies**

The design of subdivisions shall be generally consistent with all other adopted plans and policies adopted by the Town, including without limitation:

1. The Town of Erie Comprehensive Plan, as amended;
2. The Town of Erie Parks, Recreation, Trails and Open Space Master Plan, as amended;
3. Town of Erie Transportation Plan, as amended;
4. Town of Erie Utility Master Plans, as amended;
5. The Town of Erie Standards and Specifications for Design and Construction of Public Improvements, as amended (the "Standards and Specifications"); and
6. Mile High Flood District policy and standards, as amended.

10.5.4 LAYOUT AND DESIGN GENERALLY

No subdivision shall be approved unless it complies with all of the following standards:

A. Name of Subdivision

The title under which the subdivision will be recorded shall not duplicate the name of any existing subdivision in the Town.

B. Natural and Scenic Resource Protection

The standards and requirements in Section 6.2, shall apply to all subdivisions.

C. Natural Hazard Areas

Land subject to hazardous conditions such as landslides, rock falls, expansive soils, mine subsidence, mine shafts, shallow water table, open quarries, floodplains, and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been mitigated or will be mitigated by the subdivision and construction plans.

D. Adjoining Subdivisions

A proposed subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions (existing and proposed) with respect to the alignment of street rights-of-ways, utility and drainage easements, open space, view corridors, pedestrian/bicycle paths, and other relevant design considerations.

E. Lots

1. Lot size, width, depth, shape, and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy, and view. All lots shall conform to the applicable zoning regulations affecting the property.
2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping or planting area, and loading areas required by the type of use and development contemplated.
3. No lot shall be divided by a municipal or county boundary line.
4. No lot shall be divided by a zone district boundary line.
5. A lot shall not be divided by a street or alley.
6. Each residential lot shall be provided with lot frontage on a street or garden court. Non-residential lots shall be provided with lot frontage on a street or private drive.
7. Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages.

8. Wedge-shaped lots shall not be less than 30 feet in width at the front property line.
9. Side lot lines shall be at substantially right angles and radial to curved streets. Where lot lines are not at right angles to the street lines, it shall be indicated on Preliminary and Final Plats.
10. Triple frontage lots and flag lots are prohibited in residential zone districts.
11. Lot widths and minimum square footage shall conform to the requirements of Chapter 4 of this UDC.
12. Residential double frontage through lots are only permitted where no other configuration is practicable. Subdivisions with residential, double frontage through lots shall provide a minimum 30 foot landscape tract between the rear lot line and the street.

F. Blocks

The requirements and standards set forth in Section 6.5, shall apply to all subdivisions.

G. Streets

All streets shall comply with the requirements and standards set forth in Section 6.5, in addition to the following:

1. Compliance with Town Standards Required

All new streets within a subdivision shall be constructed in accordance with the Town of Erie Transportation Plan and the Standards and Specifications.

2. General Street Design Considerations

All new streets should be designed in relation to existing or planned streets, to topographic conditions, to public convenience and safety, and in relation to the proposed use of land to be served. Streets shall be extended to connect with existing streets, except where such extension is prevented by topography or other physical conditions or where the connection of streets with existing or probable future streets is deemed unnecessary by the Town for the advantageous development of adjacent properties.

3. Private Streets

Private streets may be permitted provided they meet all standards and specifications required for public streets and rights-of-ways or per a variance granted by the Town Engineer.

4. Street Intersections

- a. Freeways and arterial streets shall not be intersected by local streets.
- b. No more than 2 streets shall intersect at 1 point.
- c. Streets shall intersect at 90 degrees, except where this may be impractical. Angles of less than 90 degrees may be designed, subject to the approval of the Town Engineer.
- d. Two streets meeting a third street from opposite sides shall meet at the same point, or their centerlines shall be offset at least 150 feet. This requirement shall not apply to the alignment of opposing cul-de-sac streets, provided the cul-de-sacs are 100 feet long or less.

5. Street Right-of-Way Widths

Street right-of-way widths within the proposed subdivision, or boundary streets impacted by the proposed subdivision, shall follow the Standards and Specifications.

6. Cul-de-sacs

All cul-de-sacs shall be designed in accordance with the Standards and Specifications and the Fire District.

7. Street Arrangement and Connections

- a. Local streets shall be arranged so that their use by through traffic will be discouraged.

Traffic calming techniques such as use of grid patterning, diverters and curvilinear alignments are encouraged to reduce speeds and cut-through traffic. All traffic calming measures shall be approved by the Town Engineer.

- b. . No driveway access shall be permitted from the lot directly to any highway, freeway, arterial, or railroad right-of-way unless otherwise approved by the Town Engineer.
- c. Dead-end streets (not cul-de-sac, stub streets, etc.) shall not be permitted unless approved by the Board.

