

**TOWN OF MANCOS
PLANNING AND ZONING COMMISSION MEETING
July 17, 2019
7:00 p.m.**

Agenda

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of the Agenda
- E. Approval of the minutes of June 19, 2019
- F. Audience Business
- G. Announcements
- H. Action Items
None
- I. Discussion Items
 - 1. SAFEbuilt Land Use Code Critical Comments – Rough Draft
- J. *Items for August 21, 2019 Agenda*
 - *Public Hearing – Ordinance TBD: Land Use Code Adoption Recommendation*
- K. Adjournment

Town of Mancos
Planning & Zoning Commission Meeting
June 19, 2019

- A. Call to Order- Chairman Perry D. Lewis called the meeting to order at 7:00 p.m.
- B. Pledge of Allegiance
- C. Roll Call-present Perry D. Lewis, Peter Brind'Amour, Catherine Seibert, Mayor pro tem Fred Brooks, Trustee Ed Hallam,

Staff present -Town Administrator Heather Alvarez, Deputy Clerk Georgette Welage
Absent-Mayor Queenie Barz, Alternate John L. Cox, Alternate Tiffany Hurst

- D. Approval of the Agenda-Catherine Seibert made the motion to approve the agenda with the change of the next meeting date to 7/17/19. Peter Brind'Amour seconded the motion. Motion carried.
- E. Approval of the Minutes of May 15, 2019-Peter Brind'Amour made the motion to approve the minutes of May 15, 2019 as written. Cathy Seibert seconded the motion. Motion carried.

- F. Audience Business

none

- G. Announcements

Environment study has been approved by CDOT for the Mancos Main Street Bridge. Next step for the Main Street Bridge project is the Right of Way, with Kathryn Fulton acting as Right of Way Agent, who will be reaching out to property owners.

The Economic Development Project is on the June 26th Board of Trustee Agenda with RPI owner Gabe Preston reporting.

The Marshal's Office is holding a Town Hall Meeting in Town Hall, Tuesday, July 2, 2019, 5-6:30 p.m.

H. Action Items

None

I. Discussion Items

1. SAFEbuilt Land Use Code Introduction-Rough Draft

Elizabeth Garvin, SAFEbuilt, was available via phone conference.

J. Items for July 17, 2019 Agenda

SAFEbuilt Land Use Code Critical Comments-Rough Draft

Start with section 16.5

Heather Alvarez also asked that the P&Z Commissioners review Article 5-Proportionate Compliance - Article 13-Signs and Article 14-Subdivision Standards.

K. Adjournment

8:43 p.m.

Chairman Perry D. Lewis

Deputy Clerk Georgette Welage

STAFF REPORT

To: Members of the Planning and Zoning Commission
From: Heather Alvarez, Town Administrator/Clerk/Treasurer
Date: July 17, 2019
Re: Land Use Code Discussion

Recommendation

None – requesting Commission feedback

Background/Discussion

We are getting close to the end of this project. Attached is information showing all of the dates this topic has been open to the public for their input and feedback.

This is the second discussion with regard to the complete draft of the land use code for your feedback.

There are a few items for which I'm requesting your feedback as these have come up multiple times in the past year or so:

1. Outdoor lighting – the code states any non-conforming light fixture may remain in place as long as it is in good repair or until a new building permit is issued. This continues to be a topic of concern among neighbors and businesses in Mancos. Would the Planning Commission prefer this section to say something along the lines of non-conforming light fixtures will be replaced within 6 months of implementation of new code or something similar? Is this enforceable?
2. With regard to ADUs, I am requesting that the requirements for a separate monthly billing and separate address be removed from the code. As long as the water passes through a meter, the Town doesn't have any concerns about how it's used with regard to home use, yard use, garage use. I don't feel ADU's should be treated differently?

The tentative schedule for the remainder of this project is:

July 24	Public Meeting – Community Center 9 – 11 a.m.
July 24	Board review of full draft (SAFEbuilt in person) – 7:00 p.m.
July 25	Public Meeting – Town Hall – Noon – 3:00 p.m.
July 25	Public Meeting - Farmer's Market Visit – 4 – 5 p.m.
August 3	Joint Workshop – Board & PZ – Town Hall 9:00 a.m.
August 21	Public Hearing for Ordinance & Land Use Code Adoption consideration at PZ
September 11	Public Hearing for Ordinance & Land Use Code Adoption consideration at Board

Attachments

Public Input Opportunities to date
Draft Land Use Code

Land Use Code Update Public Input Opportunities outside of regular Public Meetings

April 17, 2018	Community Center	1:00 p.m.
April 18, 2018	Town Hall	7:00 p.m.
July 26, 2018	Farmer's Market	4:30 p.m.
July 27 & 28, 2018	Mancos Days	Booth
October 17, 2018	Town Hall	7:00 p.m.
July 24, 2019	Community Center	9:00 a.m.
July 25, 2019	Town Hall	Noon
July 25, 2019	Farmer's Market	4:00 p.m.

