CHAPTER 16 Land Use and Development

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Sec. 16-1-10. Title.

This Chapter shall be known and may be referred to as the Town of Mancos Land Use Code, although it is referred to throughout this Chapter as this Land Use Code or this Chapter. (Prior LUC 1.1; Ord. 634 §1, 2010)

Sec. 16-1-20. Authority.

This Land Use Code is adopted pursuant to the powers granted and limitations imposed by Title 31, Article 23, C.R.S. (Prior LUC 1.2)

Sec. 16-1-30. Applicability.

The provisions of this Land Use Code shall apply to the development of all land within the Town, unless specifically provided otherwise in this Land Use Code. (Prior LUC 1.3)

Sec. 16-1-40. Purpose.

This Land Use Code is adopted for the purpose of promoting the health, safety and general welfare of the citizens of the Town. It is adopted in accordance with, and is intended to implement, the Comprehensive Plan, as adopted. More specifically, this Land Use Code is intended to do one (1) or more of the following:

1. Encourage implementation of the Comprehensive Plan, including specifically the goals, objectives and policies of the Plan, and the Future Development Plan.

2. Preserve the western, small-town character of the Town.

3. Manage growth in a way that improves the Town's quality of life.

4. Promote compatible land use relationships.

5. Facilitate the provision of adequate transportation, water, sewerage, schools, parks and other public facilities and services.
(6) Promote predictability, consistency and efficiency in the land development process for residents, neighborhoods, businesses, agricultural and development interests.

(7) Ensure appropriate opportunities for participation and involvement in the development process by all affected parties. (Prior LUC 1.5; Ord. 634 §1, 2010)

Sec. 16-1-50. Minimum standards; conflict with private restrictions.

The provisions of this Chapter are the minimum standards necessary to accomplish its stated purposes. It is not the intent of this Chapter to interfere with, abrogate or annul any private easement, covenant, deed restriction or other agreement between private parties. When the provisions of this Chapter impose a greater restriction than imposed by such private agreements, the provisions of this Chapter shall control. When private agreements impose a greater restriction than imposed by this Chapter, such private agreements shall control. (Prior LUC 1.6)

Sec. 16-1-60. Municipal services outside of Town boundaries.

Extension of municipal services to development outside Town boundaries shall be subject to applicable rules and regulations of the Town. Pursuant to Section 13-1-50 of this Code, no services for water or sewer shall be provided outside the Town limits unless a preannexation agreement is entered into between the party seeking the service and the Town. (Prior LUC 1.7; Ord. 634 §1, 2010)

Sec. 16-1-70. Fees.

(a) Fees for the processing of land use applications for proposed developments shall be set by resolution of the Board of Trustees commensurate with the level of service. Such fees may include all costs occasioned to the Town, including publication of notices, public hearing and review costs, planning, engineering, legal and other professional review costs.

(b) No person or entity owing money to the Town, in any amount or for any purpose, including delinquent taxes certified by the County Treasurer or any land use application fees, may be granted any development permit or any other development approval, and the Town and any of its boards, commissions, departments, officers or agents will take no action on a zoning development permit or other land use application, until all moneys owed the Town by an applicant are paid. This provision shall not prohibit the Town or any of its designees from conducting a preapplication conference or determining application completeness. (Prior LUC 1.8)

ARTICLE 2 Definitions and Interpretations

Sec. 16-2-10. Rules of construction.
Sec. 16-2-20. Computation of time.
Sec. 16-2-30. Conjunctions.
Sec. 16-2-40. Delegation of authority.
Sec. 16-2-50. Nontechnical and technical words.
Sec. 16-2-60. Definitions.
Sec. 16-2-70. Interpretations.
Sec. 16-2-10. Rules of construction.

(a) Meaning and intent. All provisions, terms, phrases and expressions contained in this Land Use Code shall be construed in order to accomplish the purposes stated in Section 16-1-40 of this Chapter.

(b) Text. In case of any difference of meaning or implication between the text of this Land Use Code and any illustration or figure, the text shall control. (Prior LUC 2.1.1, 2.1.2)

Sec. 16-2-20. Computation of time.

The time within which an act is to be done shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or legal holiday declared by the Town, that day shall be excluded. In the computation of time for public hearing notice, both the first day (day of the advertisement) and the last day (day of the hearing) shall be excluded. The following time-related words shall have the meanings ascribed below:

- **Day** means one (1) calendar day, unless **working day** is specified.
- **Month** means one (1) calendar month.
- **Week** means seven (7) calendar days.
- **Year** means one (1) calendar year, unless a fiscal year is indicated. (Prior LUC 2.1.3)

Sec. 16-2-30. Conjunctions.

Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

- **And** indicates that all connected items, conditions, provisions or events shall apply; and
- **Or** indicates that one (1) or more of the connected items, conditions, provisions or events shall apply. (Prior LUC 2.1.4)

Sec. 16-2-40. Delegation of authority.

Whenever a provision appears requiring the head of a department or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize appropriate subordinates to perform the required act or duty, unless the terms of the provision or section specify otherwise. (Prior LUC 2.1.5)

Sec. 16-2-50. Nontechnical and technical words.

(a) Words and phrases. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(b) Public officials, bodies and agencies. All public officials, bodies and agencies to which reference is made are those of the Town, unless otherwise indicated.

(c) Mandatory and discretionary terms. The word **shall** is mandatory. The word **may** is permissive.

(d) Tense, number and gender. Words used in the past or present tense include the future as well as the past or present, unless the context clearly indicates the contrary. The singular number shall include the plural, and the plural shall include the singular, as the context and application of this Land Use Code may reasonably suggest. Words of one (1) gender shall apply to persons, natural or fictitious, regardless of gender, as the context and application of this Land Use Code may reasonably suggest. (Prior LUC 2.1.6; Ord. 634 §1, 2010)
CHAPTER 16 Land Use and Development

Sec. 16-2-60. Definitions.

Unless specifically defined below, words or phrases used in this Land Use Code shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application. In case of dispute over the meaning of a term not defined here or over the application of a definition set forth herein, the Zoning Administrator shall give a written interpretation in accordance with Section 16-2-70 below.

**Accessory use** means a use naturally and normally incidental to and subordinate to the permitted use by right of the land or lot area.

**Agriculture** means a use of land for production and/or marketing of crops, livestock or products produced on site. *Agricultural production activity* includes production of forage, grains, livestock, trees and fruits, vegetables, nursery, floral and ornamental stock with reasonable expectation of profit. However, commercial feed lots shall not be considered *agriculture* for purposes of this definition.

**Animal pound or kennel** (public or private) means any premises on which five (5) or more dogs over ten (10) weeks of age are kept or housed for any reason and for any length of time.

**Antenna** means any structure or device used for the collection or transmission of electromagnetic waves, including but not limited to directional antennas, panels, microwave dishes, satellite dishes, omnidirectional antennas and whip antennas.

**Antenna support structure** means any structure or building other than a tower that can be used for a location of telecommunications facilities.

**Apartment, accessory** means a room or suite of rooms in a mixed-use building (commercial and residential uses) arranged, designed or occupied as a residence.

**Applicant** means a person who submits an application for development to a local government.

**Application for development** means an application for a preliminary or final plat for a subdivision, a planned unit development or any other similar land use designation that is used by a local government. **Application for development** includes applications for zoning, rezoning, general development plans and special use permits where such applications are in anticipation of new surface development, but does not include building permit applications.

**Asphalt or concrete batching plant, temporary** means a temporary facility for producing asphalt or concrete products used in construction activities on the same or nearby sites.

**Auto repair garage** means a building or place arranged, designed, used or intended to be used for the primary purpose of providing general repair and servicing of motor vehicles. Such repair or servicing may include reconditioning of engines, air conditioning systems and transmissions; wrecker service; collision services, including body, frame or fender straightening or repair; painting, undercoating and rust-proofing; replacement or repair of brakes, shock absorbers, tires, batteries, mufflers or upholstery; and other similar services.

**Block** means a group of lots within defined and fixed boundaries of a subdivision and usually being an area surrounded by streets or other features, such as parks, trails, pedestrian accessways or municipal boundary lines, which together shall not be longer than six hundred (600) feet.

**Block face** means all lots on one (1) side of a block.

**Buildable area.** For the purposes of subdivision development, *buildable area* means that portion of a building lot or site not within the required front yard and rear yard areas. For the purposes of issuing building permits, *buildable area* also meansthoese areas on a building lot or site, as shown on the required site plan, necessary for the construction of such other improvements as driveways, parking areas, pools, tennis courts and accessory buildings, including sufficient adjacent area to allow the normal operation of construction equipment.
Building means any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building. Building includes yurts, removable sheds, greenhouses and similar uses, but does not include signs or fences.

Building line means a line parallel or approximately parallel to the street line at a specified distance, establishing the minimum distance from the street line that a building may be erected.

Church or place of worship means a site used primarily or exclusively for religious worship and related religious services operated by a bona fide religious group for religious activities.

Commercial development includes, but is not limited to, the construction or expansion by the addition of square footage of office, retail, wholesale, warehouse, manufacture, commercial recreation and restaurant/bar and/or service commercial operations.

Common interest community means real estate described in a declaration with respect to which a person, by virtue of such person's ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvements of other real estate described in a declaration. Ownership does not include a leasehold interest of less than forty (40) years, including renewal options, as measured from the commencement date of the initial term.

Common open space means a parcel of usable land, area of water or a combination of land and water within the site designated for a planned unit development, designated and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development. Common open space may include, but is not limited to, areas devoted to recreation, courts, gardens, parks and walkways. The term shall not include space devoted to streets, parking and loading areas.

Community, planned means a common interest community that is not a condominium or cooperative.

Condominium means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate ownership portions.

Condominium map means a printed instrument depicting all or a portion of a common interest community in three (3) dimensions. A condominium map or a condominium plat may be combined in one (1) instrument.

Condominium plat means a printed instrument that is a land survey depicting all or a portion of a common interest community in two (2) dimensions. A condominium plat and condominium map may be combined in one (1) instrument.

Cooperative means a common interest community in which the real property is owned by an association, each member of which is entitled, by virtue of such member's ownership interest in the association, to exclusive possession of a unit.

Custom personal service means a barbershop, beauty shop, tailor, dressmaker, shoe shop or similar shop offering custom service.

Density means the maximum number of dwelling units per gross acre of land permitted in a zone district.

Developer means any public or private person, partnership, association or agency that prepares raw land for the construction of buildings or causes to be built physical building space for use primarily by others, during which preparation the land or the creation of the building space is in itself a business and is not incidental to another business or activity.

Development means the physical extension and/or construction of urban land uses. Development activities include: subdivision of land; change in the intensity of use of land; construction, reconstruction, demolition or partial demolition or alteration of buildings, roads, utilities and other facilities; commencement of drilling (except for a well or to obtain soil samples), mining or excavation; installation of septic systems; grading; deposit of refuse, debris or fill materials; and clearing of natural vegetation cover.
Development permit. See Zoning development permit.

District means a zoning district.

Dwelling unit means a building arranged and designed as a dwelling unit and intended to be occupied by not more than one (1) family, which has not less than one (1) bathroom and a minimum floor area of five hundred (500) square feet, unless otherwise specified within the appropriate zoning districts. Dwelling units shall include manufactured homes and factory-built homes.

Duplex or two-family dwelling unit means the use of a lot for two (2) dwelling units within a single building and under a single roof.

Multi-family dwelling unit means the use of a lot for three (3) or more residential dwellings within a single building and under a single roof, including apartments, townhouses and attached condominiums.

Single-family dwelling unit means the use of a lot for one (1) dwelling unit that has no physical connection to a building located on any other lot. Single-family dwelling unit shall not include a mobile home unless the mobile home also meets the definition of a manufactured home or factory-built home.

Essential services and facilities means the development or maintenance of public utilities or Town-approved underground, surface or overhead, gas, electrical, telephone, steam, fuel or water transmission or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment and sewage pump stations. For the purpose of this Chapter, telecommunications towers or facilities shall not be considered essential services, and are defined separately.

Factory-built home means a dwelling unit designed for one (1) family that is partially or entirely manufactured in a factory and designed for long-term residential use when placed upon a permanent foundation. Factory-built homes must be constructed in compliance with the codes adopted in the Colorado Division of Housing, Factory-Built Housing Program (8 C.C.R. § 1302-12), the same as amended from time to time, and must bear a Colorado insignia indicating compliance with those standards.

Family means two (2) or more persons related by blood or marriage, or between whom there is a legally recognized relationship, or not more than five (5) unrelated persons occupying the same dwelling unit.

Farmer’s market means a common facility or area where producers gather on a recurring basis to sell a variety of fresh fruits and vegetables and other locally grown or made products.

Field office, temporary means a structure or shelter used in connection with an approved development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Garden center or nursery means a business where retail and wholesale products and produce are sold to the customer. These centers, which may include a nursery and/or greenhouses, import many of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes and other garden and farm variety tools. Marijuana shall not be grown or sold at a garden center.

Gasoline service station means a building or place arranged, designed, used or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries and other minor automobile accessories at retail direct to the motor vehicle trade and where other services to motor vehicles can be rendered, such as the following: sales and servicing of spark plugs and other ignition parts; tire repair and servicing, but no recapping; replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, floor mats, wiper blades and arms for windshields, radiator cleaning and flushing; washing and polishing; greasing and lubrication; air cleaners; adjusting brakes and tuning engines; air conditioner service; wheel balancing and alignment; provided, however, that the above automotive services are considered vehicle maintenance and replacement services and shall never be construed to include any major
overhaul; the removal and/or rebuilding of an engine, cylinder head, transmission, differential, radiator, springs or axles; steam cleaning; body or frame work; painting; upholstering; or replacement of glass. This use may include the incidental sale of meats, fruits, vegetables, bakery products, dairy products, personal care items, cleaning products and similar household items to a localized or neighborhood market, for off-premises consumption, provided that in no case shall the floor area devoted to such sales exceed two thousand four hundred (2,400) square feet.

**Improvement** means the addition of a street, curb and gutter, sidewalk, storm drainage or utilities facilities or street trees or any other required items on a vacant parcel of land.

**Industrial** denotes industrial or manufacturing enterprises that tend to emit odor, noises or other ecological pollutants that are least compatible with other uses.

**Landscaping** may include trees, shrubs, grass, ground cover, vines, walkways, ponds, fountains, sculptures and other organic and inorganic materials used for creating an attractive appearance. Smooth concrete or asphalt surfaces are not considered landscaping.

**Lot** means an undivided tract or parcel of land under one (1) ownership having frontage on a public street and either occupied or to be occupied by a building or building group together with accessory buildings, which parcel of land is designated as a separate and distinct tract.

**Lot area** means the net area of the lot, excluding portions of streets and alleys.

**Lot coverage** means the percentage of a lot or tract covered by the roof or first floor of buildings.

**Lot of record** means a lot that is part of a subdivision or the original Town site, the plat of which has been recorded in the office of the County Clerk or a parcel of land, the deed for which is recorded in the office of the County Clerk prior to the adoption of the Town's original Zoning Ordinance adopted with Ordinance #383, 1978.

**Manufactured home** means a dwelling unit designed for one (1) family that is partially or entirely manufactured in a factory and designed for long-term residential use with or without a permanent foundation. Manufactured homes must be constructed to standards of the National Manufactured Housing Construction Standards Acts of 1974, 42 U.S.C. § 5401, et seq., as amended.

**Manufactured home community** means a tract of land designed or being used to accommodate two (2) or more manufactured home dwelling sites for rental.

**Manufacturing, hazardous or objectionable** means a use engaged in storage of, or manufacturing processes utilizing, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacturing or use, steel works, slaughterhouses and tanneries.

**Manufacturing, light** means an establishment or use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, wholesale sales and distribution of such products.

**Marijuana** shall have the same meaning as the term "usable form of marijuana" as set forth in Article XVIII, Section 14(1)(i) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

**Market garden** means the commercial (for profit) production of vegetables, fruits, flowers and other plants on an area of land not more than one (1) acre. This may be accomplished by the use of one (1) or more greenhouses. Any greenhouse on properties zoned residential shall be considered an accessory use.

**Marquee sign** means a permanent canopy often of metal and glass projecting over an entrance (as of a hotel or theater).
**Medical marijuana business** means any business that is licensed by the State, such as: medical marijuana dispensary, medical marijuana center, medical marijuana cultivation facility or medical marijuana-infused product manufacturer or production facility.

**Medical marijuana dispensary or dispensary** means a business that sells or otherwise distributes marijuana through one (1) or more primary caregivers to patients for medical use.

**Medical marijuana-infused product** means a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments and tinctures. These products, when manufactured or sold by a licensed medical marijuana center or a medical marijuana-infused product manufacturer, shall not be considered a food or drug for the purposes of the Colorado Food and Drug Act.

**Medical use** shall have the same meaning as is set forth in Article XVIII, Section 14(1)(b) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

**Mineral estate** means an interest in real property that is less than full fee title and that includes mineral rights as shown by the real estate records of the county in which the property is situated.

**Mineral estate owner** means the owner or lessee of a mineral estate underneath a surface estate that is subject to an application for development.

**Mixed use buildings** means a building that includes residential and some other use, typically commercial. In most cases, the commercial use is the primary use and is located on the ground floor. The secondary use shall be residential and shall be located above the commercial space or, in limited cases, to the rear of the primary use.

**Mixed use duplex or mixed use two-family dwelling unit** means a two-family dwelling unit that, in addition to two (2) residential dwellings in a single building under a single roof, includes another use that is permitted in the zone district in which the building is located.

**Mixed use single-family dwelling unit** means a single-family dwelling unit that includes another use that is permitted in the zone district in which the building is located. **Mixed use single-family dwelling unit** shall not include a mobile home unless the mobile home also meets the definition of a manufactured home or factory-built home.

**Mixed use multi-family dwelling unit** means a multi-family dwelling unit that, in addition to three (3) or more residential dwellings in a single building under a single roof, includes another use that is permitted in the zone district in which the building is located.

**Mobile home** means a dwelling unit built prior to June 13, 1976, to no state or nationally recognized building code. **Mobile home** does not include travel trailers, campers, camper buses, motor homes or any closed vehicle designed to be towed by an automobile or truck. As of September 18, 2004, mobile homes not meeting the definition of a manufactured home shall not be moved into or otherwise installed within the Town limits. As of September 18, 2004, mobile homes not meeting the definition of a manufactured home that exist in the Town limits shall not be relocated within Town limits.

**Motel or hotel** means a building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a **hotel or motel**, an establishment shall contain a minimum of six (6) individual guestrooms or units and shall furnish customary hotel or motel services.

**Municipal facilities** means Town-owned and -operated institutions or facilities, including but not limited to libraries, museums, parks, playgrounds, trails, recreational centers, jails or correctional facilities, police facilities, fire protection facilities, airports and water or sewer facilities.

**Office, business or professional** means a use where business, professional or governmental services are made available to the public, including:

a. **Business office**: An office for use by persons such as realtors, travel, advertising or insurance agents and property managers providing both products and services, or the
home office of a company that sells retail or wholesale products or provides professional services; and

b. Professional office: an office for use by persons such as physicians, dentists, lawyers, architects, engineers, accountants and other professionals who primarily provide services rather than products.

Open space means natural areas as described in the Town’s Parks, Recreation & Open Space Plan, and as follows: either owned privately under a single common ownership or by a public entity with little or no structural enhancements, the primary purpose of which is to protect or house wildlife habitat, migration and breeding areas, scenic views, cultural values, sensitive plants or environments, wetlands and water quality. The calculation of open space does not include areas under specific individual ownership, such as private yards and driveways.

Optional premises means the premises specified in an application for a medical marijuana center license with related growing facilities in the State for which the licensee is authorized to grow and cultivate for a purpose authorized under the Colorado Constitution.

Optional premises cultivation operation means a person licensed pursuant to Section 12-43.3-403, C.R.S.

Owner means any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or other person with sole or with concurrent legal and/or beneficial title to the whole or to part of a building or land.

Park means any dedicated and accepted public or private land available for recreational or scenic purposes.

Person means an individual, proprietorship, trust, partnership, corporation, association or other legal entity.

Public land means land or interests in land owned by a governmental entity or held in trust for the benefit of the public by a not-for-profit organization.

Recreational use, indoor or outdoor commercial means a business that provides enclosed or outdoor recreation or entertainment. These uses may include, but are not limited to, miniature golf courses, skate park, adventure or fun center, rock climbing walls, bowling alleys, martial arts schools, dance schools, roller skating center, fitness clubs, water parks, sports stadiums and the like.

Repair services, general means an establishment engaged in the repair of trucks, buses, agricultural equipment, construction equipment or other heavy equipment.

Repair services, limited means an establishment engaged in the repair of personal apparel and household appliances, furniture and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, bicycle repair, lawn mower repair, clock and watch repair and shoe repair shops.

Restaurant, fast food means an establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or method of operation includes any service to a customer in a motor vehicle.

Restaurant, general means an establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where customers are normally provided with an individual menu and are generally served in nondisposable containers by a restaurant employee at the same table or counter at which said items are consumed. This use may include take-out service, but excludes any service to a customer in a motor vehicle.

Retail, general (indoors) means a retail establishment that does not fit the definition of any other land use classification and that does not entail any outdoors sales, service, display, storage or other activity. Typical uses include, but are not limited to, apparel and accessory stores, camera and photographic supply stores, clothing stores, rental stores, consumer electronics stores, gift, novelty and souvenir shops, grocery stores, liquor stores, luggage and leather goods stores, jewelry stores, music stores and video tape rental stores.
Retail, general (outdoors) means a retail establishment that does not fit the definition of any other land use classification and that entails some outdoors sales, service, display, storage or other activity. Typical uses include, but are not limited to, boat dealers, hot tub dealers, recreational vehicle dealers, farmers; markets and monument sales.

Screen means a fence or wall that is at least four (4) feet in height designed and erected to obstruct and eliminate the public view of storage or other areas.

Setback means unobstructed, unoccupied open space between a structure and the property line of the lot on which the structure is located.

Severed means that the surface owner does not own one hundred percent (100%) of the mineral estate.

Sign means any letter, figure, character, mark, plane, point, marquee sign, moveable or stationary object, design poster, pictorial, picture, stroke, stripe, line, trademark or reading matter on an illuminated or nonilluminated surface that shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, machine or merchandise whatsoever, that is displayed in any manner whatsoever outdoors.

Solar energy system, large means any device or combination of devices or elements which rely on direct sunlight as an energy source, including but not limited to any substance or device which collects energy from sunlight for primary use off-site. Large solar energy systems may deliver energy to the electrical grid.

Solar energy system, small means any device or combination of devices or elements which rely on direct sunlight as an energy source, including but not limited to any substance or device which collects energy from sunlight for use on-site. Small solar energy systems may deliver excess solar energy to the electrical grid to offset on-site energy use, but the annual excess energy delivered to the grid shall not exceed one hundred twenty percent (120%) of the total annual on-site energy use.

Spot zoning means a particular small tract within a large district is specifically zoned so as to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of any general or comprehensive plan.

Stealth means any tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including but not limited to architecturally screened, roof-mounted antennas, antennas integrated into architectural elements and towers designed to look other than like a tower, such as light poles, power poles and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.

Street means a public way, other than an alley or driveway, which affords the principal means of access to abutting property.

Street line means a dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way line or easement line.

Structural alterations means any change in the supporting member of a building, such as a bearing wall, column, beam or girder.

Structure means an edifice or building which is built or constructed or any kind or any piece of work artificially built up or composed of parts joined together in some definitive manner.

Subdivision means the division of any parcel of land into two (2) or more parcels, separate interests or interests in common, except when such division:

a. Creates parcels of land each thirty-five (35) or more acres, none of which are intended for use by multiple owners;

b. Creates parcels of land, such that the land area of each parcel, when divided by the number of interests therein, results in thirty-five (35) or more acres per interest;

c. Is caused by order of any court in the State or by operation of law;
d. Is caused by a lien, mortgage, deed of trust or any other security instrument;

e. Is caused by a security or unit of interest in any investment trust regulated under the laws of the State, or any other interest in an investment entity;

f. Creates cemetery lots;

g. Creates an interest in oil, gas, minerals or water that is now and hereafter severed from the surface ownership of real property; or

h. Is caused by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy, or as tenants in common.

Surface estate means an interest in real property that is less than full fee title that does not include the mineral rights as shown by the real estate records of the county in which the property is situated.

Surface owner means the owner of the surface estate and any person with rights under a recorded contract to purchase all or part of the surface estate.

Telecommunications facilities means any cables, wires, wave guides, antenna and any other equipment or facilities associated with the transmission or reception of communications services located or installed upon or near a tower or antenna support structure. Such communications services include, but are not limited to, cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging and other similar services marketed to the commercial or residential consumers. Telecommunications facilities shall not include:

a. Any satellite earth station antenna two (2) meters in diameter or less which is located in an area zoned C, Commercial, HB, Highway Business or LI, Light Industrial; and

b. Any satellite earth station antenna one (1) meter or less in diameter, regardless of zoning category.

Theater and performing arts space means a venue that is used for the display of arts, music and cultural events. These venues may include museums, concert halls, movie theaters, live theaters for performing arts, galleries and studio arts. This shall not include adult entertainment venues or drive-in theaters.

Tower means a ground or roof-mounted pole, spire, structure or combination thereof that supports telecommunications facilities. The term tower shall not include amateur radio operator equipment, as licensed by the FCC.

Tower, multi-user means a tower to which is attached the antennas of more than one (1) commercial wireless telecommunication service provider or governmental entity.

Tower, single-user means a tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this Chapter.

Usable square footage means any portion of a structure or attached to a structure (such as a patio or porch) that is livable, leasable or otherwise used to generate income on a continuing basis.

Wireless telecommunication services means licensed commercial wireless telecommunication services, including cellular, personal communication services ("PCS"), specialized mobilized radio ("SMR"), enhanced specialized mobilized radio ("ESMR"), paging and similar services that are marketed to the general public.

Yard means an open space on the lot that is not obstructed from any point thirty (30) inches above the general ground level of the graded lot to the sky except as authorized obstructions.

Zoning Administrator means an officer designated by the Mayor to administer the provisions of this Chapter.
**Zoning development permit** means a permit issued by the Zoning Administrator that allows a developer to engage in development in compliance with all applicable sections of this Land Use Code and further enables the developer to seek a building permit that would allow the developer to commence actual development.

**Zoning map** means the certified Official Zoning Map upon which the boundaries of the various zoning districts are drawn. (Prior LUC 2.2; Ord. 556, 2004; Ord. 561, 2005; Ord. 565, 2005; Ord. 571, 2006; Ord. 584, 2007; Ord. 634 §1, 2010; Ord. 658, 2013; Ord. 671, 2013; Ord. 673, 2013; Ord. 686 §2, 2014)

Sec. 16-2-70. Interpretations.

(a) Authority. The Zoning Administrator shall have the authority to make all interpretations of the text of this Land Use Code and the boundaries of the Official Zoning Map.

(b) Requests for interpretation. An interpretation may be requested by any affected person, any resident or real property owner in the Town or any person having a contractual interest in real property in the Town.

(c) Procedures.

   (1) Submission of request for interpretation. Before an interpretation is provided by the Zoning Administrator, a written request for interpretation shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator.

   (2) Determination of completeness. Within a reasonable amount of time after a request for interpretation has been received, the Zoning Administrator shall determine whether the request is complete. If the Zoning Administrator determines that the request is not complete, he shall serve written notice on the applicant specifying the deficiencies. The Zoning Administrator shall take no further action on the request for interpretation until the deficiencies are remedied.

(d) Rendering of interpretation. After the request for interpretation has been determined complete, the Zoning Administrator shall render an interpretation within a reasonable amount of time. The Zoning Administrator may consult with the Mayor and the Town Attorney and review this Land Use Code and the Official Zoning Map, if applicable, before rendering an interpretation.

(e) Form. The interpretation shall be in writing and shall be sent to the applicant by certified mail.

(f) Official record. The Zoning Administrator shall maintain an official record of all interpretations in the Town Hall, which shall be available for public inspection during normal business hours.

(g) Appeal. Any person who has made a request for interpretation may appeal the interpretation of the Zoning Administrator to the Board of Trustees by filing an application within thirty (30) days of the Zoning Administrator’s decision. The date of the decision shall be the postmark date of the certified mail notifying the applicant of the interpretation. The Board of Trustees shall consider the application within thirty (30) days of its filing and the interpretation of the Zoning Administrator affirmed or modified. (Prior LUC 2.4; Ord. 634 §1, 2010)

**ARTICLE 3 Annexations**

Sec. 16-3-10. Authority.

Sec. 16-3-20. Preapplication conference.

Sec. 16-3-30. Submittal requirements.

Sec. 16-3-40. Annexation impact analysis.

Sec. 16-3-50. Application review procedures.

Sec. 16-3-60. Review by Planning Commission.

Sec. 16-3-70. Review by Board of Trustees.
Sec. 16-3-10. Authority.

In annexation proceedings, the Town may exercise all statutory powers it may lawfully assume, including those set forth in the Colorado Municipal Annexation Act of 1965, as amended, and Section 30, Article II of the State Constitution. This Article shall be interpreted so as to extend such exercise of powers as is reasonable and necessary for the public welfare. The Town will impose terms and conditions of annexation to protect the public interest, and to that goal shall ensure that the following policies are accomplished:

(1) All annexations shall be consistent with the Comprehensive Plan and the Town of Mancos Trails Master Plan.

(2) The Comprehensive Plan identifies areas surrounding the Town that are planned for the future residential, commercial and industrial growth of the Town. Consent to annexation by benefiting landowners and conformance to the Comprehensive Plan and standards of this Land Use Code shall be a condition of extension or expansion of the municipal utility service.

(3) Applicants should identify revenues adequate to pay the costs associated with the provision/extension of municipal services for their developments, and the Town should agree that the revenues will be adequate prior to approval of a petition for annexation. Such conditions shall be incorporated into an annexation agreement between the Town and the applicant.

(4) The procedures in this Article are not meant to apply to annexations of unincorporated municipally owned land, and the procedures in this Article may be abbreviated as provided by law with regard to annexation of enclaves, but only in strict accordance with Section 31-12-106, C.R.S. (Prior LUC 6.13.1; Ord. 648 §1, 2012; Ord. 658, 2013)

Sec. 16-3-20. Preapplication conference.

Prior to the filing of an annexation petition, the applicant shall meet with the Zoning Administrator. The purpose for the meeting is to provide the applicant with nonbinding information regarding the general annexation policies and requirements of the Town and the relationship of the proposed annexation to the Comprehensive Plan and the Town of Mancos Trails Master Plan, and to prevent unnecessary expenditures for preparation of annexation applications which may not be consistent with Town policies and requirements. At such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service, long-term maintenance costs of the annexation and the general character of the land desired to be annexed may be discussed. At the preapplication conference, an attorney, land planner, engineer or surveyor may represent the applicant. The Zoning Administrator may request a nonbinding preapplication conference between the applicant and the Planning Commission and/or the Board of Trustees. (Prior LUC 6.13.2; Ord. 648 §1, 2012; Ord. 658, 2013)
Sec. 16-3-30. Submittal requirements.

The application shall be accompanied by or show information required by state statutes, including the following information:

(1) Petition for annexation. A petition for annexation shall be filed with the Town Clerk containing allegations that all requirements, as provided under state statutes, for annexation can or will be met prior to submission for final annexation and, further, including all of the following information:

   a. The names and mailing addresses of all landowners and mortgage/lien holders in the proposed area to be annexed.
   b. The legal description of the land owned by each signer to the petition of the area proposed for annexation.
   c. An allegation that it is desirable and necessary that such an area be annexed to the Town.
   d. A statement that the requirements of Sections 31-12-104 and 31-12-105, C.R.S., exist or have been met and that there are no limitations to the proposed annexation as set forth in state statutes.
   e. An allegation that a community of interest exists between the area proposed to be annexed and the Town, that said area is urban or will be urbanized in the near future and that said area is integrated with or is capable of being integrated with the Town.
   f. A statement that the signers of the petition comprise more than fifty percent (50%) of the area proposed to be annexed, excluding public streets and alleys and any land owned by the Town.
   g. An affidavit of each circulator of each petition that each signature in the petition is a true signature.
   h. The witnessed or acknowledged signatures and mailing addresses of the landowners signing the petition. (No signature on the petition is valid if it is dated more than one hundred eighty [180] days prior to the date of filing with the Town Clerk the petition for annexation.)
   i. The date of signing of each signature.

(2) Annexation map. Accompanying the petition shall be four (4) copies of an annexation map drawn at a scale of one (1) inch equals twenty (20) feet, with a north point, date and any other pertinent data, and containing the following information:

   a. A written legal description of the boundaries of the area proposed to be annexed.
   b. The boundary of the area proposed to be annexed, and next to it a drawing of the contiguous boundary of the Town and the dimensions of the boundaries.
   c. Within the annexation boundary map, designation of the location of each ownership tract of unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks.
   d. The existing and proposed land use pattern in the vicinity of the proposed annexation.

(3) Vicinity map. A vicinity map on a smaller scale showing the relationship of the area to be annexed and the existing Town boundaries.

(4) Master plan. A written report describing the proposed land use and requested zoning of the area to be annexed, including:

   a. General information, including gross acreage of the annexation; the approximate number and type of units; acreage of streets and parking; acreage and percentage of open space to be created (analyzed as to the amount to be deeded or dedicated to the Town, the
amount to be retained in public ownership and the estimated Town maintenance costs); density ratio (acres to be developed with lots and units compared to acres in streets and open space); and a statement of effect upon the school district, including the estimated number of students generated and capital construction required to serve such students.

b. Estimates of the current and projected (after annexation) population, assessed property value and the costs of providing public services, such as fire protection, police protection, trash removal and street maintenance.

c. A statement and timetable of how the applicant will develop and finance the extension and undergrounding, where necessary, of utilities and services, including but not limited to water and sewer, electricity, gas, cable television and telephone.

d. A statement of how the extension of municipal services, other than utilities, will be financed.

e. A statement and description of what land areas are to be dedicated for public use, including trail rights-of-way, and/or what equivalent benefit in money will be paid, and what other types of public benefit will be provided within a contracted period of time, specifically addressing affordable housing, trails, park lands and facilities, school sites and conveyance of water rights.

f. A statement and description about provisions for trail design, alignments, rights-of-way and/or easements that link through the property to other existing or proposed trail alignments consistent with the Town of Mancos Trails Master Plan. In addition, a twenty-five-foot trail corridor outside and adjacent to the normal river channel of the Mancos River and Chicken Creek shall be reserved for a trail.

g. Environmental analyses, including soil types and bearing capacities, geologic hazard areas, high groundwater tables, potential erosion problems, flood-prone areas, effects on wildlife and vegetation, aesthetic considerations and wetland designations.

h. A statement addressing consistency with the Comprehensive Plan, the Town of Mancos Trails Master Plan and the subdivision standards in Article 15 of this Chapter.

i. A copy of any draft or final preannexation agreement, if available.

j. The names of special districts providing services that would be affected by the annexation. If the unincorporated area to be annexed is part of a special district or Town service area whose responsibilities are to be assumed by the Town, a statement shall be required indicating what steps will be taken to ensure a smooth transition in service delivery.

(5) Filing fee. A filing fee shall be submitted to cover the cost of review and processing with every petition in accordance with the fee schedule adopted by resolution of the Board of Trustees.

(6) The Town Clerk shall refer the petition to the Board of Trustees as a communication. The Board of Trustees shall then take appropriate steps to ascertain if the petition so filed is substantially in compliance. If the petition is found to be in substantial compliance, the procedures outlined in Sections 31-12-108 to 31-12-110, C.R.S., shall be followed. If not in substantial compliance, no further action shall be taken. (Prior LUC 6.13.3; Ord. 634 §1, 2010; Ord. 648 §1, 2012; Ord. 658, 2013)

Sec. 16-3-40. Annexation impact analysis.

The Town shall prepare an annexation impact report for all annexations involving more than ten (10) acres of land at least twenty-five (25) days prior to the date of the hearing held in accordance with the requirements of Section 16-3-70 below, and shall file one (1) copy with the Board of County Commissioners within five (5) days thereafter. Such report shall not be required for annexations of ten (10) acres or less in total area or when the Board of Trustees and the Board of County Commissioners agree that the report may be waived. A report shall include the following, as a minimum:
CHAPTER 16 Land Use and Development

(1) A map or maps of the Town and adjacent territory to show the following information:
   a. The present and proposed boundaries of the Town in the vicinity of the proposed annexation.
   b. The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.
   c. The existing and proposed land use pattern in the areas to be annexed.

(2) A copy of any draft or final preannexation agreement, if available.

(3) A statement setting forth the plans of the Town for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the Town at the time of annexation.

(4) A statement setting forth the method under which the Town plans to finance the extension of the municipal services into the area to be annexed.

(5) A statement identifying existing districts within the area to be annexed.

(6) A statement on the effect of annexation upon local public school district systems, including the estimated number of students generated and the capital construction required to educate such students. (Prior LUC 6.13.4; Ord. 648 §1, 2012; Ord. 658, 2013)

Sec. 16-3-50. Application review procedures.

(a) Date of filing. In addition to the filing with the Town Clerk, the applicant shall submit seven (7) copies of the annexation application to the Zoning Administrator as described in Section 16-3-30 above, thirty (30) days prior to the Planning Commission meeting at which consideration is desired. The annexation application shall be considered officially filed after application review fees, which are established by resolution of the Board of Trustees, have been paid and after the application is examined and found to be in compliance with the introductory provisions of these regulations by the Zoning Administrator.

(b) Proof of taxes paid. Before an application is presented to the Board of Trustees for consideration, the party requesting the annexation shall obtain tax certificates showing that all taxes due have been paid on the property to be annexed.

(c) Distribution of annexation application. The Zoning Administrator shall distribute the annexation application immediately upon receipt of the following:
   (1) Zoning Administrator (one [1] copy).
   (2) Street Supervisor (one [1] copy).
   (3) Public Works Director (one [1] copy).
   (6) Town Clerk (one [1] copy for the public record).

(d) Comments; written report. At least ten (10) days prior to the meeting of the Planning Commission at which the annexation application is to be considered, each agency or person listed above shall submit its written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be given to the Planning Commission with the annexation petition for its consideration. A written report shall be prepared by the Zoning Administrator and submitted to the Planning Commission at the next regular meeting. Such report should include comments relative to the proposed annexation's compliance with these regulations, the Comprehensive Plan or other...
master plans, such as utility plans. The report may include comments from other Town departments and county or state agencies concerned with urban development. (Prior LUC 6.13.5; Ord. 634 §1, 2010; Ord. 648 §1, 2012; Ord. 658, 2013)

Sec. 16-3-60. Review by Planning Commission.

The Planning Commission shall hold a meeting on an annexation petition and shall make a recommendation to the Board of Trustees with regard to whether it believes the petition for annexation is in compliance with Section 31-12-107, C.R.S., and Section 16-3-30 above. Following review of the annexation application and other materials submitted for conformity thereof to these regulations, the Planning Commission shall also ascertain the kind and extent of improvements to be made by the applicant and suggest terms of an annexation agreement. (Prior LUC 6.13.5; Ord. 634 §1, 2010; Ord. 648 §1, 2012; Ord. 658, 2013)

Sec. 16-3-70. Review by Board of Trustees.

(a) The Board of Trustees shall hold a meeting and consider a resolution finding substantial compliance. If substantial compliance is found, the resolution shall establish a date, time and place that the Board of Trustees will hold a hearing to determine if the proposed annexation complies with Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105, C.R.S., or such provisions thereof as may be required to establish eligibility under Section 31-12-101, et seq., C.R.S. The hearing shall be held not less than thirty (30) days, nor more than sixty (60) days after the effective date of the resolution setting the hearing. The hearing need not be held if the Board of Trustees determines conclusively that the requirements have not been met under Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105, C.R.S., or such provisions thereof as may be required to establish eligibility under Section 31-12-101, et seq., C.R.S.

(b) Notification requirements. The Town Clerk shall give notice as follows: A copy of the resolution or the petition as filed (exclusive of the signatures), together with a notice that, on the given date and at the given time and place set by the Board of Trustees, the Board of Trustees shall hold a hearing upon said resolution of the Town or upon the petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105, C.R.S., and is considered eligible for annexation. Said notice shall be published once a week for four (4) successive weeks in some newspaper of general circulation in the area proposed to be annexed. The first publication of such notice shall be at least thirty (30) days prior to the date of the hearing. The proof of publication of the notice and resolution or petition, or the summary thereof, shall be returned when the publication is completed, the certificate of the owner, editor or manager of the newspaper in which said notice is published shall be proof thereof, and a hearing shall then be held as provided in said notice. A copy of the published notice, together with a copy of the resolution and petition as filed, shall also be sent by certified mail by the Town Clerk to the Board of County Commissioners, to the County Attorney and to any special district or school district having territory within the area to be annexed at least twenty-five (25) days prior to the date fixed for such hearing. The notice required to be sent to the special district or school district by this Subsection shall not confer any right of review in addition to those rights provided for in Section 31-12-116, C.R.S.

(c) The Board of Trustees, from time to time, may continue the hearing to another date without additional notice, if the volume of material to be received cannot be presented within the available time for any given session; except that no session of a hearing shall be so continued unless at least one (1) hour of testimony has been heard.

(d) Any person may appear at such hearing and present evidence upon any matter to be determined by the governing body.
(e) All proceedings at the hearing and any continuances thereof shall be recorded, but the recorder's notes need not be transcribed unless proceedings for judicial review are initiated as provided in Section 31-12-116, C.R.S.

(f) The Board of Trustees may dispense with the reporting of the hearing as provided in this Section and substitute in lieu thereof minutes summarizing the presentation of each speaker and describing the proceedings of the hearing. In the event that any proceedings are commenced for judicial review of an annexation in which this Subsection has been followed, the provisions of Section 31-12-116(5), C.R.S., shall be applicable.

(g) Upon the completion of the hearing, the Board of Trustees, by resolution, shall set forth its findings of fact and its conclusion based thereon with reference to the following matters:

1. Whether or not the requirements of the applicable provisions of Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105, C.R.S., have been met;

2. Whether or not an election is required under Section 30(1)(a) of Article II of the State Constitution and Section 31-12-107(2), C.R.S.; and

3. The Board of Trustees shall also determine whether or not additional terms and conditions are to be imposed.

(h) A finding that the area proposed for annexation does not comply with the applicable provisions of Section 30 of Article II of the State Constitution or Sections 31-12-104 and 31-12-105, C.R.S., shall terminate the annexation proceeding.

(i) If the resolution of the Board of Trustees adopted pursuant to Section 31-12-110, C.R.S., determines that the applicable provisions of Section 30 of Article II of the State Constitution and Sections 31-12-104 and 31-12-105, C.R.S., have been met, and further determines that an election is not required under Section 31-12-107(2) C.R.S., and does not determine that additional terms and conditions are to be imposed, the Board of Trustees may thereupon annex the area proposed to be annexed by ordinance. An annexation ordinance will be drafted and considered at a later date if the Town desires to annex, consistent with the annexation policy.

(j) If the Board of Trustees determines that an annexation election is required under the provisions of Section 30(1)(a) of Article II of the State Constitution and Section 31-12-107(2), C.R.S., or that additional terms and conditions should be imposed upon the area proposed to be annexed other than those approved by the applicant, an election shall be called, as provided by Section 31-12-112, C.R.S., to determine whether a majority of the landowners and the registered electors in the area proposed to be annexed approve such annexation, with such terms and conditions, if any, as may attach thereto. (Prior LUC 6.13.5; Ord. 634 §1, 2010; Ord. 648 §1, 2012; Ord. 658, 2013)

Sec. 16-3-80. Annexation ordinance review standards.

The Board of Trustees shall find that all the following criteria have been met or will be met pursuant to the terms of an annexation agreement before finally recommending approval or approving an annexation ordinance:

1. Use. The Master Plan for the use of the area to be annexed is consistent with the adopted Land Use Plan for the Town, consistent with the Town of Mancos Trails Master Plan, in harmony with the intent of Town zoning and policies of the Town and compatible with adjacent neighborhoods.

2. Open space and trails. The open spaces and trails have a workable program established for maintenance and upkeep.

3. Necessity. The proposed annexation is necessary or desirable and will contribute to the general well-being of the community.
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(4) Health, safety and general welfare. The proposed annexation will in no way be detrimental to the health, safety or general welfare of persons residing within the corporate boundaries or injurious to property or improvements in the vicinity of the annexation.

(5) Logical road system. The area has incorporated in its design, if a design has been developed, a logical extension of roads.

(6) Utilities and roads. The extension of services is feasible and will be financed totally by the applicant, and the applicant will post performance guarantees to assure the completion of public improvements.

(7) Water rights. All water rights associated with land areas proposed for annexation will be dedicated to the Town.