H. Alleys

Alleys are permitted subject to compliance with this Section and other pertinent sections of this UDC. All new alleys shall be constructed in accordance with the Standards and Specifications.

- 1. Alleys in developments approved after the effective date of this UDC shall be privately owned and maintained. An easement in such alleys shall be granted to the Town and/or other service providers for installation and maintenance of utilities, refuse collection, and similar facilities and services.
- 2. If an alley is provided, garage driveway connections shall be from an alley. In areas where no alley is provided, garage driveway connection shall be from the street.

I. Sidewalks, Curbs and Gutters

In all subdivisions, streets shall be constructed in accordance with the Standards and Specifications. Handicap accessible curb ramps from the sidewalk to street grade shall be provided, in conformance with the Americans with Disabilities Act and other applicable law.

J. Utility Easements

In addition to the following, the requirements of Section 6.4.G shall apply to all subdivision provisions for utility easements.

- 1. Utility easements shall follow rear and side lot lines whenever practical, and the centerline of any easement should coincide with a joint property line.
- 2. Easements shall be determined so as to provide efficient installation of utilities and should integrate well with the Town's street design criteria.
- 3. Public utility installations shall be so located as to permit multiple utility installations within the easements, to avoid cross connections, to minimize trenching and adequately separate incompatible systems. No utilities shall be placed within 1 foot of the property line of any property. Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of the new subdivision, proof of the dedication of the existing easement or right-of-way must be submitted to and be acceptable to the Town.
- 4. The location and width of all utility easements shall be subject to the approval of the Town and the utility providers.
- 5. Transmission lines shall be placed underground whenever practicable. The applicant shall make the necessary arrangements including any construction or installation charges with each of the serving utilities for the installation of such facilities.
- 6. Other utility equipment (including but not limited to transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting utilities, and other facilities necessarily appurtenant to such underground utilities) shall be placed underground whenever practicable. If placed above-ground, such equipment shall not be located in street medians or on utility poles unless no practicable alternative exists. Such equipment shall also be screened as required by the screening requirements of Subsection 6.4.G.
- 7. The applicant shall establish rough-cut final utility grades prior to the utility installations.

K. Stormwater Drainage

1. General Provisions

- a. Drainage improvements shall be designed according to Town specifications and in accordance with Mile High Flood District standards.
- b. Drainage areas shall be left in a natural state or designed to appear natural in form unless otherwise approved by the Town.
- c. Complete drainage systems for the entire subdivision area shall be designed by a professional engineer, licensed in the State of Colorado and qualified to perform such work, and shall be shown graphically. All existing drainage features that are to be incorporated in the design shall be so identified. If the Final Plat is to be presented in phases, a general drainage plan for the entire area shall be presented with the first phase and appropriate development stages for the drainage system for each phase shall be indicated.

2. Design of Drainage Systems

- a. The drainage system shall be designed to consider the drainage basin as a whole and shall accommodate not only runoff from the subdivision area but also, where applicable, the system shall be designed to accommodate the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream.
- b. Native re-vegetation techniques shall be used.
- c. Storm water drainage systems shall be designed according to Town specifications and in accordance with Mile High Flood District standards.
- d. A final drainage report shall be submitted and accepted by the Town prior to Final Plat approval. All drainage reports submitted to the Town shall be subject to review by the Town and outside referral agencies.

L. Water and Wastewater Lines

1. Oversizing Water and Wastewater Lines

Oversizing of water or wastewater lines may be required by the Town. In such cases the applicant shall pay for the cost of the line. The opportunity to recoup oversizing costs from future users is limited to 20 years, unless otherwise provided for by the Town by agreement.

2. Wastewater Line Standards

Design standards for wastewater lines shall be in accordance with the Standards and Specifications.

M. Water Courses and Ditches

The requirements and standards in Subsection 6.2.B, shall apply to all subdivision plats.

N. Water Supply

The requirements and standards in Title 8 of the Municipal Code apply to all subdivision applications.

10.5.5 IMPROVEMENTS

A. Improvements Required

Applicants shall be required to pay for and construct all on-site and off-site public improvements and common facilities that are required to adequately serve the proposed development or are deemed necessary to address the impact caused by the proposed development. Payment for and construction of such on-site and off-site public improvements and common facilities shall be a requirement of the approval of a proposed development under this UDC. The public improvements and common facilities required to be paid for and constructed as part of the proposed development shall be governed by a separate Development Agreement.

B. Improvement Guarantees

The requirements and standards for Improvement Guarantees set forth in Sections 7.19 and 7.20 shall apply to all site plan and subdivision improvements.