(8) Revenues. The revenue and/or public benefit to be gained from the Town’s portion of the increased tax base is equal to or greater than the cost of services required.

(9) Public lands dedication. Public land from the gross land area approved for annexation will be dedicated to the Town in fee simple, or other equivalent consideration, pursuant to Article 15 of this Chapter, pertaining to dedication of ten percent (10%) of land annexed or payment of established cash-in-lieu fee.

(10) Costs to the Town. The applicant shall pay all costs incurred by the Town for reviewing annexation proposals, including fees charged by consultants and specialists needed to address important issues. (Prior LUC 6.13.6; Ord. 634 §1, 2010; Ord. 648 §1, 2012; Ord. 658, 2013)

Sec. 16-3-90. Effective date of annexation; required filings.

(a) If the conditions of Subsection (b) of this Section are met, the area annexed to the Town, as provided in this Subsection, shall be annexed upon the effective date of the annexing ordinance, except as otherwise provided in Sections 31-12-118 and 31-12-118.5, C.R.S., and for tax purposes as provided in Subsection (c) of this Section.

(b) The Town shall:

(1) File one (1) copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk; and

(2) File, for recording, three (3) certified copies of the annexation ordinance and map of the area annexed containing a legal description of such area, with the County Clerk and Recorder.

(c) An annexation shall be effective for the purpose of general taxation on and after the 1st of January, next ensuing. (Ord. 648 §1, 2012; Ord. 658, 2013)

Sec. 16-3-100. Zoning of land while annexation is under way; zoning of newly annexed land; subdivision of land while annexation is under way; regulatory impairments affecting newly annexed land used for agricultural purposes; notice.

(a) The Town may institute the procedure outlined in state statutes to make land subject to zoning at any time after a petition for annexation, or a petition for an annexation election, has been found to be valid in accordance with the provisions of Section 31-12-107, C.R.S. The proposed zoning ordinance shall not be passed on final reading prior to the date when the annexation ordinance is passed on final reading. If the zoning process is commenced prior to the effective date of the annexation ordinance, the legal protest area for zoning shall be determined solely on geographic location, irrespective of whether the land in such legal protest area is within or without, or partly within and partly without, the Town.

(b) Any area annexed shall be brought under such zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance.
(c) During such ninety-day period or such portion thereof required to comply with Subsection (b) of this Section, the Town may refuse to issue any building or occupancy permit for any portion or all of the newly annexed area.

(d) Any provision in a zoning ordinance automatically applying a uniform zoning classification to all land which may be annexed in the future is void and of no effect as to any annexation completed on or after January 1, 1966.

(e) The Town may institute the procedure outlined in its subdivision regulations to subdivide land in the area proposed to be annexed at any time after a petition for annexation or a petition for an annexation election has been found to be valid in accordance with the provisions of Section 31-12-107, C.R.S. The ordinance accepting the proposed subdivision shall not be passed on final reading prior to the date when the annexation is passed on final reading.

(f) Notwithstanding any other provision of law, whenever the Town annexes an area that contains any portion of a public transportation right-of-way, a customary or regular use of which involves the movement of any agricultural vehicles and equipment, for the period during which land use within the annexed area is devoted to agricultural use and regardless of whether the annexed area has been zoned for agricultural uses, the Town shall not adopt or enforce any ordinance or regulation affecting the right-of-way, whether arising in connection with zoning, rezoning, the regulation of traffic or otherwise, so as to restrict such customary or regular use of the right-of-way that is in existence as of the time of the annexation. Nothing in this Subsection shall be construed as in any way restricting the Town from adopting or enforcing traffic regulations that are either consistent with the customary or regular use of the right-of-way or are necessary for the safety of vehicular and pedestrian traffic using the right-of-way.

(1) In addition to any other applicable notice requirements provided by law, not less than thirty (30) days prior to final adoption of an ordinance or regulation affecting the right-of-way in an annexed area that is devoted to agricultural use and regardless of whether the annexed area has been zoned for agricultural uses, the Town shall send notice of the proposed ordinance or regulation to the following persons by means of the following methods:
   a. To any person who owns property in the annexed area that is contiguous to the right-of-way, by certified mail; and
   b. To such persons as appear on a list maintained by the Town of interested persons who are to receive such notice by first-class mail. The name of any such person shall remain on the list until such time as the person requests removal of the person's name from the list.

(2) For purposes of this Subsection, agricultural vehicles and equipment means any vehicle or equipment that is designed, adapted or used for agricultural purposes. (Ord. 648 §1, 2012; Ord. 658, 2013)

Sec. 16-3-110. Compliance with state law.

To the extent the State has adopted or adopts in the future any additional or stricter law or regulation governing annexation, the additional or stricter regulation shall control the annexation. Compliance with any applicable state law or regulation shall be deemed an additional requirement for annexation, and noncompliance with any applicable state law or regulation shall be grounds for denial of annexation. To the extent there is conflict between state law and this Code, state law shall govern. If any provision of this Section is declared unenforceable by a Court with jurisdiction to issue such declaration, such provision shall be deemed severed from the Section and shall not preclude enforcement of the remainder of the provisions of this Section. (Ord. 648 §1, 2012; Ord. 658, 2013)

ARTICLE 4 Zoning District Regulations
Division 1 - Generally
Division 2 - Use Regulations
Division 3 - Telecommunications

Division 4 - Dimensional Standards

**Division 1 Generally**

- **Sec. 16-4-10. Districts established.**
- **Sec. 16-4-20. Official zoning map.**
- **Sec. 16-4-30. Interpretation of district boundaries.**

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**Sec. 16-4-10. Districts established.**

In order to implement the Comprehensive Plan and the other purposes and provisions of this Land Use Code, the Town is hereby divided into the following nine (9) zoning districts:

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(Prior LUC 3.1)
Sec. 16-4-20. Official zoning map.

(a) Adoption. The boundaries of the zoning districts set out herein are delineated upon the official zoning map of the Town, an up-to-date copy of which shall be maintained in the office of the Zoning Administrator. Original copies of the official zoning map and all amendments thereto shall be maintained in the Town Clerk’s office. In case of any dispute regarding the zoning classification of property subject to this Land Use Code, the original map maintained by the Town Clerk shall control.

(b) Amendment. No changes or amendments to the district boundaries shown on the official zoning map shall be made except in compliance and conformity with all procedures set forth in Article 18, Division 2 of this Chapter. If, in accordance with these procedures, changes or amendments are made to district boundaries, such changes or amendments shall be made promptly after official adoption of the change or amendment as provided for herein. The Zoning Administrator shall be responsible for the physical updating of and amendments to the official zoning map.

(c) Replacement. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Trustees may adopt a new official zoning map that shall supersede the prior map. The new official zoning map may correct drafting and clerical errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending this Article or any subsequent amendment thereto without a duly noticed public hearing as provided herein. Unless the prior official zoning map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment. (Prior LUC 3.2)

Sec. 16-4-30. Interpretation of district boundaries.

The district boundary lines shown on the official zoning map are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:

1. Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.

3. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.

4. Boundaries indicated as approximately following the centerline of irrigation ditches or drainageways shall be construed to follow such centerline.

5. Boundaries indicated as parallel to or extensions of features indicated in this Section shall be so construed.

6. Distances not specifically indicated on the official zoning map shall be determined from the graphic scale on the map.

7. Whenever any street, alley or other public way is vacated by official action of the Board of Trustees the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all area so involved shall then and henceforth be subject to all regulations of the extended districts.

8. Where physical features of the ground are at variance with information shown on the official zoning map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Section 16-4-30 above, the property shall be considered as classified AR, Agriculture Residential, and subject to the provisions of Article 18, Division 2 of this Chapter. (Prior LUC 3.2)
Division 2 Use Regulations

Sec. 16-4-110. In general.

Sec. 16-4-120. Schedule of use regulations.

Sec. 16-4-130. Use-specific standards.

Sec. 16-4-140. Manufactured home community.

Sec. 16-4-150. Apartments, accessory.

Sec. 16-4-160. Accessory use or structure.

Sec. 16-4-170. Asphalt or concrete batching plant, temporary.

Sec. 16-4-180. Field office, temporary.

Sec. 16-4-190. Home occupation.

Sec. 16-4-200. Group home.

Sec. 16-4-210. Bed and breakfast.

Sec. 16-4-220. Cottage industry.

Sec. 16-4-230. Recreational vehicle/travel trailer park.

Sec. 16-4-240. Auto repair garage.

Sec. 16-4-250. Solar energy system, large.

Sec. 16-4-260. Mixed use buildings.

Sec. 16-4-110. In general.

Land and buildings in each district may be used for any of the principal or accessory land uses authorized in the regulations set forth for that district in Articles 5 through 13 of this Chapter, but no building or structure shall be erected, converted, enlarged, reconstructed or altered for use, nor shall any building, structure or land be used or changed in such a way that it does not comply with all of the district regulations established by this Land Use Code for the district in which the building or structure or land is located. (Prior LUC 3.3)

Sec. 16-4-120. Schedule of use regulations.

The schedule of use regulations provides a tabular summary of the land use types permitted within each zoning district. The table below is intended for reference only and does not necessarily reflect all of the regulations that may apply to particular uses or zoning districts. In the event of conflict between the schedule of use regulations and the text of this Land Use Code, the text shall control. The schedule of use regulations shall be interpreted as follows:

1. Permitted uses. Uses identified in a particular district column with a "P" shall be permitted in such district, subject to compliance with any applicable conditions and all other provisions of this Land Use Code.

2. Special uses. Uses identified in a particular district column with an "S" shall be permitted in such District only upon approval of a special use permit by the Board of Trustees in accordance with the procedures and standards of Sections 6-20-80 through 6-20-150 of this Chapter.
CHAPTER 16 Land Use and Development

(3) Temporary uses. Uses identified in a particular district column with a "T" shall be permitted in such district only upon approval of a temporary use permit in accordance with the procedures and standards of Section 16-20-50 of this Chapter.

(4) Not permitted. Uses identified in a particular district column with "—" are not allowed in such district, unless otherwise expressly permitted in this Land Use Code.

(5) Use-specific standards. Numbers occurring in parenthesis after the names of selected use categories refer to conditions applicable to the use in all cases and in any zone district, as set forth in Sections 16-4-130 through 16-4-420 below.

---

Table 16-1
Schedule of Use Regulations

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AR</td>
</tr>
<tr>
<td>P = Permitted</td>
<td>S = Special Use Permit</td>
</tr>
</tbody>
</table>

### Residential uses

<table>
<thead>
<tr>
<th>Use Type</th>
<th>AR</th>
<th>SFR</th>
<th>MR</th>
<th>MFR</th>
<th>C</th>
<th>HB</th>
<th>LI</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling, single-family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Dwelling, mixed use single-family</td>
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<td>—</td>
<td>P</td>
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</tr>
<tr>
<td>Dwelling, mixed use two-family (16-4-130(1))</td>
<td>—</td>
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<td>P</td>
<td>P</td>
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</tr>
<tr>
<td>Dwelling, mixed use multi-family (16-4-130(2))</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>Dwelling, two-family (16-4-130(1))</td>
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<tr>
<td>Dwelling, multi-family (16-4-130(2))</td>
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<tr>
<td>Manufactured home community (16-4-140)</td>
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### Accessory and temporary uses
## Apartments, accessory (16-4-150)

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<tbody>
<tr>
<td>P</td>
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## Accessory use or structure (16-4-160)

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## Asphalt or concrete batch plant, temporary (16-4-170)

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</table>

## Caretaker or guard residence, accessory

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## Field office, temporary (16-4-180)

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## Home occupation (16-4-190)

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## Street vendor, temporary

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## Solar energy system - large

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<tr>
<td>S</td>
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## Solar energy system - small

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### Public and civic uses

#### Charitable, civic, youth, social and fraternal organization

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<th>Special Permit</th>
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<td>P</td>
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#### Church or place of worship

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#### Day care center for more than 6 children

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<th>Special Permit</th>
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#### Day care home for up to 6 children

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<th>Special Permit</th>
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#### Essential services and facilities

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<tr>
<td>P</td>
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<tr>
<td>Use Description</td>
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<td>-----------------------------------------------------</td>
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<tr>
<td>Group home (16-4-200)</td>
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<tr>
<td>Hospital or clinic</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Municipal facilities</td>
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<td>P</td>
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<tr>
<td>Nursing home</td>
<td>S</td>
<td>—</td>
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</tr>
<tr>
<td>Park maintenance or storage structures</td>
<td>—</td>
<td>—</td>
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<td>—</td>
</tr>
<tr>
<td>School (elementary or secondary)</td>
<td>S</td>
<td>S</td>
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</table>

**Retail, commercial and personal service uses**

<table>
<thead>
<tr>
<th>Use Description</th>
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<tbody>
<tr>
<td>Agriculture</td>
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<tr>
<td>Animal pound or kennel (public or private)</td>
<td>S</td>
<td>—</td>
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<td>—</td>
<td>—</td>
<td>S</td>
<td>P</td>
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</tr>
<tr>
<td>Bed and breakfast (16-4-210)</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Building materials, sales and yard</td>
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<td>—</td>
<td>—</td>
<td>—</td>
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<td>P</td>
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<tr>
<td>Cottage industry (16-4-220)</td>
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<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td>Custom personal services</td>
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<td>—</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Garden centers or nurseries</td>
<td>—</td>
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<td>—</td>
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<td>P</td>
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<tr>
<td>General retail (indoors)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>P</td>
<td>P</td>
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<tr>
<td>General retail (outdoors)</td>
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<td>—</td>
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<td>P</td>
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<tr>
<td>Hotel or motel</td>
<td>—</td>
<td>S</td>
<td>—</td>
<td>—</td>
<td>P</td>
<td>P</td>
<td>—</td>
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</tr>
<tr>
<td>Market gardens</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>—</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Activity</td>
<td>P under 2,500 SF, Between 2,500 SF and 5,000 SF requires a special use permit. Anything over 5,000 SF is prohibited.</td>
<td>P under 2,500 SF, Between 2,500 SF and 5,000 SF requires a special use permit. Anything over 5,000 SF is prohibited.</td>
<td>P under 2,500 SF, Between 2,500 SF and 5,000 SF requires a special use permit. Anything over 5,000 SF is prohibited.</td>
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<tr>
<td>Medical Marijuana Center-stand alone</td>
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<tr>
<td>Medical marijuana center, co-located with Medical marijuana Optional Premises cultivation facility</td>
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<tr>
<td>Office, business or professional</td>
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<td>P</td>
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<tr>
<td>Recreational use, indoor or outdoor commercial</td>
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<td>S — — — —</td>
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<tr>
<td>Retail marijuana store-stand alone</td>
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<td>P under 2,500 SF, Between 2,500 SF and 5,000 SF requires a special use permit. Anything over 5,000 SF is prohibited.</td>
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<tr>
<td>Retail Marijuana Store, co-located with a retail</td>
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<td>P under 2,500 SF, Between 2,500 SF and 5,000 SF requires a special use permit. Anything over 5,000 SF is prohibited.</td>
<td>P under 2,500 SF, Between 2,500 SF and 5,000 SF requires a special use permit. Anything over 5,000 SF is prohibited.</td>
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<tr>
<td>Land Use Category</td>
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<td>Special Use Required</td>
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<tr>
<td>Medical marijuana cultivation facility (entire facility under 5,000 SF)</td>
<td>2,500 SF and 5,000 SF requires a special use permit. Anything over 5,000 SF is prohibited.</td>
<td>2,500 SF and 5,000 SF requires a special use permit. Anything over 5,000 SF is prohibited.</td>
<td>2,500 SF and 5,000 SF requires a special use permit. Anything over 5,000 SF is prohibited.</td>
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<td>Recreational vehicle, travel trailer park (16-4-230)</td>
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<td>Restaurant, fast food</td>
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<td>Restaurant, general</td>
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<tr>
<td>Theater and performing arts spaces</td>
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<tr>
<td>Industrial, communications, transportation and automobile-related uses</td>
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<tr>
<td>Auto repair garage (16-4-240)</td>
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<tr>
<td>Bus station or terminal</td>
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# CHAPTER 16 Land Use and Development

| Facility-stand alone | | | | | 5,000 SF requires a special use permit. Anything over 5,000 SF is prohibited. |
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| **Telecommunications towers or facilities** | | | | | |
| (16-4-310) | — | — | — | S | S | S | — |
| Repair services, general | — | — | — | — | S | P | — |
| Repair services, limited | — | — | — | P | P | P | — |
| RV and boat storage | — | — | — | — | — | P | — |
| Warehouse, commercial or self-storage | — | — | — | — | S | P | — |

(Prior LUC 3.3; Ord. 556, 2004; Ord. 584, 2007; Ord. 616 §1, 2009; Ord. 634 §1, 2010; Ord. 628 §1, 2010; Ord. 651 §1, 2012; Ord. 658, 2013; Ord. 666 §1, 2013; Ord. 671, 2013; Ord. 686 §1, 2014; Ord. 690 §1, 2014; Ord. No. 702, § 2, 11-14-2015)
Sec. 16-4-130. Use-specific standards.

In addition to any applicable provisions in Article 16 of this Chapter, the following conditions apply to the listed uses when referenced in the use regulations of a particular zoning district, Articles 5 through 13 of this Chapter.

(1) Two-family dwellings. Two-family dwellings shall comply with the following standards:
   a. Front porches shall be incorporated on all two-family dwellings located in the Single-Family Residential Zone (SFR). Front porches are design options in all other zones where two-family dwellings are permitted, as described in Articles 4 through 13 of this Chapter.
   b. A single front entrance with secondary entrances off a foyer shall provide interior access from the front porch to the individual dwelling units on all two-family dwellings located in the Single-Family Residential Zone (SFR). This is not a requirement for two-family dwellings located in other zoning districts.
   c. Parking will be accessed from an alley, if alley access is available, or from a single common driveway where such alley access is not available.
   d. A storage room of at least ten (10) feet in width by ten (10) feet in length, and not taller than twenty (20) feet or shorter than eight (8) feet, shall be provided for each residential unit, unless a garage is provided for each unit which contains adequate storage space (one hundred [100] square feet) and the ability to park a vehicle in the garage.

(2) Multi-family dwellings. Multi-family dwellings shall comply with the following standards:
   a. All required off-street parking shall be provided in the rear of the property (strip parking along street frontages is not permitted).
   b. Parking will be accessed from an alley, if alley access is available, or from a single common driveway where such alley access is not available.
   c. A storage room of at least ten (10) feet by ten (10) feet shall be provided for each residential unit.
   d. Each multi-family dwelling shall have a balcony or a patio of at least sixty-four (64) square feet.
   e. All multi-family dwellings shall comply with the compatibility standards of Section 16-16-250 of this Chapter.
   f. Break up long, flat facades over forty (40) feet in length by incorporating recesses, off-sets, angular forms or recessed windows, display cases, porches, balconies or other features to provide a visually interesting shape.

(3) Manufactured homes. Manufactured homes shall comply with the following standards within sixty (60) days of placement in a manufactured home community. This Paragraph also applies to existing nonconforming structures, such as mobile homes within manufactured home communities.
   a. Skirting. Manufactured home units shall be skirted by the affixing thereto of a solid, nonporous screening, or skirt, between the underside of the dwelling unit at its outer edge and ground level completely around the unit.
   b. Transport equipment. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation of the home.
   c. Anchors and tie-downs. All manufactured homes shall be installed in compliance with the Colorado Division of Housing Installation Guidelines in effect at the time of installation.
d. Finished floor elevation. The finished floor elevation of the residential-design manufactured housing unit shall be a maximum of twenty-four (24) inches above the exterior finish grade, as measured at the main entrance into the dwelling.

e. Attached additions. Any attached addition to a residential-design manufactured housing unit shall comply with local building code standards and the design standards of this Section.

(Prior LUC 3.3; Ord. 556, 2004; Ord. 576, 2006; Ord. 634 §1, 2010)

Sec. 16-4-140. Manufactured home community.

All manufactured home communities shall comply with the following standards:

1. Each manufactured home community shall have an internal driveway not less than twenty (20) feet wide, and the internal driveway shall have an all-weather, durable dust-free surface.

2. Each manufactured home site in a manufactured home community shall be clearly designated and arranged so that all manufactured homes have access to the internal driveway.

3. There shall be a minimum of twenty (20) feet between manufactured homes.

4. All manufactured home communities and individual manufactured home sites shall be provided with safe, convenient, all-season pedestrian access of adequate width for the intended use.

5. Manufactured home communities shall be improved with adequate and sufficient night lighting to enable persons to walk in such areas at night without difficulty.

6. Manufactured home communities shall be properly graded and well-drained, so as to prevent the accumulation of surface water.

7. Each manufactured home shall be set in accordance with the Colorado Division of Housing Installation Guidelines in effect at the time of installation.

8. All refuse shall be stored in fly-tight, water-tight, rodent-proof, dog-proof containers, which shall be located no more than one hundred fifty (150) feet from each manufactured home site. Containers shall be provided in sufficient number and capacity to properly store all refuse generated in the manufactured home community.

9. Exposed ground surfaces in all parts of a manufactured home community shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

10. A detached, accessory storage building or buildings shall be provided within a manufactured home community, containing a minimum storage capacity of ten (10) cubic yards per manufactured home site.

11. Exterior boundaries of manufactured home communities shall be developed with a fence, or other acceptable border, to create an attractive border. The land between the fence/border and the public street improvements shall be landscaped with street trees and other landscaping materials sufficient to reasonably screen the park from view off-site and shall be maintained by the owner of the manufactured home community or a homeowners’ association.

12. Manufactured home communities shall connect to the sanitary sewer system per the Town requirements.

13. All utility lines, including electrical utility lines, shall be installed underground.

14. Each manufactured home community shall include a recreational area and facilities for the use and enjoyment of the residents encompassing an area of ten percent (10%) or two (2) acres, whichever is less, of the total area of the manufactured home community. Lawns, parking,
driveways, public walkways, streets, etc., shall not be considered part of the required recreational area and facilities. (Prior LUC 3.3; Ord. 556, 2004)

Sec. 16-4-150. Apartments, accessory.

Accessory apartments shall only be located within nonresidential structures and shall be in compliance with the following provisions:

1. Each apartment shall have a minimum of six hundred (600) square feet, plus a storage room of at least one hundred (100) square feet;
2. No more than four (4) apartment units shall share a common entrance stairway; and
3. Elevator access shall be provided for eight (8) or more contiguous or interconnected units. (Prior LUC 3.3; Ord. 634 §1, 2010)

Sec. 16-4-160. Accessory use or structure.

Accessory uses or structures may be permitted, subject to the following conditions:

1. Such uses shall be limited to those customarily associated with, and appropriate, incidental and subordinate to, the principal use.
2. Such uses shall be located on the same lot or tract as the associated principal use.
3. Such uses shall be controlled in the same manner as the associated principal use, except as otherwise expressly provided in this Land Use Code.
4. The combined total square footage of all accessory structures and principal structures shall not exceed the maximum lot coverage allowed in Sections 16-4-510 and 16-4-520 of this Chapter.
5. The maximum height of accessory structures shall not exceed twenty (20) feet or the height of the principal structure, whichever is less.
6. A solar energy system, small, shall conform to the following requirements:
   a. The system shall not extend more than ten (10) feet above the height of a low-pitched roof (flat roof to 5:12), may not exceed the ridgeline for pitched roofs and, in any case, shall not exceed the maximum allowed building height.
   b. The height of a ground-mounted solar energy system shall not exceed fifteen (15) feet above the average unaltered grade determined by calculating the average grade within ten (10) feet of the outer perimeter of the system.
   c. A solar collection device or combination of devices shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways, and shall not interfere with traffic or create a safety hazard.
   d. All owners of solar collection devices that generate electrical energy shall submit a map to the Town and emergency service providers noting the location of the solar collection devices and the panel disconnect.
   e. All exterior electrical and/or plumbing lines on ground-mounted systems must be buried below the surface of the ground.
   f. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
   g. Solar energy systems may not extend into the side yard or rear setback.
h. The owner of a grid-tied solar energy system shall provide written approval to the Town from the public utility company of such connection. Off-grid systems shall be exempt from this requirement.

i. The solar energy system components on pitched roofs must be mounted as flush to the roof or structure as practicable without significantly impairing the system performance.

j. Building, electrical and plumbing permits, as applicable, shall be required for solar energy systems, including support structures, wiring, piping and related components.

k. If a solar collector ceases to perform its originally intended function or is abandoned for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, associated equipment and facilities by no later than ninety (90) days after the end of the twelve-month period.

Examples of ground-mounted solar energy systems:

Examples of roof-mounted solar energy systems:
(7) In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zone district in which the principal use is located.

(8) No accessory use or structure shall be established prior to the principal use or structure to which it is an accessory.

(9) All accessory structures larger than two hundred (200) square feet shall comply with the design standards of the underlying zone district. Greenhouses smaller than two hundred (200) square feet do not have to comply with the design standards. (Ord. 658, 2013)

Sec. 16-4-170. Asphalt or concrete batching plant, temporary.

A temporary asphalt or concrete batching plant permit may be approved by the Planning Commission subject to the following conditions:

(1) The batching plant site shall comply with all applicable provisions of Town, state and federal laws.

(2) The batch plant shall not be located within six hundred (600) feet of a residence.

(3) Hours of operation shall be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m.

(4) The batch plant permit shall be valid for up to six (6) months.

(5) No portion of the batch plant or its operation shall be located on a public street.
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(6) The batch plant shall only furnish concrete, asphalt or both to the specific project for which the temporary zoning development permit is issued. The placement of a temporary batching plant for a private project is restricted to the site of the project.

(7) The temporary plant shall be operated in a manner that eliminates unnecessary dust, noise and odor as illustrated by, but not limited to, covering trucks, hoppers, chutes, loading and unloading devices and mixing operations and maintaining driveways and parking areas free of dust.

(8) The site must be clear of all equipment, material and debris upon completion of the project.

(9) All public improvements that are damaged during the operation of the temporary batch plant must be repaired or replaced within thirty (30) days of completion of the project.

(10) At termination and/or removal of a plant permit, the permitee shall have the person responsible walk the site with the Building Official to verify that the site meets Town approval. (Prior LUC 3.3)

Sec. 16-4-180. Field office, temporary.

A temporary field office permit may be approved by the Zoning Administrator for a structure or shelter used in connection with an approved development or building project for housing on the site of temporary administrative and supervisory function for sheltering employees and equipment during the construction phase of a project. Such a structure or shelter shall be promptly removed following the approval of a certificate of occupancy. (Prior LUC 3.3)

Sec. 16-4-190. Home occupation.

The following home occupation standards are intended to permit residents to engage in home occupations that are compatible with residential land uses and to ensure that home occupations do not adversely affect the integrity of residential areas. A home occupation shall be considered an accessory use, subject to the following standards:

(1) No persons shall be engaged in a home occupation other than persons occupying the subject property as their residence; provided, however, that up to a maximum of one (1) person who does not occupy the property as his residence may be employed as part of the home occupation where at least one (1) additional off-street parking space is provided, in addition to off-street parking otherwise required pursuant to Sections 16-16-30 through 16-16-60 of this Chapter.

(2) There shall be no visible storage of equipment, materials or vehicles that have more than two (2) axles.

(3) The home occupation shall be conducted entirely within the principal residential building or within a permitted accessory structure.

(4) No equipment shall be used that creates undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands or odors. Home occupations shall comply with the operational performance standards of Sections 16-16-250 through 16-16-290 of this Chapter. (Prior LUC 3.3; Ord. 634 §1, 2010)

Sec. 16-4-200. Group home.

A group home may provide a living arrangement for not more than eight (8) residents sixty (60) years of age or older per home, or for the developmentally disabled, limited to cerebral palsy, multiple sclerosis, mental retardation, autism and epilepsy and not more than two (2) supervisory personnel, subject to the following conditions:

(1) Such homes for the developmentally disabled must be state-licensed.
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(2) All exterior aspects of a group home, including its scale and off-street parking configuration, shall not disrupt the residential character of the area.

(3) A group home shall provide one (1) off-street parking space for visitors and one (1) for each employee (typical peak staff), in addition to off-street parking otherwise required pursuant to Section 16-16-60 of this Chapter.

(4) In no case shall the total number of persons residing on premises (including staff) be more than one (1) per four hundred (400) square feet of usable floor area. (Prior LUC 3.3; Ord. 634 §1, 2010)

Sec. 16-4-210. Bed and breakfast.

A bed and breakfast establishment may provide lodging and breakfast for temporary overnight occupants in no more than three (3) separate bedrooms per minimum lot area in the underlying zone district for compensation. One (1) off-street parking space per bedroom offered for use for temporary overnight accommodations must be provided, in addition to off-street parking otherwise required pursuant to Sections 16-16-60 of this Chapter. (Prior LUC 3.3; Ord. 634 §1, 2010)

Sec. 16-4-220. Cottage industry.

Cottage industries may include a wide variety of retail, service and office uses, but shall not include eating and/or drinking establishments. The following cottage industry standards are intended to permit residents to engage in cottage industries that are compatible with residential land uses and to ensure that cottage industries do not adversely affect the integrity of residential areas. A cottage industry shall be considered an accessory use, subject to the following standards:

(1) The cottage industry shall be permitted only on lots with twice the minimum lot size of the underlying zone district and in lieu of an otherwise permitted dwelling unit.

(2) The cottage industry shall comply with the compatibility standards of Section 16-16-250 of this Chapter.

(3) The cottage industry may be located within a single-family dwelling unit, not to exceed forty percent (40%) of the dwelling, or in a separate structure not to exceed one thousand two hundred (1,200) square feet.

(4) Hours of operation shall be limited to between 8:00 a.m. and dusk.

(5) All exterior aspects of the operation shall not disrupt the residential character of the area.

(6) There shall be no visible storage of equipment, materials or vehicles with more than two (2) axles. (Prior LUC 3.3; Ord. 634 §1, 2010)

Sec. 16-4-230. Recreational vehicle/travel trailer park.

In addition to all other applicable standards identified in this Chapter, recreational vehicle/travel trailer parks and incidental facilities on the same lot shall comply with the following standards:

(1) Such areas may be occupied only by persons using travel trailers, truck campers and tents for overnight and short-duration camping. A customer’s stay shall be limited to fourteen (14) consecutive days or twenty-one (21) nonconsecutive total days per month.

(2) Each recreational vehicle, travel trailer and truck camper shall display a current license plate.

(3) Each customer space shall be at least one thousand five hundred (1,500) square feet in area.

(4) Each space shall be at least twenty-two (22) feet in width.
(5) Each park shall be served by central Town water and sewer facilities that conform to all applicable Town requirements.

(6) No dependent recreational vehicle, travel trailer, truck camper or tent shall be located more than two hundred (200) feet from a water and sewage service building.

(7) Each customer space shall have adequate all-weather walkways to it.

(8) Hours of operation shall be limited to no earlier than 8:00 a.m. and no later than dusk for recreation areas, facilities, laundry, offices, service buildings and storage yards on the lot.

(9) All exterior aspects of the recreational vehicle/travel trailer park shall not disrupt the residential character of the adjacent lots. Compatibility standards, per Sections 16-16-250 to 16-16-370 of this Chapter, shall apply to reduce impacts on adjacent lots and neighboring properties. A recreational vehicle/travel trailer park shall:
   a. Install screening through the use of opaque fencing, plant materials and trees.
   b. Comply with Town noise ordinances.
   c. Comply with Town lighting ordinances and also use downcast lighting that is dimmed during evening hours. Where possible, lighting shall be at ground level (such as solar-powered lights to line walkways) rather than overhead lighting.
   d. Utilize dust control methods to keep dust down on gravel pads or streets within the recreational vehicle/travel trailer park.
   e. No generators shall be allowed within the park.

(10) Store all refuse in fly-tight, water-tight, rodent-proof, bear-proof and dog-proof containers. Containers shall be provided by the owner/operator in sufficient number and capacity to properly store all refuse generated in the recreational vehicle/travel trailer park.

(11) Exterior boundaries of recreational vehicle/travel trailer parks shall be developed with an opaque fence, retaining wall, hedges or other screening device no less than six (6) feet in height, to create an attractive border. The land between the fence/border and the public street improvements shall be landscaped by the owner or operator with street trees and other landscaping materials sufficient to reasonably screen the recreational vehicle/travel trailer park from view off-site and shall be maintained by the owner or operator of the recreational vehicle/travel trailer park.

(12) All utility lines, including electrical utility lines, shall be installed underground by the owner or operator of the recreational vehicle/travel trailer park.

(13) Signage shall meet the requirements of applicable ordinances of the Town.

(14) Recreation areas, facilities, laundry, restrooms, offices, service buildings and storage yards may be provided on site, so long as the only purpose of any such use is service to residents and guests of the subject recreational vehicle/travel trailer park.

(15) All recreational vehicle/travel trailer park spaces shall be clearly numbered for proper identification.

(16) All streets within the recreational vehicle/travel trailer park shall be private. Installation, operation, repair and maintenance will be the responsibility of the recreational vehicle/travel trailer park owner or operator.

(17) Minimum lot size of a recreational vehicle/travel trailer park shall be three (3) acres.

(18) Where applicable, connection to existing sidewalks shall be made through sidewalks and/or trails to connect customers to Town facilities and businesses in a safe and aesthetic manner. (Prior LUC 3.3; Ord. 634 §1, 2010; Ord. 690 §3, 2014)
Sec. 16-4-240. Auto repair garage.

All motor vehicles on the premises must carry a current registration and a work order with a completion date not to exceed thirty (30) days. Motor vehicles without valid registration and/or a work order shall be classified as salvage and junk and may not be kept, stored or worked on in an auto repair shop. (Prior LUC 3.3)

Sec. 16-4-250. Solar energy system, large.

(a) All large solar energy systems shall comply with the requirements of Paragraph 16-4-160(6) of this Chapter and the following standards:

(1) Installation of the solar energy system shall not adversely impact adjacent properties.

(2) All structures associated with the solar energy system shall be neither visually intrusive nor inappropriate to their setting.

(3) Other than wire size, there shall be no alteration of utility infrastructure to accommodate the system.

(4) Tree removal shall be minimized and any removal shall be approved by the Town as part of the special use review process.

(5) Area of use may not exceed five (5) acres on-site. Adjacent properties shall not be used to aggregate solar collection panels to achieve an area exceeding five (5) acres.

(6) The applicant shall demonstrate that a utility solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as public parks or a national- or state-designated scenic byway.

(7) The supporting framework for freestanding solar energy systems shall be constructed of materials that require minimal maintenance, are nonspecular, neutral in color and shall not include unfinished lumber.

(8) Every effort must be made to screen the devices from view from public streets. In instances where complete screening is not possible, the devices must be screened and/or located as to have a minimal visual impact as seen from public streets and adjoining properties.

(9) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(10) All mechanical equipment of solar energy systems, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight-foot-high fence with a self-locking gate, and adequately screened with landscaping, subject to approval by the Town as part of the special use review process.

(11) All power transmission lines from a solar energy system to any building or other structure shall be located underground.

(12) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's and equipment information, warning or indication of ownership shall be allowed on any equipment of the solar energy system.

(13) Any earth disturbance as a result of the installation or removal of a solar energy system shall be regraded to natural ground contours, successfully reseeded and maintained in a predominantly weed-free condition.

(14) If the owner of a solar energy system begins, but does not complete, construction of the project, the owner shall be responsible for restoring the site to the preconstruction condition within twelve (12) months, in conformance with a plan approved by the Town.
Owners of a large solar energy facilities are required to notify the Town immediately upon cessation or abandonment of the operation. The owner shall be responsible for the removal of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. At the time of issuance of the special use permit for the construction of the solar energy facility, the owner shall provide financial security in form and amount acceptable to the Town to secure the expense of dismantling and removing said structures.

(b) Permitting and submittal requirements. Large solar energy systems shall be reviewed as a special use and shall submit the following information for review by the Town.

1. A special use permit application on forms provided by the Town, with supporting materials that include a vicinity map, property zoning, surrounding zoning, evidence of conformance with applicable provisions of the municipal land use regulations, compliance with applicable design and dimensional standards, complete description of the system, evidence of compatibility with adjoining uses, anticipated system energy output, timing of system installation, phasing (if applicable), ownership, any leasing arrangements, approvals from other agencies with jurisdiction, provisions for decommissioning the system, depictions of visual impacts from adjoining properties, proof of legal access, proof of ownership or authorization from the property owner, scaled and dimensioned vertical and horizontal elevations of all above-ground structures, details of proposed exterior lighting, storage areas, colors of buildings, structural members and equipment, utility requirements and other information relevant to the proposed system.

2. A permit fee.

3. A twenty-four-inch by thirty-six-inch site plan, dimensioned and drawn to scale, showing the location of all site improvements, including but not limited to solar collection devices, access, circulation, fencing/screening, exterior lighting, landscaping, mechanical equipment, buildings, parking areas, roadways, utilities, electrical grid connections, drainage, setbacks, lot coverage calculations and other information about site improvements necessary to inform the Town as part of their review process.

4. Evidence that the solar energy system and related structures and equipment have been designed by the appropriate licensed engineers and that the system conforms to all applicable industry design standards, including but not limited to American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM) and including manufacturer specifications.

5. Other information necessary to support the application in the special use review process. (Ord. 658, 2013)

Sec. 16-4-260. Mixed use buildings.

Mixed-use building, as defined in Section 16-2-60 of this Chapter, shall be allowed in the Commercial and Highway Business Districts, provided that at least the first floor is a retail or other commercial use allowed within the zoning district. A dwelling may be permitted on the second story or above. Dwelling units, such as condominiums or apartments, shall be located on the second or third floor, and retail, restaurants or other commercial establishments shall be located on the first floor. (Ord. 686 §3, 2014)

Division 3 Telecommunications
Sec. 16-4-310. Telecommunications towers or facilities.
Sec. 16-4-320. Co-location requirement.
Sec. 16-4-330. Tower height.
Sec. 16-4-340. Tower design.
Sec. 16-4-350. Landscaping and screening.
Sec. 16-4-310. Telecommunications towers or facilities.

Telecommunication towers or facilities related to the provision of wireless telecommunication services may be permitted, subject to the requirements set forth in Sections 16-4-320 through 16-4-420 below. (Prior LUC 3.3; Ord. 634 §1, 2010)

Sec. 16-4-320. Co-location requirement.

(a) It is the express intent of this Division to minimize the number of towers built to accommodate antennas and other appurtenances to telecommunications facilities. Therefore, a proposal for a new tower shall not be approved unless, by resolution, the Board of Trustees determines that the telecommunications facilities for the proposed antenna cannot be accommodated on an existing or approved tower or antenna support structure as follows:

(1) Within a one-mile search radius for proposed towers over eighty (80) feet;

(2) Within a half-mile search radius for proposed towers under eighty (80) feet; or

(3) Within a quarter-mile search radius for proposed towers under sixty (60) feet.

(b) In all cases, the applicant shall demonstrate that at least one (1) of the following conditions is present:

(1) The planned equipment and antenna would exceed the structural capacity of the existing or approved tower or antenna support structure as documented by a qualified and Colorado-licensed engineer; or in the alternative, that the existing or approved tower or antenna support structure cannot be reinforced, modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost;

(2) Existing or approved towers and antenna support structures within the search area cannot accommodate the planned telecommunications facilities at a height necessary to function reasonably, as documented by a qualified and Colorado-licensed engineer; or

(3) Other unforeseen reasons make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building. (Prior LUC 3.3; Ord. 634 §1, 2010)

Sec. 16-4-330. Tower height.

(a) The maximum height of all commercial wireless antennas and supporting towers shall not exceed the distance to the nearest lot or parcel boundary on the subject lot or parcel or eighty (80) feet, whichever is less.
(b) No tower shall be in excess of a height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line, less five (5) feet.

(c) Notwithstanding the above provision to the contrary, the maximum height of all commercial wireless antennas and supporting towers shall not exceed the minimum that is technically necessary to serve the design purpose. (Prior LUC 3.3)

Sec. 16-4-340. Tower design.

Proposed or modified towers, antennas, accessory structures and buildings shall meet the following design requirements:

1. Towers and antennas shall utilize a stealth design, as defined in Section 16-2-60 of this Chapter, in order to blend into the surrounding environment through the use of color and camouflaging architectural treatment.

2. Towers shall be of monopole design, unless the Board of Trustees determines that an alternative design would be more appropriate to or better blend in with the surrounding land uses and environment.

3. Accessory structure and building design. The design of accessory or related structures or control buildings shall be architecturally designed to blend in with the surrounding buildings and environment, and they shall meet the minimum setback requirements of the underlying zoning district.

4. All proposed telecommunications facilities shall be engineered and designed structurally in all respects to accommodate both the applicant's antennas and equipment and comparable antennas and equipment for a minimum of two (2) additional uses, if the tower is over sixty (60) feet tall, and one (1) additional user for each additional ten (10) feet over sixty (60) feet.

Figure 16-1
Tower Design

<table>
<thead>
<tr>
<th>Lattice tower</th>
<th>Guyed tower</th>
<th>Monopole</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Discouraged)</td>
<td>(Discouraged)</td>
<td>(Suggested alternative)</td>
</tr>
</tbody>
</table>

Figure 16-2
Sec. 16-4-350. Landscaping and screening.

(a) Ground- and rooftop-mounted mechanical equipment shall be screened from view off-site in accordance with the requirements of Article 16 of this Chapter.

(b) Perimeter trees, landscaping and other screening devices shall be used to help screen the tower from residences in accordance with the requirements of Article 16 of this Chapter.

Figure 16-3

Sec. 16-4-360. Siting and setbacks.

(a) Tower siting. Towers shall not be located between a principal or accessory structure and a public road or street.

(b) Tower setbacks. All towers shall conform to the minimum setback requirements of the underlying zoning district, or as modified below:

1. The minimum setback for a tower not rigidly attached to a building shall be equal to the combined height of the tower plus the antenna attached to the tower.

2. The minimum setback for a tower that is rigidly attached to a building and with the tower base on the ground may exceed this setback by an amount equal to the distance from the point of attachment to the ground.

3. Notwithstanding other provisions to the contrary, a tower's setback may be reduced, or its location in relation to a public street varied, as necessary to mitigate visual impacts or to allow
Sec. 16-4-370. Lights and other attachments.

(a) Towers shall not be artificially illuminated or display strobe lights, unless the Federal Aviation Administration or other federal or state authority for a particular tower specifically requires such lighting when incorporated into the approved design of the tower. Light fixtures used to illuminate ball fields, parking lots or similar areas may be attached to the tower.

(b) No tower shall have constructed on, or attached to, any additional platform, catwalk, crow's nest or like structure (other than those required by industry standards or federal regulations), except during periods of construction or repair. (Prior LUC 3.3)

Sec. 16-4-380. Signs and advertising.

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited. (Prior LUC 3.3)

Sec. 16-4-390. Interference with public safety telecommunications.

No telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Board of Trustees at least ten (10) calendar days in advance of such changes and allow the Board of Trustees to monitor interference levels during the testing process. The Board of Trustees may require a new conditional use permit for such new services or changes. (Prior LUC 3.3)

Sec. 16-4-400. Performance standards.

All towers must conform to the applicable performance standards in Article 16 of this Chapter. (Prior LUC 3.3)

Sec. 16-4-410. Tower construction requirements.

All towers erected, constructed or located within the Town, and all wiring therefor, shall comply with the requirements of all current construction codes. (Prior LUC 3.3)

Sec. 16-4-420. Additional submittal requirements.

In addition to the information required elsewhere in this Land Use Code, development applications for towers shall include a report from a qualified and licensed professional engineer that:

1. Includes any and all technical information and design requirements, including co-location requirements, necessary to evaluate the request.

2. Describes the tower height and design, including a cross-section and elevation.

3. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.

4. Describes the tower's capacity, including the number and type of antennas that it can accommodate.
(5) Documents what steps the applicant will take to avoid interference with established public safety telecommunication.

(6) Includes an engineer's stamp and registration number.

(7) A letter of intent committing the tower owner and his successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions of shared use.

(8) Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration. (Prior LUC 3.3)

Sec. 16-4-430. Niche manufacturing.

(a) Commercial District: The production or manufacturing of specialty items in conjunction with the retail and/or wholesale, sales of the items at the same location. The production of these items shall have virtually no visual, audible or odoriferous impacts to the surrounding properties and the zone as a whole. The Town may impose development standards and safeguards as the conditions and location indicate the importance to the welfare and protection of adjacent property from items such as, but not limited to, noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions. There shall be a maximum of two thousand (2,000) square feet of floor space used for the manufacture or production of the items at the site. There shall be a minimum of ten percent (10%) of the total floor space, or at least one hundred (100) square feet used, whichever is larger, for the retail or wholesale of the items, and it may be combined with offices. The hours of production or manufacturing are further limited from 7:00 a.m. to 7:00 p.m. There are no additional restrictions on the hours for retail sales operations. Niche manufacturing in the Commercial District is a permitted use in the Commercial zoning districts only.

(b) Highway Business District: The production or manufacturing of specialty items in conjunction with the retail or wholesale sales of the items at the same location. The production of these items shall have virtually no visual, audible or odoriferous impacts to the surrounding properties and the zone as a whole. The Town may impose development standards and safeguards as the conditions and location indicate the importance to the welfare and protection of adjacent property from items such as, but not limited to, noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions. There shall be a minimum of ten percent (10%) of the total floor space, or at least one hundred (100) square feet used, whichever is larger, for the retail or wholesale of the items, and it may be combined with offices. The hours of production or manufacturing are further limited from 7:00 a.m. to 7:00 p.m. There are no additional restrictions on the hours for retail sales operations. Niche manufacturing is a permitted use in the Highway Business District only if there is less than or equal to two thousand (2,000) square feet of floor space used for the manufacture or production of the items at the sale. Niche manufacturing in the Highway Business District is permissible only after obtaining a special use permit, in accordance with the procedures and standards of Section 16-20-80 of this Chapter, if there is greater than two thousand (2,000) square feet of floor space used for the manufacture or production of the items at the site. (Ord. 616 §2, 2009)

Division 4 Dimensional Standards

Sec. 16-4-510. Schedule of residential dimensional standards.

Sec. 16-4-520. Schedule of nonresidential dimensional standards.

Sec. 16-4-530. Minimum lot area per dwelling unit.

Sec. 16-4-540. Minimum floor area per dwelling unit.

Sec. 16-4-550. Minimum front yard setback.

Sec. 16-4-560. Minimum side yard setback.

Sec. 16-4-570. Minimum street side yard setback.
Sec. 16-4-510. Schedule of residential dimensional standards.

The following Residential Dimensional Standards Schedule summarizes the regulations of this Land Use Code with regard to minimum lot size, minimum yards, minimum lot width, maximum lot coverage or maximum building height of residential uses in the various zoning districts. Additional provisions contained in this Section or in the individual district regulations may modify the standards shown in the following schedule. In the event of any conflict between the text of this Chapter and the Residential Dimensional Standards Schedule, the text shall control.

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AR</td>
</tr>
<tr>
<td>Single-family or one-family dwelling</td>
<td></td>
</tr>
<tr>
<td>Minimum lot area/unit (sq. ft. or acres)</td>
<td>5 acres</td>
</tr>
<tr>
<td>Minimum front yard (ft.)</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Minimum interior side yard (ft.)</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Minimum street side yard (ft.)</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Minimum rear yard (ft.)</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Minimum setback</td>
<td>25 ft.</td>
</tr>
<tr>
<td>outside and adjacent to the normal river channel on Mancos River and Chicken Creek</td>
<td>200 ft.</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Minimum lot width (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Maximum lot coverage (%)</td>
<td>—</td>
</tr>
<tr>
<td>Minimum floor area/unit (sq. ft.)</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Maximum height (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Duplex or two-family dwelling</td>
<td>—</td>
</tr>
<tr>
<td>Minimum front yard (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Minimum interior side yard (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Minimum street side yard (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Minimum rear yard (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Minimum setback outside and adjacent to the normal river channel on Mancos</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Land Use and Development</td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>---</td>
</tr>
<tr>
<td>River and Chicken Creek</td>
<td></td>
</tr>
<tr>
<td>Minimum lot width (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Maximum lot coverage (%)</td>
<td>—</td>
</tr>
<tr>
<td>Minimum floor area/unit (sq. ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Maximum height (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Multi-family dwelling</td>
<td></td>
</tr>
<tr>
<td>Minimum lot area/unit (sq. ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Minimum front yard (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Minimum interior side yard (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Minimum street side yard (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Minimum rear yard (ft.)</td>
<td>—</td>
</tr>
<tr>
<td>Minimum setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek</td>
<td>25 ft.</td>
</tr>
</tbody>
</table>
## Chapter 16 Land Use and Development

<table>
<thead>
<tr>
<th>Minimum lot width (ft.)</th>
<th>—</th>
<th>—</th>
<th>75 ft.</th>
<th>75 ft.</th>
<th>—</th>
<th>50 ft.</th>
<th>—</th>
<th>—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum lot coverage (%)</td>
<td>—</td>
<td>—</td>
<td>‘30%’</td>
<td>‘30%’</td>
<td>—</td>
<td>80%</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Minimum floor area/unit (sq. ft.)</td>
<td>—</td>
<td>—</td>
<td>500</td>
<td>500</td>
<td>—</td>
<td>500</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Maximum height (ft.)</td>
<td>—</td>
<td>—</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>—</td>
<td>35 ft.</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

### Accessory structure

<table>
<thead>
<tr>
<th>Minimum lot area/unit (sq. ft.)</th>
<th>5 acres</th>
<th>7,500</th>
<th>7,500</th>
<th>—</th>
<th>—</th>
<th>—</th>
<th>—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum front yard (ft.)</td>
<td>30 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>15 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Minimum interior side yard (ft.)</td>
<td>15 ft.</td>
<td>7 ft.</td>
<td>7 ft.</td>
<td>7 ft.</td>
<td>7 ft.</td>
<td>7 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Minimum street side yard (ft.)</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Minimum rear yard (ft.)</td>
<td>25 ft.</td>
<td>7 ft.</td>
<td>7 ft.</td>
<td>7 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Minimum setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Minimum lot width (ft.)</td>
<td>200 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>
Maximum lot coverage (%)

<table>
<thead>
<tr>
<th></th>
<th>*10%</th>
<th>*10%</th>
<th>*10%</th>
<th>—</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum floor area/unit (sq. ft.)</td>
<td>Greater of 600 ft. or ? primary</td>
<td>Greater of 600 ft. or ? primary</td>
<td>Greater of 600 ft. or ? primary</td>
<td>Greater of 600 ft. or ? primary</td>
</tr>
<tr>
<td>Maximum height</td>
<td>Less than primary</td>
<td>Less than primary</td>
<td>Less than primary</td>
<td>Less than primary</td>
</tr>
</tbody>
</table>

* Primary structures may have a footprint up to 30% of the lot with an additional 10% footprint allowed for an accessory structure. However, an accessory structure shall never be larger than the greater of 600 square feet or ? of the primary structure.

(Prior LUC 3.4; Ord. 556, 2004; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-4-520. Schedule of nonresidential dimensional standards.

The following Nonresidential Dimensional Standards Schedule summarizes the regulations of this Land Use Code with regard to minimum yards, maximum lot coverage and maximum building height of nonresidential uses in the various zoning districts. Additional provisions contained in this Section or in the individual district regulations may modify the standards shown in the following schedule. In the event of any conflict between the text of this Chapter and the Nonresidential Dimensional Standards Schedule, the text shall control.

Table 16-3
Nonresidential Dimensional Standards Schedule

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Minimum front yard (ft.)</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Minimum interior side yard (ft.)</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Minimum street side yard (ft.)</td>
<td>0 ft.**</td>
</tr>
<tr>
<td>Minimum rear yard (ft.)</td>
<td>25 ft.</td>
</tr>
</tbody>
</table>
### CHAPTER 16 Land Use and Development

| Minimum setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek | ft. | ft. | ft. | ft. |
| Minimum lot width (ft.) | — | — | — | — |
| Maximum lot coverage (%) | 80% | 80% | 50% | 50% |
| Maximum height (ft.) | 35 ft. | 35 ft. | 35 ft. | 35 ft. |

Any corner lot shall abide by Paragraph 16-16-100(4), corner visibility, of this Chapter.

(Prior LUC 3.4; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

**Sec. 16-4-530. Minimum lot area per dwelling unit.**

Residential uses shall comply with the minimum lot area per dwelling unit standards and summarized in the Residential Dimensional Standards Schedule above, as may be modified by additional provisions in the district regulations, in this Section or elsewhere in this Land Use Code. (Prior LUC 3.4; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

**Sec. 16-4-540. Minimum floor area per dwelling unit.**

(a) Residential uses shall comply with the minimum floor area per dwelling unit standards contained in the district regulations and summarized in the Residential Dimensional Standards Schedule above, as may be modified by additional provisions in the district regulations, in this Subsection or elsewhere in this Land Use Code.

(b) Measurement. The floor area of a dwelling, for the purpose of these minimum-floor-area-per-dwelling-unit requirements, refers to the total of the horizontal area of each floor, measured from the outside face of the building walls, excluding garages, carports, cellars and accessory buildings. (Prior LUC 3.4; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

**Sec. 16-4-550. Minimum front yard setback.**

The location of buildings shall comply with the minimum front yard setback standards summarized in the Residential and Nonresidential Dimensional Standards Schedules, as may be modified by additional provisions in the district regulations, in this Subsection or elsewhere in this Land Use Code. The front yard shall be the side from which access is provided or Highway 160, if adjacent to such Highway.

(1) Measurement. The front setback, for the purpose of these calculations, refers to the open space at grade between a structure and the property line of the lot on which the structure is located, measured by the horizontal distance between the lot line and the closest projection of the principal or accessory building.
CHAPTER 16 Land Use and Development

(2) Corner lots. For lots with frontage on two (2) intersecting streets, such a lot shall be considered to have a front yard on the street which it faces, which must also be the street on which the address has been given by the Town, and shall only be required to comply with front yard setbacks for the street which the house faces. The other side shall be considered the street side yard.

(3) Double-frontage lots. Where lots have double frontage, running from one (1) street to another, a required front yard shall be provided on both streets. (Prior LUC 3.4; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-4-560. Minimum side yard setback.

(a) The location of buildings shall comply with the minimum side yard setback standards summarized in the Residential and Nonresidential Dimensional Standards Schedules, as may be modified by additional provisions in the district regulations, in this Subsection or elsewhere in this Land Use Code. Side yard shall be all yards other than a front yard or a rear yard.

(b) Accessory buildings. Detached accessory buildings shall have a side yard of not less than five (5) feet measured from any side lot line, alley, right-of-way or easement line. (Prior LUC 3.4; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-4-570. Minimum street side yard setback.

The location of buildings shall comply with the minimum street side yard setback standards summarized in the Residential and Nonresidential Dimensional Standards Schedules, as may be modified by additional provisions in the district regulations, in this Subsection or elsewhere in this Land Use Code. The street side yard shall be any yard fronting a public street other than the front yard. (Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-4-580. Minimum rear yard setback.

The location of buildings shall comply with the minimum rear yard setback standards summarized in the Residential and Nonresidential Dimensional Standards Schedules, as may be modified by additional provisions in the district regulations, in this Subsection or elsewhere in this Land Use Code. The rear yard shall be the side opposite the front yard.

(1) Nonresidential buildings. No rear yard shall be required for nonresidential buildings if an alley is located adjacent to the rear lot line. The rear yard is the preferred location for required parking. However, no structure may be placed less than five (5) feet from any side lot line, alley right-of-way or easement line.

(2) Accessory buildings. No rear yard shall be required for residential accessory structures if an alley is located adjacent to the rear lot line. However, no structure may be placed less than five (5) feet from any side lot line, alley right-of-way or easement line. (Prior LUC 3.4; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-4-590. Minimum setback outside normal river channel on Mancos River and Chicken Creek.

The location of all buildings (residential, nonresidential and accessory) shall comply with a minimum twenty-five-foot setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek, summarized in the Residential and Nonresidential Dimensional Standards Schedules. (Ord. 658, 2013)
Sec. 16-4-600. Maximum lot coverage.

(a) The size of buildings shall comply with the maximum lot coverage standards summarized in the residential and nonresidential dimensional standards schedules, as may be modified by additional provisions in the district regulations, in this Subsection or elsewhere in this Land Use Code.

(b) Lot coverage refers to the percentage of the lot area covered by the main and accessory buildings. Roof eaves extending not more than three (3) feet from the walls of a building shall be excluded from coverage computations. (Prior LUC 3.4; Ord. 606, 2008)

Sec. 16-4-610. Maximum height.

(a) The height of buildings and structures shall comply with the maximum height standards summarized in the residential and nonresidential dimensional standards schedules, as may be modified by additional provisions in the district regulations, in this Subsection or elsewhere in this Land Use Code.

(b) Measurement.

(1) Buildings. Height refers to the vertical distance between average finished grade along the front of the building and the highest point on the peak of the roof.

(2) Telecommunications towers and facilities. The height of telecommunications towers and facilities shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments when towers are mounted upon other structures.

(c) Permitted exceptions. The following structures and features shall be exempt from the height requirements of this Land Use Code.

(1) Chimneys, smokestacks or flues.
(2) Cooling towers and ventilators.
(3) Elevator bulkheads and stairway enclosures.
(4) Tanks and water towers.
(5) Utility poles and support structures.
(6) Belfries, spires and church steeples.
(7) Monuments, flag poles and ornamental towers. (Prior LUC 3.4; Ord. 606, 2008)

ARTICLE 5 AR, Agriculture Residential District

Sec. 16-5-10. Purpose.
Sec. 16-5-20. Permitted uses.
Sec. 16-5-30. Special uses.
Sec. 16-5-40. Accessory uses.
Sec. 16-5-50. Temporary uses.
Sec. 16-5-60. Design standards.
Sec. 16-5-70. Dimensional standards.
Sec. 16-5-10. Purpose.

The AR, Agriculture Residential District is designed primarily to accommodate agricultural uses and for single-family development on lots of five (5) acres. It is intended for application as temporary zoning following annexation but prior to final subdivision approval, as defined in Article 18, Division 4 of this Chapter. (Prior LUC 3.5; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-5-20. Permitted uses.

The following uses shall be permitted by right:

(1) Residential uses; dwelling, single-family.

(2) Public or civic uses:
   a. Charitable, civic, youth, social and fraternal organizations.
   b. Churches or places of worship.
   d. Essential services and facilities.
   e. Group homes, subject to the use-specific standards of Section 16-4-200 of this Chapter.
   f. Municipal facilities.

(3) Retail, commercial and personal service uses:
   a. Agriculture.
   b. Bed and breakfasts, subject to the use-specific standards of Section 16-4-210 of this Chapter.
   c. Market gardens. (Prior LUC 3.5; Ord. 584, 2007; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-5-30. Special uses.

The following special uses shall be allowed in accordance with Sections 16-20-80 through 16-20-150 of this Chapter:

(1) Animal pounds or kennels.

(2) Cottage industries, subject to the use-specific standards of Section 16-4-220 of this Chapter.


(4) Hospitals or clinics.

(5) Nursing homes.

(6) Outdoor recreation facilities, commercial.

(7) Recreational vehicle and travel trailer parks, subject to the use-specific standards of Section 16-4-230 of this Chapter.

(8) Schools (elementary or secondary).

(9) Solar energy system, large, subject to the use-specific standards of Section 16-4-250 of this Chapter. (Prior LUC 3.5; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-5-40. Accessory uses.

The following accessory uses shall be allowed:
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(1) Accessory uses or structures, subject to the use-specific standards of Section 16-4-160 of this Chapter.

(2) Home occupations, subject to the use-specific standards of Section 16-4-190 of this Chapter.

(3) Solar energy system, small, subject to the standards of Section 16-4-160 of this Chapter. (Prior LUC 3.5; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-5-50. Temporary uses.

The following temporary uses shall be allowed in accordance with Section 16-20-50 of this Chapter: field offices, temporary, subject to the use-specific standards of Section 16-4-180 of this Chapter. (Prior LUC 3.5; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-5-60. Design standards.

All principal structures shall:

(1) Have the primary entrance to a dwelling facing the street, unless otherwise required for handicap access.

(2) Have a covered doorway/porch.

(3) Utilize nonreflective siding materials (i.e., nonreflective wood, stucco, adobe, brick, stone or materials that look like natural siding materials). Any metal buildings shall have the main face an earth-tone color with wainscoting or other natural material base perimeter or have a natural veneer, such as wood, stucco, adobe, brick, stone or other materials that look like natural materials.

(4) Have no horizontal dimension less than sixteen (16) feet.

(5) Have a base perimeter that is enclosed with materials similar to the siding or a structural foundation.

(6) Have a minimum of a 4:12 roof pitch. Structures constructed in the southwest adobe style are exempt from this requirement.

(7) Have a roof with a one-foot overhang. Dwellings constructed in the southwest adobe style are exempt from this requirement.

(8) Include a minimum of four (4) of the following:

a. Deck.

b. Use of more than one (1) exterior material or color along the front of the home.

c. Use of masonry or other contrasting material that projects from the wall plane.

d. Recesses, projections or significant offsets in the wall plane.

e. Bay windows or dormers.

f. Shutters.

g. Significant change in the roof plane.

h. Where possible, utilize service and vehicular access off the alley.

i. Decorative fencing to define semi-private street yards.

j. Chimney. (Prior LUC 3.5; Ord. 556, 2004; Ord. 606, 2008; Ord. 658, 2013)
Sec. 16-5-70. Dimensional standards.

Each site in the AR, Agriculture Residential District shall be subject to the following standards:

(1) Minimum lot size per dwelling unit: five (5) acres per unit.
(2) Minimum front and street side setbacks: thirty (30) feet.
(3) Minimum interior side setbacks: fifteen (15) feet.
(4) Minimum rear setbacks: thirty-five (35) feet.
(5) Minimum setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek: twenty-five (25) feet.
(6) Minimum lot width: two hundred (200) feet.
(7) Maximum lot coverage: none.
(8) Minimum floor area per dwelling unit: none.
(9) Maximum height:
   a. Principal uses: thirty-five (35) feet.
   b. Accessory uses: Except as provided for in Section 16-4-160 of this Chapter, twenty (20) feet and in no case taller than the principal structure. (Prior LUC 3.5; Ord. 606, 2008; Ord. 658, 2013)

ARTICLE 6 SFR, Single-Family Residential District

Sec. 16-6-10. Purpose.

Sec. 16-6-20. Permitted uses.

Sec. 16-6-30. Special uses.

Sec. 16-6-40. Accessory uses.

Sec. 16-6-50. Temporary uses.

Sec. 16-6-60. Design standards.

Sec. 16-6-70. Dimensional standards.

Sec. 16-6-10. Purpose.

The SFR, Single-Family Residential District is designed primarily to accommodate single-family uses. It is intended for application in areas designated "Single-Family" on the Future Development Plan Map in the Comprehensive Plan. In addition to the use and dimensional standards of this Article, development in the SFR, Single-Family Residential District shall be in compliance with all other applicable provisions of this Land Use Code. (Prior LUC 3.6; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-6-20. Permitted uses.

The following uses shall be permitted by right:

(1) Residential uses:
   a. Dwellings, single-family.
b. Dwellings, two-family, subject to the use-specific standards of Section 16-4-130 of this Chapter.

(2) Public or civic uses.
   a. Charitable, civic, youth, social and fraternal organizations.
   b. Churches or places of worship.
   d. Essential services and facilities.
   e. Group homes, subject to the use-specific standards of Section 16-4-200 of this Chapter.
   f. Municipal facilities.

(3) Retail, commercial and personal service uses.
   a. Bed and breakfasts, subject to the use-specific standards of Section 16-4-210 of this Chapter.
   b. Market gardens. (Prior LUC 3.6; Ord. 584, 2007; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-6-30. Special uses.

The following special uses shall be allowed in accordance with Sections 16-20-80 through 16-20-150 of this Chapter:

(1) Cottage industries, subject to the use-specific standards of Section 16-4-220 of this Chapter.
(3) Hospitals or clinics.
(4) Hotels or motels.
(5) Schools (elementary or secondary). (Prior LUC 3.6; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-6-40. Accessory uses.

The following accessory uses shall be allowed:

(1) Accessory uses or structures, subject to the use-specific standards of Section 16-4-160 of this Chapter.
(2) Home occupations, subject to the use-specific standards of Section 16-4-190 of this Chapter.
(3) Solar energy system, small, subject to the standards of Section 16-4-160 of this Chapter. (Prior LUC 3.6; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-6-50. Temporary uses.

The following temporary uses shall be allowed in accordance with Section 16-20-50 of this Chapter: field office, temporary, subject to the use-specific standards of Section 16-4-180 of this Chapter. (Prior LUC 3.6; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-6-60. Design standards.

All principal structures shall:
(1) Have the primary entrance to a dwelling facing the street, unless otherwise required for handicap access.

(2) Have a covered doorway/porch.

(3) Utilize nonreflective siding materials (i.e., nonreflective wood, stucco, adobe, brick, stone or materials that look like natural siding materials). Any metal buildings shall have the main face an earth-tone color with wainscoting or other natural material base perimeter, or have a veneer, such as wood, stucco, adobe, brick, stone or other materials that look like natural materials.

(4) Have no horizontal dimension less than sixteen (16) feet.

(5) Have a base perimeter that is enclosed with materials similar to the siding or a structural foundation.

(6) Have a minimum of a 4:12 roof pitch. Structures constructed in the southwest adobe style are exempt from this requirement.

(7) Have a roof with a one-foot overhang. Dwellings constructed in the southwest adobe style are exempt from this requirement.

(8) Include a minimum of four (4) of the following:
   a. Deck.
   b. Use of more than one (1) exterior material or color along the front of the home.
   c. Use of masonry or other contrasting material that projects from the wall plane.
   d. Recesses, projections or significant offsets in the wall plane.
   e. Bay window or dormers.
   f. Shutters.
   g. Significant change in the roof plane.
   h. Where possible, utilize service and vehicular access off the alley.
   i. Decorative fencing to define semi-private street yards.
   j. Chimney. (Prior LUC 3.6; Ord. 556, 2004; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-6-70. Dimensional standards.

Each site in the SFR, Single-Family Residential District shall be subject to the following standards:

(1) Minimum lot size per dwelling unit:
   a. Single-family: seven thousand five hundred (7,500) square feet per unit.
   b. Two-family: five thousand five hundred (5,500) square feet per unit.

(2) Minimum front setbacks: thirty (30) feet.

(3) Minimum interior side setbacks: seven (7) feet.

(4) Minimum street side yard setbacks: fifteen (15) feet.

(5) Minimum rear setbacks: thirty-five (35) feet.

(6) Minimum setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek: twenty-five (25) feet.

(7) Minimum lot width:
   a. Single-family: fifty (50) feet.
b. Two-family and multi-family: seventy-five (75) feet.

(8) Maximum lot coverage: thirty percent (30%) for the principal structure and up to ten percent (10%) additional allowed for accessory structures.

(9) Minimum floor area per dwelling unit: five hundred (500) square feet.

(10) Maximum height:
   a. Principal uses: thirty-five (35) feet.
   b. Accessory uses: Except as provided in Section 16-4-160 of this Chapter, twenty (20) feet and in no case taller than the principal structure. (Prior LUC 3.6; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

ARTICLE 7 MR, Mixed Residential District

Sec. 16-7-10. Purpose.

The MR, Mixed Residential District is designed primarily to accommodate multi-family uses. It is intended for application to areas designated "Mixed Housing" on the Future Development Plan Map in the Comprehensive Plan. In addition to the use and dimensional standards of this Article, development in the MR, Mixed Residential District shall be in compliance with all other applicable provisions of this Land Use Code. (Prior LUC 3.7; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-7-20. Permitted uses.

The following uses shall be permitted by right:

(1) Residential uses:
   a. Dwellings, single-family.
   b. Dwellings, two-family, subject to the use-specific standards of Section 16-4-130 of this Chapter.
   c. Dwellings, multi-family, subject to the use-specific standards of Section 16-4-130 of this Chapter.
   d. Manufactured homes, subject to the use-specific standards of Section 16-4-130 of this Chapter.

(2) Public or civic uses:
   a. Charitable, civic, youth, social and fraternal organizations.
   b. Churches or places of worship.
e. Essential services and facilities.
f. Group homes, subject to the use-specific standards of Section 16-4-200 of this Chapter.
g. Municipal facilities.

(3) Retail, commercial and personal service uses.
   a. Bed and breakfasts, subject to the use-specific standards of Section 16-4-210 of this Chapter.
   b. Market gardens. (Prior LUC 3.7; Ord. 584, 2007; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-7-30. Special uses.

The following special uses shall be allowed in accordance with Sections 16-20-80 through 16-20-150 of this Chapter:
   (1) Cottage industries, subject to the use-specific standards of Section 16-4-220 of this Chapter.
   (2) Hospitals or clinics.
   (3) Manufactured home communities, subject to the use-specific standards of Section 16-4-140 of this Chapter.
   (4) Schools (elementary or secondary). (Prior LUC 3.7; Ord. 556, 2004; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-7-40. Accessory uses.

The following accessory uses shall be allowed:
   (1) Accessory uses or structures, subject to the use-specific standards of Section 16-4-160 of this Chapter.
   (2) Home occupations, subject to the use-specific standards of Section 16-4-190 of this Chapter.
   (3) Solar energy system - small, subject to the standards of Section 16-4-160 of this Chapter. (Prior LUC 3.7; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-7-50. Temporary uses.

The following temporary uses shall be allowed in accordance with Section 16-20-50 of this Chapter: field offices, temporary, subject to the use-specific standards of Section 16-4-180 of this Chapter. (Prior LUC 3.7; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-7-60. Design standards.

All principal structures shall:
   (1) Have the primary entrance to a dwelling facing the street, unless otherwise required for handicap access.
   (2) Utilize nonreflective siding materials (i.e., nonreflective wood, stucco, adobe, brick, stone or materials that look like natural siding materials). Any metal buildings shall have the main face an earth-tone color with wainscoting or other natural material base perimeter or have a natural
veneer, such as wood, stucco, adobe, brick, stone or other materials that look like natural materials.

(3) Have no horizontal dimension less than sixteen (16) feet, unless the structure is placed in a manufactured home community.

(4) Have a base perimeter that is enclosed with materials similar to the siding or a structural foundation.

(5) Have a roof with a one-foot overhang. Dwellings constructed in the southwest adobe style or sited in a manufactured home community are exempt from this requirement.

(6) Include a minimum of three (3) of the following:
   a. Covered porch.
   b. Deck.
   c. Use of more than one (1) exterior material or color along the front of the home.
   d. Covered doorways.
   e. Use of masonry or other contrasting material that projects from the wall plane.
   f. Recesses, projections or significant offsets in the wall plane.
   g. Bay window or dormers.
   h. Minimum of a 4:12 roof pitch. Structures constructed in the southwest adobe style or sited in a manufactured home community are exempt from this requirement.
   i. Shutters.
   j. Significant change in the roof plane.
   k. Where possible, utilize service and vehicular access off the alley.
   l. Decorative fencing to define semi-private street yards.
   m. Chimney. (Prior LUC 3.7; Ord. 556, 2004; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-7-70. Dimensional standards.

Each site in the MR, Mixed Residential District shall be subject to the following property development standards:

(1) Minimum lot size per dwelling unit:
   a. Single-family dwelling: seven thousand five hundred (7,500) square feet.
   b. Two-family dwelling: five thousand five hundred (5,500) square feet.
   c. Multi-family dwelling: three thousand (3,000) square feet.

(2) Minimum front yard setbacks: twenty-five (25) feet.

(3) Minimum interior side setbacks: seven (7) feet.

(4) Minimum street side yard setbacks: fifteen (15) feet.

(5) Minimum rear yard setbacks: twenty-five (25) feet.

(6) Minimum setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek: twenty-five (25) feet.

(7) Minimum lot width:
   a. Single-family dwelling: fifty (50) feet.
b. Two-family and multi-family dwelling: seventy-five (75) feet.

(8) Maximum lot coverage: fifty percent (50%).

(9) Minimum floor area per dwelling unit: five hundred (500) square feet.

(10) Maximum height:
   a. Principal uses: thirty-five (35) feet.
   b. Accessory uses: Except as provided in Section 16-4-160 of this Chapter, twenty (20) feet and in no case taller than the principal structure. (Prior LUC 3.7; Ord. 606, 2008; Ord. 658, 2013)

ARTICLE 8 MFR, Multi-Family Residential District

Sec. 16-8-10. Purpose.

The MFR, Multi-Family Residential District is designed primarily to accommodate multi-family uses. It is intended for application to areas designated “Multi-Family” on the Future Development Plan Map in the Comprehensive Plan. In addition to the use and dimensional standards of this Article, development in the MFR, Multi-Family Residential District shall be in compliance with all other applicable provisions of this Land Use Code. (Prior LUC 3.8; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-8-20. Permitted uses.

The following uses shall be permitted by right:

(1) Residential uses:
   a. Dwellings, single-family.
   b. Dwellings, two-family, subject to the use-specific standards of Section 16-4-130 of this Chapter.
   c. Dwellings, multi-family, subject to the use-specific standards of Section 16-4-130 of this Chapter.

(2) Public or civic uses:
   a. Charitable, civic, youth, social and fraternal organizations.
   b. Churches or places of worship.
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e. Essential services and facilities.
f. Group homes, subject to the use-specific standards of Section 16-4-200 of this Chapter.
g. Municipal facilities.

(3) Retail, commercial and personal service uses: bed and breakfasts, subject to the use-specific standards of Section 16-4-210 of this Chapter.

(4) Recreational vehicle/travel trailer park, subject to the use-specific standards of Section 16-4-230 of this Chapter. (Prior LUC 3.8; Ord. 584, 2007; Ord. 606, 2008; Ord. 658, 2013; Ord. 690 §2, 2014)

Sec. 16-8-30. Special uses.

The following special uses shall be allowed in accordance with Sections 16-20-80 through 16-20-150 of this Chapter:

(1) Cottage industries, subject to the use-specific standards of Section 16-4-220 of this Chapter.

(2) Hospitals or clinics.

(3) Schools (elementary or secondary). (Prior LUC 3.8; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-8-40. Accessory uses.

The following accessory uses shall be allowed:

(1) Accessory uses or structures, subject to the use-specific standards of Section 16-4-160 of this Chapter.

(2) Home occupations, subject to the use-specific standards of Section 16-4-190 of this Chapter.

(3) Solar energy system, small, subject to the standards of Section 16-4-160 of this Chapter. (Prior LUC 3.8; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-8-50. Temporary uses.

The following temporary uses shall be allowed in accordance with Section 16-20-50 of this Chapter: field offices, temporary, subject to the use-specific standards of Section 16-4-180 of this Chapter. (Prior LUC 3.8; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-8-60. Design standards.

All principal structures shall:

(1) Have the primary entrance to a dwelling facing the street, unless otherwise required for handicap access.

(2) Utilize nonreflective siding materials (i.e., nonreflective wood, stucco, adobe, brick, stone or materials that look like natural siding materials). Any metal buildings shall have the main face an earth-tone color with wainscoting or other natural material base perimeter or have a natural veneer, such as wood, stucco, adobe, brick, stone or other materials that look like natural materials.

(3) Have a base perimeter that is enclosed with materials similar to the siding or a structural foundation.
(4) Have a minimum 4:12 roof pitch. Structures constructed in the southwest adobe style are exempt from this requirement.

(5) Include a minimum of two (2) of the following:
   a. Covered porch.
   b. Deck.
   c. Use of more than one (1) exterior material or color along the front of the home.
   d. Covered doorways.
   e. Use of masonry or other contrasting material that projects from the wall plane.
   f. Recesses, projections or significant offsets in the wall plane.
   g. Bay window or dormers.
   h. Shutters.
   i. Significant change in the roof plane. (Prior LUC 3.8; Ord. 556, 2004; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-8-70. Dimensional standards.

Each site in the MFR, Multi-Family Residential District shall be subject to the following property development standards:

(1) Minimum lot size per dwelling unit:
   a. Single-family dwelling: seven thousand five hundred (7,500) square feet.
   b. Two-family dwelling: five thousand five hundred (5,500) square feet.
   c. Multi-family dwelling: three thousand (3,000) square feet.

(2) Minimum front yard setbacks: twenty-five (25) feet.

(3) Minimum interior side yard setbacks: seven (7) feet.

(4) Minimum street side yard setbacks: fifteen (15) feet.

(5) Minimum rear yard setbacks: twenty-five (25) feet.

(6) Minimum setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek: twenty-five (25) feet.

(7) Minimum lot width:
   a. Single-family dwelling: fifty (50) feet.
   b. Two-family and multi-family dwelling: seventy-five (75) feet.

(8) Maximum lot coverage: fifty percent (50%).

(9) Minimum floor area per dwelling unit: five hundred (500) square feet.

(10) Maximum height:
   a. Principal uses: thirty-five (35) feet.
   b. Accessory uses: except as provided for in Section 16-4-160 of this Chapter, twenty (20) feet, and in no case taller than the principal structure. (Prior LUC 3.8; Ord. 606, 2008; Ord. 658, 2013)

ARTICLE 9 C, Commercial District
Sec. 16-9-10. Purpose.
Sec. 16-9-10. Purpose.

The C, Commercial District is designed to accommodate a wide variety of commercial activities with a compatible mix of uses to make the Town a more attractive and energetic place to live, work and shop and to enhance the economic development of the Town. It is intended for application in areas designated "Community" on the Future Development Plan Map in the Comprehensive Plan. In addition to the use and dimensional standards of this Article, development in the C, Commercial District shall be in compliance with all other applicable provisions of this Land Use Code, including the Mancos Design Review Guidelines. (Prior LUC 3.9; Ord. 606, 2008; Ord. 658, 2013; Ord. 685 §3, 2014)

Sec. 16-9-20. Permitted uses.

The following uses shall be permitted by right:

(1) Residential uses;
   a. Dwellings, mixed-use single-family.
   b. Dwellings, mixed-use two-family, subject to the use-specific standards of Section 16-4-130 of this Chapter.
   c. Dwellings, mixed-use multi-family, subject to the use-specific standards of Section 16-4-130 of this Chapter.

(2) Public or civic uses:
   a. Charitable, civic, youth, social and fraternal organizations.
   b. Churches or places of worship.
   e. Essential services and facilities.
   f. Group homes, subject to the use-specific standards of Section 16-4-200 of this Chapter.
   g. Hospitals or clinics.
   h. Municipal facilities.
   i. Nursing homes.
   j. Post offices.
   k. Schools (elementary or secondary).
(3) Retail, commercial and personal service uses:
   a. Custom personal services.
   b. General retail (indoor).
   c. Hotels or motels.
   d. Market gardens.
   e. Medical marijuana centers, stand alone, less than two thousand five hundred (2,500) SF.
   f. Medical marijuana centers, co-located with a medical marijuana optional premises cultivation operation (entire facility under two thousand five hundred (2,500) SF).
   g. Retail marijuana stores, stand alone, less than two thousand five hundred (2,500) SF.
   h. Retail marijuana stores, co-located with a retail marijuana cultivation facility (entire facility under two thousand five hundred (2,500) SF).

(4) Office, business or professional:
   a. Repair services, limited.
   b. Restaurants, general.
   c. Theaters.

(5) Industrial, communications, transportation and automobile-related uses; repair services, limited.

(6) Niche manufacturing in Commercial District.


Sec. 16-9-30. Special uses.

The following special uses shall be allowed in accordance with Sections 16-20-80 through 16-20-150 of this Chapter:

   (1) Telecommunications towers or facilities.

   (2) Medical marijuana centers, co-located with a medical marijuana optional premises cultivation operation over two thousand five hundred (2,500) SF (maximum size of entire facility may be no more than five thousand (5,000) SF, including all buildings).

   (3) Retail marijuana stores, co-located with a retail marijuana cultivation facility over two thousand five hundred (2,500) SF (maximum size of entire facility may be no more than five thousand (5,000) SF, including all buildings).

(Prior LUC 3.9; Ord. 606, 2008; Ord. 628 §3, 2010; Ord. 634 §1, 2010; Ord. 658, 2013; Ord. No. 702, § 3, 11-14-2015)

Sec. 16-9-40. Accessory uses.

The following accessory uses shall be allowed:

   (1) Accessory uses or structures, subject to the use-specific standards of Section 16-4-160 of this Chapter.

   (2) Apartments, accessory, subject to the use-specific standards of Section 16-4-150 of this Chapter.
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(3) Caretaker or guard residences, accessory.

(4) Home occupations, subject to the use-specific standards of Section 16-4-190 of this Chapter.

(5) Wall- or roof-mounted solar energy systems, small, subject to the standards of Section 16-4-160 of this Chapter. (Prior LUC 3.9; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-9-50. Temporary uses.

The following temporary uses shall be allowed in accordance with Section 16-20-50 of this Chapter: street vendors, temporary. (Prior LUC 3.9; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-9-60. Design standards and review by Design Review Board.

(a) The Design Review Board is responsible for the review of all architectural details of projects in the Commercial District for review and performance of all functions and duties set out in Section 2-11-40 of this Code. Review shall be made in accordance with the standards set forth in the Design Review Guidelines. Within the Commercial District, no building shall be constructed, renovated or otherwise altered and no development shall occur without approval by the Design Review Board. All renovation, construction, demolition, expansion, alteration and addition projects, including new signage, shall be reviewed by the Design Review Board for adherence to the Design Review Guidelines. Complete submittals are required to be turned in at least two (2) weeks prior to the meeting at which the submittal of the development is to be heard.

(b) Review by the Design Review Board shall include reviewing and approving building design (including but not limited to materials, height, facade, orientation, windows and entrance); landscaping and screening requirements; parking; signage; lighting and other relevant items; and assisting in other duties as needed to help move the Town forward on its vision and goals for the Commercial District. (Prior LUC 3.9; Ord. 606, 2008; Ord. 658, 2013; Ord. 685 §3, 2014)

Sec. 16-9-70. Reserved.

Sec. 16-9-80. Dimensional standards.

Each site in the C, Commercial District shall be subject to the following property development standards:

(1) Minimum lot size per dwelling unit:
   a. Single-family dwelling: seven thousand five hundred (7,500) square feet.
   b. All other uses: none.

(2) Minimum front yard setbacks:
   b. All other uses: none.

(3) Minimum interior side setbacks:
   a. Single-family dwelling: seven (7) feet.
   b. All other uses: none.

(4) Minimum street side yard setbacks: fifteen (15) feet.

(5) Minimum rear yard setbacks: twenty-five (25) feet.
(6) Minimum setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek: twenty-five (25) feet.

(7) Minimum lot width:
   a. Single-family dwelling: fifty (50) feet.
   b. All others: none.

(8) Maximum lot coverage: eighty percent (80%).

(9) Minimum floor area per dwelling unit: five hundred (500) square feet.

(10) Maximum height:
   a. Principal uses: thirty-five (35) feet.
   b. Accessory uses: Except as provided for in Section 16-4-160 of this Chapter, twenty (20) feet, and in no case taller than the principal structure. (Prior LUC 3.9; Ord. 606, 2008; Ord. 658, 2013)

ARTICLE 10 HB, Highway Business District

Sec. 16-10-10. Purpose.

The HB, Highway Business District is designed to accommodate a wide variety of commercial activities to make the Town a more attractive and energetic place to live, work and shop, and to enhance the economic development of the Town. It is intended for application in areas designated "Highway Business" on the Future Development Plan Map in the Comprehensive Plan. In addition to the use and dimensional standards of this Article, development in the HB, Highway Business District shall be in compliance with all other applicable provisions of this Land Use Code, including the Design Review Guidelines. (Prior LUC 3.10; Ord. 606, 2008; Ord. 658, 2013; Ord. 685 §4, 2014)

Sec. 16-10-20. Permitted uses.

(1) Residential uses:
   a. Dwellings, mixed use two-family, subject to the use-specific standards of Section 16-4-260 of this Chapter.
   b. Dwellings, mixed use multi-family, subject to the use-specific standards of Section 16-4-260 of this Chapter.

(2) Public or civic uses:
   a. Essential services and facilities.
b. Hospitals or clinics.
c. Municipal facilities.
d. Post offices.

(3) Retail, commercial and personal service uses:
   a. Building materials, sales and yard.
   b. Custom personal services.
   c. Garden centers or nurseries.
   d. General retail (indoors).
   e. General retail (outdoors).
   f. Hotel or motel.
   g. Medical marijuana centers, stand alone, under two thousand five hundred (2,500) SF.
   h. Medical marijuana centers, co-located with a medical marijuana optional premises cultivation operation (entire facility under two thousand five hundred (2,500) SF).
   i. Retail marijuana stores, stand alone, under two thousand five hundred (2,500) SF.
   j. Retail marijuana stores, co-located with a retail marijuana cultivation facility (entire facility under two thousand five hundred (2,500) SF).
   k. Officers, business or professional.
   l. Repair services, limited.
   m. Restaurants, fast food.
   n. Restaurants, general.
   o. Theaters and performing arts centers.

(4) Industrial, communications, transportation and automobile-related uses:
   a. Auto repair garage.
   b. Bus stations or terminals.
   c. Car washes.
   d. Gasoline service stations.
   e. Repair services, limited.

(5) Niche manufacturing in the Highway Business District where less than or equal to two thousand (2,000) square feet of floor space used for the manufacture or production of the items at the site.


Sec. 16-10-30. Special uses.

Special uses shall be allowed only in accordance with Sections 16-20-80 through 16-20-150 of this Chapter. The following uses shall be allowed:

(1) Animal pound or kennel.
(2) Manufacturing, light.
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(3) Medical marijuana centers, co-located with a medical marijuana optional premises cultivation operation over two thousand five hundred (2,500) SF (maximum size of entire facility may be no more than five thousand (5,000) SF, including all buildings).

(4) Retail marijuana stores, co-located with a retail marijuana cultivation facility over two thousand five hundred (2,500) SF (maximum size of entire facility may be no more than five thousand (5,000) SF, including all buildings).

(5) Niche manufacturing, over two thousand (2,000) square feet.

(6) Recreational use, indoor or outdoor, commercial.

(7) Recreational vehicles, travel trailer park.

(8) Repair services, general.

(9) Telecommunication towers or facilities.

(10) Warehouse—Commercial or self-storage.


Sec. 16-10-40. Accessory uses.

The following accessory uses shall be allowed:

(1) Accessory uses or structures, subject to the use-specific standards of Section 16-4-160 of this Chapter.

(2) Solar energy system, small, subject to the standards of Section 16-4-160 of this Chapter. (Prior LUC 3.10; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013; Ord. 686 §4, 2014)

Sec. 16-10-50. Temporary uses.

The following temporary uses shall be allowed in accordance with Section 16-20-50 of this Chapter: street vendors, temporary and temporary field officers. (Prior LUC 3.10; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013; Ord. 686 §4, 2014)

Sec. 16-10-60. Design standards and review by Design Review Board.

(a) The Design Review Board is responsible for the review of all architectural details of projects in the Highway Business District for review and performance of all functions and duties set out in Section 2-11-40 of this Code. Review shall be made in accordance with the standards set forth in the Design Review Guidelines. Within the Highway Business District, no building shall be constructed, renovated or otherwise altered and no development shall occur without approval by the Design Review Board. All renovation, construction, demolition, expansion, alteration and addition projects, including new signage, shall be reviewed by the Design Review Board for adherence to the Design Review Guidelines. Complete submittals are required to be turned in at least two (2) weeks prior to the meeting at which the submittal of the development is to be heard.

(b) Review by the Design Review Board shall include reviewing and approving building design (including but not limited to materials, height, facade, orientation, windows and entrance); landscaping and screening requirements; parking; signage; lighting and other relevant items; and assisting in other duties as needed to help move the Town forward on its vision and goals for the Highway Business District. (Prior LUC 3.10; Ord. 556, 2004; Ord. 606, 2008; Ord. 658, 2013; Ord. 685 §4, 2014)
Sec. 16-10-70. Dimensional standards, nonresidential.

Each site in the HB, Highway Business District shall be subject to the following property development standards:

1. Minimum front yard setbacks: six (6) feet.
2. Minimum interior side yard setbacks: six (6) feet, except where buildings are conjoined or have shared exterior walls, such as a mini strip mall.
3. Minimum street side yard setbacks: six (6) feet.
4. Minimum rear yard setbacks: six (6) feet.
5. Minimum setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek: twenty-five (25) feet.
7. Maximum lot coverage: eighty percent (80%).
8. Maximum height:
   a. Principal uses: thirty-five (35) feet.
   b. Accessory uses: except as provided for in Section 16-4-160 of this Chapter, twenty (20) feet in and in no case taller than the principal structure. (Prior LUC 3.10; Ord. 606, 2008; Ord. 658, 2013; Ord. 686 §4, 2014)

ARTICLE 11 LI, Light Industrial District

Sec. 16-11-10. Purpose.

The LI, Light Industrial District is designed to accommodate a wide variety of industrial and manufacturing activities and to enhance the economic development of the Town. It is intended for application in areas designated "Industrial" on the Future Development Plan Map in the Comprehensive Plan. In addition to the use and dimensional standards of this Article, development in the LI, Light Industrial District shall be in compliance with all other applicable provisions of this Land Use Code. (Prior LUC 3.11; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-11-20. Permitted uses.

The following uses shall be permitted by right:

1. Public or civic uses:
   a. Charitable, civic, youth, social and fraternal organizations.
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b. Churches or places of worship.
e. Essential services and facilities.
f. Hospitals or clinics.
g. Municipal facilities.
h. Park maintenance and storage structures.
i. Post offices.
j. Schools (elementary or secondary).