C. Town Utilities and Facilities

1. A proposed subdivision shall not, by reason of its location or design, cause an undue burden on existing Town utility systems or community facilities. What constitutes a burden shall be determined by the Town, and shall be fully examined during the annexation process for this possibility, prior to the final platting of the property. Where extension, enlargement, or construction of Town utility systems or community facilities are necessitated by a specific subdivision, the applicant will bear the costs of the necessary expansion, enlargement or construction.
2. In the event that the Town requires over-sizing of a utility or facility to serve future development or areas beyond the proposed subdivision, the Town and applicant may enter into an agreement for the applicant to recover an equitable portion of the excess born by the applicant.
3. In the event that the Town has constructed a utility or facility to serve future development and the proposed subdivision connects to said utility or facility, the Town and applicant may enter into an agreement for the Town to recover an equitable portion of the excess born by the Town.

D. As-Built Plans

Finished as-built plans of all public improvements as installed shall be required before the Town will accept the improvements.

10.5.6 DEDICATION AND FEES IN-LIEU

A. Parks and Open Space

The requirements and standards set forth in Section 6.3 shall apply to all subdivisions.

B. Contribution for Public School Sites

1. Contribution Required

Residential subdivisions shall provide a fair contribution for public school sites to the school district in which they are located to be in conformance with the current Intergovernmental Agreement between the Town and St. Vrain Valley School District, RE-1J or the Town and Boulder Valley School District, RE-2.

2. Proof of Payment

If the fair contribution for public school sites includes payment in lieu of dedication of land, then prior to the issuance of any building permit for any residential dwelling unit in the subdivision not otherwise exempt under this Section, the Town shall be provided with proof that, for the lot for which the permit is sought, the required payment in lieu of dedication of land has been made to the school district.

CHAPTER 8: RESERVED

CHAPTER 10: ENFORCEMENT

10.10.1 PURPOSE

The purpose of this Chapter is to set forth the remedies and penalties that apply to violations of this UDC. The provisions of this Chapter are intended to encourage the voluntary correction of violations, where possible.

10.10.2 VIOLATIONS

Each of the following activities is a violation of this UDC:

A. Activity Inconsistent with this UDC

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any building, structure, or sign, or development or subdivision of any land, in contravention of any provision of this UDC or any regulation promulgated under this UDC.

B. Activity Inconsistent with Permit or Approval

Any development, use, construction, remodeling, or other activity in any way generally inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this UDC.

C. Separate Violations

Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this UDC.

10.10.3 REMEDIES AND PENALTIES

A. Enforcement Powers

1. Deny/Withhold Entitlements

The Director may deny or withhold all entitlements, including certificates of occupancy, or other forms of authorization to use or develop any land, structure, or improvements, until an alleged violation, associated civil penalty or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.

2. Stop-Work Orders

- a. Whenever any building, structure or site or part thereof is being demolished, constructed, reconstructed, altered, or repaired in violation of the building code or in a manner that endangers life or property, the Director is authorized to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.
- b. With or without revoking permits, the Director may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this UDC or a provision of an entitlement or other form of authorization issued under this UDC.
- c. The stop-work order shall be in writing and posted at the site of the work, and shall specify the alleged violations. After any such order has been posted, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.

B. Penalties

1. Violation of this UDC may be punishable through imposition of a civil penalty as set forth in the Town's Municipal Code.

2. Injunctive Relief

The Town may seek injunctive relief or other appropriate relief in district court or other court of competent jurisdiction against any person who fails to comply with any provision of this UDC or any requirement or condition imposed pursuant to this UDC. In any court proceedings in which the Town seeks a preliminary injunction, it shall be presumed that a violation of this UDC is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject UDC violation.

C. Abatement

The Town may abate any violation of this UDC as follows:

- a. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by first class United States mail to the owner of record of the property.
- b. Unless this notice is appealed, pursuant to Section 7.22, to the Board of Adjustment within 10 days of the posting of the final warning, the Town shall proceed to abate the violation.
- c. The Town shall keep an account of the cost, including incidental expenses, incurred by the Town in the abatement of any violation. The Town shall forward a bill for collection to the violator and owner of record of the property specifying the nature and costs of the work performed. For purposes of this Section, the term "incidental expenses" shall include without limitation the actual expenses and costs to the Town in the preparation of the notices, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.
- d. The responsibility for payment of the charges for abatement as set forth in this Section shall rest solely upon the owner of the property upon which the abatement occurred. When charges for abatement remain unpaid after 30 days from billing, the Town shall record a first and prior lien against the property, to be collected by the County Treasurer in the same manner as property taxes.

D. Remedies Cumulative

The remedies provided for violations of this UDC, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order. The exercise of one remedy shall not preclude the exercise of any other available remedy.