(2) Industrial, communications, transportation and automobile-related uses:
   a. Auto repair garages, subject to the use-specific standards of Section 16-4-240 of this
      Chapter.
   b. Bus stations or terminals.
   c. Car washes.
   d. Gasoline service stations.
   e. Manufacturing, light.
   f. Radio, television and microwave towers.
   g. Repair services, general.
   h. Repair services, limited.
   i. RV and boat storage.
   j. Warehouses, commercial or self-storage.

(3) Retail, commercial and personal service uses:
   a. Animal pounds or kennels (public or private).
   b. Custom personal services.
   c. General retail (outdoors).
   d. Offices, business or professional.
   e. Market gardens.
   f. Medical marijuana centers, stand alone, under two thousand five hundred (2,500) SF.
   g. Medical marijuana centers, co-located with a medical marijuana optional premises
cultivation operation (entire facility under two thousand five hundred (2,500) SF).
   h. Medical marijuana infused product production facility, stand alone, under two thousand five
hundred (2,500) SF.
   i. Retail marijuana stores, stand alone, under two thousand five hundred (2,500) SF.
   j. Retail marijuana stores, co-located with a retail marijuana cultivation facility (entire facility
under two thousand five hundred (2,500) SF).
   k. Retail marijuana products manufacturer, stand alone, under two thousand five hundred
(2,500) SF.
   l. Retail marijuana testing facility, stand alone, under two thousand five hundred (2,500) SF.
m. Medical marijuana testing facility, stand alone, under two thousand five hundred (2,500) SF.


Sec. 16-11-30. Special uses.

The following special uses shall be allowed in accordance with Sections 16-20-80 through 16-20-150 of this Chapter:

(1) Manufacturing, hazardous or objectionable.

(2) Telecommunications towers or facilities.

(3) Solar energy system, large, subject to the use-specific standards of Section 16-4-250 of this Chapter.

(4) Medical marijuana centers, co-located with a medical marijuana optional premises cultivation operation over two thousand five hundred (2,500) SF (maximum size of entire facility may be no more than five thousand (5,000) SF, including all buildings).

(5) Retail marijuana stores, co-located with a retail marijuana cultivation facility over two thousand five hundred (2,500) SF (maximum size of entire facility may be no more than five thousand (5,000) SF, including all buildings).

(6) Medical marijuana infused product production facility, stand alone, over two thousand five hundred (2,500) SF (maximum size of entire facility may be no more than five thousand (5,000) SF, including all buildings).

(7) Retail marijuana products manufacturer, stand alone, over two thousand five hundred (2,500) SF (maximum size of entire facility may be no more than five thousand (5,000) SF, including all buildings).

(8) Retail marijuana testing facility, stand alone, over two thousand five hundred (2,500) SF (maximum size of entire facility may be no more than five thousand (5,000) SF, including all buildings).

(9) Medical marijuana testing facility, stand alone, over two thousand five hundred (2,500) SF (maximum size of entire facility may be no more than five thousand (5,000) SF, including all buildings).

(Prior LUC 3.11; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013; Ord. No. 702, § 5, 11-14-2015)

Sec. 16-11-40. Accessory uses.

The following accessory uses shall be allowed:

(1) Accessory uses or structures, subject to the use-specific standards of Section 16-4-160 of this Chapter.

(2) Caretaker or guard residences, accessory.

(3) Home occupations, subject to the use-specific standards of Section 16-4-190 of this Chapter.

(4) Solar energy system, small, subject to the standards of Section 16-4-160 of this Chapter. (Prior LUC 3.11; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)
Sec. 16-11-50. Temporary uses.

The following temporary uses shall be allowed in accordance with Section 16-20-50 of this Chapter:

1. Field offices, temporary, subject to the use-specific standards of Section 16-4-180 of this Chapter.

2. Street vendors, temporary. (Prior LUC 3.11; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-11-60. Dimensional standards.

Each site in the LI, Light Industrial District shall be subject to the following property development standards:

1. Minimum front and street side yard setbacks: fifteen (15) feet.
2. Minimum rear and interior side setbacks: ten (10) feet.
3. Minimum setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek: twenty-five (25) feet.
5. Maximum lot coverage: fifty percent (50%).
6. Maximum height:
   a. Principal uses: thirty-five (35) feet.
   b. Accessory uses: Except as provided for in Section 16-4-160 of this Chapter, twenty (20) feet, and in no case taller than the principal structure.

ARTICLE 12 P, Public District

Sec. 16-12-10. Purpose.

Sec. 16-12-20. Permitted uses.

Sec. 16-12-30. Special uses.

Sec. 16-12-40. Accessory uses.

Sec. 16-12-50. Temporary uses.

Sec. 16-12-60. Design standards.

Sec. 16-12-70. Dimensional standards.

Sec. 16-12-10. Purpose.

The P, Public District is designed primarily to accommodate the development of governmental and quasi-governmental facilities for cultural, educational, civic, recreational and other governmental purposes. It is intended for application in areas designated "Park" and "Public/Institutional" on the Future Development Plan Map in the Comprehensive Plan. In addition to the use and dimensional standards of this Article, development in the P, Public District shall be in compliance with all other applicable provisions of this Land Use Code. (Prior LUC 3.12; Ord. 606, 2008; Ord. 658, 2013)
Sec. 16-12-20. Permitted uses.

The following uses shall be permitted:

(1) Public or civic uses:
   a. Charitable, civic, youth, social and fraternal organizations.
   b. Churches or places of worship.
   e. Essential services and facilities.
   f. Municipal facilities.
   g. Park maintenance and storage structures.
   h. Schools (elementary or secondary).

(2) Retail, commercial and personal service uses:
   a. Offices, business or professional.
   b. Recreational vehicle, travel trailer parks.
   c. Market gardens. (Prior LUC 3.12; Ord. 584, 2007; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-12-30. Special uses.

The following special uses shall be allowed: solar energy system, large, subject to the use-specific standards of Section 16-4-250 of this Chapter. (Ord. 658, 2013)

Sec. 16-12-40. Accessory uses.

The following accessory uses shall be allowed:

(1) Accessory uses or structures, subject to the use-specific standards of Section 16-4-160 of this Chapter.

(2) Caretaker or guard residences, accessory.

(3) Solar energy system, small, subject to the standards of Section 16-4-160 of this Chapter. (Prior LUC 3.12; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-12-50. Temporary uses.

The following temporary uses shall be allowed in accordance with Section 16-20-50 of this Chapter: street vendors, temporary. (Prior LUC 3.12; Ord. 606, 2008; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-12-60. Design standards.

All principal structures shall:

(1) Utilize nonreflective siding materials (i.e., nonreflective metal, wood, stucco, adobe, brick, stone or materials that look like natural siding materials). Any metal buildings shall have the main face an earth tone color with wainscoting or other natural material base perimeter or have a natural
veneer, such as wood, stucco, adobe, brick, stone or other materials that look like natural materials.

(2) Have a minimum twenty-four-foot wall dimension.

(3) Be placed on a perimeter foundation.

(4) Have a minimum 4:12 roof pitch and a one-foot overhang. Structures constructed in the southwest adobe style are exempt from this requirement. (Prior LUC 3.12; Ord. 556, 2004; Ord. 606, 2008; Ord. 658, 2013)

Sec. 16-12-70. Dimensional standards.

Each site in the P, Public District shall be subject to the following property development standards:

(1) Minimum front yard setbacks: twenty-five (25) feet.

(2) Minimum rear and interior side setbacks: ten (10) feet.

(3) Minimum setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek: twenty-five (25) feet.

(4) Minimum street side yard setbacks: fifteen (15) feet.

(5) Minimum lot width: none.

(6) Maximum lot coverage: fifty percent (50%).

(7) Maximum height:
   a. Principal uses: thirty-five (35) feet.
   b. Accessory uses: Except as provided for in Section 16-4-160 of this Chapter, twenty (20) feet, and in no case taller than the principal structure.

(8) Minimum floor area per dwelling unit: none. (Prior LUC 3.12; Ord. 606, 2008; Ord. 658, 2013)

ARTICLE 13 PUD, Planned Unit Development District

Sec. 16-13-10. Purpose.

Sec. 16-13-20. Types of Planned Unit Developments.

Sec. 16-13-30. Procedures for approval; conditions.

Sec. 16-13-40. Site plan requirement.

Sec. 16-13-50. Permitted variation from zoning standards.

Sec. 16-13-60. Special, permitted, accessory and temporary uses.

Sec. 16-13-70. Maximum density.

Sec. 16-13-80. Minimum common open space.

Sec. 16-13-10. Purpose.

The PUD, Planned Unit Development District is designed to provide flexibility in the siting of structures to avoid or mitigate any hazardous areas, historic and prehistoric sites; to take advantage of the site's unique, natural resource or scenic features; and to preserve open spaces. It is intended for application in all residential districts. (Prior LUC 3.13)
Sec. 16-13-20. Types of Planned Unit Developments.

The Board of Trustees, after public hearing and due notice and after recommendation from the Planning Commission, may authorize the creation of the PUD Districts on parcels of land containing at least five (5) times the minimum lot area in the underlying zone district. A Planned Unit Development designation may be applied to land intended for residential development purposes. (Prior LUC 3.13)

Sec. 16-13-30. Procedures for approval; conditions.

Every PUD District approved under the provisions of this Land Use Code shall follow the rezoning procedure of Article 18, Division 2 of this Chapter and be considered an amendment to the zoning map. In approving the PUD District, the Board of Trustees may impose conditions relative to the standard of development, and such conditions shall be complied with before a zoning development permit is issued for the use of the land or any structure that is part of the PUD District. All PUD Districts approved in accordance with the provisions of this Land Use Code shall be referenced on the official zoning map. (Prior LUC 3.13)

Sec. 16-13-40. Site plan requirement.

The establishment of a PUD District shall require a comprehensive site plan of the development. Such site plan shall be approved as part of the ordinance approving a PUD prior to the issuance of any zoning development permit in the PUD. Such required plan and ordinance shall set forth the requirements for ingress and egress to the property with adequate rights-of-way, special setbacks, sidewalks, trails, utilities, drainage, parking spaces, building height, maximum lot coverage, common open space, screening or fencing, landscaping and other development and protective requirements, including a plan for the maintenance of common open space. (Prior LUC 3.13)

Sec. 16-13-50. Permitted variation from zoning standards.

In order to achieve the purpose and intent of the PUD District, variation may be permitted with respect to the minimum lot area, setbacks, lot width, lot coverage and height, provided that the overall project shall not exceed the allowable gross density in the zone district in which the PUD (excluding public and private rights-of-way) is permitted. Density may be further reduced by the provisions of this Article, as appropriate. (Prior LUC 3.13; Ord. 634 §1, 2010)

Sec. 16-13-60. Special, permitted, accessory and temporary uses.

The special use, permitted, accessory and temporary uses allowed shall be those of the underlying zone district. (Prior LUC 3.13)

Sec. 16-13-70. Maximum density.

The maximum density shall be no greater than that permitted in the underlying zone district prior to PUD approval. (Prior LUC 3.13)

Sec. 16-13-80. Minimum common open space.

The minimum common open space shall be thirty percent (30%) of the land area in the PUD; provided, however, that at least one-half (½) of the required common open space shall be usable for recreational purposes, trails and all areas in a PUD that are impacted by geologic hazards, flood hazards or the presence of historic or prehistoric sites shall be set aside as common open space for the benefit of
the residents and occupants of the PUD, including a twenty-five-foot setback outside and adjacent to the normal river channel on Mancos River and Chicken Creek. (Prior LUC 3.13; Ord. 658, 2013)

**ARTICLE 14 Historic Preservation**

Sec. 16-14-01. Definitions.

Sec. 16-14-10. Purpose.

Sec. 16-14-20. Town registry established.

Sec. 16-14-30. Designation of historic structures, sites and districts.

Sec. 16-14-40. Application; fees.

Sec. 16-14-50. Historic Preservation Board review.

Sec. 16-14-60. Board of Trustees Review for Historic Districts and Historic Properties.

Sec. 16-14-70. Notification requirements.

Sec. 16-14-80. Limitation on resubmission and reconsideration of proposed designation.

Sec. 16-14-90. Criteria for designation.

Sec. 16-14-100. Historic districts.

Sec. 16-14-110. Review of alterations.

Sec. 16-14-120. Criteria to review alterations.

Sec. 16-14-130. Revocation of designation.

**Sec. 16-14-01. Definitions.**

*Building* means a building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

*District* means a district is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

*Historic or Historical* means having importance in the history, architecture, archaeology or culture of Colorado, the Town of Mancos, or the United States, as determined by the Historic Preservation Board.

*Properties* means the resources, including buildings, structures, objects, sites, districts or areas that are of historical significance.

*Preservation* means the protection, enhancement and maintenance of historic properties.

*Town register* means the Town register of historic properties.

(Ord. No. 694, § 2, 4-15-2015)

**Sec. 16-14-10. Purpose.**

The purpose of this Article is to enhance the community’s local resources and to promote the public interest in historic preservation through:
(1) The protection and preservation of the Town’s architectural, historic and cultural heritage, as embodied in designated historic structures, sites and districts, by appropriate regulations and incentives.

(2) The establishment of a Town Register listing designated historical structures, sites and districts.

(3) The provision of educational opportunities to increase public appreciation of the Town's unique heritage.

(4) The promotion of property values and enhancement of community and economic development in neighborhoods. The Town recognizes that historic preservation has a positive impact on the sustainability of a community.

(5) The implementation of the recommendations contained within the Town’s Comprehensive Plan as it pertains to community and economic development, housing, community character and design.

(Prior LUC 6.17; Ord. 634 §1, 2010; Ord. No. 694, § 3, 4-15-2015)

Sec. 16-14-20. Town registry established.

The Board of Trustees hereby establishes the Town Register of historic sites, structures or districts. A site, structure or district may be listed on said Register only if said site, structure or district has been designated by the Board of Trustees, following recommendation by the Historic Preservation Board. All properties listed on the National Register of Historic Places or the State Register of Historic Properties are eligible for the Town Register but are not designated until approval, pursuant to this Article, is obtained. (Prior LUC 6.17; Ord. 634 §1, 2010)

Sec. 16-14-30. Designation of historic structures, sites and districts.

(a) Pursuant to the procedures set forth in this Section, the Board of Trustees may, by resolution:

1. Designate as historic an individual structure, site or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; or

2. Designate as a historic district an area containing a number of structures or sites having a special historical or architectural value.

(b) Each such designation shall include a description of the characteristics of the structure, site or historic district which justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the historic structure, site or district.

(c) No individual structure or site will be designated without the consent of all owners of record and the provisions of this Section.

(d) The purpose and effect of designation is to:

1. Assist local groups interested in preservation of physical structures, sites or districts and to recognize locally significant structures, sites or districts.

2. Provide a mechanism to educate the public on local history, development of the community, architectural styles and housing and business development.

3. Enable the owners of the property in the Town to take advantage of historic preservation programs and opportunities.

4. Make all properties listed on the Town Registry eligible for such incentive programs as may be developed.
(e) The Town Register shall recognize any historic site, structure or district that has been designated as such by either the State of Colorado or the National Register of Historic Places, upon approval pursuant to this Article. With the consent of the property owner through a written letter, the Town Register may include a historic structure or site with the aforementioned designations without requiring the property owners of record to submit a new application to the town. The letter from the property owner shall be accompanied by a copy of the approved application for state or national recognition.

(Prior LUC 6.17; Ord. 634 §1, 2010; Ord. No. 694, § 4, 4-15-2015)

Sec. 16-14-40. Application; fees.

A nomination for designation listing in the Town Register may be made by the Board of Trustees or by any citizen by filing an application with the Zoning Administrator. The applicant shall pay all public notice expenses, recording fees and any other fees established by resolution of the Board of Trustees. The initial application fee is hereby established at seventy-five dollars ($75.00). (Prior LUC 6.17)

Sec. 16-14-50. Historic Preservation Board review.

(a) The Historic Preservation Board shall review the designation application in a public meeting no more than thirty (30) days after the filing of the application, or as soon thereafter as practicable.

(b) The Historic Preservation Board shall review the application for conformance with the established criteria for designation and with the purposes of this Article.

(c) Within ten (10) days after the conclusion of the public meeting, but in no event more than thirty (30) days after the meeting, unless mutually agreed upon by the Historic Preservation Board, the applicant and the owners other than the applicant, the Historic Preservation Board shall recommend either approval, modification and approval or disapproval of the application. The Historic Preservation Board may recommend approval conditional upon the execution of certain easements, covenants or licenses.

(d) The Historic Preservation Board shall forward to the Board of Trustees, in writing, any recommendations as to easements, covenants or licenses that must be met by the property owner to receive and/or maintain the designation.

(e) A public hearing shall be held by the Historic Preservation Board prior to the designation of a single historic property or a historic district.

(Prior LUC 6.17; Ord. No. 694, § 5, 4-15-2015)

Sec. 16-14-60. Board of Trustees Review for Historic Districts and Historic Properties

The Board of Trustees shall hold a public hearing on the designation application for a historic district and shall review the application for conformance with the established criteria for designation of a district and with the purpose of this Article. Designation for a single historic property shall be reviewed by the Board of Trustees in a public meeting without the requirement of a public hearing.

(Prior LUC 6.17; Ord. No. 694, § 6, 4-15-2015)

Sec. 16-14-70. Notification requirements.

(a) The Town shall publish notice of the public hearing, to be given by one (1) publication in a newspaper of general circulation in the Town without the necessity of notifying property owners by
mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than fifteen (15) days from the date of publication.

(b) The applicant shall post a sign provided by the Town Clerk in a prominent location on the subject property providing notice of the public hearing at least fifteen (15) days prior to the hearing. Such notice shall include the present and proposed rezoning; the time, date and place of the public hearing; the name, address and phone number of the applicant; and a map showing the land area affected.

(c) Owner notification. When a structure, site or historic district has been designated as provided herein, the Zoning Administrator shall promptly notify the record owners of the property, according to the County Assessor’s records or other available information, and record the designation with the County Clerk and Recorder. (Prior LUC 6.17; Ord. 634 §1, 2010)

Sec. 16-14-80. Limitation on resubmission and reconsideration of proposed designation.

Whenever the Board of Trustees disapproves a proposed designation, no person shall submit an application that is the same, or substantially the same, for at least one (1) year from the effective date of the final action on the denied application. (Prior LUC 6.17)

Sec. 16-14-90. Criteria for designation.

(a) The Historic Preservation Board and the Board of Trustees will consider the following criteria in reviewing nominations of properties and districts for designation:

(1) **Structures.** Structures must be at least fifty (50) years old and meet at least one (1) of the following criteria for architectural, cultural or geographic/environmental significance. A structure can be exempted from the age standard if the Board of Trustees finds it to be exceptionally significant in other criteria.

(2) **Architectural, cultural or geographic/environmental criteria.** Historic structures or sites shall meet at least one (1) of the following of the criteria listed under Subparagraphs a., b. and c. below in order to be considered for designation:

a. **Architectural.**
   1. Exemplifies specific elements of one (1) or more architectural styles or periods.
   2. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally.
   3. Demonstrates superior craftsmanship or high artistic value.
   4. Represents an innovation in construction, materials or design.
   5. Represents a built environment of a group of people in an era of history.
   6. Exhibits a pattern or grouping of elements representing at least one (1) of the above criteria.

b. **Cultural.**
   1. Is a site of a historic event that had an effect upon society or history.
   2. Exemplifies cultural, political, economic or ethnic heritage of the Town.
   3. Is associated with a notable person or the work of a notable person or of a person significant in history.

c. **Geographic/environmental.**
   1. Enhances the sense of identity of the Town.
2. Is an established and familiar natural setting or visual feature of the Town.

(3) Prehistoric and historic archaeological structures or sites. Prehistoric and historic archaeological structures or sites shall meet one (1) or more of the following:
   a. Exhibits distinctive characteristics of a type, period or manner of construction.
   b. Is a significant example of structure.
   c. Has the potential to make a significant contribution to the knowledge of the area's history or prehistory.
   d. Is associated with a significant event in the area's development.
   e. Is associated with a notable person or the work of a notable person.
   f. Is a significant example or is associated with a particular ethnic or other community group.
   g. Is a significant example of an event in local history.
   h. Is geographically or regionally significant.

(4) Archaeology/subsurface:
   a. Has the potential to make a significant contribution to the area's history or prehistory.
   b. Is associated with a significant event in the area's development.
   c. Is associated with a notable person or the work of a notable person.
   d. Has distinctive characteristics of a type, period or manner of construction.
   e. Is of geographical significance.

(b) General criteria. Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):

   (1) Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, State or Nation.
   (2) Retains original design features, materials and/or character.
   (3) Is in the original location, or same historic context if it has been moved.
   (4) Has been accurately restored.

(Prior LUC 6.17; Ord. 634 §1, 2010; Ord. No. 694, § 7, 4-15-2015)

Sec. 16-14-100. Historic districts.

(a) Significance is determined by applying criteria to the patterns and unifying elements.

(b) Nominations will not be approved unless the application contains written approval from owners of record of at least seventy percent (70%) of the properties within the district boundaries.

(c) Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.

(d) District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development or evidence of changes in site type or site density as established through testing or survey.

(e) When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
(f) In addition to meeting at least one (1) of the criteria identified in Section 16-14-90, the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.

(Prior LUC 6.17; Ord. 634 §1, 2010; Ord. No. 694, § 8, 4-15-2015)

Sec. 16-14-110. Review of alterations.

The owner of the historic designated property is required to consult with the Historic Preservation Board before making any alteration. The Historic Preservation Board shall determine if the alteration is compatible with the designation, and make non-binding recommendations to the owner. In order to compile a historic record of the property, the Historic Preservation Board may order that the historic property, structure, or site be properly recorded before it is altered in any way. For the purposes of this Article, the term alteration shall mean any proposed modification to a designated historic site, structure or district that could have an effect on the character of the historic resources relative to the criteria by which it was designated. Examples of alterations for structures may include additions and any exterior modifications, including signage to be affixed to the façade and any interior modifications that may affect the characteristics for which the structure was designated. The Historic Preservation Board shall make its review in a timely manner.

(Prior LUC 6.17; Ord. No. 694, § 9, 4-15-2015)

Sec. 16-14-120. Criteria to review alterations.

(a) In reviewing a proposed alteration, the Historic Preservation Board shall consider the project in terms of design, finish, material, scale, mass and height. When the subject site is in a historic district, the Historic Preservation Board must also find that the proposed development is visually compatible with the development on adjacent properties, as well as any guidelines adopted as part of the given Historic District designation. For the purposes of this Section, the term compatible means consistent with, harmonious with or enhancing the mixture of complementary architectural styles, either of the architecture of an individual structure or the character of the surrounding structures.

(b) The Historic Preservation Board will use the following criteria to determine compatibility of a proposed alteration:

(1) The effect upon the general historical and architectural character of the structure and property.

(2) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures.

(3) The size of the structure, its setbacks, its site location and the appropriateness thereof, when compared to the existing structure and the site.

(4) The compatibility of accessory structures and fences with the main structure on the site and with other structures.

(5) The effects of the proposed work in creating, changing, destroying or otherwise impacting the exterior architectural features of the structure upon which such work is done.

(6) The condition of existing improvements and whether they are a hazard to public health and safety.

(7) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property. (Prior LUC 6.17; Ord. 634 §1, 2010)
Sec. 16-14-130. Revocation of designation.

If a building or special feature on a designated site has been altered in such a way so as to negate the features necessary to retain designation, the owner may apply to the Historic Preservation Board for a revocation of the designation, or the Historic Preservation Board shall recommend revocation of the designation to the Board of Trustees in the absence of the owner's application to do so. (Prior LUC 6.17)

ARTICLE 15 Subdivision Standards

Division 1 - Scope and Applicability

Division 2 - Building Lots

Division 3 - Streets and Alleys

Division 4 - Public Land Dedication

Division 5 - Drainage

Division 1 Scope and Applicability

Sec. 16-15-10. Applicability.

All plats and subdivision of land within the corporate limits of the Town and all land outside the corporate limits of the Town that the Board of Trustees may be petitioned to include within the corporate limits of the Town, by an extension of said corporate limits, shall conform to the rules and regulations as set forth in this Article. (Prior LUC 4.1; Ord. 634 §1, 2010)

Sec. 16-15-20. Creation of building site.

No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract or building lot has been created by compliance with one (1) of the following conditions:

(1) The lot or tract is part of a plat of record, properly approved by the Board of Trustees and filed in the plat records of the County.

(2) The lot or tract faces upon a dedicated street and was separately owned prior to the effective date of the original subdivision regulations of the Town or prior to annexation to the Town, whichever is applicable, in which event a building permit for only one (1) main building conforming to all the requirements of this Land Use Code may be issued on each such original separately owned parcel without first complying with Paragraph (1) above. (Prior LUC 4.1)

Sec. 16-15-30. Platting property not permanently zoned.

(a) No subdivision plat shall be approved within the Town limits until the area covered by the proposed plat has been permanently zoned by the Board of Trustees.
(b) No subdivision plat shall be approved within any area where a petition or ordinance for annexation or a recommendation for annexation to the Town is pending before the Board of Trustees.

(c) In the event the Planning Commission holds a hearing on the proposed annexation, it may, at its discretion, at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed and make a recommendation on both matters to the Board of Trustees so that the Board of Trustees can, if it desires, act on the matter of permanent zoning and annexation at the same time. (Prior LUC 4.1; Ord. 634 §1, 2010)

**Division 2 Building Lots**

**Sec. 16-15-110. Lot configuration.**

(a) The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall not be less than those specified as minimum standards by the zoning district.

(b) The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. (Prior LUC 4.1)

**Sec. 16-15-120. Side lot lines.**

Side lot lines shall be substantially at right angles to street lines unless otherwise approved by the Planning Commission. (Prior LUC 4.1)

**Sec. 16-15-130. Street frontage required.**

Each lot or building tract shall front on a public street. (Prior LUC 4.1)

**Sec. 16-15-140. Double-frontage lots.**

Double-frontage lots shall be avoided, except where essential to provide separation of residential development from traffic or to overcome specific disadvantages of topography and orientation. (Prior LUC 4.1)

**Sec. 16-15-150. Large lots.**

Where the area is divided into larger lots than for normal Town building sites and, in the opinion of the Planning Commission, any or all of the tracts are susceptible of being resubdivided, the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area and so that the larger tracts may be later subdivided in conformance with
the requirements of this Land Use Code and the minimum standards specified by the zoning district. (Prior LUC 4.2)

**Division 3 Streets and Alleys**

- **Sec. 16-15-210. Applicability.**
- **Sec. 16-15-220. Paved streets.**
- **Sec. 16-15-230. Street layout.**
- **Sec. 16-15-240. Street connections.**
- **Sec. 16-15-250. Half streets.**
- **Sec. 16-15-260. Street intersections.**
- **Sec. 16-15-270. Street jogs.**
- **Sec. 16-15-280. Block lengths.**
- **Sec. 16-15-290. Dead-end streets.**
- **Sec. 16-15-300. Culs-de-sac.**
- **Sec. 16-15-310. Street design standards.**
- **Sec. 16-15-320. Street lighting.**
- **Sec. 16-15-330. Easements.**

**Sec. 16-15-210. Applicability.**

(a) All streets and alleys shall be designed in accordance with the *Standards and Specifications for Public Improvements, Town of Mancos, 1998.*

(b) Exception. The Public Works Director may grant an exception to one (1) or more street design standards, in accordance with Section 4.1.2 of the Standards and Specifications for Public Improvements, where the standard is inappropriate and the exception will result in the level of safety, service and quality intended by such Standards. (Prior LUC 4.3)

**Sec. 16-15-220. Paved streets.**

On and after the passage of these regulations, all developers shall be required to pave streets. (Prior LUC 4.3)

**Sec. 16-15-230. Street layout.**

Unless otherwise approved by the Planning Commission, provision shall be made for the logical extension of streets and for specific new streets in accordance with the Comprehensive Plan. All new streets shall bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties. Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. Where the layout of streets is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection to existing principal streets in surrounding areas; or
(2) Conform to a plan for a neighborhood or planned unit development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable or where neighborhood design makes a varied plan appropriate. (Prior LUC 4.3)

Sec. 16-15-240. Street connections.

The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions. Where no adjacent connections are platted, the system of streets must, in general, reflect a reasonable projection of streets in the nearest subdivided tracts and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes shall not be permitted in any subdivision, unless such reserve strips are conveyed to the Town in fee simple. (Prior LUC 4.3; Ord. 634 §1, 2010)

Sec. 16-15-250. Half streets.

Half streets shall be prohibited, except where essential to the reasonable development of the subdivision and where the Planning Commission finds that it will be practicable to require the dedication of the other half of a street when the adjoining property is subdivided. (Prior LUC 4.3)

Sec. 16-15-260. Street intersections.

More than two (2) streets intersecting at a point shall be avoided. All streets shall be laid out to intersect as near as possible to right angles. All streets shall intersect at right angles for a minimum of fifty (50) feet from the edge of the intersection. (Prior LUC 4.3)

Sec. 16-15-270. Street jogs.

Nonintersecting streets with a centerline offset of less than three hundred (300) feet shall not be approved. (Prior LUC 4.3)

Sec. 16-15-280. Block lengths.

No block length shall be longer than six hundred (600) feet in accordance with the definition of a block set forth in Section 16-2-60 of this Chapter. (Prior LUC 4.3; Ord. 634 §1, 2010)

Sec. 16-15-290. Dead-end streets.

Dead-end streets, except for culs-de-sac, shall be prohibited, unless they are designed to connect with future streets on adjacent lands and have not been platted. In cases where these type of dead-end streets are allowed, a temporary turnaround shall be constructed as specified by the Public Works Director. (Prior LUC 4.3)

Sec. 16-15-300. Cul-de-sac.

Culs-de-sac shall not exceed six hundred (600) feet in length and shall have a turnaround diameter of seventy (70) feet. A specially designed temporary turnaround may be allowed when approved by the Public Works Director. (Prior LUC 4.3; Ord. 634 §1, 2010)
Sec. 16-15-310. Street design standards.

(a) Street and alley widths, curves, grades, design speed and centerline radius shall meet the standards set forth in Table 16-4 below.

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<tr>
<th>Design Features</th>
<th>Alley</th>
<th>Local</th>
<th>Collector</th>
<th>Arterial</th>
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<td>Minimum centerline radius (ft.)</td>
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<td>200</td>
<td>100</td>
<td>575</td>
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</tbody>
</table>

(b) Street grade and curves. Streets may have a maximum grade of seven percent (7%). Centerline profile grades will not exceed four percent (4%) for a distance of at least one hundred (100) feet on either side of an intersecting centerline.

(c) Street curve radii. Streets shall have a minimum radius at the centerline of one hundred (100) feet, unless in special circumstances the Board of Trustees approves a local residential street with a smaller minimum radius.

(d) Graveled alley required. Graveled alleys shall be provided if required by the Planning Commission.

(e) Minimum alley width. The minimum right-of-way width of an alley shall be twenty (20) feet. The minimum gravel surface width of alleys shall be twenty (20) feet.

(f) Construction and dedication of internal streets. Streets shall be constructed by the developer and dedicated to the Town, along with all necessary rights-of-way, with no pro rata share from the Town.

(g) Sight distance. All portions of the grade line must meet sight distance requirements for the design speed. The minimum stopping sight distance is the distance required by the driver of a vehicle, traveling at the design speed, to bring the vehicle to a stop after an object on the road becomes visible.

(h) Major structures. Major structures, such as retaining walls, box culverts and bridges that are appurtenant to a proposed street or parking lot construction, shall be provided by the developer.

(i) Street names and numbers. All street names shall be as established subject to approval of the Planning Commission. When streets are in alignment with existing streets, any new streets shall be
named according to the streets with which they correspond. The Building Official shall assign street numbers. (Prior LUC 4.3; Ord. 634 §1, 2010)

Sec. 16-15-320. Street lighting.

The developer shall pay the costs of purchasing and installing all street lighting equipment. All street lighting design plans and equipment shall be subject to the approval of the Board of Trustees. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. (Prior LUC 4.4)

Sec. 16-15-330. Easements.

(a) Utility easements required. Utility easements shall be provided in all subdivisions unless otherwise approved by the Planning Commission, except that the Planning Commission may waive the requirement where other definite and assured provision is made for service access consistent with and adequate for the uses proposed.

(b) Minimum width. The minimum width of each utility easement shall be ten (10) feet.

(c) Utility easements. Utility easements shall be provided and be ten (10) feet in width on each side of all rear lot lines and five (5) feet in width on each side of side lot lines. Where the rear or side lot lines abut property outside of a subdivision on which there are no rear or side lot line easements at least five (5) feet in width, the easements on the rear and side lot lines in the subdivision shall be ten (10) feet in width.

(d) Potable water and sewer easements. Water and sewer easements shall be a minimum of twenty (20) feet in width; provided, however, that, for utility lines located deeper than eight (8) feet underground, the easement width shall be determined by the Public Works Director based on site conditions.

(e) "T" intersections and culs-de-sac. Easements twenty (20) feet in width shall be provided beyond "T" intersections and culs-de-sac for the continuation of utilities or drainage improvements, if necessary.

(f) Fire lanes and emergency access easements. Fire lanes and emergency access easements twenty (20) feet in width shall be provided where required by the Fire Chief.

(g) Drainage easements. When a proposed subdivision is traversed by an irrigation ditch, channel, natural creek, stream or proposed drainage easement, there shall be provided an easement sufficient for drainage and to allow for maintenance of the ditch.

(h) Trail easements or rights-of-way. When a proposed subdivision is traversed by a public trail shown on an adopted plan, an easement or public right-of-way shall be provided sufficient for public trail construction, maintenance and access. Where a proposed subdivision includes portions of the Mancos River or Chicken Creek, a minimum twenty-five-foot easement or public right-of-way outside and adjacent to the normal river channel shall be dedicated for trail purposes.

(i) Adjoining areas. When easements in areas adjoining proposed subdivisions are necessary to provide adequate drainage thereof or to serve such subdivisions with utilities, the developer shall obtain such easements. (Prior LUC 4.5; Ord. 634 §1, 2010; Ord. 658, 2013)

Division 4 Public Land Dedication

Sec. 16-15-410. Purpose.

Sec. 16-15-420. Applicability.

Sec. 16-15-430. Dedication requirement.

Sec. 16-15-410. Purpose.

The requirements for open space, school sites, parks and recreational areas contained in this Division are intended to ensure that there will be sufficient land dedicated or otherwise set aside to meet the demand and need of the future residents of the development for open space, school sites and parks, containing passive or active recreational areas that are reasonably attributable to such development. (Prior LUC 4.6; Ord. 634 §1, 2010)

Sec. 16-15-420. Applicability.

Every subdivision shall include a dedication of land to the Town, or other entity, as determined by the Board of Trustees, to be used for parks and recreation, open space, school sites, municipal facilities or cash in lieu of such dedication in an amount established by this Division as a condition of final plat approval and prior to the recording of a final plat. (Prior LUC 4.6)

Sec. 16-15-430. Dedication requirement.

The obligation of the developer shall be to dedicate to the Town at least ten percent (10%) of the gross land area, in fee simple or other equivalent cash-in-lieu, unless such a land dedication was required for the subject land at the time of annexation. (Prior LUC 4.6)


(a) Land dedicated or otherwise set aside for open space, school sites and park and recreational areas shall be of such size, dimensions, topography and general character as is reasonably required for the type of use necessary to meet the demand and need of future residents; e.g., school sites, open space buffers, public trails, active recreation for team or individual sports, playgrounds, tot lots, picnic areas, etc.

(b) Unique natural areas or flood-prone areas that provide an opportunity for public trails or linkage parks may be included in areas dedicated or otherwise set aside or reserved for open space.

(c) With the exception of land dedicated for trails, no land dedicated or otherwise reserved in compliance with this Division shall have dimensions smaller than one hundred (100) feet in width and one hundred fifty (150) feet in depth, without the specific approval of the Board of Trustees. (Prior LUC 4.6; Ord. 565, 2005; Ord. 658, 2013)

Sec. 16-15-450. Platting requirements.

Any land dedicated for open space, school sites or park and recreational areas shall be shown on the face of a plat submitted for approval by the Planning Commission and Board of Trustees.

(1) Pins to be installed. Each corner of the parkland to be donated shall be marked with a permanent monument consisting of three-fourths-inch iron pins set in concrete. These shall be located and identified on a recordable land survey completed by a land surveyor registered in the State and provided to the Town by the owner and/or developer.
(2) Plat to be recorded. Upon approval by the Board of Trustees, said plat shall be filed of record in the office of the County Clerk and Recorder. (Prior LUC 4.6)

Sec. 16-15-460. Payment of cash in lieu of dedication.

Payment of cash in lieu of dedication of land for park and recreational purposes shall be made prior to the recording of a final plat and shall be subject to the following provisions:

(1) Applicability. In any case in which the subdivision is less than twenty (20) acres, or where the land required to be dedicated or otherwise reserved by this Division would be less than one (1) acre, and in all cases in which the Board of Trustees may find that the park and recreational needs of a proposed development would be better served by a park in a different location or the expansion or improvement of an existing park or recreational area, the Board of Trustees shall require a developer or owner to pay the Town cash in lieu of such dedication or to dedicate or convey other equivalent consideration in lieu of an applicable cash dedication.

(2) Schedule for cash in lieu. The amount of cash payment required shall be based on the market value of the number of acres that otherwise would be required to be dedicated. The Board of Trustees, following recommendation by the Planning Commission, shall, by resolution, set the per-acre fee for dedicated land based upon the current fair market value for raw lands within the corporate limits of the Town. The per-acre fee shall be annually updated.

(3) Accounting, expenditure and refunds. All such payments of cash-in-lieu fees shall be accounted for and spent according to the following requirements:

a. Cash-in-lieu payments shall be segregated in a special Parks and Recreation Capital Improvement Fund, to be spent on a first-in-first-out basis and used only for the acquisition and improvements of open space, school sites and park and recreational areas within the Town that will meet the needs of the residents of the development or subdivision in respect of which such payment was made.

b. Cash-in-lieu payments shall be expended on the acquisition or improvement of open space or park land within reasonable proximity to the proposed development or subdivision from said development or subdivision.

c. If cash-in-lieu payments are not expended or unconditionally committed to be expended within ten (10) years of receipt, the developer or owner shall be entitled to a refund of the amount paid, upon written request by the developer or owner, filed with the Town Clerk within one (1) year after the right to such refund arises. (Prior LUC 4.6; Ord. 565, 2005; Ord. 634 §1, 2010)

Division 5 Drainage

Sec. 16-15-510. Adequate drainage required.
Sec. 16-15-520. Minimum standards.
Sec. 16-15-530. Erosion.
Sec. 16-15-540. Catch basins.
Sec. 16-15-550. Engineered design.
Sec. 16-15-560. Water and sewer system protection.
Sec. 16-15-570. Water supply.
Sec. 16-15-590. Underground utilities.
Sec. 16-15-510. Adequate drainage required.

A developer shall provide, at his expense, drainage structures that will become integral parts of the existing street or roadway drainage system in accordance with the Standards and Specifications for Public Improvements, Town of Mancos, 1998. The dimensions of all drainage structures must be approved by the Public Works Director prior to installation. (Prior LUC 4.7)

Sec. 16-15-520. Minimum standards.

All provisions for drainage and flood control shall be established, at a minimum, to handle the anticipated one-hundred-year-frequency storms for maximum period of intensity over the entire drainage basin, which the subdivision serves, and they shall be made in accordance with the approved improvement plan. The one-hundred-year floodplain referred to herein shall mean that floodplain calculated on the basis of a fully developed watershed, regardless of any regulated floodplain designations. (Prior LUC 4.7)

Sec. 16-15-530. Erosion.

Where free fall of water occurs, satisfactory means shall be provided to prevent erosion of soil. Culverts shall have concrete head walls and wing walls where conditions require. (Prior LUC 4.7)

Sec. 16-15-540. Catch basins.

Standard drop-inlet catch basins shall be constructed. (Prior LUC 4.7)

Sec. 16-15-550. Engineered design.

The Town may require that improvements be designed by a state-registered engineer. (Prior LUC 4.7)

Sec. 16-15-560. Water and sewer system protection.

Water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. (Prior LUC 4.7)

Sec. 16-15-570. Water supply.

All municipal water service shall be subject to the requirements of and designed in accordance with the Standards and Specifications for Public Improvements, Town of Mancos, 1998. All potable water lines, fire hydrants and appurtenances shall be designed and constructed to meet the currently applicable requirements of the Town and the Fire Protection District. Fire hydrants shall be provided to serve new subdivisions sufficient to maintain the Town's current class fire rating by the Insurance Service Office ("ISO"). The dimensions of all water supply facilities must be approved by the Public Works Director prior to installation. (Prior LUC 4.8)


All sanitary sewer service and facilities shall be subject to the requirements of and designed in accordance with the Standards and Specifications for Public Improvements, Town of Mancos, 1998. The dimensions of all sanitation facilities must be approved by the Public Works Director prior to installation. (Prior LUC 4.9)
Sec. 16-15-590. Underground utilities.

All utilities shall be placed underground, except transformers, switching boxes and terminal boxes.
(Prior LUC 4.10)

ARTICLE 16 Site Development Standards

Sec. 16-16-10. Scope.
Sec. 16-16-20. Streetscape diversity; residential development.
Sec. 16-16-30. Parking, loading and access; purpose.
Sec. 16-16-40. Applicability.
Sec. 16-16-50. Computing parking.
Sec. 16-16-60. Off-street parking requirements.
Sec. 16-16-70. Parking space dimensions, lighting and design.
Sec. 16-16-80. Restricted use of parking areas.
Sec. 16-16-90. Design of loading areas.
Sec. 16-16-100. Driveways and access.
Sec. 16-16-110. Sidewalks and trails.
Sec. 16-16-120. Fences and walls.
Sec. 16-16-130. Street trees and screening.
Sec. 16-16-140. Landscaping standards.
Sec. 16-16-150. Screening standards.
Sec. 16-16-160. Signs, generally.
Sec. 16-16-170. Temporary signs.
Sec. 16-16-180. Exempt signs.
Sec. 16-16-190. Prohibited signs.
Sec. 16-16-200. Required address signs.
Sec. 16-16-210. Nonresidential zone district signs.
Sec. 16-16-220. Residential zone district signs.
Sec. 16-16-230. Sign permits.
Sec. 16-16-232. Illumination.
Sec. 16-16-234. Schedule of allowable signage by zoning district.
Sec. 16-16-236. Signage design standards.
Sec. 16-16-240. Outdoor lighting.
Sec. 16-16-250. Compatibility standards.
Sec. 16-16-260. Building setback and height standards.
Sec. 16-16-270. Buffer and screening standards.
Sec. 16-16-280. Dumpsters and solid waste receptacles.
Sec. 16-16-290. Waiver of compatibility standards.
Sec. 16-16-300. Operational performance standards.
Sec. 16-16-10. Scope.

No building permit or certificate of occupancy shall be issued for any development until all of the applicable standards of this Chapter are met. (Prior LUC 5.1)

Sec. 16-16-20. Streetscape diversity; residential development.

The following requirements apply to single-family and duplex developments only:

(1) Minimum number of models:
   a. Each block face shall contain at least three (3) different models. Different models are defined as those with significant variation in floor plan, configuration and massing and minor variations in size or number of bedrooms.
   b. Not more than two (2) of the same model with the same architectural style can be employed on the same block face.
   c. Similar models with similar architectural styles shall not be placed next to one another. The exception would be that of a single duplex building, where allowed.
   d. To further differentiate one (1) model from another, exterior wall colors and materials shall be varied on each block and block face.

(2) Minimum number of styles: Each of the models (three [3] at a minimum) shall have at least two (2) architectural styles and color schemes, which shall be used to create visual interest. (Prior LUC 5.2; Ord. 571, 2006; Ord. 634 §1, 2010)

Sec. 16-16-30. Parking, loading and access; purpose.

The purpose of this Section is to require off-street parking and loading facilities in proportion to the parking demand for each use in order to ensure functionally adequate, aesthetically pleasing and secure off-street parking. This Section also facilitates the use of on-street parking for new commercial and public uses that are consistent with the purpose of this Code (Section 16-1-40) and with the current Comprehensive Plan where site constraints exist for adequate off-street parking. The regulations and design standards of this Section through 16-16-100 are intended to accomplish the following:

(1) Ensure the usefulness of parking facilities.

(2) Ensure sufficient parking spaces on-site in order to prevent excessive parking on public streets and in residential neighborhoods.

(3) Ensure that access to parking does not impair the function of adjacent roadways or endanger the public safety.
(4) Ensure that projects that are conducive to preserving the "western, small-town character" and improving the quality of life of the community (Paragraphs 16-1-40(2) and (3)) will not be impeded by off-street parking requirements when adequate on-street parking is available. (Prior LUC 5.3; Ord. 598, 2008)

Sec. 16-16-40. Applicability.

(a) New and complying development. New development occurring after, and development existing on, the effective date of the initial ordinance codified hereinafter and complying with the number of off-street parking spaces required by this Article shall be subject to the following provisions:

(1) Every use of a building or land hereafter established shall provide the minimum off-street parking spaces as required by this Article.

(2) The number of parking spaces may be reduced when the land use or floor area of a building is changed or reduced to a use or floor area for which fewer parking spaces are required.

(3) When a building is expanded or a land use is changed so as to increase the number of parking spaces required, the number of such spaces shall be increased.

(b) Existing noncomplying development. Developments with legally noncomplying parking areas shall be subject to the following provisions:

(1) Existing parking spaces shall not be reduced below the minimum required by this Article.

(2) Building permits and certificates of occupancy may be issued for a change of use or remodeling or structural alterations in developments containing legally noncomplying parking areas, without requiring compliance with Section 16-16-60 below, provided that such redevelopment does not result in an increase in the number of required parking spaces.

(3) Any building expansion or change of use that results in an increase over the number of parking spaces that would be required by Section 16-16-60 below for the lot shall provide additional parking spaces only for that increment of the expansion, as if it were a separate development. Only the expanded portion of the parking area shall be required to comply with the provisions of Sections 16-16-30 through 16-16-80 of this Article.

(c) Waivers. The requirement for off-street parking may be waived by the Board of Trustees for publicly funded development in a public district or for development in the commercial district if the number of spaces eligible for waiver equals the number of available spaces conforming to all of the following requirements:

(1) There are site constraints which may prevent the developer from providing on-site/off-street parking without undue hardship.

(2) All parking spaces shall meet the requirement of Subsection 16-16-70(b) below.

(3) There is not conflict with Section 16-16-30 above.

(4) The Board of Trustees finds the proposed alternative parking spaces acceptable after considering issues, including but not limited to traffic impacts, pedestrian safety, whether the alternative parking is a long-term solution, etc.

(5) The total number of parking spaces provided by the developer shall meet the requirements of Paragraph above and Section 16-16-60 below. All parking spaces shall meet the requirement of Subsection 16-16-70(b) below.

(6) Alternative on-street parking is within the commercial district or a public parking lot adjoining the Commercial District.

(7) The proposed use is deemed by the Board of Trustees to be in conformance with the purpose of this Land Use Code (Section 16-1-40) and the current Comprehensive Plan (Prior LUC 5.3; Ord. 590, 2007; Ord. 598, 2008; Ord. 634 §1, 2010)
Sec. 16-16-50. Computing parking.

The minimum number of parking spaces required for a specific development proposal shall be based on the requirements listed in Section 16-16-60 below and the following provisions:

1. Unlisted uses. Where questions arise concerning the minimum off-street parking and requirements for any use not specifically listed, the requirements may be interpreted as those of a similar use.

2. Multiple uses. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.

3. Fractions. When measurements determining the number of required parking spaces result in fractions, any fraction less than one-half (½) shall be disregarded, and any fraction of one-half (½) or more shall be rounded upward to the next highest full number. (Prior LUC 5.3; Ord. 590, 2007; Ord. 634 §1, 2010)

Sec. 16-16-60. Off-street parking requirements.

Off-street parking spaces shall be provided on-site in accordance with the following minimum requirements:

Table 16-5
Schedule of Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Churches and Auditoriums</th>
<th>Hotel and Motel Units</th>
<th>Residential Uses</th>
<th>Nonresidential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>All residential districts</td>
<td>1 space per 4 seats</td>
<td>—</td>
<td>2 spaces per dwelling unit</td>
<td>—</td>
</tr>
<tr>
<td>C, Commercial</td>
<td>1 space per 4 seats</td>
<td>1 space per rental unit, plus 1 per employee</td>
<td>1 space per bedroom</td>
<td>2 spaces per 1,000 sq. ft. of net leasable space</td>
</tr>
<tr>
<td>HB, Highway Business</td>
<td>1 space per 4 seats</td>
<td>1 space per rental unit, plus 1 per employee</td>
<td>1 space per bedroom</td>
<td>2 spaces per 1,000 sq. ft. of leasable space</td>
</tr>
<tr>
<td>P, Public</td>
<td>1 space per 4 seats</td>
<td>—</td>
<td>2 spaces per dwelling unit</td>
<td>2 spaces per 1,000 sq. ft. of leasable space</td>
</tr>
<tr>
<td>LI, Light Industrial</td>
<td>1 space per 4 seats</td>
<td>—</td>
<td>1 space per bedroom</td>
<td>3 spaces per 1,000 sq. ft. of net leasable space</td>
</tr>
<tr>
<td>PUD, Planned Unit</td>
<td>1 space per 4 seats</td>
<td>Those of the</td>
<td>Those of the</td>
<td>Those of the underlying</td>
</tr>
</tbody>
</table>
Sec. 16-16-70. Parking space dimensions, lighting and design.

(a) Off-street parking serving commercial and multi-family uses shall be set back at least ten (10) feet beyond the front yard setback.

(b) Each off-street parking space shall consist of an open area measuring at least nine (9) feet wide by eighteen (18) feet long and seven (7) feet high; provided, however, that parallel parking spaces shall measure at least nine (9) feet wide by twenty (20) feet long and seven (7) feet high.

(c) Each off-street parking space shall open directly onto an aisle or driveway that is not a public street or a public alley. Aisles and driveways shall not be used for parking vehicles.

(d) Off-street parking shall be free of weeds, properly drained and surfaced with concrete, asphalt, sealed pavers, cobbles, sealed brick or any other material with similar characteristics and uses and shall be maintained in a usable condition at all times.

(e) Security lighting shall be provided in parking lots with a minimum ground level illumination of one-half (½) foot-candle at any location in the lot. Lighting shall be so arranged as to reflect the light away from adjoining residential areas.

(f) Off-street parking areas serving development in the MFR, Multi-Family Residential, the C, Commercial or the HB, Highway Business District shall be landscaped and screened in accordance with the requirements of Section 16-16-130 of this Article. (Prior LUC 5.3; Ord. 590, 2007; Ord. 634 §1, 2010)

Sec. 16-16-80. Restricted use of parking areas.

No automobile trailers, boats, detached campers, junk vehicles or any other object that will render a parking space unusable according to the purpose of Section 16-16-30 of this Article shall be parked or stored in off-street parking areas. Junk vehicles shall be defined as those that lack a current license or are wrecked and/or dismantled. (Prior LUC 5.3)

Sec. 16-16-90. Design of loading areas.

Nonresidential uses shall provide loading areas in accordance with the following requirements:

1. Number of loading areas. One (1) space shall be required for any use with a gross area of ten thousand (10,000) square feet or less, including outdoor storage of goods, but excluding dwelling units. An additional space shall be provided for each fifteen thousand (15,000) square feet or fraction thereof of gross floor area over and above the first ten thousand (10,000) square feet.

2. Location. No loading space shall be located within the right-of-way of a public street. Any loading dock or door shall be set back far enough from the right-of-way so that no portion of the right-of-way is occupied by trucks or other vehicles while loading or unloading. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking area. No loading space shall be located so as to block access by emergency vehicles.
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(3) Size of berths. The minimum required dimensions of loading spaces, open or enclosed, shall be fourteen (14) feet in width by thirty-five (35) feet in length, with a minimum vertical clearance of fifteen (15) feet. Where tractor-trailer units will be using the facility, the minimum length shall be sixty-five (65) feet.

(4) Paving standards. The surface of all open off-street loading spaces shall conform to the requirements for off-street parking areas.

(5) Use of loading areas. Required off-street loading spaces and associated aisles and maneuvering areas shall be used for vehicle loading only. No sales, storage, display of merchandise (including automobiles), repair work or dismantling shall be permitted in such areas. (Prior LUC 5.3)

Sec. 16-16-100. Driveways and access.

Driveway improvements should be extended and connect directly to the street surface. All required off-street parking shall be provided with driveway access to a public street or alley in accordance with the standards of this Section.

(1) Minimum driveway width. Driveways shall be a minimum of ten (10) feet in width when serving one (1) dwelling unit or fourteen (14) feet wide when serving more that one (1) residence or another use, such as a boarding house.

(2) Maximum driveway frontage. The combined width of driveway cuts or entrances shall not be more than forty percent (40%) of the frontage of the lot along any street or alley.

(3) Maximum driveway grade. The maximum driveway grade shall be twelve percent (12%).

(4) Corner visibility of street, alley and driveway intersections. No walls, buildings or other obstruction to view in excess of four (4) feet in height shall be placed on any corner lot within a triangular area formed by the property line and a line connecting them at points thirty (30) feet from the intersection of the property lines. (Prior LUC 5.3)

Sec. 16-16-110. Sidewalks and trails.

(a) Applicability. This Section is intended to ensure that pedestrian access is available to serve uses that need and benefit from such access. Builders shall be required to build sidewalks on all streets adjacent to their building sites, except in the LI, Light Industrial District. Builders in all districts shall be required to dedicate trail easements or rights-of-way (but not to build trails) in accordance with the Comprehensive Plan and Town of Mancos Trails Master Plan. Where a proposed subdivision includes portions of the Mancos River or Chicken Creek, a minimum twenty-five-foot easement or public right-of-way outside and adjacent to the normal river channel shall be dedicated for trail purposes. No certificate of occupancy shall be issued until the requirements of this Section are met.

(1) Alternatively, and at the discretion of the Town, an escrow for the estimated construction costs of the required sidewalk may be deposited with the Town.

(2) A one-time expansion of the floor area of buildings on a lot or building tract not exceeding twenty-five percent (25%) of the existing floor area shall not be subject to the requirements of this Section.

(3) If a builder or property owner believes that a proposed use does not need or benefit from pedestrian access, a written request for interpretation per Section 16-2-70 of this Chapter may be submitted to the Zoning Administrator, describing the use and explaining why pedestrian access should not be required as a condition of the building permit for the proposed use.

(b) Sidewalk construction standards. Sidewalks shall be five (5) feet in width in the C, Commercial District and the HB, Highway Business District, or eight (8) feet in width if installed adjacent to a curb. Sidewalks built in all other districts shall be four (4) feet in width. The construction specification of
sidewalks will conform to the *Standards and Specifications for Public Improvements, Town of Mancos, Colorado, 1998*, on file with the Public Works Director.

(c) Trails construction standards. Trails in the Town shall be designed as multi-use trails.

<table>
<thead>
<tr>
<th>Table 16-6</th>
<th>Trail Design Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>X-slope Range</strong></td>
<td><strong>Tread Width</strong></td>
</tr>
<tr>
<td>Multi-use</td>
<td>0-10%</td>
</tr>
</tbody>
</table>

(Prior LUC 5.4; Ord. 658, 2013)

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**Sec. 16-16-120. Fences and walls.**

(a) Height of fences. In any residential district or along the common boundary between any residential or nonresidential district where a wall, fence or screening separation is erected or where a screening wall or fence is required by ordinance, resolution, regulation or law, the following standards for height and design shall be observed:

(1) No fence or wall erected within a required front yard shall exceed four (4) feet in height above the adjacent grade.

(2) Fences or walls erected within utility easements may be moved or removed by the Town or by the utility, without any responsibility to replace or restore, as necessary to facilitate normal utility maintenance.

(3) No fence or wall erected within a required side or rear yard shall exceed six (6) feet in height above the adjacent grade.

(4) Fences and walls shall be subject to the requirements of Paragraph 16-16-100(4) regarding corner visibility.

(b) Exterior building materials. At least a two-hour, exterior firewall shall be required for all structures with less than ten (10) feet of separation between buildings. (Prior LUC 5.5; Ord. 598, 2008)

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**Sec. 16-16-130. Street trees and screening.**

(a) Purpose. This Section is designed to provide standards for the installation and maintenance of landscaping, walls and screening devices so as to promote the general welfare of the community. This is accomplished by encouraging the creation of an attractive appearance along streets and by screening from view those uses that may be unattractive to the public eye. Landscaping materials, including ground covers, shrubs and trees, further facilitate the control of erosion and the reduction of glare and dust, as well as the visual softening of building masses. Low-water-use plant materials require less water than do non-native plants and, therefore, are preferred for required landscaping.
Walls and screening devices allow for the separation of incongruous uses and for the buffering of intensive activities. Landscaping, walls and screening devices together help to effectuate privacy, logical development and enhancement of property values.

(b) Applicability. This Section shall apply to all development in the MFR, Multi-Family Residential District, HB, Highway Business District and C, Commercial District; provided, however, that single-family development in all districts shall be exempt from the requirements of this Section. In addition, a one-time expansion of the floor area of nonresidential buildings on a lot or building tract not exceeding twenty-five percent (25%) of the existing floor area shall not be subject to the requirements of this Section.

(c) General requirements.

(1) Landscape and site plan. Any proposed building or use shall be shown on a landscape or screening plan, indicating the location of existing and proposed buildings, parking areas, street improvements, and locations and types of landscaped areas, walls and screening devices.

(2) Location of utilities. Proposed utilities shall be located, when possible, so that their installation will not adversely affect vegetation to be retained on a site.

(3) Installation. Landscaping, watering devices, walls and screening structures shall be installed in accordance with the approved landscape or screening plan prior to issuance of a final certificate of occupancy for the building or use. The Building Official may grant a temporary certificate of occupancy during the winter months when installation is impracticable or not feasible.

(4) Maintenance requirements.

a. Landscaped areas shall be reasonably maintained by the owner or lessee of the property, including pruning, trimming, watering and other requirements necessary to create an attractive appearance for the development. Lack of maintenance of required landscaping material shall constitute a violation of this Land Use Code.

b. Any plant materials not surviving shall be replaced within thirty (30) days of its demise or in the next appropriate season.

(5) Irrigation. All required landscaped areas may be required to include an irrigation system as defined herein to ensure the health and growth of the landscape. Where possible, irrigation systems shall utilize untreated irrigation water instead of treated water. (Prior LUC 5.6; Ord. 634 §1, 2010)

Sec. 16-16-140. Landscaping standards.

(a) All undeveloped areas of the street yard of each lot or tract and the adjacent right-of-way shall be landscaped with trees, shrubs, grasses, ground cover or other organic and inorganic materials that create an attractive appearance. Smooth concrete or asphalt surfaces are not considered landscaping.

(b) Shrubs and trees. Locally appropriate trees, shrubs and grasses shall be utilized in order to minimize the consumption of water.

(1) One (1) tree with a minimum two-inch caliper shall be utilized per one thousand (1,000) square feet, or fraction thereof (in no case closer than thirty-five [35] feet apart) of required landscaped area.

(2) Any combination of shrubs, grasses, ground covers and organic and inorganic materials may be used for the balance of the required landscaping at the discretion of the applicant. (Prior LUC 5.6; Ord. 634 §1, 2010)
Sec. 16-16-150. Screening standards.

Where screening standards are required by this Land Use Code, the following screening standards shall apply:

1. Height of screening devices. The height of screening devices shall be measured from the highest finished adjacent grade of the element to be screened.

2. Screening plant list. Plants used to satisfy screening standards shall be limited to:
   a. American cranberry bush (*Viburnum trilobum*) and all other tall *Viburnum*.
   b. Cheyenne privet (*Ligustrum*).
   c. Dogwood (*Cornus* species).
   d. Lilac (*Syringa*).
   e. Peking cotoneaster (*Cotoneaster arborescens*).

3. Parking areas. All parking areas shall be screened to a minimum height of three (3) feet above the highest finished grade of the parking area. The minimum width of the landscaped street buffer from the street line to the parking area shall be five (5) feet; provided, however, that the minimum landscaped buffer along the highway shall be fifteen (15) feet. Such screening may be accomplished by the use of plants, earth berms, walls, fences or trees and shrubs in combination.

4. Outdoor storage areas. All outdoor storage areas for materials, trash, mechanical equipment (to include ground-based satellite dishes), vehicles or other similar items shall be screened from street view by a minimum six-foot-high screening device. Such screening device shall consist either of plant material or a wall constructed of or finished with materials to match the main building of the site.

5. Roof-mounted equipment. Roof-mounted mechanical equipment shall be screened by parapet walls or other screening devices to be no lower in height than three (3) feet below the height of the mechanical equipment on side, front or rear walls, whichever are adjacent to public streets or residential districts. (Prior LUC 5.6)

Sec. 16-16-160. Signs, generally.

(a) Purpose and intent. The purpose of these regulations is to encourage and promote a consistent and appropriate signage element for the benefit of the citizens, as well as the business community. These regulations are not designed or intended to discourage or inhibit aesthetically pleasing signage design, materials and placement. It is further the intent of this Section to encourage the erection of signs which are attractive and compatible with the adjacent property, which will preserve and enhance property values within the community, which will provide for the public convenience, health and welfare and which will protect the public safety. This Section shall comply with all state and federal regulations concerning the establishment of outdoor advertising as more specifically found at Section 43-1-401, et seq., C.R.S.

(b) Applicability. The following regulations shall govern the placement and construction of all signs within the Town as defined in Section 16-2-60 of this Chapter. (Prior LUC 5.7; Ord. 547, 2003; Ord. 623 §1, 2009)

Sec. 16-16-170. Temporary signs.

(a) Temporary signs are defined as those that will be used for thirty (30) days or less in a calendar year. These signs are not required to have a sign permit to be erected and shall be subject to the following conditions.
(1) Civic, cultural and public service window posters, when posted inside commercial establishments, provided that they do not individually or collectively occupy more than twenty-five percent (25%) of the total area of a window or five (5) square feet, whichever is less.

(2) Promotional or special sales signs, when erected in conjunction with a commercial establishment, provided that they do not, individually or collectively, exceed twenty-five percent (25%) of the total area of the ground floor display window or sixteen (16) square feet, whichever is less.

(3) Signs announcing the sale or leasing of a property or building, provided that they do not individually or collectively exceed six (6) square feet and are promptly removed after the sale or leasing of the subject property.

(4) Temporary decorations or displays, including balloon-style promotions, clearly incidental and associated with national or local holiday celebrations for a period not to exceed ninety (90) days per year, per lot.

(5) Temporary signs not associated with businesses may be displayed not more than thirty (30) days per year or exceed six (6) square feet in size. Examples include garage sale signs, puppies-for-sale signs, agricultural produce sales, etc.

(b) Political campaign signs may be on display longer than thirty (30) days, but must be removed within seven (7) calendar days after election (Ord. 673, 2013)

Sec. 16-16-180. Exempt signs.

Exempt signs are those that are permanent in nature (to be erected for more than thirty [30] days) but do not require a sign permit to be erected. however, exempt signs must meet current sign code requirements identified in this Chapter.

(1) Publicly erected or required signs of a noncommercial nature, such as, but not limited to, safety signs, danger signs, trespassing signs, traffic signs, memorial plaques and signs of historical interest.

(2) Integral signs. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal or other permanent-type construction and made an integral part of the structure. Murals not containing statements, words or pictures of an obscene, indecent or immoral character are also exempted integral signs.

(3) Flags, crests or banners of nations, organizations of nations, states and cities, or professional, fraternal, religious or civic organizations, except when displayed in connection with commercial promotion, as long as they do not exceed sixty (60) square feet. Other flags for the purposes of commercial promotion count toward the allowable sign square footage.

(4) Regulatory signs erected on private property, such as "no trespassing" signs, which do not exceed two (2) square feet per face or four (4) square feet in total surface area.

(5) Scoreboards for athletic events.

(6) Traffic control signs installed by proper authorities.

(7) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, hazard, parking, swimming, dumping, etc.

(8) Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the sign does not exceed the requirements of such law, order, rule or regulation.

(9) Small signs not exceeding six (6) square feet in area displayed on private property for the convenience of the public, including signs identifying in-home occupations, signs to identify
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entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances and the like. (Prior LUC 5.7; Ord. 623 §1, 2009; Ord. 673, 2013)

Sec. 16-16-190. Prohibited signs.

Prohibited signs include the following signs and shall apply in all zoning districts to temporary, exempt and all other types of signs:

(1) Signs employing mercury vapor, low-pressure and high-pressure sodium and metal halide lighting or otherwise not complying with the illumination requirements of Section 16-16-232 below.

(2) Plastic panel rear-lighted signs.

(3) Signs on roofs, dormers and balconies.

(4) Signs containing statements, words or pictures of an obscene, indecent or immoral character.

(5) Signs advertising a business, activity, product or service not conducted on the premises upon which the sign is located, such as billboards, other than permitted directional signs.

(6) Signs that contain or consist of ribbon streamers, strings of light bulbs, spinners or other similarly moving devices.

(7) Digitally lit programmable signs or reader boards when used for commercial purposes.

(8) Real time video projected on outdoor display screens, outdoor video projection screens and outdoor LED screens or outdoor display screens of any type are prohibited for use as signs, including in windows.

(9) Signs emitting sound.

(10) Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.

(11) Any sign or sign structure which is structurally unsafe; constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation; is not kept in good repair; or is capable of causing electrical shocks to persons likely to come in contact with it.

(12) Signs advertising an activity, business, products or services which have been abandoned or otherwise become extraneous for a period of thirty (30) days or more. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension being shown.

(13) No sign shall be attached to a tree or utility pole, whether on public or private property.

(14) Banners shall not be used as permanent signs.

(15) No portion of any sign shall be located in the line of sight needed for pedestrians or vehicle operators lower than eight (8) feet from the average ground level, and supporting members of such signs shall not obscure views of pedestrians or vehicle operators. (Prior LUC 5.7; Ord. 623 §1, 2009; Ord. 673, 2013)

Sec. 16-16-200. Required address signs.

The owner of any new structure or mobile home shall have an address assigned by the Building Official and, without requirement of a sign permit, shall:

(1) Within thirty (30) days after the receipt or notification of such number, affix the number in a conspicuous place.

(2) Remove any different number which might be mistaken for or confused with the number assigned to said structure by the Building Official.
(3) Display the number assigned to the frontage on which the front entrance is located. In case the principal building or structure is occupied by more than one (1) business or residential unit, each separate front entrance shall display a separate number.

(4) Ensure that all required address numerals are painted or applied not less than two (2) inches in height and are posted so as to be legible from the street or road on which the property is located. (Prior LUC 5.7; Ord. 623 §1, 2009; Ord. 673, 2013)

Sec. 16-16-210. Nonresidential zone district signs.

Signs permitted in nonresidential zone districts as identified in Articles 9 through 12 of this Chapter shall be limited to the following. Each on-site business may have one (1) of each of the following types of signs, as allowed per the underlying zoning district, unless there are multiple on-site businesses in one (1) building or property. Each sign shall follow the allowable signage and dimensional standards found in Table 16-7. For guidelines regarding signage at a single property with multiple on-site businesses, see Paragraph (3) below.

(1) One (1) wall-mounted or painted sign shall be permitted per business or principal use in accordance with the following standards, except that corner buildings are permitted one (1) sign fronting each street for a total of two (2) signs:
   a. The sign shall be permanently affixed to the front facade of the building and shall project outward from the wall to which it is attached no more than six (6) inches. Banners may be used for a period of up to six (6) months until permanent signage is affixed.
   b. In cases where letters, graphics or the like are attached directly onto a building facade or wall, the materials affixed for signage shall be no larger than the dimensions noted for the sign in the underlying zoning district.
   c. The maximum permitted height is seventeen (17) feet above the front sidewalk elevation or from the typical sidewalk elevation, if one is not present, and shall not extend above the base of the second floor windowsill, parapet, eave or building facade.

(2) One (1) wall-mounted sign shall be permitted on any side or rear entrance that is open to the public.

(3) For buildings or properties with more than one (1) on-site business, one (1) wall-mounted building directory sign identifying the occupants of a commercial building, including upper story business uses, in accordance with the following standards:
   a. The sign is located next to the entrance.
   b. The sign shall project outward from the wall to which it is attached no more than six (6) inches.
   c. The sign shall not extend above the parapet, eave or building facade.
   d. Each tenant is limited to one (1) square foot.
   e. Applied letters may be substituted for a wall-mounted sign if constructed of painted wood, painted cast metal, bronze, brass or black anodized aluminum or other similar nonplastic materials, provided that the height of applied letters shall not exceed the square footage allotted to each tenant.

(4) One (1) projecting or suspended sign, including graphic or icon signs, to the building wall.
   a. The distance from the ground to the lower edge of the signboard shall be no less than eight (8) feet or greater than ten (10) feet.
   b. The height of the top edge of the signboard shall not exceed the height of the sill or bottom of any second-story window, if attached to a multi-story building.
c. The distance from the building wall to the signboard shall not exceed six (6) inches for a projecting wall or extend beyond the pedestrian area for suspended signs.

d. Projecting and suspended signs shall be limited to one (1) such sign per business, and the square footage of such a sign is computed into the total allowable sign footage.

e. Signs may not project over the street.

f. Signs must be properly secured to ensure maximum safety.

(5) One (1) or more painted or decaled window or door signs per window or door in accordance with the following standards:

a. The height of the lettering, numbers or graphics shall not exceed eight (8) inches per line.

b. Each business may have one (1) such sign per window or door.

(6) One (1) freestanding sign advertising on-site businesses or land uses may be permitted in accordance with the following standards:

a. One (1) freestanding sign is permitted per building.

b. Only one (1) sign board may be affixed to a mount. There may not be multiple signboards on a single mount or set of poles, unless there are multiple on-site businesses occupying a single building.

c. In cases where more than one (1) on-site business occupies a single building, each on-site business will be entitled to a separate signboard or part of a signboard that shall be affixed horizontally onto a single mount. The dimensional standards of the entire sign shall not exceed that allowed by Table 16-7.

d. No sign shall project over, or be placed in, any sidewalk, pedestrian and/or public way or any portion of any right-of-way of the Colorado Department of Transportation.

e. If illuminated, all signs, including any freestanding sign, shall adhere to the illumination requirements of Sections 16-16-190 above and 16-16-232 below.

f. Each freestanding sign may have two (2) faces. The two (2) faces shall be the same size and join back-to-back without any overlap.

(7) Directional signs for off-highway businesses may be permitted only in the HB, Highway Business District in accordance with the following standards:

a. Each off-highway business may have one (1) directional sign at a single appropriate highway intersection.

b. Each sign shall measure eighteen (18) inches by fifty-four (54) inches and shall be attached to and stacked between two (2) poles for this purpose at each intersection. The first business at each intersection shall be responsible for establishing the poles, and there must be space provided for at least three (3) additional directional signs on each set of poles.

c. Such signs may show a name, direction and distance and may be located adjacent to a public right-of-way, subject to the permission of the landowner.

d. Permits for directional signs shall not be issued where such standards are served by a sign installation provided by the State or the Town.

e. No sign shall be allowed that prevents the driver of a vehicle from maintaining a clear and unobstructed view of official signs and approaching or merging traffic.

(8) No more than two (2) moveable signs or objects per on-site business, to include items such as:

a. Sandwich boards.

b. Artwork or objects.
Sec. 16-16-220. Residential zone district signs.

Signs permitted in residential zone districts as identified Articles 5 through 8 of this Chapter shall be limited to one (1) of each of the following:

1. One (1) wall-mounted sign may be erected on each multi-family building or complex.

2. One (1) monument-style sign shall be permitted to identify the entrances to a residential subdivision or multi-family building or complex, provided that each monument-style sign shall be limited.

3. One (1) freestanding sign may be erected on side to identify a bed and breakfast, home occupation or cottage industry. (Prior LUC 5.7; Ord. 623 §1, 2009; Ord. 634 §1, 2010; Ord. 673, 2013)

Sec. 16-16-230. Sign permits.

It shall be unlawful to erect, construct, reconstruct, alter, paint or repaint or change the use of any sign as defined in Sections 16-16-160 through this Section without first obtaining a sign permit pursuant to Sections 16-20-10 through 16-20-40 of this Chapter; however, a sign permit shall not be required to repaint a sign exactly as it was permitted for the purpose of maintenance. (Prior LUC 5.7)

Sec. 16-16-232. Illumination.

Illumination of all signs shall only be allowed if in accordance with the standards in this Section.

1. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not trespass onto neighboring properties.

2. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to passing motorists.

3. No sign shall have blinking, flashing or fluttering lights or other illuminating devices that have changing light intensity, brightness or color. Beacon lights are not permitted.

4. Illumination of signs placed upon businesses shall be permitted only on the front of the building. Corner lot businesses are permitted to illuminate signs on both sides of the building facing a street. (Prior LUC 5.7; Ord. 623 §1, 2009; Ord. 634 §1, 2010; Ord. 673, 2013)

Sec. 16-16-234. Schedule of allowable signage by zoning district.

The following schedule of allowable signage by zoning district summarizes the regulations of this Chapter with regard to the number and type of signs allowable in the various zoning districts identified in Articles 5 through 12 of this Chapter. Additional provisions contained in this Section or in the individual district regulations may modify the standards shown in the following schedule. In the event of any conflict between the text of this Chapter and the Allowable Signage and Dimensional Standards Schedule, the text shall control.

Table 16-7
Allowable Signage and Dimensional Standards Schedule
<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Residential</th>
<th>Nonresidential</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AR  SFR  MR  MFR  C  HB  I  P</td>
<td></td>
</tr>
<tr>
<td>Temporary signs</td>
<td>P  P  P  P</td>
<td>P  P  P  P</td>
</tr>
<tr>
<td>Exempt signs</td>
<td>P  P  P  P</td>
<td>P  P  P  P</td>
</tr>
<tr>
<td>Wall-mounted sign front</td>
<td>P</td>
<td>P  P  P  P</td>
</tr>
<tr>
<td>Maximum height (ft.) above sidewalk *</td>
<td>17 17</td>
<td>17 17 17 17</td>
</tr>
<tr>
<td>Maximum sign area (sq. ft.)</td>
<td>20 50</td>
<td>20 20</td>
</tr>
<tr>
<td>Wall-mounted sign - rear/side</td>
<td>P  P  P  P</td>
<td>P  P  P  P</td>
</tr>
<tr>
<td>Maximum sign area (sq. ft.)</td>
<td>6 6 6 6</td>
<td>6 6</td>
</tr>
<tr>
<td>Wall-mounted sign - building directory</td>
<td>P  P  P  P</td>
<td>P  P  P  P</td>
</tr>
<tr>
<td>Maximum height (ft.) above sidewalk *</td>
<td>17 17</td>
<td>17 17 17 17</td>
</tr>
<tr>
<td>Maximum sign area per tenant (sq. ft.)</td>
<td>1 1</td>
<td>1 1 1 1</td>
</tr>
<tr>
<td>Projecting/suspending sign</td>
<td>P  P  P  P</td>
<td>P  P  P  P</td>
</tr>
<tr>
<td>Maximum height (ft.) above sidewalk *</td>
<td>17 17</td>
<td>17 17 17 17</td>
</tr>
<tr>
<td>Maximum sign area (sq. ft.)</td>
<td>16 16</td>
<td>16 16 16 16</td>
</tr>
<tr>
<td>Maximum sign width (ft.)</td>
<td>4 4</td>
<td>4 4 4 4</td>
</tr>
<tr>
<td>Painted/decaled window, door signs</td>
<td>P  P  P  P</td>
<td>P  P  P  P</td>
</tr>
<tr>
<td>Monument-style sign</td>
<td>P  P</td>
<td>P  P  P  P</td>
</tr>
<tr>
<td>Maximum height (feet) *</td>
<td>12 12</td>
<td>12 12 12 12</td>
</tr>
</tbody>
</table>
### Chapter 16 Land Use and Development

| Maximum sign faces allowed | — | — | 1 | 1 | — | — | — | — |
| Single sign face - maximum area (sq. ft.) | — | — | 16 | 16 | — | — | — | — |
| Freestanding sign * | P | P | P | P | P | P | P | P |
| Maximum height (ft.) * | — | — | — | — | 12 | 30 | 12 | 12 |
| Maximum sign faces allowed | — | — | — | — | 2 | 2 | 2 | 2 |
| Single sign face - maximum area (sq. ft.) | — | — | — | — | 16 | 80 | 16 | 16 |
| Directional off-highway signs * | — | — | — | — | — | P | — | — |

1) Directional off-highway sign dimensions are in text.

2) With the exception of corner lots and temporary signs, unless otherwise noted, P shall stand for 1 permitted sign of each type.

3) In nonresidential zones, a freestanding sign shall be allowed announcing a cottage industry or bed and breakfast.

4) Includes posts, shall not extend above base of second story windowsill.

(Ord. 673, 2013)

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**Sec. 16-16-236. Signage design standards.**

All signs in every zoning district shall:

1. Wall-mounted signs shall not project out from the building more than six (6) inches.
2. Not be a prohibited sign per Section 16-16-190 of this Article.
3. Applied letters may be substituted for wall-mounted signs per Subparagraph 16-16-210(3)e. of this Article.
4. Use materials and design that suggest the western rural heritage of the community, such as, but limited to, wood, metal, paint, brick, stucco and adobe. (Ord. 673, 2013)

**Sec. 16-16-240. Outdoor lighting.**

An outdoor lighting plan shall be submitted with the site/development plan and such lighting shall not be directed towards any adjacent residential uses or public streets.
CHAPTER 16 Land Use and Development

(1) All outdoor lighting shall be directed downward or toward a surface and shielded from adjacent properties and streets.

(2) Sodium vapor and similar high-intensity light sources shall be prohibited. (Prior LUC 5.8)

Sec. 16-16-250. Compatibility standards.

(a) Purpose. The compatibility standards of this Section are intended to preserve and protect single-family residential uses and neighborhoods by ensuring that new development and redevelopment is compatible with the character of the area in which it is located.

(b) Applicability. Compatibility standards shall apply to all multi-family residential and all nonresidential development when it occurs:

(1) Within fifty (50) feet of the lot line of any property zoned SFR, Single-Family Residential; or

(2) Across the street from or adjacent to a lot containing a single-family use.

(c) Exemptions. The following shall be exempt from compliance with the compatibility standards of this Section:

(1) Single-family or duplex uses; and

(2) Structural alteration of an existing building when such alteration does not increase the gross square footage or height of the building. (Prior LUC 5.9)

Sec. 16-16-260. Building setback and height standards.

The following building setback and height standards shall apply to development that is subject to the compatibility standards of Section 16-16-250 above:

(1) Building setbacks. With the exception of a required twenty-five-foot setback outside and adjacent to 100-year Mancos River and Chicken Creek floodplains and in accordance with the table below, building setbacks shall be calculated as follows. On sites with sixty (60) feet of lot width or less, no structure shall be erected within ten (10) feet of the lot line of property that is zoned SFR, Single-Family Residential or that contains a single-family use. On sites with more than sixty (60) feet of lot width, the minimum setback from the lot line of property that is zoned SFR, Single-Family Residential or that contains a single-family use shall be ten (10) feet, plus two (2) additional feet of setback for each ten (10) additional feet of lot width or fraction thereof (beyond sixty [60] feet). This provision shall not be interpreted as requiring a setback of more than twenty-five (25) feet.

<table>
<thead>
<tr>
<th>Lot Width (feet)</th>
<th>Setback From Adjacent Lot Lines (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 60</td>
<td>10</td>
</tr>
<tr>
<td>60.01 to 70</td>
<td>12</td>
</tr>
<tr>
<td>70.01 to 80</td>
<td>14</td>
</tr>
<tr>
<td>80.01 to 90</td>
<td>16</td>
</tr>
<tr>
<td>90.01 to 100</td>
<td>18</td>
</tr>
</tbody>
</table>
(2) Building height. No structure shall exceed twenty-eight (28) feet in height within fifty (50) feet of the lot line of property that is zoned SFR, Single-Family Residential or that contains a single-family or duplex use which is less than twenty-eight (28) feet in height. (Prior LUC 5.9; Ord. 634 §1, 2010; Ord. 658, 2013)

Sec. 16-16-270. Buffer and screening standards.

(a) Nonresidential and multi-family residential development, including off-street parking areas associated with such development, shall be screened from view of adjacent single-family uses and the SFR, Single-Family Residential District. Such visual screening shall be accomplished through the use of opaque fences, vegetative buffers and berms or a combination of such techniques along the lot line that is adjacent to the single-family use or SFR, Single-Family Residential Zone District.

(b) Mechanical equipment, outdoor storage areas and refuse collection areas shall be completely shielded from view of adjacent single-family uses and the SFR, Single-Family Residential District by an opaque fence or wall that is at least one (1) foot taller than the site feature being screened from view, provided that this provision shall not be interpreted as requiring screening fences or walls to be taller than ten (10) feet. Fences, walls and buffers must comply with all other applicable zoning requirements. (Prior LUC 5.9)

Sec. 16-16-280. Dumpsters and solid waste receptacles.

Dumpsters and solid waste receptacles shall be set back at least twenty (20) feet from the lot line of property that is zoned SFR, Single-Family Residential or that contains a single-family use. Such Dumpsters and receptacles shall be completely screened from view of adjacent single-family uses and SFR, Single-Family Residential zoning by an opaque fence or wall that is at least one (1) foot taller than the Dumpster or solid waste receptacle. (Prior LUC 5.9)

Sec. 16-16-290. Waiver of compatibility standards.

The Planning Commission may grant a waiver of any compatibility standard set forth in Sections 16-16-250 through 16-16-280 above if it determines that eliminating one (1) or more of the requirements is consistent with the purposes of this Land Use Code and will not harm the surrounding area. (Prior LUC 5.9; Ord. 634 §1, 2010)

Sec. 16-16-300. Operational performance standards.

(a) Applicability. All uses in any district of the Town shall conform in operation, location and construction to the subjective performance standards herein specified so that the public health, safety and welfare will be protected.

(b) Exemption. The following are exempt from the performance standards of this Section through Section 16-16-370:

(1) Temporary construction, excavation and grading associated with development for which applicable permits have been issued and with the installation of streets or utilities; and
(2) Demolition activities that are necessary and incidental to permitted development on the same lot, on another or several lots being developed at the same time or in the public right-of-way or easement.

(c) General. The location, size, design and operating characteristics of all uses shall minimize adverse effects, including visual impacts on surrounding properties. (Prior LUC 5.10)

Sec. 16-16-310. Noise.

At no point on the bounding property line of any use in any district shall the sound pressure level of any use, operation or plant produce noise of such intensity as to create a nuisance or detract from the use and enjoyment of the adjacent property. For the purposes of this Article, bounding property line shall be interpreted as being at the far side of any street alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two (2) parcels of property shall be interpreted as the bounding property line. (Prior LUC 5.10)

Sec. 16-16-320. Smoke and particulate matter.

No operation or use in any district shall at any time create smoke and particulate matter that, when considered at the bounding property line of the source of operation, creates a nuisance or distracts from the use and enjoyment of adjacent property. This provision shall not be interpreted as to prevent the normal operation of a permitted wood-burning stove. (Prior LUC 5.10)

Sec. 16-16-330. Odorous matter.

No use shall be located or operated in any district that involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located. The odor threshold shall be the concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person. (Prior LUC 5.10)

Sec. 16-16-340. Fire and explosive hazard material.

(a) Explosives. No use involving the manufacture or storage of compounds or products that decompose by detonation shall be permitted in any district, except that chlorates, nitrates, phosphorus and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Chief as not presenting a fire or explosion hazard.

(b) Flammables. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the Town. (Prior LUC 5.10)

Sec. 16-16-350. Toxic and noxious matter.

No operation or use in any district shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter that will exceed the threshold limits set forth by the Colorado Department of Public Health and Environment. (Prior LUC 5.10)
Sec. 16-16-360. Vibration.

No operation or use in any district shall at any time create earth-borne vibration that, when considered at the bounding property line of the source of operation, creates a nuisance or detracts from the use and enjoyment of adjacent property. (Prior LUC 5.10)

Sec. 16-16-370. Glare.

No use or operation in any district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. (Prior LUC 5.10)

ARTICLE 17 Floodplain Regulations

Sec. 16-17-05. Statutory authorization and findings of fact.
Sec. 16-17-10. Definitions.
Sec. 16-17-20. Statement of purpose.
Sec. 16-17-30. Methods of reducing flood losses.
Sec. 16-17-40. Lands to which this Article applies.
Sec. 16-17-50. Basis for establishing areas of special flood hazard.
Sec. 16-17-60. Compliance.
Sec. 16-17-70. Abrogation and greater restrictions.
Sec. 16-17-80. Interpretation.
Sec. 16-17-90. Warning and disclaimer of liability.
Sec. 16-17-95. Severability.
Sec. 16-17-100. Establishment of floodplain development permit.
Sec. 16-17-110. Administration of program.
Sec. 16-17-120. Duties and responsibilities of Building Inspector.
Sec. 16-17-130. Variance procedure; Board of Adjustment.
Sec. 16-17-140. Conditions for variances.
Sec. 16-17-150. Anchoring.
Sec. 16-17-160. Construction materials and methods.
Sec. 16-17-170. Utilities.
Sec. 16-17-180. Subdivision proposals.
Sec. 16-17-190. Specific standards.
Sec. 16-17-200. Standards for areas of shallow flooding (AO/AH zones).
Sec. 16-17-210. Floodways.
Sec. 16-17-220. Alteration of watercourse.
Sec. 16-17-230. Properties removed from floodplain by fill.
Sec. 16-17-240. Standards for critical facilities.
Sec. 16-17-250. Penalties for noncompliance.
Sec. 16-17-05. Statutory authorization and findings of fact.

(a) Statutory authorization. The Legislature of the State has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of Trustees hereby adopts the following floodplain management regulations.

(b) Findings of fact.

(1) The flood hazard areas of the Town are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage. (Ord. 661, 2013)

Sec. 16-17-10. Definitions.

Unless specifically defined below, the following words or phrases shall be interpreted in this Article and shall also be applicable to floodplain development permits (see Section 16-17-90 of this Article) and interpreted so as to give them the meanings they have in common usage and to give this Land Use Code its most reasonable application.

100-year flood means a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms "one-hundred-year flood" and "one-percent-chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every one hundred (100) years.

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-year flood means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance annual flood). The term does not imply that the flood will necessarily happen once every five hundred (500) years.

500-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.

Addition means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Appeal means a request for a review of the Town's interpretation of any provisions of this Land Use Code or a request for a variance.

Area of shallow flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent chance or greater annual chance of flooding to an
average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base flood elevation** means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/ AO, V1-V30 and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

**Basement** means any area of a building having its floor sub-grade (below ground level) on all sides.

**Channel** means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

**Channelization** means the artificial creation, enlargement or realignment of a stream channel.

**Code of Federal Regulations (CFR)** means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into fifty (50) titles that represent broad areas subject to federal regulation.

**Community** means any political subdivision in the State that has authority to adopt and enforce floodplain management regulations through zoning, including but not limited to cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

**Conditional Letter of Map Revision (CLOMR)** means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

**Critical facility** means a structure or related infrastructure, but not the land on which it is situated, as specified in Section 16-17-240, 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. See Section 16-17-240.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**DFIRM database** means a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

**Digital Flood Insurance Rate Map (DFIRM)** means the FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

**Elevated building** means a nonbasement building (i) built, in the case of a building in Zones AI-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones AI-30, AE, A, A99, AO, AH, B, C, X and D, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

**Existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) are completed before the floodplain management regulations are adopted by a community.

**Expansion to existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured
homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

*Federal Register* means the official daily publication for Rules, proposed Rules and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

*FEMA* means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of water from channels and reservoir spillways; and/or

b. The unusual and rapid accumulation or runoff of surface waters from any source.

c. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

*Flood control structure* means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Flood Insurance Rate Map (FIRM)* means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk-premium zones.

*Flood Insurance Study (FIS)* means the official report provided by the Federal Emergency Management Agency that includes the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

*Floodplain or flood-prone area* means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

*Floodplain Administrator* means the community official designated by title to administer and enforce the floodplain management regulations.

*Floodplain development permit* means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this Article.

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodproofing* means any combination of structural and/or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway (regulatory floodway)* means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing
the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half (½) foot (six [6] inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

_Freeboard_ means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

_Functionally dependent use_ means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

_Highest adjacent grade_ means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

_Historic structure_ means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   1. By an approved state program as determined by the Secretary of the Interior; or
   2. Directly by the Secretary of the Interior in states without approved programs.

_Levee_ means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR § 65.10.

_Levee system_ means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

_Letter of Map Revision (LOMR)_ means FEMA’s official revision of an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

_Letter of Map Revision Based on Fill (LOMR-F)_ means FEMA’s modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

_Lowest floor_ means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood-resistant enclosure, usable solely for parking of
vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Land Use Code and Section 60.3 of the National Flood Insurance Program regulations.

*Manufactured home* means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a recreational vehicle.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

*Material Safety Data Sheet (MSDS)* means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information, such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

*National Flood Insurance Program (NFIP)* means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

*New construction* means structures for which the start of construction commenced on or after the effective date of the initial ordinance codified herein, and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

*No-rise certification* means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

*Physical Map Revision (PMR)* means FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

*Recreational vehicle* means a vehicle which is:

a. Built on a single chassis;

b. Four hundred (400) square feet or less when measured at the largest horizontal projections;

c. Designed to be self-propelled or permanently towable by a light-duty truck; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
Special flood hazard area means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of construction includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, excavation for a basement, footings, piers or foundations or the erection of temporary forms or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building or manufactured home, including a gas or liquid storage tank, that is principally above ground.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Threshold Planning Quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Variance means a grant of relief from the requirements of this Article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner that would otherwise be prohibited by this Article. For full requirements, see Section 60.6 of the NFIP regulations.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 603, 2008; Ord. 634 §1, 2010; Ord. 661, 2013)
Sec. 16-17-20. Statement of purpose.

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions to specific areas by provisions designed to:

(1) Protect human life and health;
(2) Minimize expenditure of public money for costly flood-control projects;
(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(4) Minimize prolonged business interruptions;
(5) Minimize damage to critical facilities, infrastructure, public facilities and utilities, such as water, sewer and gas mains, electric and communications stations and streets and bridges located in floodplains;
(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner so as to minimize future flood blight areas; and
(7) Ensure that potential buyers are notified that property is in an area of flood hazard area. (Ord. 603, 2008; Ord. 634 §1, 2010; Ord. 661, 2013)

Sec. 16-17-30. Methods of reducing flood losses.

In order to accomplish its purposes, this Section includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety and property in times of flood, or cause excessive increases in flood heights or velocities;
(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;
(4) Controlling filling, grading, dredging and other development which may increase flood damage; and
(5) Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards in other lands. (Ord. 603, 2008; Ord. 661, 2013)

Sec. 16-17-40. Lands to which this Article applies.

The Article shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the Town. (Ord. 603, 2008; Ord. 661, 2013)

Sec. 16-17-50. Basis for establishing areas of special flood hazard.

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Montezuma County, Colorado, and Incorporated Areas," dated September 26, 2008, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. These special flood hazard areas identified by the PIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Board of Trustees. The Floodplain
Sec. 16-17-60. Compliance.

No structure or land shall hereafter be located, altered or have its use changed within the special flood hazard area without full compliance with the terms of this Article and other applicable regulations. Nothing herein shall prevent the Town from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program. (Ord. 603, 2008; Ord. 661, 2013)

Sec. 16-17-70. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 603, 2008; Ord. 634 §1, 2010; Ord. 661, 2013)

Sec. 16-17-80. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

1. Considered minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 603, 2008; Ord. 661, 2013)

Sec. 16-17-90. Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder. (Ord. 603, 2008; Ord. 661, 2013)

Sec. 16-17-95. Severability.

This Article and the various parts thereof are hereby declared to be severable. Should any section of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Article as a whole, or any portion thereof, other than the section so declared to be unconstitutional or invalid. (Ord. 661, 2013)

Sec. 16-17-100. Establishment of floodplain development permit.

A floodplain development permit shall be required before construction or development begins within any area of shallow flooding established in Section 16-17-50 of this Article to ensure conformance with the provisions of this Article. Application for a floodplain development permit shall be made on forms furnished by the Town and may include, but not be limited to, plans in duplicate drawn to scale, showing
the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials and drainage facilities; and the location of the foregoing. Where base flood elevations are utilized, all new construction, substantial improvements and other development must comply with requirements of Paragraph 16-17-120(2) of this Article. Specifically, the following information shall be submitted:

1. The elevation, in relation to mean sea level, of the lowest floor (including basement) of all new and substantially improved structures.
2. The elevation, in relation to mean sea level, to which any nonresidential structure shall be floodproofed.
3. Certification by a registered Colorado professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria of Section 16-17-160 below;
4. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
5. Maintain a record of all such information in accordance with Section 16-17-120 of this Article.

Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of this Article and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental 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;
7. 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;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the comprehensive plan for that area. (Ord. 603, 2008; Ord. 634 §1, 2010; Ord. 661, 2013)

Sec. 16-17-110. Administration of program.

The Building Inspector is hereby appointed as Floodplain Administrator to administer, implement and enforce the provisions of this Article and other appropriate sections of 44 CFR (NFIP Regulations) pertaining to floodplain management by granting or denying floodplain development permit applications in accordance with its provisions. (Ord. 603, 2008; Ord. 634 §1, 2010; Ord. 661, 2013)

Sec. 16-17-120. Duties and responsibilities of Building Inspector.

Duties of the Building Inspector shall include, but not be limited to:

1. Permit review.
a. Review, approve or deny all floodplain development permits to determine that the permit requirements of this Article have been satisfied.

b. Review all floodplain development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required.

c. Review, approve or deny all floodplain development permits to determine if the proposed building site, including the placement of manufactured homes, adversely affects the flood-carrying capacity of the area of shallow flooding. For purposes of this Article, adversely affects means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

d. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Article, including proper elevation of the structure.

(2) Use of other base flood data. When base flood elevation data has not been provided in accordance with Section 16-17-50 of this Article, the Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state or other source. Where base flood elevation data are utilized, all new construction, substantial improvements or other development in Zone A are administered in accordance with Paragraph (3) below, and Section 16-17-190 of this Article.

(3) Information to be obtained and maintained.

a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.

b. For all new or substantially improved floodproofed structures:
   1. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
   2. Maintain the flood proofing certifications required in Paragraph 16-17-100(3) of this Article.
   3. Maintain for public inspection all records pertaining to the provisions of this Article.

(4) Alteration of watercourses.

a. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

c. 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 (½) foot at any point within the community.

d. Program regulations, a community may approve certain development in Zones Al-30, AE or AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half (½) foot, provided that the community first applies for a conditional FIRM revision through FEMA (conditional letter of map revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
(5) Interpretation of FIRM boundaries.
   a. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
   b. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16-27-130 below. (Ord. 603, 2008; Ord. 634 §1, 2010; Ord. 661, 2013)

Sec. 16-17-130. Variance procedure; Board of Adjustment.

The Board of Adjustment, as established by the Town, shall hear and decide appeals and requests for variances from the requirements of this Article.

(1) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Zoning Administrator in the enforcement or administration of this Article.

(2) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decisions to the County District Court, as provided in Section 31-23-307, C.R.S.

(3) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article and:
   a. The danger that materials may be swept onto other lands to the injury of others.
   b. The danger to life and property due to flooding or erosion damage.
   c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
   d. The importance of the services provided by the proposed facility to the community.
   e. The necessity to the facility of a waterfront location, where applicable.
   f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
   g. The compatibility of the proposed use with the existing and anticipated development.
   h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.
   i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
   j. 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.
   k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, streets and bridges.

(4) Upon consideration of the factors of Section 16-17-170 below and the purposes of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

(5) The Zoning Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency. (Ord. 603, 2008; Ord. 661, 2013)
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Sec. 16-17-140. Conditions for variances.

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that Subparagraphs 16-17-130(3)a. through k. above have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justifications required for issuing the variance increases.

(b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Register of Historic Properties upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon:
   (1) A showing of good and sufficient cause;
   (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
   (3) A determination that the granting of a variance 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 as identified in Paragraph 16-17-130(3) above or conflict with existing local laws or ordinances.

(f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(g) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
   (1) The criteria outlined in above are met; and
   (2) 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. (Ord. 603, 2008; Ord. 634 §1, 2010; Ord. 661, 2013)

Sec. 16-17-150. Anchoring.

(a) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy

(b) 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. Specific requirements may be that:
   (1) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
(2) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;

(3) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(4) Any additions to the manufactured home shall be similarly anchored. (Ord. 603, 2008; Ord. 634 §1, 2010; Ord. 661, 2013)

Sec. 16-17-160. Construction materials and methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) 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 and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 603, 2008; Ord. 661, 2013)

Sec. 16-17-170. Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 603, 2008; Ord. 661, 2013)

Sec. 16-17-180. Subdivision proposals.

(a) All subdivision proposals shall be reasonably safe from flooding and be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.

(c) All subdivision proposals including the placement of manufactured home parks shall have adequate drainage provided to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which that contain at least fifty (50) lots or five (5) acres, whichever is less.

(e) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of this Article.

(f) Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one (1) foot at any point. (Ord. 603, 2008; Ord. 661, 2013)
Sec. 16-17-190. Specific standards.

In all areas of special flood hazard where base flood elevation has been provided, the following provisions are required:

1. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

2. Nonresidential construction. With the exception of critical facilities, new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
   a. Be floodproofed so that, below the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water.
   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
   c. Be certified by a registered Colorado professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Paragraph. Such certifications shall be provided to the official as set forth in Paragraph 16-17-100(3) of this Article.

3. Openings in enclosures below the lowest floor. For all new construction and substantial improvements, 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 Colorado professional engineer or architect or must meet or exceed the following minimum criteria:
   a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
   b. The bottom of all openings shall be no higher than one (1) foot above grade.
   c. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured homes.
   a. Manufactured homes shall be anchored in accordance with Section 16-17-150 of this Article.
   b. All manufactured homes or those to be substantially improved shall conform to the following requirements:
      1. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on a site: (i) outside of a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood; be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
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2. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions within Zones A1-30, AH and AE on the community’s FIRM that are not subject to the provisions of the above subparagraph shall be elevated so that either: (i) the lowest floor of the manufactured home is one (1) foot above the base flood elevation; or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade; and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(5) Recreational vehicles. Recreational vehicles placed on sites within Zones A1-30, AH and AE on the community’s FIRM shall either: (i) be on the site for fewer than one hundred eighty (180) consecutive days; and (ii) be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or jacking systems, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions; or (iii) meet the permit requirements and elevation and anchoring requirements for manufactured homes. (Ord. 603, 2008; Ord. 634 §1, 2010; Ord. 661, 2013)

Sec. 16-17-200. Standards for areas of shallow flooding (AO/AH zones).

Located within the special flood hazard area established in Section 16-17-50, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) Residential construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.

(2) Nonresidential construction. With the exception of critical facilities, outlined in Section 16-17-240, all new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified), or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one (1) foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 16-17-100, are satisfied. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures. (Ord. 661, 2013)

Sec. 16-17-210. Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of Floodway in Section 16-17-20). Located within special flood hazard area established in Section 16-17-50 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 potential, the following provisions shall apply:
(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.

(2) If Paragraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 16-17-200 above.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.1 2, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA. (Ord. 661, 2013)

Sec. 16-17-220. Alteration of watercourse.

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

(1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project, as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.

(4) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.

(5) All activities within the regulatory floodplain shall meet all applicable federal, state and Town floodplain requirements and regulations.

(6) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 16-17-210 above.

(7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished. (Ord. 661, 2013)

Sec. 16-17-230. Properties removed from floodplain by fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the base flood elevation with one (1) foot of freeboard that existed prior to the placement of fill. (Ord. 661, 2013)
Sec. 16-17-240. Standards for 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 Regulations 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.

(1) Classification of critical facilities. Critical facilities are classified under the following categories: (a) essential services; (b) hazardous materials; (c) at-risk populations; and (d) vital to restoring normal services. It is the responsibility of the Town to identify and confirm that specific structures in their community meet the following criteria:

a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities and transportation lifelines.

1. These facilities consist of:
   a) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);
   b) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and nonambulatory surgical structures, but excluding clinics, doctors’ offices and non-urgent care medical structures that do not provide these functions);
   c) Designated emergency shelters;
   d) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);
   e) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines and service lines); and
   f) Air transportation lifelines (airports [municipal and larger], helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers and emergency equipment aircraft hangars).

2. Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems and hydroelectric power generating plants and related appurtenances.

3. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Board of Trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Town on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

1. These facilities may include:
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a) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

b) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;

c) Refineries;

d) Hazardous waste storage and disposal sites; and
e) Aboveground gasoline or propane storage or sales centers.

2. Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical is stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R. § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Public Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this Article, but exclude later amendments to or editions of the regulations.

3. Specific exemptions to this category include:

a) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

b) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.

c) Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this Article.

c. At-risk population facilities include medical care, congregate care and schools. These facilities consist of:

1. Elder care (nursing homes);

2. Congregate care serving twelve (12) or more individuals (day care and assisted living);

3. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children;

d. Facilities vital to restoring normal services including government operations. These facilities consist of:
1. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);

2. Essential structures for public colleges and universities (dormitories, offices and classrooms only).

These facilities may be exempted if it is demonstrated to the Board of Trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Article, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board of Trustees on an as-needed basis upon request.

(2) Protection for critical facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this Article, protection shall include one (1) of the following:

a. Location outside the special flood hazard area; or

b. Elevation or floodproofing of the structure to at least two (2) feet above the base flood elevation.

(3) Ingress and egress for new critical facilities. New critical facilities shall, when practicable as determined by the Board of Trustees, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event. (Ord. 661, 2013)

Sec. 16-17-250. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Article and other applicable regulations. Any person, organization, or business that violates the provisions of this Article may be issued a citation to appear in Mancos Municipal Court, or may be subject to any other remedy, enforcement procedure, abatement and assessment, or Chapter 19 administrative enforcement action as provided by the Mancos Municipal Code as the same may be amended from time to time. Violations may be punishable by a penalty of up to four hundred ninety-nine ($499.00) per violation, where each day of a continuing violation may be considered a separate violation. Violations shall be considered civil infractions and shall not be considered a criminal offense. Violations are not punishable by jail or imprisonment. Any person who violates this Article shall not have the right to a jury trial.

(Ord. 603, 2008; Ord. 634 §1, 2010; Ord. 661, 2013; Ord. No. 695, § 1, 3-11-2015)

ARTICLE 18 Administration and Procedures

Division 1 - Administrative Officials

Division 2 - Zoning Map and Land Use Code Amendments

Division 3 - Preliminary Plats

Division 4 - Final Plats

Division 5 - Improvements and Performance Guarantees
Division 6 - Mandatory Homeowners' Association

Division 7 - Plats and Condominiums

**Division 1 Administrative Officials**

*Sec. 16-18-10. Zoning Administrator.*

*Sec. 16-18-20. Building Official.*

*Sec. 16-18-30. Decision-making bodies.*

*Sec. 16-18-40. Development of surface estate; certification of notification.*

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**Sec. 16-18-10. Zoning Administrator.**

There is hereby created an official administrative position known as the Zoning Administrator. Unless otherwise designated by the Board of Trustees, the Town Administrator shall serve as the Zoning Administrator. If the Board of Trustees decides otherwise by resolution, then the Zoning Administrator will be a person other than the Town Administrator, shall report to the Town Administrator and shall either be a part-time employee, full-time employee or independent contractor. The Zoning Administrator shall have the following jurisdiction, authority and duties:

1. **Issue zoning development permits.** The Zoning Administrator shall issue zoning development permits as required by Sections 16-20-60 and 16-20-70 of this Chapter prior to the issuance of any building permit.

2. **Administer Land Use Code.** The Zoning Administrator shall administer this Land Use Code and have those powers and duties expressly assigned to him under this Land Use Code and otherwise delegated or assigned to him in accordance with Town policy.

3. **Enforcement of Land Use Code.** The Zoning Administrator shall enforce the provisions of this Land Use Code.

4. **Interpret Land Use Code.** The Zoning Administrator shall have the authority to make all interpretations of this Land Use Code and the boundaries of the zoning district map. (Prior LUC 6.2; Ord. 591, 2007; Ord. 634 §1, 2010)

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**Sec. 16-18-20. Building Official.**

There is hereby created an official administrative position known as the Building Official. The terms Building Official and Building Inspector are used interchangeably throughout this Land Use Code. The Building Official shall serve at the pleasure of and report to the Town Administrator and shall either be a part-time employee, full-time employee or independent contractor. In addition to the jurisdiction, authority and duties which may be conferred on the Building Official by the International Building Code, the Building Official shall have the following jurisdiction, authority and duties:

1. **Issue zoning development permits.** The Building Official may issue zoning development permits as required by Sections 16-20-60 and 16-20-70 of this Chapter prior to the issuance of any building permit.

2. **Issue building permits.** The Building Official shall issue applicable permits to allow construction activities that have received a zoning development permit pursuant to the procedures in this Land Use Code and deny building permits for activities that have not received a zoning development permit.
(3) Interpret and enforce International Building Code. The Building Official shall interpret and
enforce the applicable International Building Code.

(4) Enforce Land Use Code. The Building Official shall enforce the provisions of this Land Use
Code.

(5) Administer flood hazard regulations. The Building Official shall administer Article 17 of this
Chapter and havethose powers and duties expressly assigned to him therein. (Prior LUC 6.2;
Ord. 579, 2006; Ord. 591, 2007; Ord. 634 §1, 2010)

Sec. 16-18-30. Decision-making bodies.

(a) The creation, membership, powers and duties provisions of the Planning Commission are set forth in
Chapter 2 of this Code.

(b) The creation, membership, meeting and jurisdiction provisions of the Board of Adjustment are set
forth in Chapter 2 of this Code.

(c) The establishment, membership, meeting, powers and duties provisions of the Historic Preservation
Board are set forth in Chapter 2 of this Code. (Ord. 634 §1, 2010)

Sec. 16-18-40. Development of surface estate; certification of notification.

Provisions for the certification of notification of development of mineral estate owners are set forth in
Chapter 2 of this Code. (Ord. 634 §1, 2010)

Division 2 Zoning Map and Land Use Code Amendments

Sec. 16-18-110. Initiation.

Sec. 16-18-120. Application for zoning or Code amendment.

Sec. 16-18-130. Review by Planning Commission.

Sec. 16-18-140. Action by Board of Trustees.

Sec. 16-18-150. Items for consideration in zoning amendments.

Sec. 16-18-160. Items for consideration in text amendments.

Sec. 16-18-110. Initiation.

Any person having a proprietary interest in any property may submit an application to the Board of
Trustees for a change or amendment to the provisions of this Land Use Code, or the Planning
Commission may, on its own motion or on request from the Board of Trustees, institute a study and
proposal for changes and amendments in the public interest. (Prior LUC 6.3)

Sec. 16-18-120. Application for zoning or Code amendment.

(a) Any person having a proprietary interest in any property within the corporate limits of the Town
requesting a change or amendment to the zoning classification of such property shall file five (5)
copies of the application for such change or amendment with the Zoning Administrator. The
application, at a minimum, shall include all of the following information:

(1) The name, address and telephone number of the applicant.
(2) The requested change or amendment clearly stated and a description of the property to be affected by such request by metes and bounds or by other legal description.

(3) A title certificate from a licensed title company or attorney shall accompany the application listing the name of the property owners and all liens, easements and judgments of record that affect the title to the subject property.

(4) A statement from the County Treasurer showing the status of all current taxes due on said parcel.

(5) A certified boundary survey of the land area to be rezoned, along with an indication of the existing zoning, predominant existing uses and existing zoning designations within one hundred (100) feet in all directions of the boundary of the land area to be rezoned.

(6) A list of surrounding property owners and their legal mailing addresses within two hundred (200) feet of the exterior boundary of the parcel proposed to be zoned or rezoned.

(7) A statement by the applicant explaining the rationale for the rezoning request relative to the standards imposed by Section 16-18-150 below.

(b) A filing fee shall be submitted with every application to cover the cost of review and processing, in accordance with the fee schedule adopted by resolution of the Board of Trustees. (Prior LUC 6.3; Ord. 634 §1, 2010)

Sec. 16-18-130. Review by Planning Commission.

(a) Before taking action on any proposed amendment, supplement or change, the Board of Trustees shall submit the same to the Planning Commission for its recommendation and report.

(b) Public hearing required. The Planning Commission shall hold a public hearing on any application for amendment or change prior to making its recommendation to the Board of Trustees.

(c) Notification requirements for zoning map amendment. When any such amendment or change relates to a change in the zoning classification of property or a change to the boundary of a zoning district, the following requirements shall be met:

(1) The Town shall publish notice of the public hearing in a newspaper of general circulation within the Town at least fifteen (15) days prior to the hearing. Such notice shall include the present and proposed zoning; the time, date and place of the hearing; the name, address and phone number of the applicant; and a map showing the land area proposed for rezoning. The Town will also cause the notice of hearing to be posted in at least one (1) public place within the Town.

(2) The applicant shall post a sign provided by the Town Clerk in a prominent location on the subject property providing notice of the public hearing at least fifteen (15) days prior to the hearing. Such notice shall include the present and proposed rezoning; the time, date and place of the public hearing; the name, address and phone number of the applicant; and a map showing the land area proposed for rezoning.

(3) When the zoning district map in any way is to be changed or amended incidental to, or as a part of a general revision of this Land Use Code, whether such revision is made by repeal of the existing zoning and/or land use regulations and enactment of new zoning and/or land use regulations, or otherwise, mailing of notice shall not be required.

(d) Notification requirements for text amendment. When any such amendment relates to a change of a regulation or to the text of this Land Use Code not affecting specific property, the Town Clerk shall cause notice of the public hearing of the Planning Commission to be given by one (1) publication in a newspaper of general circulation in the Town without the necessity of mailing notice to the owners of affected property. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than fifteen (15) days from the date of publication. (Prior LUC 6.3; Ord. 634 §1, 2010)
Sec. 16-18-140. Action by Board of Trustees.

(a) The Board of Trustees may adopt the zoning ordinance amendment on first reading, provided that at least one (1) public hearing has been held on the amendment in question, and the same shall become effective thirty (30) days after the favorable vote of a majority of the Board of Trustees present and voting, subject to, however, Mayoral disapproval provisions, and subject to referendum petitions, as provided by law. Further, as set forth in Section 31-23-305, C.R.S., a two-thirds (?) vote of all members of the Board of Trustees shall be required in favor of such amendment where there has been filed a protest with the Town Clerk at least twenty-four (24) hours prior to the governing body's vote on the amendment where such protest is signed by owners of twenty percent (20%) or more of the area of land which is subject to the proposed change or twenty percent (20%) or more of the area of land extending a radius of one hundred (100) feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys.

(b) Issues for consideration. In making its determination, the Board of Trustees shall consider the items for consideration in zoning amendments of Section 16-18-150 below, the recommendation of the Planning Commission, staff reports and the written and oral testimony presented.

(c) Notification requirements for zoning map amendment. When any such amendment or change relates to a change in the zoning classification of property or a change to the boundary of a zoning district, the following requirements shall be met:

   (1) The Town shall publish notice of the public hearing in a newspaper of general circulation within the Town at least fifteen (15) days prior to the hearing. Such notice shall include the present and proposed zoning; the time, date and place of the hearing; the name, address and phone number of the applicant; and a map showing the land area proposed for rezoning. The Town will also cause the notice of hearing to be posted in at least one (1) public place within the Town.

   (2) The applicant shall post a sign provided by the Town Clerk in a prominent location on the subject property, providing notice of the public hearing at least fifteen (15) days prior to the hearing. Such notice shall include the present and proposed rezoning; the time, date and place of the public hearing; the name, address and phone number of the applicant; and a map showing the land area proposed for rezoning.

   (3) When the zoning district map in any way is to be changed or amended incidental to or as a part of a general revision of this Code, whether such revision is made by repeal of the existing zoning and/or land use regulations and enactment of new zoning and/or land use regulations, or otherwise, mailing of notice and posting of notice on the land area proposed for rezoning shall not be required.

(d) Notification requirements for text amendment. When any such amendment relates to a change of a regulation or to the text of this Land Use Code not affecting specific property, the Town Clerk shall cause notice of the public hearing of the Board of Trustees to be given by one (1) publication in a newspaper of general circulation in the Town without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than fifteen (15) days from the date of publication. The Town will also cause the notice of hearing to be posted in at least one (1) public place within the Town. (Prior LUC 6.3; Ord. 607, 2008; Ord. 634 §1, 2010)

Sec. 16-18-150. Items for consideration in zoning amendments.

The Town shall, in its action on the rezoning request, consider the following:

   (1) Was the existing zone for the property adopted in error?

   (2) Has there been a change of character in the area (e.g., installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.)?

   (3) Is there a need for the proposed use within the area or community?
(4) Are the proposed uses compatible with the surrounding area or uses; will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?

(5) Will there be benefits derived by the community or area by granting the proposed rezoning?

(6) Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?

(7) Is the proposal in conformance with the policies, intents and requirements of the Comprehensive Plan and the Future Development Plan?

(8) Does the proposed change constitute spot zoning, as defined in Section 16-2-60 of this Land Use Code? (Prior LUC 6.3)

Sec. 16-18-160. Items for consideration in text amendments.

The Town shall, in its action on the text amendment, consider whether or not the proposed amendment is necessary in order to better achieve the purposes of this Land Use Code as listed in Section 16-1-40 of this Chapter. (Prior LUC 6.3)

Division 3 Preliminary Plats
Sec. 16-18-220. Submittal requirements.
Sec. 16-18-230. Application review procedures.


(a) Prior to the filing of a preliminary plat, the subdivider shall meet with the Zoning Administrator or his designated agent to acquaint himself with the requirements of the Town and the relationship of the proposed subdivision to the Comprehensive Plan. At such meeting, the application contents, referral agencies, review procedures, density standards, use and area standards, street requirements, utility service and the general character of the development may be discussed. At the preapplication conference, a land planner, engineer or surveyor may represent the subdivider.

(b) Optional preapplication conference with Planning Commission. At the applicant's option, a preapplication conference may be held with the Planning Commission. (Prior LUC 6.4)

Sec. 16-18-220. Submittal requirements.

The applicant shall file twenty-one (21) copies of the preliminary plat drawing measuring twenty-four (24) inches by thirty-six (36) inches. Along with copies of the preliminary plat, the applicant shall also include one (1) copy of a current title certificate from a licensed title company or attorney listing the names of the property owners and all liens, easements and judgments of record affecting the subject property, and of the preliminary plat. Such plat shall be accompanied by or show the following information:

(1) Boundary lines and bearings. Boundary lines, bearings and distances sufficient to locate the exact area proposed for subdivision. At least one (1) subdivision corner shall be referenced to a survey (abstract) corner. The area, in acres, of the subdivision shall also be shown.
(2) Adjacent subdivisions. The name and location of a portion of adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivisions in sufficient detail to show the existing streets and alleys and other features that may influence the layout and development of the proposed subdivisions. Where adjacent land is not subdivided, the name of the owner of the adjacent tract shall be shown.

(3) Intersecting streets. The angle of intersection of the centerline of all intersecting streets.

(4) Proposed streets, alleys and easements. The names, locations and widths of all streets, alleys and easements proposed for the subdivision and all known rights-of-way and/or easements within or affecting the area to be subdivided.

(5) Proposed blocks, lots and parks. The subdivision shall show all proposed streets, alleys, easements, blocks, lots, parks, etc., with their respective principal dimensions.

(6) Contours. Topographic contours at five-foot intervals and all easements or rights-of-way necessary for drainage within or outside the boundaries of the addition.

(7) Subdivision title and engineer. The title under which the proposed subdivision is to be recorded, the name of the owner and the name of the engineer or land planner who prepared the plat.

(8) Dedicated parks, playgrounds and other public uses. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

(9) Scale, north point, date and other pertinent data. The scale of the preliminary plat may be at one (1) inch equals twenty (20) feet.

(10) Name, address and telephone number. The property owner's name, address and telephone number.

(11) Proposed layout of utilities. A proposed preliminary layout of sanitary sewer and water lines to serve the subdivision.

(12) Drainage report. A general drainage report or drainage statement shall accompany the preliminary plat. This study or report shall show the acreage draining into the subdivision and points of runoff through and away from the subdivision.

(13) Protective covenants. A draft of any protective covenants where the subdivider proposes to regulate land use or development standards in the subdivision.

(14) Proposed land uses. A designation of the proposed uses of land within the subdivision and any zoning amendments requested.

(15) Vicinity map. A vicinity map on a smaller scale showing the proposed subdivision and its relationship to the surrounding area and Town limits.

(16) Application fee. A filing fee shall be submitted to cover the cost of review and processing with every preliminary plat, in accordance with the fee schedule adopted by resolution of the Board of Trustees.

(17) Preliminary master plan. If the proposed subdivision is a portion of a tract that is later to be subdivided in its entirety, a preliminary master plan of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master subdivision plan shall conform in all respects to the requirements of the preliminary plat, except it may be on a scale of not more than one (1) inch equals one hundred (100) feet. (Prior LUC 6.4; Ord. 578, 2006; Ord. 634 §1, 2010)

Sec. 16-18-230. Application review procedures.

(a) Date of filing. As described in Section 16-18-220 above and Subsection (b) below, twenty-one (21) copies of the preliminary plat application submittal shall be submitted by the applicant to the Zoning Administrator thirty (30) days prior to the Planning Commission meeting at which consideration is
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desired. The preliminary plat shall be considered officially filed after application review fees, which are established by resolution of the Board of Trustees, have been paid and after it has been examined and found to be in compliance with the introductory provisions of these regulations by the Zoning Administrator.

(b) Distribution of preliminary plats. The following notice shall be stamped on the face of each preliminary plat: "Preliminary plat - for inspection purposes only and in no way official or approved for record purposes." The Zoning Administrator shall distribute one (1) twenty-four-by-thirty-six-inch copy (unless otherwise noted) of the preliminary plat immediately upon receipt to the following:

(1) Zoning Administrator.
(2) Public Works Director.
(3) Town Engineer.
(4) Town Attorney.
(5) Electric power association.
(6) Natural gas provider.
(7) Telephone provider.
(8) School District.
(9) Fire Protection District.
(10) Parks and Recreation Director.
(11) Town Marshal.
(12) Town Clerk.
(13) Water Conservancy District.
(14) Division of Water Resources.
(15) Planning Commission/Board of Trustees(seven [7] copies).
(16) As supported by Section 31-23-225, C.R.S., when a subdivision is proposed that will cover five (5) or more acres of land, the applicant shall provide two (2) additional twenty-four-by-thirty-six-inch preliminary plat maps to be sent by the Zoning Administrator to the State geologist and the Board of County Commissioners at the time of regular distribution of the other preliminary plat maps, as described above.

(c) Comments; written report. At least ten (10) days prior to the meeting of the Planning Commission at which the plat is to be considered, each agency listed above shall submit its written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be given to the Planning Commission with the plat for its consideration. A written report shall be prepared by the Zoning Administrator and submitted to the Planning Commission at the next regular meeting. Such report should include comments relative to the proposed subdivision's compliance to these regulations, the Comprehensive Plan or other master plans, such as utility plans. The report may include comments from other municipal departments, county or state agencies concerned with urban development.

(d) Review by Planning Commission.

(1) Review. The Planning Commission shall hold a public hearing on the preliminary plat before making a decision. The Planning Commission shall act on the preliminary plat within thirty (30) days after the official filing date or within a reasonable time thereafter.

(2) Notification requirements for preliminary plat:

   a. The Town shall publish notice of the public hearing in a newspaper of general circulation within the Town at least fifteen (15) days prior to the hearing. Such notice shall include the
nature of the matters to be considered; the time, date and place of the hearing; and the
name, address and phone number of the applicant. The Town will also cause the notice of
hearing to be posted in at least one (1) public place within the Town.

b. The applicant shall post a sign provided by the Town Clerk in a prominent location on the
subject property, providing notice of the public hearing at least fifteen (15) days prior to the
hearing. Such notice shall include the present and proposed rezoning; the time, date and
place of the public hearing; the name, address and phone number of the applicant; and a
map showing the land area proposed for rezoning.

(3) Action within thirty (30) days. Following review of the preliminary plat and other materials
submitted for conformity thereof to these regulations, and negotiations with the subdivider on
changes deemed advisable and the kind and extent of improvements to be made by the
subdivider, the Planning Commission shall, within thirty (30) days or within a reasonable time
thereafter, act thereon as submitted or modified. If approved, the Planning Commission shall
express its approval as conditional approval and state the conditions of such approval, if any. If
disapproved, the Planning Commission shall express its disapproval and its reasons therefor.

(4) Notation of action. A notation of the action taken and requisite reasons therefor shall be entered
in the records of the Planning Commission. The Zoning Administrator shall provide a copy of the
decision to the applicant by mail within ten (10) days of the Planning Commission's decision.

(e) Action by Board of Trustees.

(1) Submittal to Board of Trustees. The Zoning Administrator shall, at the next regularly scheduled
Board of Trustees meeting following conditional approval or disapproval by the Planning
Commission, submit the preliminary plat with the conditions established by the Planning
Commission to the Board of Trustees for its consideration.

(2) Action by Board of Trustees. The Board of Trustees shall approve or disapprove the preliminary
plat as to street dedication and utility services, either with or without special provisions.

(f) Items for consideration. The Town shall, in its action on the preliminary plat, consider the physical
arrangement of the subdivision and determine the adequacy of street rights-of-way and alignment,
the street standards of the Town and the existing street pattern in the area, along with all applicable
provisions of the Comprehensive Plan. The Town shall also ascertain that adequate easements for
proposed or future utility service and surface drainage are provided and that the lot size and area are
adequate to comply with the minimum requirements for the underlying zone district and for the type
of sanitary sewage disposal proposed. Additionally, the Town shall ascertain the status of any and all
fees collected by the Town from the applicant.

(g) Effect of preliminary plat approval.

(1) Conditional approval not approval of final plat. Conditional approval of a preliminary plat shall
not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to
the layout submitted on the preliminary plat as a guide to the preparation of the final plat.

(2) Lapse of approval. Preliminary approval of the subdivision shall be valid for a period of twelve
(12) months from the date of approval, and the general terms and conditions under which the
preliminary approval was granted will not be changed. The Planning Commission's preliminary
approval of the subdivision shall be deemed voided unless the final plat is submitted within the
twelve-month period or unless the twelve-month period is extended by the Planning
Commission at the request of the subdivider. (Prior LUC 6.4; Ord. 578, 2006; Ord. 580, 2007;
Ord. 634 §1, 2010)

Division 4 Final Plats
Sec. 16-18-310. Final plat submittal requirements.
Sec. 16-18-320. Application review procedures.
Sec. 16-18-330. Action following approval.
Sec. 16-18-310. Final plat submittal requirements.

The owner of land on which preliminary plat approval has been obtained shall prepare and submit a final plat to the Board of Trustees. The owner shall provide a non-erasable Mylar copy of the original and seven (7) copies drawn to a scale of one (1) inch equals one hundred (100) feet. The drawing shall measure twenty-four (24) inches by thirty-six (36) inches. When necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in phases satisfactory to the Planning Commission. The final plat shall show or be accompanied by the following:

1. Control points; acres. The primary control points, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred and the area of the subdivision, in acres.

2. Boundary lines and bearings. Tract boundary lines sufficient to locate the exact area proposed for subdivision, right-of-way lines of streets, easements and other rights-of-way and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves.

3. Streets. Name and width of each street or other right-of-way.

4. Easements. Location and dimensions of all easements.

5. Lot and block numbers. Numbers to identify each lot or site and each block and the dimensions of lots and blocks.

6. Purpose of sites. The purpose for which sites, other than residential lots, are dedicated or reserved.

7. Building lines. Minimum building setback lines when required or approved by the Planning Commission.


9. Adjacent land. References to recorded subdivision plats or adjoining platted land by record name.

10. Legal description. A legal description and surveyor's certificate in the following form:

    KNOW ALL MEN BY THESE PRESENTS:

    That I, ____________________, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my supervision.

    /s/ ____________________
    Signature

11. Approval certification. Certification of approval by the Planning Commission and Board of Trustees, in the following form:

    APPROVED this _____ day of ________________, 20___, by the Planning Commission of the Town of Mancos, Colorado.

    /s/ ____________________
    Chairperson
CHAPTER 16 Land Use and Development

APPROVED this _____ day of _______________, 20___, by the Board of Trustees of the Town of Mancos, Colorado.

/s/ ______________________
Mayor

/s/ ______________________
Town Clerk

(12) Title; scale. A title, scale and north point.

(13) Street intersections. The location of the point of intersection and points of tangency of street intersections and the bearing and distance of each street right-of-way centerline.

(14) Plat identification. A positive reference and identification of the plat and date of plat.

(15) Dedication certificate. The property owner's certificate or deed of dedication. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted and shall be acknowledged in the manner prescribed by the laws for the State for conveyances of real property. In the case of surface lien holders, they may execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:
   a. An accurate description of the tract of land subdivided.
   b. A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.
   c. An express dedication without reservation to the public for public use, the streets, alleys, rights-of-way, school sites and any other public areas shown on the attached plat.
   d. A positive reference and identification of the plat of such subdivision, the date of the plat and the name of the engineer.

(16) Tax certificates. Tax certificates indicating that all taxes on the land being subdivided have been paid up to the current year.

(17) Construction plans. Three (3) sets of plans for required improvements and a set of reproducible transparent sheets, twenty-four (24) inches by thirty-six (36) inches in size, along with all data and calculations related to utilities, drainage or other construction in the subdivision. The construction plans shall conform to all requirements of the current construction design standards for the Town. Such plans shall also show all existing or proposed surface and subsurface improvements and obstructions.

(18) Filing fee. A filing fee to cover the cost of review, in accordance with the fee schedule adopted by resolution of the Board of Trustees. (Prior LUC 6.5; Ord. 634 §1, 2010)

Sec. 16-18-320. Application review procedures.

(a) Date of filing. After approval of the preliminary plat by the Planning Commission and Board of Trustees and within twelve (12) months of the approval date, unless extended for up to one (1) additional year by action of the Planning Commission, the subdivider may submit for approval the final plat. The application, meeting all the requirements of Section 16-18-310 above shall be
submitted to the Zoning Administrator at least thirty (30) days prior to the meeting at which consideration is desired. The official filing date of the final plat shall be the date upon which the plat and construction drawings are found to be in full compliance with the provisions of the preliminary approval after examination by the Zoning Administrator.

(b) Conformance with preliminary plat. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat that he proposes to record and develop at the time; provided however, that such portion conforms to all requirements of these regulations.

(c) Review of construction plans. After the presentation of the construction plans for a subdivision to the Zoning Administrator, the Zoning Administrator shall submit the construction plans to the Public Works Director for review. The Public Works Director shall review the plans and submit to the Planning Commission his report at the final plat presentation. The developer shall pay the reasonable cost of review of the construction plans before the final plat is presented to the Board of Trustees.

(d) Action by Board of Trustees. The Zoning Administrator shall submit the final plat to the Board of Trustees, along with any preliminary plat conditions established by the Planning Commission preliminary plat and an appropriate recommendation. The Board of Trustees shall hold a public hearing on the final plat prior to taking action. The Board of Trustees shall act on the final plat within thirty (30) days after the official filing date or within a reasonable time thereafter. The Board of Trustees shall consider all proposals with respect to the dedication of rights-of-way for public use, the construction of utilities, streets, drainage and other improvements, the status of conditions met as established by the preliminary plat approval, the status of all fees paid to the Town and proof of school land dedication or a payment of a cash-in-lieu fee to the Mancos School District as determined by the Mancos School District, and, when satisfied with the proposals, shall authorize the establishment of agreements for such proposals.

(1) Review in stages. An owner or subdivider, at his option, may obtain approval of a portion or a section of a subdivision, provided that he meets all the requirements of this Land Use Code with reference to such portion or section in the same manner as is required for a complete subdivision. In the event a subdivision and the final plat thereof are approved by the Board of Trustees in sections, each final plat of each section is to carry the name of the entire subdivision, but is to bear a distinguishing letter, number or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in phases.

(2) Approval by Board of Trustees. After the Board of Trustees has determined that the plat is in proper form, that the arrangement of the development proposed for the property being subdivided is consistent with zoning regulations and that the subdivision complies with the provisions of this Land Use Code, it shall act to approve the plat.

(3) Disapproval by Board of Trustees. Final plats that are disapproved by the Board of Trustees shall be returned to the subdivider by the Zoning Administrator with an attached statement of the reasons for such action. (Prior LUC 6.5; Ord. 580, 2007)

Sec. 16-18-330. Action following approval.

(a) Certification of approval. The Board of Trustees' approval and execution of the Board of Trustees certificate of approval on the final plat shall authorize the chairperson of the Planning Commission to execute the Planning Commission certificate of approval on the plat. In no case shall additions, corrections or modifications of any kind be made to the final plat, other than signatures required, after the Board of Trustees has approved the final plat and/or to meet conditions of approval as determined by the Board of Trustees.

(b) Recordation of plats. The final plat for any subdivision located within the corporate limits of the Town shall then be caused to be filed of record by the subdivider in the plat records of the County, but only after the Board of Trustees has officially acted upon the final plat with reference to improvements,
dedications and utilities. All fees, including recording and review fees, shall be paid by the developer. If, for any reason, the final plat has not been recorded within ninety (90) days of Board of Trustees approval, the approving actions shall be deemed void. (Prior LUC 6.5)

**Division 5 Improvements and Performance Guarantees**

**Sec. 16-18-410. Improvements agreement.**

Prior to the issuance of a building permit and the recording of a final plat, an applicant shall submit for approval to the Board of Trustees an improvements agreement for construction of any required public improvements designated on the final plat. (Prior LUC 6.6)

**Sec. 16-18-420. Performance guarantee.**

(a) Prior to the issuance of any building permit, the Board of Trustees shall require an applicant to file a financial guarantee in order to ensure compliance with any or all requirements of the Board of Trustees stipulated in the improvements agreement and the final plat.

(b) The financial guarantee, in the judgment of the Board of Trustees, shall be sufficient to make reasonable provision for completion of said improvements in accordance with design and time specifications.

(c) Ordinarily, an irrevocable letter of credit to the Board of Trustees from a commercial bank, savings and loan institution, insurance company or other qualified lending institution licensed or authorized to do business in the State in a form satisfactory to the Mayor shall be required.

(d) Nothing in this Section shall preclude the Board of Trustees from approving other forms of financial security. (Prior LUC 6.6; Ord. 634 §1, 2010)

**Sec. 16-18-430. Release of collateral.**

(a) As public improvements are made, an applicant may apply to the Board of Trustees for release of part or all of the collateral deposited with the Board of Trustees.
(b) Upon inspection and approval, the Board of Trustees shall release collateral, provided that, in the event a combination of forms of collateral has been accepted, the Board of Trustees shall release collateral on a priority basis it deems appropriate.

(c) If the Board of Trustees determines that any of the required improvements are not constructed in substantial compliance with specifications, it shall furnish to the applicant a list of specifications and shall be entitled to withhold collateral sufficient to ensure substantial compliance.

(d) If the Board of Trustees determines that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the Board of Trustees may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications. (Prior LUC 6.6; Ord. 634 §1, 2010)

Sec. 16-18-440. Form of agreement.

All improvement agreements shall utilize the standard Town template (guide) for the format and content of such agreements. The template may be obtained from the Town Clerk. (Prior LUC 6.6)

Sec. 16-18-450. Acceptance of subdivision improvements; time frame for completion.

(a) Plan resubmittal. If construction has not commenced within one (1) year after approval of the plans, resubmittal of plans may be required by the Public Works Director for meeting current standards and engineering requirements. These plans will be reviewed and comments noted within fifteen (15) working days after submittal. A fee, as provided for in the fee schedule adopted by resolution of the Board of Trustees, is required upon the resubmittal of plans for review. Construction shall mean the start or commencement of construction of Town-maintained facilities.

(b) Expiration and extension of approval. If the public improvements for a subdivision have not been constructed and accepted by the Town, and the corresponding final plat for said subdivision filed in the plat records of the County within thirty-six (36) months from the date of final plat approval by the Town, said final plat shall be null and void and shall conclusively be deemed to be withdrawn, without further action by the Town; provided however, that this provision shall not apply to final plats approved by the Town prior to the adoption of this Land Use Code (May 26, 1999). If the public improvements for a subdivision that was approved prior to said adoption have not been constructed and accepted by the Town, and the corresponding final plat for said subdivision filed in the map and plat records of the County within thirty-six (36) months of the original adoption of the Land Use Code (May 26, 1999), said final plat shall be null and void and shall conclusively be deemed to be withdrawn without further action by the Town. An approved, unexpired final subdivision plat may be extended once for a period not to exceed thirty-six (36) months, pursuant to the following provisions:

(1) The Board of Trustees may extend the approval of the final plat, for good cause shown by the applicant, if there has been no significant change in development conditions affecting the subdivision plan and the plat continues to comply with all applicable standards and ordinances.

(2) A request for an extension of time to complete final public improvements for a subdivision pursuant to these provisions shall be submitted to the Zoning Administrator no later than the date the final subdivision plat expires. The request shall be in writing, and the application shall state the reason and justification for the requested extension. (Prior LUC 6.7; Ord. 634 §1, 2010)

Sec. 16-18-460. Improvements required.

The improvement of all streets, sidewalks, alleys, streetlights and drainageways, as herein required, shall be in accordance with the standard specifications for installation of such improvements, as described in the current construction design standards for the Town. The Town shall withhold all
improvements and services of whatsoever nature from all additions that have not been approved in accordance with the regulations herein contained. (Prior LUC 6.7)

Sec. 16-18-470. Inspection; fee.

(a) The Public Works Director shall be notified three (3) days before any construction is begun on such public improvements in order that proper supervision and inspection may be provided. All construction work, such as street grading, street paving, storm sewers, curb and/or gutter work, sanitary sewers or water mains performed by the owner, developer or contractor, shall be subject to inspection during construction by the proper authorities of the Town and shall be constructed in accordance with the standard specifications approved by the Board of Trustees and in accordance with any other provisions of this Code applicable thereto.

(b) Prior to the acceptance of a subdivision by the Town, the subdivider shall reimburse the Town for all design review and inspection costs incurred by the Town for design review and inspection of the water and sewer utilities, drainage facilities, streets and other public improvements in each subdivision. (Prior LUC 6.7; Ord. 634 §1, 2010)

Sec. 16-18-480. Street posts and markers.

The developer shall pay the cost of purchasing and installing street posts and markers at each street intersection, which posts and markers shall be the same type as used throughout the Town. The cost of such street posts and markers shall be paid to the Town Clerk upon final approval of construction plans for the subdivision. No subdivision construction, including but not limited to street grading, street paving, storm sewer installation, curb and gutter work, sanitary sewer and water main installation, can begin until the cost of purchasing and installing such street posts and markers is paid to the Town Clerk. (Prior LUC 6.7)

Sec. 16-18-490. Traffic signs.

The developer shall pay the costs of purchasing and installing traffic signs at each street intersection, which traffic signs and posts shall be the same type as used throughout the Town. (Prior LUC 6.7)

Sec. 16-18-500. Street lighting.

The developer shall pay the costs of purchasing and installing all street lighting equipment. The developer shall also pay the cost of all street lighting service for a period of two (2) years or until such time as seventy percent (70%) of the buildings for which building permits have been issued are completed, whichever is sooner. Prior to the issuance of any building permits or certificates of occupancies in the subdivision, the developer shall enter into a contract with the Town, in a form approved by the Town, setting forth the specific street lighting requirements for such subdivision. The type of equipment, method of installation and location of the wiring and light poles shall meet the minimum standards and requirements of the electric company from which electricity is to be purchased. (Prior LUC 6.7)

Sec. 16-18-510. Street improvements.

(a) All final plats shall be subject to the following requirements regarding street improvements, provided that compliance with this Subsection shall not be required for plat amendments approved and issued pursuant to Division 7 of this Article.

(b) No permit will be issued on property abutting any street in a subdivision prior to the approval of street grades and street improvements by the Public Works Director. Construction of the street
improvements as required by the provisions of this Land Use Code will not be necessary where the Public Works Director has determined that such street improvements are not possible or practical at the time the street improvements are required to be constructed. In the event the Public Works Director makes such a determination, the Public Works Director shall prepare a cost estimate for the construction for the required street improvements. The developer shall enter into an agreement with the Town, in a form approved by the Town, for the deposit of funds in accordance with the agreement and shall have no further liability for the construction of the required street improvements. The terms and conditions under which construction shall be accomplished and a disposition of the escrow account shall be provided for in the agreement. In lieu of depositing such funds in escrow, an irrevocable letter of credit made out to the Town in an amount approved by the Town and in a form approved by the Town Attorney will be accepted.

(c) No permit will be issued on property in a subdivision abutting a state highway until compliance with the following has been met:

(1) The Zoning Administrator shall make a determination whether the State will require participation in the cost of the improvements and shall prepare a cost estimate for the required participation of the improvement of the state roadway.

(2) In the event participation in the cost of improvements is required, the developer shall enter into an agreement with the Town, in a form approved by the Town, to deposit funds equal to the required cost of participation, including the cost for curbs, gutters, parallel storm sewer system, rights-of-way and utility adjustments.

(3) The developer shall then deposit funds in accordance with the agreement and shall have no further liability for the construction of the required street improvements. The terms and conditions under which construction shall be accomplished and a disposition of the escrow account shall be provided for in the agreement.

(d) Guarantee for construction or maintenance of streets. Approval of the plat shall not impose any duty upon the Town or County concerning the maintenance of improvements of any such dedicated parts until the proper authorities of the Town or County have made acceptance of the same by entry, use or improvement. (Prior LUC 6.7)

Sec. 16-18-520. As-built plans.

Prior to the acceptance of a subdivision by the Town, the engineer for the developer shall submit to the Town staff a complete set of drawings of the paving, drainage, water and sewer improvements showing all changes made in the plans during construction and containing on each sheet an "As-built" stamp bearing the signature of the engineer and the date. In addition, one (1) reproducible drawing of the utility plan sheets, containing the "As-built" information, shall be submitted. (Prior LUC 6.7)

Sec. 16-18-530. Maintenance bond.

Prior to the acceptance of a subdivision by the Town, the subdivider shall furnish a good and sufficient maintenance bond in the amount of ten percent (10%) of the contract price with a reputable and solvent corporate surety in favor of the Town, to indemnify the Town against any repairs that may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the entire project. (Prior LUC 6.7)

Division 6 Mandatory Homeowners' Association

Sec. 16-18-610. Applicability.
Sec. 16-18-620. Approval.
Sec. 16-18-630. Responsibilities.
Sec. 16-18-610. Applicability.

When a residential subdivision contains any physical facilities, structures, improvements, systems, areas or grounds held in common and necessary or desirable for the welfare of the area or subdivision, or that are of common use or benefit and that are not or cannot be satisfactorily maintained by the Town or another public agency, the Town may require the establishment and creation of a mandatory homeowners’ association to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities, structures, improvements, systems, areas or grounds. (Prior LUC 6.8)

Sec. 16-18-620. Approval.

If the establishment and creation of a mandatory homeowners’ association is required by the Town, a copy of the agreements, covenants and restrictions establishing and creating the association must be approved by the Town Attorney and Board of Trustees prior to the approval of the final plat of the subdivision and must be filed of record with said final plat in the map and plat records of the County. Said final plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by said association. (Prior LUC 6.8)

Sec. 16-18-630. Responsibilities.

Such mandatory homeowners’ associations shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, common areas, between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowners’ association as required herein is established and created. (Prior LUC 6.8)

Sec. 16-18-640. Dedications to association.

All facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by a mandatory homeowners’ association, other than those located in public easements or rights-of-way, shall be dedicated by easement or deeded in fee simple ownership interest to said association. Such easements or ownership shall be clearly identified on the final plat of the applicable subdivision. (Prior LUC 6.8)

Sec. 16-18-650. Contents of agreements.

At a minimum, the agreements, covenants and restrictions establishing and creating a mandatory homeowners’ association required herein shall contain and/or provide for the following:

1. Definitions of terms contained therein;

2. Provisions acceptable to the Town for the establishment and organization of the mandatory homeowners’ association and the adoption of bylaws for said association, including provisions requiring that the owner of any lot within the applicable subdivision and any successive buyer shall automatically and mandatorily become a member of the association;
(3) The initial term of the agreements, covenants and restrictions establishing and creating the association shall be for a twenty-five-year period and shall automatically renew for successive ten-year periods, and the association may not be dissolved without the prior written consent of the Town;

(4) Provisions acceptable to the Town to ensure the continuous and perpetual use, operation, maintenance and/or supervision of all facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association and to establish a reserve fund for such purposes;

(5) Provisions prohibiting the amendment of any portion of the association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association without the prior written consent of the Town;

(6) The right and ability of the Town or its lawful agents, after due notice to the association, to remove any landscape systems, features or elements that cease to be maintained by the association; to perform the responsibilities of the association if the association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the association or of any applicable Town codes or regulations; to assess the association for all costs incurred by the Town in performing said responsibilities if the association fails to do so; and/or to avail itself of any other enforcement actions available to the Town pursuant to state law or Town codes or regulations; and

(7) Provisions indemnifying and holding the Town harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorneys' fees and costs of suit, incurred or resulting from the Town's removal of any landscape systems, features or elements that cease to be maintained by the association or from the Town's performance of the aforementioned operation, maintenance or supervision responsibilities of the association due to the association's failure to perform said responsibilities. (Prior LUC 6.8)

Division 7 Plats and Condominiums

Sec. 16-18-710. Replats and plat amendments.
Sec. 16-18-720. Minor subdivision plats.
Sec. 16-18-730. Application review procedures.
Sec. 16-18-740. Review by Planning Commission.
Sec. 16-18-750. Action by Board of Trustees.
Sec. 16-18-760. Action following approval.
Sec. 16-18-770. Condominium subdivision.
Sec. 16-18-780. Traffic mitigation plan.
Sec. 16-18-790. Additional submittal requirements for final condominium plats.
Sec. 16-18-800. Application review procedures for preliminary and final condominium subdivision plats.
Sec. 16-18-810. Application review procedures for as-built condominium subdivision plats.
Sec. 16-18-820. Standards for review of condominium subdivisions.
Sec. 16-18-830. Additional standards for review of condominium conversions.
Sec. 16-18-710. Replats and plat amendments.

Replats shall be subject to all of the requirements of this Land Use Code regarding preliminary plats and final plats; provided, however, that the Board of Trustees shall be authorized to approve an amending plat without notice or hearing where the replat or plat amendment is solely one (1) or more of the following purposes and does not remove any covenants or restrictions or increase the number of lots:

1. The purpose of the amendment is to correct an error in any course or distance shown on the prior plat.

2. The purpose of the amendment is to add any course or distance that was omitted on the prior plat.

3. The purpose of the amendment is to correct an error in the description of the real property shown on the prior plat.

4. The purpose of the amendment is to indicate monuments set after death, disability or retirement from practice of the engineer responsible for setting the monuments.

5. The purpose of the amendment is to show the proper location or character of any monument that has been changed in location or character or that originally was shown at the wrong location or incorrectly as to its character on the prior plat.

6. The purpose of the amendment is to correct any other type of clerical error or omission in the previously approved plat.

7. The purpose of the amendment is to correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not have a material adverse effect on the property rights of the owners in the plat.

8. The purpose of the amendment is to relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement.

9. The purpose of the amendment is to relocate or vacate one (1) or more lot lines between one (1) or more adjacent lots where the owners of all such lots join in the application for the plat amendment. (Prior LUC 6.9)

Sec. 16-18-720. Minor subdivision plats.

(a) General. Notwithstanding any other provision of this Land Use Code, and following review and recommendation of the Planning Commission, minor subdivision plats may be approved by the Board of Trustees without notice or hearing where all of the following conditions are met:

1. No streets, roads, extensions or access easements need to be widened, dedicated or developed.

2. All utilities, other than individual service lines, needed to serve the resulting lots are in place immediately adjacent to each lot.

3. The resulting lots shall be in compliance with all zoning provisions, area and bulk requirements and any other applicable requirements of this Land Use Code.

4. There are no other problems of public concern.

(b) Preapplication conference. Prior to the filing of a minor subdivision plat application, the applicant shall meet with the Zoning Administrator to acquaint himself with the requirements of the Town. At such meeting, the application contents, referral agencies, review procedures, use and area standards and the general character of the development may be discussed. A land planner, engineer or surveyor may represent the applicant.
(c) Minor subdivision plat submittal requirements. The applicant shall file seven (7) copies of an application requesting approval of a minor subdivision plat that shall include all submittal requirements for preliminary and final plats in accordance with Section 16-18-220 and Section 16-18-310 of this Article, respectively, along with evidence of compliance with Subsection (a) above. (Prior LUC 6.11)

Sec. 16-18-730. Application review procedures.

(a) Date of filing. Six (6) copies of the minor subdivision plat application, as described in Subsection 16-18-720(c) above, shall be submitted to the Zoning Administrator. The application shall be considered officially filed after application review fees, that are established by resolution of the Board of Trustees, have been paid and after the application has been examined and found to be in compliance with the general provisions of these regulations by the Zoning Administrator.

(b) Distribution of minor subdivision plats. The Zoning Administrator shall distribute the minor subdivision plats immediately upon receipt to the following:

(1) Zoning Administrator: one (1) copy.
(2) Public Works Director: one (1) copy.
(3) Electric power association: one (1) copy.
(4) School District: one (1) copy.
(5) Fire Protection District: one (1) copy.
(6) Town Clerk: one (1) copy for the public record.

(c) Comments; written report. Within twenty (20) days, each agency listed above shall submit its written recommendations concerning the plat in question to the Zoning Administrator. The recommendations shall be submitted to the Board of Trustees along with the plat and the Zoning Administrator's written report. Such report should include comments relative to the proposed subdivision's compliance to these regulations, the Comprehensive Plan or other master plans, such as utility plans. The report may include comments from other municipal departments or county or state agencies concerned with urban development. (Prior LUC 6.11)

Sec. 16-18-740. Review by Planning Commission.

(a) The Planning Commission shall review the minor subdivision plat in a regular meeting before making a decision. Following review of the minor subdivision plat and other materials submitted for conformity thereof to these regulations and negotiations with the subdivider on changes deemed advisable, the Planning Commission shall, within thirty (30) days or within a reasonable time thereafter, act thereon as submitted or modified. If approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any. If disapproved, the Planning Commission shall express its disapproval and its reasons therefor.

(b) A notation of the action taken and requisite reasons therefor shall be entered in the records of the Planning Commission. The Zoning Administrator shall provide a copy of the decision to the applicant by mail within ten (10) days of the Planning Commission's decision. (Prior LUC 6.11; Ord. 634 §1, 2010)

Sec. 16-18-750. Action by Board of Trustees.

(a) After the Zoning Administrator has determined that the conditions of Section 16-18-720 above are satisfied and that the plat is in proper form, the lot sizes and areas are adequate to comply with the minimum requirements for the underlying zone district, he shall submit the plat to the Board of Trustees with his recommendation and that of the Planning Commission.
(b) Notification requirements for minor subdivision plat. There shall be no notification requirements for minor subdivision plats.

(c) Approval. The Zoning Administrator shall notify the Board of Trustees at the next Board of Trustees meeting of his recommendation on the minor subdivision plat. At that time, the Board of Trustees may vote to review the application at its regular meeting, or it may vote to approve the plat and authorize the Mayor to sign the plat.

(d) Disapproval. Minor subdivision plats that are disapproved by the Board of Trustees shall then be returned to the subdivider by the Zoning Administrator with an attached statement of the reasons for such action. (Prior LUC 6.11)

Sec. 16-18-760. Action following approval.

(a) The Board of Trustees' approval of the minor subdivision plat shall be evidenced by the execution of the Board of Trustees' certificate of approval on the plat. In no case shall additions, corrections or modifications of any kind be made to the minor subdivision plat, other than signatures required after the Board of Trustees has approved the minor subdivision plat and/or to meet conditions of approval as determined by the Board of Trustees.

(b) The minor subdivision plat for any subdivision located within the corporate limits of the Town shall then be caused to be filed of record by the subdivider in the plat records of the County, but only after the Board of Trustees has officially acted upon the minor subdivision plat with reference to improvements, dedications and utilities, and all fees, including recording, review fees and cash in lieu of public land dedication, shall be paid by the developer.

(c) If, for any reason, the minor subdivision plat has not been recorded within ninety (90) days of Board of Trustees approval, the approving actions shall be deemed void. (Prior LUC 6.11)

Sec. 16-18-770. Condominium subdivision.

(a) General. This Section provides review procedures, submittal requirements and standards for review to ensure that the creation or conversion of condominium subdivisions will comply with the International Building Code as amended by the Town and other provisions of this Land Use Code.

(b) Preapplication conference. Prior to the filing of a condominium subdivision or conversion application, the applicant shall meet with the Zoning Administrator or his designated agent to acquaint himself with the requirements of the Town.

(c) Submittal requirements. The applicant shall file nine (9) copies of an application requesting approval of a condominium subdivision and of a title certificate from a licensed title company or attorney listing the name of the property owners and all liens, easements and judgments of record affecting the subject property.

(d) The application shall be accompanied by nine (9) copies of a preliminary condominium plat/map showing:

1. Name and heading. The exact name of the proposed condominium subdivision shall be placed on the plat. The heading of the final condominium plat shall include the complete name of the condominium subdivision, the land sections, township, range, principal meridian and "Town of Mancos, Montezuma County, Colorado."

2. Scale, arrow and date. A written and graphic scale, north arrow and the date of preparation.

3. Location. The location of the condominium subdivision by reference to streets, lots and blocks.

4. Lot and property lines. The lot lines and property lines to the one-hundredth (1/100) of a foot.

5. Zoning and densities. The zoning and existing densities on adjacent properties.

6. Parking and trash. The required parking spaces and the joint trash collection areas.
(7) Separate, common and limited common elements.
   a. Floor plans, elevations and site plan to show separate ownership of all separate units, common elements and limited common elements labeled as such and numbered for ease of identification. All dimensions shall be to the nearest one-hundredth (1/100) of a foot, or other scale specified by the Zoning Administrator; and
   b. Number, type and floor area of units, common elements and limited elements, delineated in square feet and fractions thereof; proposed use for each unit; land area; percentage of open space; and lot coverage.

(8) Statement of the number of units. A statement of the total number of units.

(e) The application shall be accompanied by nine (9) copies of the following:
   1. Condominium declarations. Condominium declarations shall be submitted establishing a unit owners' association that shall be responsible for the maintenance of common elements and limited elements and in accordance with the requirements of Division 6 of this Article. The condominium declarations shall incorporate clear provisions for giving notice by third parties to the unit owners association or corporation on behalf of the unit owners and any development or special declarant rights issued to the declarant.
   2. Articles of incorporation.
   3. Bylaws. Bylaws of the unit owner's association or corporation, unless exempt under Section 38-33-106, C.R.S. (Prior LUC 6.12; Ord. 634 §1, 2010)

Sec. 16-18-780. Traffic mitigation plan.

A traffic mitigation plan, if the condominium subdivision will increase the total number of dwelling units on the parcel or lot, may be required by the Planning Commission. (Prior LUC 6.12)

Sec. 16-18-790. Additional submittal requirements for final condominium plats.

(a) In addition to the above submittal requirements, the following statements shall be required on the final condominium plat:
   1. Legal description. A legal description of the subject property.
   2. Surveyor's certificate. A surveyor's certificate, in the following form:

   I, (printed name of land surveyor), being a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat and survey of (NAME OF CONDOMINIUM SUBDIVISION IN CAPITAL LETTERS) was made by me and under my supervision and that both are accurate to the best of my knowledge. I further certify that monuments and markers were set as required by the applicable provisions of Title 38, Articles 50 and 51, C.R.S.

   3. Dedication certificate. The property owner's certificate or deed of dedication. The dedication deed or certificate of dedication shall be executed by all persons owning an interest in the property subdivided and platted and shall be acknowledged in the manner prescribed by the laws for the State for conveyances of real property. In the case of surface lien holders, they may execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes. The dedication deed or certificate of dedication shall, in addition to the above requirements, contain the following:

   a. An accurate description of the tract of land subdivided.
   b. A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land.
c. An express dedication without reservation to the public for public use; the streets, alleys, rights-of-way, school site and any other public areas shown on the attached plat.

d. A positive reference and identification of the plat of such subdivision, date of plat and engineer.

(4) Treasurer's certificate. Tax certificates indicating that all taxes on the land being subdivided have been paid through the current year.

(5) Approval certification. Certification of approval by the Planning Commission and Board of Trustees, in the following form:

APPROVED this ___ day of ___________, 20___, by the Planning Commission of the Town of Mancos, Colorado.

/s/ __________________________
Chairman

Attest:

/s/ __________________________
Town Clerk

APPROVED this ___ day of ___________, 20___, by the Board of Trustees of the Town of Mancos, Colorado.

/s/ __________________________
Mayor

Attest:

/s/ __________________________
Town Clerk

(6) Filing fees. Filing fees to cover the cost of review shall be submitted with the preliminary, final and as-built condominium subdivision applications, in accordance with the fee schedule adopted by resolution of the Board of Trustees.

(b) In addition to the above submittal requirements, after final plat approval and prior to the issuance of a certificate of occupancy, the applicant shall submit three (3) copies of an as-built plat, including all information required in Paragraphs 16-18-770(d)(1) through (8) above, with the following exceptions:

(1) The title "As-built Plat" shall appear at the top with "Final Plat (prior reception number) Amendment" directly underneath.

(2) The location shall be indicated for all completed improvements, such as buildings, parking, easements, service lines and mains. (Prior LUC 6.12; Ord. 634 §1, 2010)
Sec. 16-18-800. Application review procedures for preliminary and final condominium subdivision plats.

(a) The procedures and standards for review and approval of a condominium subdivision shall be the same as that specified for other subdivisions (see Article 15 and Sections 16-18-230 and 16-18-320 of this Chapter).

(b) Condominium conversion shall be reviewed as a minor subdivision, regardless of the number of units proposed for conversion (see Sections 16-18-730 through 16-18-750 of this Article for procedures; and Article 15 of this Chapter for subdivision standards).

(c) Any subsequent change in the approved uses for a condominium subdivision shall be subject to the same review procedures as would be applied to a new condominium subdivision.

(d) Notwithstanding anything in this Land Use Code to the contrary, no requirement for public improvements, dedication of land to public use or cash-in-lieu or other subdivision requirement shall be imposed as a condition of approval for a condominium subdivision or common-interest community, which would not be imposed upon a physically identical development under a different form of ownership. This provision shall not be construed to prevent the Town from imposing the review requirements of this Land Use Code upon any change of use, expansion of use, increase in intensity of use or other change in a condominium or common-interest community unrelated to its form of ownership. (Prior LUC 6.12)

Sec. 16-18-810. Application review procedures for as-built condominium subdivision plats.

The Zoning Administrator shall review as-built plats within fifteen (15) days of the submittal of the plat. If the Zoning Administrator is satisfied that the proper dedications have been made and that the plat accurately depicts the completion of the improvements in a manner that is substantially consistent with the approved final plat, the Zoning Administrator shall present the as-built plat to the Mayor for signature and shall cause the as-built plat and other appropriate documents to be filed of record by the developer in the plat records of the County. (Prior LUC 6.12)

Sec. 16-18-820. Standards for review of condominium subdivisions.

(a) Condominium subdivisions shall comply with the review standards applied to other subdivisions in Article 15 of this Chapter and Division 6 of this Article.

(b) Condominium subdivisions shall comply with the following supplemental review standards:

(1) The density of the development as proposed for condominium subdivision shall not be greater than the maximum density as allowed by the underlying zone district.

(2) If the condominium subdivision will increase the total number of dwelling units on the parcel or lot, the traffic impacts of the proposed condominium subdivision shall be evaluated and any impacts to the neighborhood must be mitigated.

(3) Each individual condominium unit shall have separate utility service, including individual meters and shut-off valves.

(c) As-built plats shall accurately depict the location of all completed improvements, and such improvements shall be substantially consistent with the improvements shown on the approved final plat. (Prior LUC 6.12)
Sec. 16-18-830. Additional standards for review of condominium conversions.

In addition to complying with the review standards applied to other subdivisions and condominium subdivisions by this Land Use Code, condominium conversions shall comply with the following standards:

1. Prior to the submission of a preliminary plat that would convert an existing multi-unit development to condominium units, the owner of such property shall meet with the Zoning Administrator regarding the proposed conversion and shall demonstrate that the following provisions have been met:
   a. The structure subject to the proposed condominium conversion shall meet current off-street parking requirements for the underlying zone district found in Section 16-16-20 of this Chapter. Each residential condominium unit shall be considered a separate dwelling unit for purposes of determining parking compliance.
   b. A minimum one-hour firewall may be required between units as a condition of Town approval of any condominium plat involving a condominium conversion.

2. Owners of properties proposed for condominium conversion shall notify all residential tenants in writing of the conversion at least ninety (90) days prior to termination of any residential tenancy in accordance with Section 38-33-112, C.R.S. Copies of such notification shall be filed with the Town Clerk as proof of notification. (Prior LUC 6.12)

ARTICLE 19 Appeals and Variances
Division 1 - Appeals

Division 2 - Variances

Division 3 - Special Exceptions

Division 1 Appeals

Sec. 16-19-10. Authority of Board of Adjustment.
Sec. 16-19-20. Application for appeal.
Sec. 16-19-30. Filing fee.
Sec. 16-19-40. Stay of proceedings.
Sec. 16-19-50. Hearing and notice.
Sec. 16-19-60. Appeals to court.

Sec. 16-19-10. Authority of Board of Adjustment.

The Board of Adjustment, in conformity with the provisions of the state statutes as existing or hereafter, may amend, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and make such order, requirement, decision or determination in the Board's opinion, as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken. (Prior LUC 6.14; Ord. 575, 2006)
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Sec. 16-19-20. Application for appeal.

Appeals to the Board of Adjustment can be filed by any person aggrieved or by any officer, department or board of the Town affected by the decision of the Building Official. Such appeal shall be filed within thirty (30) days after the decision has been rendered by the administrative officer, by filing with the officer from whose decision the appeal is filed and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whose decision the appeal is filed shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. (Prior LUC 6.14; Ord. 575, 2006; Ord. 634 §1, 2010)

Sec. 16-19-30. Filing fee.

A filing fee shall be submitted to cover the cost of review and processing with every appeal, in accordance with the fee schedule adopted by resolution of the Board of Trustees. (Prior LUC 6.14)

Sec. 16-19-40. Stay of proceedings.

An appeal shall stay all proceedings of the action appealed from, unless the officer whose decision is being appealed certifies to the Board of Adjustment after the notice of appeal has been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order that may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. (Prior LUC 6.14; Ord. 575, 2006; Ord. 634 §1, 2010)

Sec. 16-19-50. Hearing and notice.

The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give due notice to the parties and decide the same within a reasonable time. Public notice will be provided as follows:

1. The Town shall publish notice of the public hearing to be given by one (1) publication in a newspaper of general circulation in the Town without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than fifteen (15) days from the date of publication.

2. The applicant shall post a sign provided by the Town Clerk in a prominent location on the subject property providing notice of the public hearing at least fifteen (15) days prior to the hearing. Such notice shall state the time and place of such hearing; the nature of the subject to be considered; the name, address and phone number of the applicant; and a map showing the land area affected. (Prior LUC 6.14; Ord. 575, 2006; Ord. 634 §1, 2010)

Sec. 16-19-60. Appeals to court.

Every decision of the Board of Adjustment shall be subject to review by certiorari, as provided by Rule 106(a)(4), Colorado Rules of Civil Procedure. Such appeal may be filed by any person aggrieved or by an officer, department, board or bureau of the Town. Such appeal shall be filed within such time as provided by the Colorado Rules of Civil Procedure. A notice of appeal, in writing, specifying the grounds for such an appeal, shall also be filed with the Board of Adjustment within thirty (30) days of the final written decision of the Board. (Prior LUC 6.14; Ord. 575, 2006; Ord. 634 §1, 2010)

Division 2 Variances
Sec. 16-19-110. Purpose.
Sec. 16-19-120. Authority.
Sec. 16-19-110. Purpose.

Variance are deviations or modifications of height, yard, area and lot coverage and parking regulations of the applicable zone district where development is proposed that would not be contrary to the public interest, and, due to special physical site conditions, a literal enforcement of the provisions of this Land Use Code would result in unnecessary hardship. Variance or modification of the dimensional standards may be permitted as may be necessary to secure appropriate development of a parcel of land that differs from other parcels in the district by being of such restricted area, shape or slope that it cannot be appropriately developed without such modification. (Prior LUC 6.15)

Sec. 16-19-120. Authority.

(a) The Board of Adjustment, in accordance with the procedures, standards and limitations of this Section, shall approve, approve with conditions or disapprove an application for a variance permit after receiving a recommendation from the Zoning Administrator.

(b) Alternatively, and in conjunction with the review of subdivision applications, the Board of Trustees shall be authorized to grant variances subject to the requirements of this Division. (Prior LUC 6.15; Ord. 575, 2006)

Sec. 16-19-130. Procedure.

(a) Submittal requirements. The applicant shall file three (3) copies of an application requesting a variance. The application shall be accompanied by or show the following:

(1) The street address and legal description of the property affected;

(2) A site plan and any and all other information necessary to clearly demonstrate eligibility for the requested variance based upon the required findings in Section 16-19-140 below; and

(3) A filing fee to cover the cost of review, in accordance with the fee schedule adopted by resolution of the Board of Trustees.

(b) Public hearing and notice. The Board of Adjustment shall hold a public hearing on an application for a variance permit. At the public hearing, the Board of Adjustment shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing. After the close of the public hearing, the Board of Adjustment shall vote to approve, approve with conditions or disapprove the application for a variance, in accordance with the required findings of Section 16-19-140 below. The concurring vote of four (4) members of the Board of Adjustment is required to effectuate a variance.

(1) The Town shall publish notice of the public hearing to be given by one (1) publication in a newspaper of general circulation in the Town without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than fifteen (15) days from the date of publication.
(2) The applicant shall post a sign provided by the Town Clerk in a prominent location on the subject property, providing notice of the public hearing at least fifteen (15) days prior to the hearing. Such notice shall state the time and place of such hearing; the nature of the subject to be considered; the name, address and phone number of the applicant; and a map showing the land area affected.

(c) Notice of decision. The Zoning Administrator shall provide a copy of the decision to the applicant by mail within ten (10) days of the Board of Adjustment's decision. (Prior LUC 6.15; Ord. 575, 2006; Ord. 634 §1, 2010)

Sec. 16-19-140. Required findings.

In exercising its power to grant a variance in accordance with this Land Use Code, the Board of Adjustment shall make finding and show in its minutes that:

(1) There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and zone district;

(2) A variance is necessary to permit the applicant the same rights in the use of the property that are presently enjoyed under this Land Use Code by other properties in the vicinity and zone, but which rights are denied to the subject property;

(3) The granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Future Development Plan and will not adversely affect any other feature of the Comprehensive Plan of the Town;

(4) The variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity;

(5) Such unnecessary hardship has not been created by the applicant; and

(6) The proposed use is a permitted use in the underlying zone district. (Prior LUC 6.15; Ord. 565, 2005; Ord. 575, 2006; Ord. 634 §1, 2010)

Sec. 16-19-150. Conditions.

The Zoning Administrator may recommend, and the Board of Adjustment may impose, such conditions on a variance permit as are necessary so that the spirit of this Land Use Code is observed, public safety and welfare are observed and substantial justice is done. These conditions may include, but are not limited to, limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; and limitations on the duration of the permit or hours of operation. (Prior LUC 6.15; Ord. 575, 2006)

Sec. 16-19-160. Effect of variance permit.

(a) General. Issuance of a variance permit shall authorize only the particular variation which is approved in the variance permit. A variance permit shall run with the land.

(b) Time limit. Unless otherwise specified in the variance permit, an application to commence construction of the improvements that were the subject of the variance permit request must be applied for and approved within twelve (12) months of the date of the approval of the variance permit; otherwise, the variance permit shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one (1) extension of the twelve-month time frame may be granted by the Board of Adjustment for a period not to exceed twelve (12) months for good cause shown. (Prior LUC 6.15; Ord. 575, 2006)
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Division 3 Special Exceptions

Sec. 16-19-210. Purpose.

Sec. 16-19-220. Planning Commission review.

Sec. 16-19-230. Board of Trustees approval of special exceptions.

Sec. 16-19-240. Procedure.

Sec. 16-19-250. Required findings.

Sec. 16-19-260. Conditions.

Sec. 16-19-270. Effect of special exception permit.

Sec. 16-19-210. Purpose.

Special exceptions are deviations from otherwise applicable standards where development is proposed that would be:

(1) Compatible with the surrounding land uses;

(2) In keeping with the public interest; and

(3) Consistent with the purposes of this Land Use Code. (Prior LUC 6.16)

Sec. 16-19-220. Planning Commission review.

The Planning Commission, in accordance with the procedures, standards and limitations of this Division, shall approve, approve with conditions or deny an application for a special exception permit after receiving a recommendation and staff report from the Zoning Administrator and after considering the input taken from the public hearing. Special exceptions to otherwise applicable standards may be granted only with respect to:

(1) Setback standards.

(2) Minimum lot area standards (for preexisting lots of record that meet current standards - seven thousand five hundred [7,500] square feet).

(3) Minimum lot width standards (for preexisting lots that do not meet current standards).

(4) Sign illumination standards.

(5) Fence and wall standards.

(6) Compatibility standards.

(7) Operational performance standards. (Prior LUC 6.16; Ord. 577, 2007; Ord. 634 §1, 2010)

Sec. 16-19-230. Board of Trustees approval of special exceptions.

Planning Commission decisions on special exceptions are subject to a potential "call up" hearing before the Board of Trustees. Within twenty (20) calendar days following Planning Commission action, the applicant, an eligible citizen owning property within five hundred (500) feet of the subject property or the Town may submit a written request to the Town Administrator for a "call up" hearing for the project. If called up, the Planning Commission action is reviewed de novo at the next properly noticed Board of Trustees meeting. The Board of Trustees may approve, approve with conditions or deny the special exception permit request based on the required findings set forth in Section 16-19-250 below or remand...
the request to the Planning Commission for further consideration. In the event there is no functioning Planning Commission, the Zoning Administrator shall submit the special exception permit request, along with any recommended findings and/or conditions, to the Board of Trustees for its consideration and decision. (Prior LUC 6.16; Ord. 577, 2007; Ord. 634 §1, 2010)

**Sec. 16-19-240. Procedure.**

(a) Submittal requirements. The applicant shall file three (3) copies of an application requesting a special exception. The application shall be accompanied by or show the following:

1. The street address and legal description of the property affected;
2. A site plan and any and all other information necessary to clearly demonstrate eligibility for the requested variance based upon the required findings in Section 16-19-250 below; and
3. A filing fee to cover the cost of review, in accordance with the fee schedule adopted by resolution of the Board of Trustees.

(b) Public hearing. The Planning Commission shall hold a public hearing on an application for a special exception permit. At the public hearing, the Planning Commission shall consider the application, the staff report, the relevant support materials and the public testimony given at the public hearing. After the close of the public hearing, the Planning Commission shall vote to approve, approve with conditions or deny the application for a special exception, in accordance with the required findings of Section 16-19-250 below.

(c) Notification requirements.

1. The Town shall publish notice of the public hearing to be given by one (1) publication in a newspaper of general circulation in the Town without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than fifteen (15) days from the date of publication.

2. The applicant shall post a sign provided by the Town Clerk in a prominent location on the subject property, providing notice of the public hearing at least fifteen (15) days prior to the hearing. Such notice shall state the time and place of such hearing; the nature of the subject to be considered; the name, address and phone number of the applicant; and a map showing the land area affected.

(d) Notice of decision. The Zoning Administrator shall provide a copy of the decision to the applicant by mail within ten (10) days of the Planning Commission’s decision. A copy of the notice of decision shall be included with the staff report in a packet forwarded to the Board of Trustees for its information. (Prior LUC 6.16; Ord. 577, 2007; Ord. 634 §1, 2010)

**Sec. 16-19-250. Required findings.**

(a) In exercising its power to grant a special exception in accordance with this Land Use Code, the Planning Commission or the Board of Trustees shall make a finding and show in its minutes that all of the following conditions are met:

1. Granting the special exception will ensure the same general level of land use compatibility as the otherwise applicable standards.
2. Granting the special exception for a specific property will not adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations.
3. A firewall shall be installed on all structures constructed within five (5) feet of a property line, where special exceptions are sought for setbacks.
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(4) Where special exceptions for setbacks are sought in the case of a nonconforming structure, the setback exception must be necessary to permit the logical extension of such nonconforming structure and shall not increase the level of nonconformance.

(5) There are unusual physical circumstances or conditions, such as exceptional topographical or other conditions peculiar to the affected property, not caused by the applicant or any prior owner.

(6) The unusual physical circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.

(7) Because of such unusual physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of this Land Use Code.

(8) Such unnecessary hardship, unusual physical circumstances or conditions have not been created by the applicant or any prior owner.

(9) The special exception is the minimum special exception that will afford relief and is the least modification possible of the provisions of this Land Use Code which are in question.

(10) The exception, if granted, will not alter the essential character of the neighborhood or district in which the property is located, or substantially or permanently impair the use or development of adjacent property.

(11) Granting the special exception will be generally consistent with the purposes of this Land Use Code that are listed in Section 16-1-40.

(12) The proposed use is a permitted use in the underlying zone district.

(b) Special exceptions for minimum lot area and minimum lot width standards shall be granted only for existing nonconforming lots and where all of the conditions identified in this Section are met, plus:

(1) The minimum lot area or width is not less than the area of other previously approved lots on the same street and in the neighborhood or immediate area; and

(2) The minimum lot area or width is at least eighty percent (80%) of that otherwise required by the underlying zone district. (Prior LUC 6.16; Ord. 577, 2007; Ord. 634 §1, 2010)

Sec. 16-19-260. Conditions.

The Zoning Administrator, the Planning Commission and the Board of Trustees may impose such conditions on a special exception permit as are necessary to accomplish the purposes of this Land Use Code, to prevent or minimize adverse impacts upon the public and neighborhoods and to ensure compatibility. These conditions may include, but are not limited to, limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of deposit; other on-site improvements; and limitations on the duration of the permit or hours of operation. (Prior LUC 6.16; Ord. 577, 2007)

Sec. 16-19-270. Effect of special exception permit.

(a) General. Issuance of a special exception permit shall authorize only the particular variation which is approved in the special exception permit. A special exception permit shall run with the land.

(b) Time limit. Unless otherwise specified in the special exception permit, an application to commence construction of the improvements that were the subject of the special exception permit request must be applied for and approved within twelve (12) months of the date of the approval of the special exception permit; otherwise, the special exception permit shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one (1) extension of the twelve-month time frame may be granted by the Planning Commission or Board of Trustees for a period not to exceed twelve (12) months for good cause shown. This provision shall
not apply to special exceptions approved for minimum lot area and/or minimum lot width with respect to previously approved substandard lots. (Prior LUC 6.16; Ord. 577, 2007)

ARTICLE 20 Permits

Sec. 16-20-10. Sign permits required.

Sec. 16-20-20. Sign permit application.

Sec. 16-20-30. Permit fee.

Sec. 16-20-40. Sign permit standards.

Sec. 16-20-50. Temporary use permits.

Sec. 16-20-60. Zoning development permits; revocation; denial; conflict.

Sec. 16-20-70. Notice of mineral estate requirements.

Sec. 16-20-80. Special use permits, generally.

Sec. 16-20-90. Preapplication conference.

Sec. 16-20-100. Procedure.

Sec. 16-20-110. Review by Planning Commission.

Sec. 16-20-120. Action by Board of Trustees.

Sec. 16-20-130. Conditions of approval.

Sec. 16-20-140. Records.

Sec. 16-20-150. Maximum density.

Sec. 16-20-160. Certificates of occupancy.

Sec. 16-20-10. Sign permits required.

It shall be unlawful to erect, construct, reconstruct, alter, paint, repaint or change the use of any sign as defined in this Article without first obtaining a sign permit; however, a sign permit shall not be required to repaint a sign exactly as it was permitted for the purpose of maintenance. (Prior LUC 6.19; Ord. 634 §1, 2010)

Sec. 16-20-20. Sign permit application.

(a) Application for a sign permit, where such permit is required by Sections 16-16-180 through 16-16-230 of this Chapter, shall be made upon forms provided by the Town and shall include the following information:

(1) A drawing to scale of the proposed sign.

(2) A drawing to scale of the site plan or building facade showing the proposed location of the sign.

(3) The name, address and telephone number of the applicant.

(4) The name, address and telephone number of the owner.

(5) The name, address and telephone number of the person or firm responsible for the erection of the sign.
(6) The location of the building, structure or tract to which, or upon which, the sign is to be attached or erected.

(b) Each sign application shall be signed by the applicant and property owner of record.

(c) Each sign application shall be accompanied by a business license application, if a new business.

(d) Each sign application shall be accompanied by a zoning development permit, if required. (Prior LUC 6.19; Ord. 673, 2013)

Sec. 16-20-30. Permit fee.

A one-time sign permit fee according to the International Building Code Permit Fee Schedule shall be charged for each sign. (Prior LUC 6.19)

Sec. 16-20-40. Sign permit standards.

Sign permits shall be approved upon determination that the proposed sign will be consistent with the standards of Sections 16-16-170 through 16-16-236 of this Chapter. (Prior LUC 6.19; Ord. 673, 2013)

Sec. 16-20-50. Temporary use permits.

Temporary use permits may be issued by the Planning Commission, subject to the following provisions:

(1) Zoning. The use for which the permit is requested shall be authorized as a temporary use in the district in which the use is to be located.

(2) Conditions. The applicant shall meet all conditions for such temporary use permit set forth in this Land Use Code.

(3) Time limit. A time limit for the discontinuance of the temporary use shall be specified on the temporary use permit. (Prior LUC 6.20)

Sec. 16-20-60. Zoning development permits; revocation; denial; conflict.

(a) Applicability. No building permit may be issued, and no person may engage in any development (including grading) within the incorporated area of the Town, without obtaining a zoning development permit (see the form attached as Appendix 16-A to this Chapter). Every application for a zoning permit shall be accompanied by two (2) copies of a plan or plat showing the building, structure or sign in sufficient detail to enable the Zoning Administrator or the Building Official to ascertain whether the proposed construction, reconstruction or conversion, moving and/or alteration is in conformance with the provisions of the applicable zone district and this Land Use Code.

(b) No zoning development permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion of its required width and located on that side thereof from which all dedication has not been made according to the street plans and standards, as adopted from time to time by the Town.

(c) An agreement to pay a streets impact fee prior to the issuance of a building permit is required: Prior to issuance of the zoning development permit, the applicant shall receive approval from the fee administrator for the streets impact fee price for the proposed development, pursuant to Article 23 of this Chapter, and shall sign an agreement on the zoning development permit (Appendix 16-A) to pay the approved fee price due prior to the issuance of a building permit.

(d) Revocation of zoning development permit. Failure to comply with any condition of approval, as determined by the Board of Trustees, shall result in the inability to obtain any rights granted...
conditionally thereunder, in accordance with Article 22 of this Chapter and Town revocation of the zoning development permit upon thirty (30) days' notice to the developer and opportunity for a hearing and Town determination of noncompliance with conditions.

(e) Denial of zoning development permit. If an application for a zoning development permit is not approved, the zoning development permit shall be returned to the applicant with a written statement detailing the reasons for such disapproval.

(f) Conflict. Any zoning permit or building permit issued in conflict with the provisions of this Land Use Code shall be null and void and may not be construed as waiving any provision of this Land Use Code. (Prior LUC 6.21; Ord. 634 §1, 2010)

Sec. 16-20-70. Notice of mineral estate requirements.

(a) In accordance with Section 10-11-123 and Sections 24-65.5-101 through 24-65.5-106, C.R.S., not less than thirty (30) days before the date scheduled for the initial public hearing before the Planning Commission or the Board of Trustees, the applicant for development of a surface estate is required to send notice by first-class mail to:

(1) Any mineral estate owner having severed mineral interest within the proposed development. The notice shall contain the time and place of the initial public hearing, the nature of the hearing, the location of the property that is the subject of the hearing and the name of the applicant.

(2) The Zoning Administrator. Such notice shall contain the name and address of the mineral estate owner.

(b) To identify the mineral estate owner, the applicant shall examine the records in the office of the County Clerk and Recorder in which the real property is located. Notice shall be sent if the records establish any of the following:

(1) The identity of the owner of the mineral estate.

(2) That an applicable request for notification is on record.

(3) That the mineral estate owner has recorded an instrument satisfying any applicable dormant mineral interest act.

(c) If the records do not identify any mineral estate owner, the applicant shall be deemed to have acted in good faith and shall not be subject to further obligations or held responsible for errors or omissions in such records.

(d) Certification of notification. Certification of notification of mineral estate owners as described in Subsections (a) through (c) above is required. (Prior LUC 6.21; Ord. 634 §1, 2010)

Sec. 16-20-80. Special use permits, generally.

A special use is a use that may or may not be appropriate in a given location depending upon the circumstances and the conditions imposed upon the approval of the use. Conditions shall be designed to reasonably mitigate adverse impacts of the use upon surrounding properties. Special use permits may be approved for the uses indicated in the use regulations of the zoning district of the property for which the special use permit is requested. Any change or expansion of a special use shall require a new special use permit, pursuant to the terms of this Section through Section 16-20-150 below. Uses existing on the effective date of the initial ordinance codified herein that are allowed as a special use shall be deemed to already have received a special use permit, except that any expansion or change in such uses shall require a new special use permit. (Prior LUC 6.10)
Sec. 16-20-90. Preapplication conference.

Prior to the filing of a special use permit application, the applicant shall meet with the Zoning Administrator or his designated agent to acquaint himself with the requirements of the Town. At such meeting, the application contents, referral agencies, review procedures, use and area standards and the general character of the development may be discussed. (Prior LUC 6.10; Ord. 634 §1, 2010)

Sec. 16-20-100. Procedure.

(a) Submittal requirements. The applicant shall file six (6) copies, or more if specified by the Zoning Administrator, of an application requesting a special use permit and of a title certificate from a licensed title company or attorney listing the name of the property owners and all liens, easements and judgments of record affecting the subject property. The application shall be accompanied by or show the following information:

1. The street address and legal description of the property affected.
2. Any and all plans, information, operating data and expert evaluation necessary to clearly explain the location, function and characteristics of any building or use proposed.
3. A filing fee to cover the cost of review, in accordance with the fee schedule adopted by resolution of the Board of Trustees.

(b) Distribution of special use applications. The Zoning Administrator shall distribute the special use application immediately upon receipt to appropriate referral agencies, which may include the following:

1. Zoning Administrator: one (1) copy.
2. Public Works Director: one (1) copy.
3. Electric power association: one (1) copy.
5. Fire Protection District: one (1) copy.
6. Town Clerk: one (1) copy for the public record. (Prior LUC 6.10)

Sec. 16-20-110. Review by Planning Commission.

(a) Before taking action on any proposed special use, the Board of Trustees shall submit the same to the Planning Commission for its recommendation and report.

(b) The Planning Commission shall hold a public hearing on any application for special use permit prior to making its recommendation to the Board of Trustees.

(c) The Town shall publish notice of the public hearing to be given by one (1) publication in a newspaper of general circulation in the Town without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than fifteen (15) days from the date of publication.

(d) The applicant shall post a sign provided by the Town Clerk in a prominent location on the subject property, providing notice of the public hearing at least fifteen (15) days prior to the hearing. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, the name, address and phone number of the applicant and a map showing the land area affected. (Prior LUC 6.10; Ord. 634 §1, 2010)
Sec. 16-20-120. Action by Board of Trustees.

(a) A public hearing shall be held by the Board of Trustees before approving a special use permit.

(b) The Town shall publish notice of the public hearing to be given by one (1) publication in a newspaper of general circulation in the Town, without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than fifteen (15) days from the date of publication.

(c) The applicant shall post a sign provided by the Town Clerk in a prominent location on the subject property, providing notice of the public hearing at least fifteen (15) days prior to the hearing. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, the name, address and phone number of the applicant and a map showing the land area affected. (Prior LUC 6.10; Ord. 634 §1, 2010)

Sec. 16-20-130. Conditions of approval.

The Town may, in the interest of the public welfare and to assure compliance with this Code, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing the location of any use listed as a special use, the Town may impose such development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions. (Prior LUC 6.10; Ord. 634 §1, 2010)

Sec. 16-20-140. Records.

A file containing all documents relevant to the application and disposition of such special use permits shall be maintained by the Town Clerk. (Prior LUC 6.10)

Sec. 16-20-150. Maximum density.

The maximum density allowed by a special use permit shall be no greater than that permitted in the underlying zone district. (Prior LUC 6.10)

Sec. 16-20-160. Certificates of occupancy.

(a) Applicability. No building hereafter erected, converted or structurally altered shall be used or occupied, and no land or nonresidential building may be changed in use, unless or until a certificate of occupancy has been issued by the Building Official stating that the building or proposed use of land or building complies with the provisions of this Land Use Code and other building and health laws of the Town.

(b) Application. A certificate of occupancy shall be applied for coincident with the application for a building permit and will be issued within ten (10) days after the completion of the erection, alteration or conversion of such building or land, provided that such construction or change has been made in complete conformity to the provisions of this Land Use Code.

(c) Record. A record of all certificates of occupancy shall be kept on file in the office of the Building Official, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected. (Prior LUC 6.22)

ARTICLE 21 Nonconforming Uses, Structures, Lots and Signs

Sec. 16-21-10. Nonconforming status.

Sec. 16-21-20. Nonconforming lots.
Sec. 16-21-10. Nonconforming status.

(a) The burden of establishing that a nonconforming use or structure lawfully exists under this Land Use Code shall, in all cases, be the owner's and not the Town's. The use of land, use of a structure or a structure itself shall be deemed to have nonconforming status when each of the following conditions is satisfied:

(1) The use or structure does not conform to the regulations prescribed in the district in which such use or structure is located and was in existence and lawfully constructed, located and operating prior to, and at the time of, the event that made such use or structure nonconforming.

(2) The event that made such use or structure nonconforming was one (1) of the following:
   a. Annexation into the Town;
   b. Adoption of this Land Use Code or a previous zoning ordinance; or
   c. Amendment of this Land Use Code or a previous zoning ordinance.

(3) The nonconforming use or the use occupying the nonconforming structure has been operating since the time that the use or structure first became nonconforming without abandonment, as abandonment is defined in Subsection (e) below.

(b) Expansion. No nonconforming use or structure may be expanded or increased, except under the following circumstances:

(1) Structures not in compliance with this Land Use Code may be enlarged or altered as long as the expansion does not result in an increase in the usable square footage (see Section 16-2-60 of this Chapter).

(2) The expansion is such that it does not detract from the requirements of the zone in which the nonconforming use exists.

(3) The Town may require such landscaping or design standards it deems appropriate to prevent detracting from the zone that the nonconforming use is in as a condition of granting the expansion.

(4) Setback special exceptions may be granted for nonconforming structures in accordance with the provisions of Article 19, Division 3 of this Chapter.

(c) Change of use.

(1) Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not thereafter be changed back to a nonconforming use.

(2) Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a zoning development permit.

(3) A change from one (1) nonconforming use to another nonconforming use may be made by securing a zoning development permit, provided that such change is to a permitted use in a more restrictive zoning district classification. For the purpose of interpreting these provisions, the zoning districts shall be considered to be arranged in a hierarchy as they are listed in Section 16-4-10 of this Chapter from the most restrictive SFR, Single-Family Residential District to the least restrictive LI, Light Industrial District. The P and PUD Districts shall not be considered part of the hierarchy. In addition, for the purpose of interpreting this Paragraph, a
use that is authorized in a district with a special use permit shall not be considered a permitted use in such district.

(d) Ordinary repair and maintenance. Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a nonconforming structure. This Subsection shall not be construed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the Building Official who declares a structure to be unsafe and orders its restoration to a safe condition.

(e) Abandonment. Whenever a nonconforming use or a conforming use in a nonconforming structure is abandoned, all nonconforming rights shall cease and the use of the premises shall henceforth conform to this Land Use Code. Abandonment shall involve the actual act of discontinuance, regardless of the intent of the user or owner to discontinue a nonconforming operation. Any nonconforming use that is discontinued for or that remains vacant for a period of twelve (12) months shall be considered to have been abandoned. Any nonconforming use that is moved from the premises shall be considered to have been abandoned; provided, however, that this provision shall not be interpreted to prevent the replacement of a mobile home on a pad in a nonconforming mobile home park. In such cases, the mobile home park shall be considered to be the nonconforming use and not the individual mobile home pad site.

(f) Destruction. If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this Land Use Code. In the case of partial destruction of a structure occupied by a nonconforming use not exceeding sixty percent (60%) of its replacement value, reconstruction may be permitted, provided that:

(1) The size and function of the nonconforming use shall not be expanded; and
(2) Work on the restoration of the use must begin within three (3) months and be completed within twelve (12) of the time of the calamity.

(g) Subsections (b), (d), (e) and (f) above shall not apply to existing single-family residences, churches and day care centers that are located in the HB, Highway Business District on or before May 30, 2014. (Prior LUC 7.1; Ord. 561, 2005; Ord. 634 §1, 2010; Ord. 686 §5, 2014)

Sec. 16-21-20. Nonconforming lots.

(a) General. A single-family dwelling and customary accessory buildings may be developed on a lot that has less area than the minimum required by the underlying zone district and was an official "lot of record" prior to the adoption of the Town's original Zoning Ordinance, adopted with Ordinance #382, 1978, if:

(1) The lot of record is in separate ownership or contiguous to lots in the same ownership; and
(2) The proposed single-family dwelling can be located on the lot so that the yard, height and other dimensional requirements of the underlying zone district can be met; or
(3) Either a variance is obtained from said dimensional requirements pursuant to Article 19, Division 2 of this Chapter or a special exception is obtained pursuant to Article 19, Division 3 of this Chapter.

(b) Undivided lot. If two (2) or more lots or combinations of contiguous lots in a single ownership (including husband and wife as, in all cases, a single owner) are of record at the effective date of the adoption or amendment of this Land Use Code, regardless of the time of acquisition, or all or parts of the lots do not meet the requirements established for lot width and area, the lots shall be considered an undivided parcel and no portion shall be used or occupied which does not meet the width and area requirements of this Land Use Code.

(c) Lot reduction.
(1) No lot or interest therein shall be transferred, conveyed, sold or subdivided so as to create a new nonconforming lot, to avoid, circumvent or subvert any provision of this Land Use Code or to leave remaining any lot in violation of the dimensional requirements of this Land Use Code.

(2) No lot or portion of a lot required as a building site under this Land Use Code shall be used as a portion of a lot required as a site for another structure.

(3) No building permit shall be issued for any lot or parcel of land that has been conveyed, sold or subdivided in violation of this Section. Any transferee who acquires a lot in violation of this Section without knowledge of such violation, and any subsequent transferee, shall have the right pursuant to state law to rescind and/or receive damages from any transferor who violates the provisions of this Paragraph.

(d) If a land owner is the owner of one (1) or more lots that are nonconforming because of lot size, they will be consolidated under this Subsection upon the following circumstances:

(1) The lots are sold by the owner; i.e., if a nonconforming lot is sold separately, the Town will not issue any building permits for that lot and those lots that cannot meet the eighty-percent rule (six thousand [6,000] square feet) lot size.

(2) The owner applies to build on one (1) of the lots, and the distance between the building and the edge of the other lot line is such that it does not meet the standard setback restrictions contained in this Land Use Code. No building permit will be issued until the lots are consolidated.

(3) The property owner requests a special exception and/or variance which would not be required if the lots were consolidated.

(4) The party who owns the undersized lots and wishes for the same to be consolidated shall, after following the procedures set forth herein, file with the County Clerk required documents, either by survey or by deed, that show that the lots in question have been consolidated into one (1) lot for record purposes. A copy of the recorded documents must be submitted with the building permit. (Prior LUC 7.2; Ord. 567, 2005)

Sec. 16-21-30. Nonconforming signs.

(a) Any sign that existed prior to May 26, 1999, is permitted to remain in place as a nonconforming use until the sign, or a substantial part (twenty-five percent [25%] or more) of it is blown down or otherwise destroyed, dismantled or intended for replacement for any purpose other than maintenance operations or for changing the letters or symbols on a marquee-style sign.

(1) The burden of establishing that a nonconforming use or structure lawfully exists under this Land Use Code shall, in all cases, be the owner's and not the Town's.

(2) Additionally, nonconforming signs include those that do not conform to the regulations prescribed herein and were in existence and lawfully constructed and located at the time of the event that made such use or structure nonconforming, which may include annexation into the Town, adoption of this Land Use Code or a previous zoning ordinance or amendment of this Land Use Code or a previous zoning ordinance.

(b) Abandonment of nonconforming signs. The owner or user of a nonconforming sign shall immediately terminate the right to maintain such a sign when the business, owner or user permanently vacates the location where the sign is being used.

(c) Violation of this Section. Any violation of this Section shall immediately terminate the right to maintain such a sign.

(d) Destruction, damage or obsolescence. A sign, or a substantial part of it, shall be considered to have been destroyed or dismantled if the cost of repairing the sign is more than sixty percent (60%) of the cost of erecting a new sign of the same type at the same location.
(e) Historic signs. Any sign which is fifty (50) years old or older shall not be considered a nonconforming sign and will consequently be able to be restored to its original state prior to being blown down or otherwise damaged, or the sign may be continually maintained such that it can stay in its original condition. (Prior LUC 7.3; Ord. 594, 2007; Ord. 623 §2, 2009; Ord. 673, 2013)

Sec. 16-21-40. Sign variances.

Variance are deviations or modifications of sign height, area, coverage and other dimensional standards that would not be contrary to the public interest, and, due to special physical site conditions, a literal enforcement of the provisions of this Land Use Code would result in unnecessary hardship. Variances may be made for artistically designed signs that would not otherwise meet the guidelines in this Chapter. Conditions and procedures for sign variances shall be made in accordance with Sections 16-19-110 through 16-19-160 of this Chapter. (Ord. 673, 2013)

ARTICLE 22 Vested Property Rights

Sec. 16-22-10. Generally.

(a) Pursuant to the provisions of Title 24, Article 68, C.R.S., a property right shall be deemed vested with respect to any property, following notice and public hearing, when required, upon the approval or conditional approval of a final plat by the Board of Trustees.

(b) A vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approval.

(c) The Board of Trustees may approve a subdivision plat or grant other final approval upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare. Such conditional approval shall result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights. (Prior LUC 1.9)

Sec. 16-22-20. Vested property right term.

(a) A property right that has been vested as provided in Section 16-22-10 above shall remain vested for a period of three (3) years. However, the Board of Trustees may enter into development agreements with land owners specifying that property rights shall be vested for a period exceeding three (3)
years when warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, economic cycles and market conditions. Such development agreements shall be adopted as legislative acts subject to referendum.

(b) Issuance of a building permit or a development permit shall guarantee vested rights to use the property in compliance with the terms and conditions of the final plat, although failure to comply with such terms and conditions shall result in forfeiture of vested property rights.

(c) Should no building permit or development permit be issued within said three (3) years, the plan shall be terminated and the vested property right shall automatically expire. (Prior LUC 1.9)

Sec. 16-22-30. Extension of vested property right term.

(a) The affected landowner may request that the Board of Trustees grant an extension of the final plat for up to three (3) years, provided that:
   (1) A written request for an extension is submitted by the affected landowner no less than sixty (60) days prior to the date of termination of the vested property right;
   (2) There is no conflict with this Land Use Code, or any conflict may be corrected by an amendment to the final plat, which shall be presented with the request for extension;
   (3) The applicant has demonstrated that the final plat continues to be compatible with adjacent properties and the surrounding area or that compatibility may be established by an amendment to the final plat, which shall be presented with the request for extension; and
   (4) The applicant has demonstrated that the final plat is consistent with the Comprehensive Plan.

(b) Such extension request shall be considered by the Board of Trustees in a public hearing, notice of which shall be published not less than thirty (30) days prior to such hearing in a newspaper of general circulation within the County.

(c) Such extension, if granted, shall be valid only for the period approved by the Board of Trustees. (Prior LUC 1.9; Ord. 634 §1, 2010)

Sec. 16-22-40. Further review.

Following approval or conditional approval of a subdivision plat or other final approval, nothing in this Section shall exempt such a plan or plat from subsequent reviews and approvals, including but not limited to construction drawings, drainage plans, building permits and certificates of occupancy to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with said original approval. (Prior LUC 1.9)

Sec. 16-22-50. New regulations.

The establishment of a vested property right shall not preclude the application of land use regulations which are general in nature and are applicable to all property subject to land use regulation by the Town, including but not limited to building, fire, plumbing, electrical, mechanical codes and other public health, safety and welfare codes. (Prior LUC 1.9)

Sec. 16-22-60. Natural or man-made hazards.

A vested property right shall automatically terminate upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property which could not reasonably have been discovered at the time of site-specific development plan approval, and which, if uncorrected, would pose a serious threat to the public health, safety and welfare. (Prior LUC 1.9; Ord. 634 §1, 2010)
Sec. 16-22-70. Public improvements.

The vested property rights provided herein shall in no way diminish or alter the requirement for public improvements, or other requirements, as provided in Town regulations. (Prior LUC 1.9)

Sec. 16-22-80. Effective date of final plat approval.

The effective date of the approval of a final plat shall be the date of approval or grant by the Board of Trustees. In the event amendments to a final plat are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of approval or granting of the original final plat, unless the Board of Trustees finds to the contrary and incorporates such finding in its approval of the amendment. (Prior LUC 1.9)

Sec. 16-22-90. Vested rights language.

Each final plat shall contain the following language: "Approval of this plan may create a vested property right pursuant to Title 24, Chapter 68, C.R.S., as amended." Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved and the specific parcel of property affected and stating that a vested property right has been created shall be published once, not more than fourteen (14) days after approval of the final plat, in a newspaper of general circulation within the County. (Prior LUC 1.9)

Sec. 16-22-100. Other Town regulations.

Approval of a final plat shall not constitute an exemption from or waiver of any other provisions of the Town's regulations pertaining to the development and use of property. (Prior LUC 1.9)

ARTICLE 23 Impact Fee Requirements

Sec. 16-23-10. Purpose and applicability.

Sec. 16-23-20. Exemptions.

Sec. 16-23-30. General streets impact fee.

Sec. 16-23-40. Fee schedules.

Sec. 16-23-50. Independent traffic study criteria.

Sec. 16-23-60. Credits.

Sec. 16-23-70. Impact fee procedures.

Sec. 16-23-80. Review every two years.

Sec. 16-23-10. Purpose and applicability.

(a) The purpose of an impact fee requirement is to require development to pay for its fair share of the impacts it generates upon the Town's capital facilities which, if a fair share contribution were not required, would otherwise be publicly subsidized.

(b) All development within the Town that is subject to a zoning development permit pursuant to Section 16-20-60 of this Chapter shall be subject to impact fee requirements unless exempt pursuant to Subsection (c) below. The purpose of the impact fee requirements includes:
(1) Development of a single-family dwelling unit;
(2) Development of a multi-family dwelling unit; and
(3) Development, expansion or change in use of a nonresidential structure.

(c) Vesting. Impact fee requirements shall not apply to developments which received a zoning development permit pursuant to Section 16-20-60 of this Chapter, prior to the effective date of the initial ordinance codified herein, October 29, 2003. (Prior LUC 9.1; Ord. 552, 2003; Ord. 634 §1, 2010)

Sec. 16-23-20. Exemptions.

The following development shall be exempt from the impact fee requirements:

(1) Remodeling of residential structures.
(2) Remodeling of nonresidential structures that does not result in an increase of square footage.
(3) Replacement of existing residential units.
(4) Public sector nonresidential development determined by the fee administrator to be a development that serves growth rather than a growth generator.
(5) Publicly subsidized affordable housing projects. (Prior LUC 9.2; Ord. 552, 2003)

Sec. 16-23-30. General streets impact fee.

(a) Traffic-generating development generates a need for capacity-related capital improvements to Town streets, which are required to be mitigated through the payment of streets fees. The streets fee is based on two (2) classes of development: residential and nonresidential. If the type of traffic-generating development is not specified on the fee schedule, the applicant for the zoning development permit shall conduct an independent traffic study to determine the trip generation upon which the fee for the specified land use shall be based.

(b) Payment of the fee. The fee shall be paid to the Town prior to the issuance of a zoning development permit, which, pursuant to Section 16-20-60 of this Chapter, is required prior to the issuance of a building permit.

(c) Change in use. The fee for a change in use shall be determined by computing the difference in the fee amount between the existing and the proposed land use.

(d) Expansion of nonresidential land uses. The fee for expansion of a nonresidential land use shall be determined by computing the difference in the fee amount for the existing and proposed expanded land use. (Prior LUC 9.3; Ord. 552, 2003)

Sec. 16-23-40. Fee schedules.

(a) The following table sets forth the impact fee schedule for residential land uses:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Fee Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached unit</td>
<td>$1,890.00</td>
</tr>
<tr>
<td>Multi-family attached unit</td>
<td>1,300.00</td>
</tr>
</tbody>
</table>

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(b) The following table sets forth the impact fee schedule for nonresidential land uses:

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Driveway Volume (ADT per 1,000 sq. ft., or other units if noted)</th>
<th>Adjustment Factor</th>
<th>Trip Generation (ADT per 1,000 sq. ft., or other units if noted)</th>
<th>Mitigation Fee (per 1,000 sq. ft., or other units if noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank</td>
<td>156</td>
<td>22%</td>
<td>34</td>
<td>$9,418.00</td>
</tr>
<tr>
<td>Car wash (per position)</td>
<td>40</td>
<td>22%</td>
<td>9</td>
<td>2,493.00</td>
</tr>
<tr>
<td>Medical clinic</td>
<td>31</td>
<td>50%</td>
<td>16</td>
<td>4,432.00</td>
</tr>
<tr>
<td>General office</td>
<td>11</td>
<td>50%</td>
<td>6</td>
<td>1,662.00</td>
</tr>
<tr>
<td>Hardware store</td>
<td>51</td>
<td>22%</td>
<td>11</td>
<td>3,047.00</td>
</tr>
<tr>
<td>High turn-over restaurant</td>
<td>130</td>
<td>22%</td>
<td>29</td>
<td>8,033.00</td>
</tr>
<tr>
<td>Industrial</td>
<td>2</td>
<td>50%</td>
<td>1</td>
<td>277.00</td>
</tr>
<tr>
<td>Light industrial</td>
<td>7</td>
<td>50%</td>
<td>4</td>
<td>1,108.00</td>
</tr>
<tr>
<td>Lodging (per lodging unit)</td>
<td>6</td>
<td>50%</td>
<td>3</td>
<td>831.00</td>
</tr>
<tr>
<td>Post office</td>
<td>108</td>
<td>22%</td>
<td>24</td>
<td>6,648.00</td>
</tr>
<tr>
<td>Quality restaurant</td>
<td>90</td>
<td>22%</td>
<td>20</td>
<td>5,540.00</td>
</tr>
<tr>
<td>Specialty retail</td>
<td>40</td>
<td>22%</td>
<td>9</td>
<td>2,493.00</td>
</tr>
<tr>
<td>Supermarket</td>
<td>112</td>
<td>22%</td>
<td>25</td>
<td>6,925.00</td>
</tr>
<tr>
<td>Video store</td>
<td>54</td>
<td>22%</td>
<td>12</td>
<td>3,324.00</td>
</tr>
</tbody>
</table>
(c) The independent traffic study for determining a nonresidential streets impact fee is calculated as follows:

1. If the trip generation figures in the nonresidential fee schedule above do not reflect the traffic generation of the proposed land use or the proposed land use is not included in the schedule, the applicant can request permission from the fee administrator to conduct an independent traffic study.

2. Independent traffic study calculations shall comply with the criteria listed in Section 16-23-50 below.

3. If this method is used, the following formula shall be used to compute the fee:

\[
\text{Fee amount} = \text{Trip generation for proposed land use (in average daily trips)} \times 277.00
\]

(Prior LUC 9.3; Ord. 552, 2003; Ord. 634 §1, 2010)

Sec. 16-23-50. Independent traffic study criteria.

(a) Fee calculation. The fee may be calculated using an independent traffic study applied to the formula in Subsection 16-23-40(c) above, so long as:

1. The fee administrator determines if the traffic produced by the proposed land use is not properly reflected in the nonresidential fee schedule set forth in Subsection 16-23-40(b) above, or is not one (1) of the land uses listed in the nonresidential fee schedule; or

2. The applicant believes that it can be demonstrated that the nature, timing or location of the proposed traffic-generating development makes it likely that the impacts generated will cost less than the amount of the fee generated by use of the fee schedule set forth in Subsection 16-23-40(b) above.

(b) Applicant-prepared independent traffic study. The preparation of the traffic study and the fee calculation derived from the formula in Subsection 16-23-40(c) above shall be the responsibility of the applicant and shall be submitted to the fee administrator as part of the application for a zoning development permit required prior to issuance of a building permit pursuant to Section 16-20-60 of this Chapter.

(c) Subject of study. The independent traffic study shall provide the following information:

1. The total number of average daily trips to and from the proposed land use, also referred to as the "driveway volume" by transportation professionals.

2. The trip adjustment factor for the appropriate land use from the most recent version of the Institute of Transportation Engineers Trip Generation Manual, or as recommended by a qualified transportation professional.

3. The trip generation of the proposed land use in average daily trips.

4. The streets impact fee computed using the formula in Subsection 16-23-40(c) above.
(d) Qualifications for the study. The independent source is an accepted standard source of transportation engineering or planning data or information. The independent source is a local study on trip characteristics carried out by a qualified planner or transportation professional pursuant to an accepted planning or transportation methodology.

(e) Approval required. The fee administrator shall review the independent traffic study. Only when the fee administrator determines that the study is reasonable, accurate and meets the criteria of this Land Use Code shall the final fee calculation be accepted. (Prior LUC 9.3; Ord. 552, 2003; Ord. 634 §1, 2010)

Sec. 16-23-60. Credits.

(a) Any person applying to develop a traffic-generating land use may apply for a credit against the full price of the streets mitigation fee as calculated in Section 16-23-40 above for any contribution, payment, construction or dedication of land for any capacity-related capital improvements to the overall streets system. No credits shall be provided for on-site or project-related improvements. Such credits shall be offered as follows:

1. A credit is an offset against the fee owed. The applicant for the proposed land use shall be required to pay the difference between the road fee required by this Article and the prior mitigation. There shall be no entitlement to any refunds for fees paid in excess of the current fee schedule.

2. Calculation of credit. The credit shall be in an amount equal to the value of the contribution or payment at the time it was made to the Town, the costs of streets construction at the time of its completion or the fair market value of the land dedicated at the time of dedication. An adjustment for inflation shall then be applied to the credit using the Boulder-Denver CPI inflation rate.

3. Apportionment of credits for subdivisions. If system-wide streets improvements were performed for a subdivision as a whole in its initial review, then any credits shall be applied as follows:
   a. The credit for the capacity-related system-wide streets improvements performed shall first be applied to any existing development in the subdivision or planned development.
   b. Any remaining credit shall be apportioned equally among the remaining undeveloped lots.

(b) No credit if no payment. There shall be no credit for any system-wide streets improvements required through a development approval unless the property owner, or the property owner’s predecessor in interest, actually provided the mitigation prior to the effective date of the initial ordinance codified herein. (Prior LUC 9.4; Ord. 552, 2003)

Sec. 16-23-70. Impact fee procedures.

(a) Imposition of impact fees. Impact fee requirements shall be imposed in connection with all zoning development permits, and payment of the fee price shall be due prior to the issuance of any building permit for all development in the Town, unless exempt pursuant to Section 16-23-20 of this Article.

(b) Determination. Prior to the issuance of a building permit for any development requiring a development permit pursuant to Section 16-20-60 of this Chapter, the applicant shall either:

1. Obtain and submit a certificate of exemption from the fee administrator with the building permit;
2. Pay the fee amount in the fee schedule (Section 16-23-40 above); or
3. Pay the fee price approved by the fee administrator as documented on the zoning development permit.
(c) Procedure for certificate of exemption. Any applicant for development claiming an exemption from the streets impact fee shall document his exemption by submitting the approval for streets impact fee exemption on the zoning development permit (Appendix 16-A) with his building permit application.

(d) Procedure for calculation of the streets impact fee. The streets impact fee price determined by the fee schedule or through an independent traffic study shall be documented on the zoning development permit as approved by the fee administrator. Any payment of the streets impact fee shall be documented on the building permit.

(e) Procedure for determining credits. Applicants shall apply to the fee administrator for any credits against the streets impact fee. The credits shall be applied to the streets impact fee price as documented on the zoning development permit and approved by the fee administrator.

(f) Procedure for independent traffic study. An applicant seeking to calculate the streets impact fee price using an independent traffic study shall apply to do so with the fee administrator pursuant to Section 16-23-50 above. The approved streets impact fee price shall be documented on the zoning development permit due with the building permit application. Any changes in the size or nature of the land use that occur during the building permit process shall be adjusted in the final streets impact fee calculation.

(g) Administration of streets impact fee. No fee payments shall be accepted from any property owner prior to the building permit application. There shall be no prepayment fees, and no building permit shall be issued, unless the applicant has paid the current fee applicable.

(h) Appeal. Any appeal to any decision made herein shall be in accordance with the procedure set forth in Section Article 19, Division 1 of this Chapter. (Prior LUC 9.5; Ord. 552, 2003; Ord. 634 §1, 2010)

Sec. 16-23-80. Review every two years.

(a) This Article may be reviewed annually by the Town staff and a recommendation forwarded to the Board of Trustees addressing:
   
   (1) Any necessary updates to data or methodology for the impact fee requirements;
   
   (2) A report on the impact fee requirements imposed and collected, including the amount of development exempted from impact fee requirements; and
   
   (3) Any other issue raised by the Town staff, elected and appointed officials or the public.

(b) The failure of Town staff to conduct a review every two (2) years shall not result in the invalidation of this Article, nor shall this provision be construed to create an affirmative enforceable obligation to perform the review. (Prior LUC 9.5; Ord. 552, 2003)

ARTICLE 24 Enforcement and Penalties

Sec. 16-24-10. Code violations.
Sec. 16-24-20. Sale or offer to sell prior to subdivision approval.
Sec. 16-24-30. Penalties.
Sec. 16-24-40. Complaints.
Sec. 16-24-50. Enforcement procedure.
Sec. 16-24-10. Code violations.

Any person who violates any of the provisions of this Land Use Code or who fails to comply with any provisions hereof within the corporate limits of the Town may be issued a citation to appear in Mancos Municipal Court, or may be subject to any other remedy, enforcement procedure, abatement, and assessment, or Chapter 19 administrative enforcement action as provided by the Mancos Municipal Code as the same may be amended from time to time. Violations may be punishable by a penalty of up to four hundred ninety-nine ($499.00) per violation, where each day of a continuing violation may be considered a separate violation. Violations shall be considered civil infractions and shall not be considered a criminal offense. Violations are not punishable by jail or imprisonment. Any person who violates this Chapter shall not have the right to a jury trial.

(Prior LUC 8.1; Ord. 595 §9, 2007; Ord. 634 §1, 2010; Ord. No. 695, § 2, 3-11-2015)

Sec. 16-24-20. Sale or offer to sell prior to subdivision approval.

Any person, being the owner or agent of the owner of any land located within a subdivision, who transfers, sells, agrees to sell or negotiates to sell any land by reference to or exhibition of or by use of a plat of a subdivision before such plat has been approved by the Board of Trustees and recorded or filed in the office of the County Clerk shall be fined four hundred ninety-nine dollars ($499.00) for each lot or parcel so transferred, sold or agreed or negotiated to be sold. Each day any violation or noncompliance continues shall constitute a separate and distinct offense. Enforcement may be through a citation to appear in Mancos Municipal Court, or may be subject to any other remedy, enforcement procedure, or Chapter 19 administrative enforcement action as provided by the Mancos Municipal Code as the same may be amended from time to time. Violations shall be considered civil infractions and shall not be considered a criminal offense. Violations are not punishable by jail or imprisonment. Any person who violates this Article shall not have the right to a jury trial.

(Prior LUC 8.2; Ord. No. 695, § 3, 3-11-2015)

Sec. 16-24-30. Penalties.

The penalties for violations provided herein shall be cumulative of other remedies provided by state law as provided in Section 31-23-216.5 or 31-23-308, C.R.S., and the power of injunction may be exercised in enforcing this Land Use Code, in addition to all other remedies.

(Prior LUC 8.3; Ord. No. 695, § 4, 3-11-2015)

Sec. 16-24-40. Complaints.

Any person aggrieved by a violation or apparent violation of the provisions of this Land Use Code may file a written complaint with the Zoning Administrator, who shall investigate such complaint and take the appropriate action to have the violation penalized or removed, if such violation is found to exist. (Prior LUC 8.4)

Sec. 16-24-50. Enforcement procedure.

When it is determined that there has been a violation of any provision of this Land Use Code, written legal notice of violation shall be served in the following manner:

(1) Determine and include a list of violations, referring to the section or sections of the Land Use Code violated;
(2) Determine and specify a time for compliance with relevant Land Use Code provisions thirty (30) days from the service of the notice; and

(3) Serve the notice on the owner, occupant, operator, lessee, agent or other responsible party in person, provided that such notice and requirement shall be deemed to be properly served on such responsible party if a copy thereof is delivered to, posted on or sent by certified mail to his last known mailing address, residence or place of business. (Prior LUC 8.5)

ARTICLE 25 Outdoor Lighting

Sec. 16-25-10. Purpose.

The Town desires to reduce the impacts of exterior illumination on the community's perceived quality of life. This Section is intended to improve the nighttime lighting environment for residents, visitors, pedestrians and drivers. The intent of this Section is to address the specific problems of unnecessarily increased light levels, light trespass, glare and sky glow. (Ord. 632, 2010)

Sec. 16-25-20. Applicability.

This Article applies to all outdoor lighting within the Town unless otherwise exempted in this Chapter, as follows:

(1) Applicable Zone Districts and Uses. Conformance with this Section is required of any development (as described in Section 16-2-60 of the Land Use Code) within the following zoning districts:
   a. Agriculture Residential District;
   b. Single-Family Residential District;
   c. Mixed Residential District;
   d. Multi-Family Residential District;
   e. Planned Unit Development District;
f. Commercial District;
g. Highway Business District;
h. Light Industrial District;
i. Public District; and
j. Niche Manufacturing.

(2) Applications. Conformance with this Section is required for the following applications, including those that have not been approved by the effective date of this Article:

a. All new zoning development permits; or
b. All lights on a property when a new zoning development permit is issued for building on that property, even though the new construction may not impact all lights on the property. (Ord. 632, 2010)

Sec. 16-25-30. Application requirements.

(a) Whenever a person is required to obtain a zoning development permit, building permit, electrical permit for outdoor lighting or signage, a conditional use permit, subdivision approval or any type of development plan approval by the Town, including all Town projects, or whenever a person requests annexation or rezoning, the applicant shall, as part of said application, submit sufficient information to enable the Zoning Administrator or Building Inspector to determine whether the proposed lighting will comply.

(b) The application shall include the following:

(1) A site plan indicating the proposed location of all outdoor lighting fixtures and signs; and

(2) Such other information as the Zoning Administrator or Building Inspector may determine is necessary to ensure compliance with this guideline. (Ord. 632, 2010)

Sec. 16-25-40. Specific uses.

The following standards are allowed in addition to the temporary lighting defined in 16-25-70 below:

(1) Security lighting. Security lighting is permitted and is defined as lighting designed to discourage crime and undesirable activity. Where security lighting is needed, motion sensors (to automatically turn it on when motion is detected and turn it off when motion ends), photocell/timer combinations or similar technologies to activate lighting during times when it will be needed, to turn on lights at dark and to reduce light levels after hours or by 11:00 p.m., whichever is later, are encouraged to be used in order to provide safety, conserve energy and promote compatibility among different land uses.

(2) Architectural lighting. Architectural accent lighting is permitted as follows:

a. Fixtures used to accent architectural features, materials, colors or style of building shall be located, aimed and shielded so that light is directed only on those features being highlighted.

b. Rope/strand lighting may be used as an architectural feature. Rope lighting must be placed so that it is shielded from shining directly upward. Exception: during the winter holiday season.

c. Linear lighting, such as fluorescent awnings, illuminated bands and similar lighting that is two (2) inches or more in width, are prohibited. Façade lighting primarily intended to be an attention-gaining device is also prohibited.
(3) Street lighting. Street lighting shall be shielded but either full cutoff, cutoff or semi-cutoff fixtures, or a combination of these types, may be used. Cutoff and semi-cutoff shields may be used at intersections or other locations where a larger area of light spread is preferred due to safety reasons. (Ord. 632, 2010)

Sec. 16-25-50. Prohibited lights.

The following types of lights are prohibited:

(1) Roof lights. Light sources shall not be affixed to the top of a roof except where required by the building code.

(2) Unshielded light sources and uplighting. Unshielded light sources resulting in uplight - light that shines in an upward direction.

(3) Search light, aerial lasers and spotlights. Search lights, aerial lasers and spotlights are prohibited unless otherwise indicated in this Section. Shielded spotlights may be used in loading zones during loading and unloading operations.

(4) Nuisance lights. Lights which flash, move, revolve, blink, flicker, vary in intensity, change color or use intermittent electrical pulsation or lighting that can be found to be obtrusive to neighboring properties are considered nuisance lighting and shall be prohibited.

(5) Neon lights.

(6) Sodium vapor and similar high intensity light sources. (Ord. 632, 2010)

Sec. 16-25-60. Severability.

Should any portion of this Article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected. (Ord. 632, 2010)

Sec. 16-25-70. Definitions.

Unless the context clearly indicates otherwise, the following words shall have the following meanings:

Dark Sky cutoff fixture means any light fixture that emits its light below forty-five (45) degrees when measured from zero (0) to one hundred eighty (180) degrees vertical. Dark Sky cutoff fixtures keep most of their light from reaching the night sky and also minimize ground reflection and reduce light scatter beyond the property line.

Dark Sky fixture means any light fixture that emits its light below ninety (90) degrees when measured from zero (0) to one hundred eighty (180) degrees vertical. Dark Sky fixtures keep most of their light from reaching the night sky.

Dark Sky shade means anything that is used to shade a light fixture so that it behaves as a Dark Sky fixture. These include, but are not limited to, fixtures outfitted with caps or housings or installed under canopies, building overhangs, roof eaves or shaded by other structures, objects or devices.

Dark Sky shield means anything that is used to shield a light fixture so that it behaves as a Dark Sky cutoff fixture. These include, but are not limited to, fixtures outfitted with caps or housings or installed under canopies, building overhangs, roof eaves or shielded by other structures, objects or devices.

Emergency refers to lighting as required by civil officers, agents and officials to perform their duties to maintain the public health, safety and welfare.
**CHAPTER 16 Land Use and Development**

*Light fixture* means any device intended to produce illumination.

*Motion sensor* means any device that turns a light fixture on when it detects motion and off when motion stops.

*Switch* means any device that can be manually controlled by a person to turn a light fixture on and off. For the purpose of this Article, *switches* include motion sensors but *switches* do not include light sensors or timers.

*Temporary* refers to lighting as required by citizens to carry out legally approved activities for durations as specified in the permits for those activities. These include, but are not limited to, activities such as nighttime agricultural operations, construction work lighting and seasonal decorations, but in no case for more than a period of three (3) months without an exemption granted by the Town. (Ord. 632, 2010)

**Sec. 16-25-80. Light fixtures permitted.**

(a) All light fixtures that were installed prior to the effective date of the ordinance codified herein are grandfathered, approved and permitted by this Article.

(b) When a non-Dark Sky fixture is replaced, it shall be replaced with one (1) of the following:

(1) Dark Sky fixture;

(2) Dark Sky cutoff fixture; or

(3) Non-Dark Sky fixture that has a Dark Sky shade or a Dark Sky shield that causes it to operate as if it were a Dark Sky fixture or a Dark Sky cutoff fixture.

(c) All light fixtures that are Dark Sky fixtures and Dark Sky cutoff fixtures are approved and permitted by this Article.

(d) All light fixtures that have a Dark Sky shade or a Dark Sky shield are approved and permitted by this Article. (Ord. 632, 2010)

**Sec. 16-25-90. Installation of new Dark Sky fixtures and Dark Sky cutoff fixtures.**

When a new Dark Sky fixture or Dark Sky cutoff fixture is installed, it shall be installed with a switch to allow it to be manually turned on and off or with a motion sensor to automatically turn it on when motion is detected and turn it off when motion ends. (Ord. 632, 2010)

**Sec. 16-25-100. Light fixtures encouraged but not required.**

(a) Light fixtures with motion sensors are encouraged to minimize the duration of nighttime lighting.

(b) Light fixtures with soft yellow or orange lights instead of harsh white lights are encouraged to protect the view of the night sky.

(c) Dark Sky shades and Dark Sky shields are encouraged for old existing fixtures to protect the view of the night sky, minimize ground reflection and reduce light scatter beyond the property line.

(d) Dark Sky cutoff fixtures are encouraged where light fixtures are mounted on structures or poles higher than the first level above ground level to protect the view of the night sky, minimize ground reflection and reduce light scatter beyond the property line. (Ord. 632, 2010)
Sec. 16-25-110. Exemptions.

(a) The Board of Trustees may allow exemptions from this Article as needed to relieve any unusual circumstances or difficulties or costs that would be encountered if an attempt were made to comply with this Article.

(b) The Board of Trustees may allow exemptions from this Article to recognize that a good faith attempt has been made to comply with this Article but compliance is still not possible due to unusual circumstances or difficulties or costs encountered.

(c) This Article does not apply to emergency lighting.

(d) This Article does not apply to temporary lighting.

(e) This Article does not apply to vehicular lighting.

(f) This Article does not apply to lighting on wheeled farm machines. (Ord. 632, 2010)

Sec. 16-25-120. Liability.

A person utilizing or maintaining an outdoor light shall be responsible for all costs and any other liability resulting from failure to comply with this Article. Responsibility for costs and liability begins from and after the day after passage of the ordinance, codified herein as required by law. (Ord. 632, 2010)

Sec. 16-25-130. Enforcement and penalties.

The Building Inspector and Board of Trustees are authorized to enforce the provisions of this Article in accordance with Article 16-24 of this Code. (Ord. 632, 2010)

Appendix 16-A Town of Mancos — Zoning Development Permit
(Per LUC Sections 16-20-60 and 16-20-70)

Compliance with applicable Town Land Use Code site development standards for each of the categories must be verified by the Zoning Administrator and the Building Official prior to consideration of applications for building permits.

1. APPLICANT SHALL COMPLETE:
2. APPLICANT SHALL ATTACH:

Two (2) copies of a complete, SCALED and DIMENSIONED site and access plan or plat showing the existing and proposed buildings or structures in sufficient detail to demonstrate that the proposed construction, reconstruction or conversion, moving and/or alternation conforms with the applicable provisions of this Code. The site plan shall be used to create a permanent record and must present all information clearly.

3. ZONING ADMINISTRATOR SHALL verify compliance with the Land Use Code (initial to indicate approval):
CHAPTER 16 Land Use and Development

Application completeness: _________ (IF INCOMPLETE, RETURN APPLICATION TO APPLICANT)

Zoning: ___________________________ Special Use Permit #: ___________________________

Floodplain Development Permit #: ______________ Board of Adjustment Resolution #: ______________

List conditions of approval, or Attached: _______________________________________________________

Should a building permit application be considered? YES______ NO________

Comments: _____________________________________________________________________________

Signature of Zoning Administrator ___________________________ Date ______________

4. ZONING ADMINISTRATOR AND BUILDING OFFICIAL SHALL:

Verify compliance with Codes (initial to indicate approval):

Use: ___________________________ Height: ___________________________ Setbacks: ______________

Access: ___________________________ Driveway width: ______________ Parking spaces: ______________

Lot Coverage: ______________ Min. lot area: ______________ Compatibility: ______________

Sidewalk: ______________ Outdoor lighting: ______________ Trees & landscaping: ______________

Mineral rights notification: _________________________________________________________________

Water supply: ___________________________ Sanitation: __________________________

5. STREETS IMPACT FEE REQUIREMENTS:

Impact fee price approved by Town Administrator: $________________________

Town Administrator’s signature approving the impact fee price:

Signature of Town Administrator ___________________________ Date ______________


b. How was this fee computed?

Fee schedule in Section 16-23-40
Independent traffic study applied to 16-23-40 ________

c. If an independent traffic study was conducted and the fee price approved by the fee administrator based on this study, attach two (2) copies of the traffic study and fee calculation to this permit and file.

6. APPLICANT AGREES:
To pay the streets impact fee prior to issuance of a building permit and may hereby be issued this development permit pursuant to this commitment. Failure to pay the streets impact fee price shown above will result in the Town not issuing the building permit for the proposed development until the fee is paid in full.

Signature of applicant ______________________ Date ______________________

Building Inspector:

Can a building permit be applied for? YES _______ NO _______

Comments: ____________________________________________________________
________________________________________________________

Signature of Building Official ______________________ Date ______________________

If the Building Official so authorizes, an application for a building permit that conforms materially with all the information provided above may be submitted to the building department.

Application fees shall be based on the following schedule:

<table>
<thead>
<tr>
<th>Category</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Code interpretations</td>
<td>$195.00</td>
</tr>
<tr>
<td>II. Zoning map or text amendments</td>
<td>325.00</td>
</tr>
<tr>
<td>III. Subdivision/PUD</td>
<td></td>
</tr>
<tr>
<td>A. Preliminary</td>
<td>390.00</td>
</tr>
<tr>
<td>B. Final</td>
<td>260.00</td>
</tr>
<tr>
<td>IV. Replats and plat amendments</td>
<td>260.00</td>
</tr>
<tr>
<td>V. Special use permits</td>
<td>325.00</td>
</tr>
<tr>
<td>VI. Minor subdivisions</td>
<td>390.00</td>
</tr>
</tbody>
</table>
Excess Review Expenses. It takes less time and, therefore, it costs less to review and process land use applications when such applications are submitted in a complete and orderly form. Therefore, as an incentive for the submission of complete, orderly applications, and in addition to the above application fees, the Town reserves the right to require applicants to reimburse the Town for "excess expenses"; that is, actual expenses that exceed the above application fees. To this end, if the actual cost of the review of an application exceeds the above application fee by more than twenty percent (20%), the Town may, at the sole discretion of the Board of Trustees, require that the applicant reimburse the Town for the actual costs incurred prior to final approval.
Excess Application Fees. If the actual costs incurred in the review of a given land use application are less than the application fee collected, the Town shall refund the difference between the fee collected and the actual costs incurred to the applicant at the conclusion of the review process.

(Ord. 634 §1, 2010)