Land Use Code Discussion at Public Meetings

- June 20, 2018
- September 19, 2018
- January 16, 2019
- February 20, 2019
- March 20, 2019
- April 17, 2019
- April 27, 2019
- May 15, 2019
- June 19, 2019
- July 17, 2019
- July 24, 2019

Future Meeting Dates

- August 3 Joint workshop Town Hall 9:00 a.m. - Noon
- August 21 Public Hearing for Ordinance & Land Use Code Adoption consideration at PZ
- September 11 Public Hearing for Ordinance & Land Use Code Adoption consideration at Board

**Full Draft for
Planning Commission Review
June 2019**



MANCOS

**LAND USE CODE
UPDATE**

Table of Articles

1. General Provisions
2. Definitions
3. Zone Districts and Dimensions
4. Use-Specific Standards
5. Proportionate Compliance
6. Natural Resource Protection
7. Mobility and Connectivity
8. Parking, Loading, and Access Drives
9. Landscaping, Buffering, and Screening
10. Site and Structure Standards
11. Parks and Open Space
12. Outdoor Lighting
13. Signs
14. Subdivision Standards
15. Nonconformities
16. Impact Fees
17. Floodplain Management
18. Commonly Applicable Administrative Provisions
19. Zoning and Subdivision Procedures
20. Violations and Enforcement

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ARTICLE 1 General Provisions

Section 16-1-1 Title

This chapter of the Town of Mancos Municipal Code shall be known and may be referred to as the Town of Mancos Land Use Code. It is referred to throughout this chapter as this Land Use Code (LUC) or this Code.

Section 16-1-2 Authority

This LUC is adopted pursuant to the powers granted and limitations imposed by Title 31, Article 23, C.R.S.

Section 16-1-3 Applicability

The provisions of this LUC shall apply to the development of all land within the town, unless specifically provided otherwise in the Town of Mancos Municipal Code.

Section 16-1-4 Purpose

This LUC is adopted to promote the health, safety, and general welfare of the citizens of the town. It is adopted in accordance with the Comprehensive Plan, as adopted, and is intended to implement the following:

- A. Encourage implementation of the Comprehensive Plan, including specifically the goals, objectives, and policies of the Plan, and the Future Development Plan.
- B. Preserve the western, small-town character of the town.
- C. Manage growth in a way that improves the town's quality of life.
- D. Promote compatible land use relationships.
- E. Facilitate the provision of adequate transportation, water, sewerage, schools, parks, and other public facilities and services.
- F. Promote predictability, consistency, and efficiency in the land development process for residents, neighborhoods, businesses, agriculture, and development interests.
- G. Ensure appropriate opportunities for participation and involvement in the development process by all affected parties.

Section 16-1-5 Minimum Standards and Private Restrictions

The provisions of this LUC are the minimum standards necessary to accomplish its stated purposes. It is not the intent of this LUC to interfere with, abrogate, or annul any private easement, covenant, deed restriction, or other agreement between private parties. When the provisions of this LUC conflict with private agreements, the stricter provisions shall control. It is not the responsibility of the Town to enforce private agreements or restrictions.

Section 16-1-6 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. 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.

Section 16-1-7 Fees

- A. Fees for the processing of land use applications for proposed developments shall be set by resolution of the Board of Trustees proportionate with the level of service. Such fees may include all costs 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.

Section 16-1-8 Transitional Provisions (NEW)

A. Violations Continue

Any violation occurring under the previous ordinance will continue to be a violation under this ordinance and be subject to penalties and enforcement pursuant to Article 19, Enforcement and Penalties, unless the use, development, construction, or other activity complies with the provisions of this ordinance.

B. Nonconformities Continue

Any nonconformity under the previous LUC remains a nonconformity unless and until it conforms to the provisions of the current LUC.

C. Previous Approvals

1. Validity

Except for planned unit developments, permits and approvals issued prior to the effective date of this ordinance remain valid for a period of six months from the effective date of this ordinance. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid. No provision of this ordinance shall require any change in the plans, construction, or designated use of any structure for which a certificate of occupancy has been issued.

2. Extension

The decision-making body that granted the original approval may renew or extend the time of a previous approval if the required standards or criteria for approval remain valid.

3. Re-Application

For any expired approval or permit, re-application is required. The new application will be considered under the provisions of the LUC in effect at the time of re-application.

D. Previously Approved Planned Unit Developments

1. PUD Final Development Plan

Any planned unit development approved prior to the effective date shall remain valid if it has received PUD final development plan approval for at least one phase of the PUD prior to the effective date of this ordinance. PUDs that receive PUD final development

plan approval for at least one phase of the PUD may be carried out in accordance with the development standards in effect on the date of approval.

2. Preliminary PUD Plan

Preliminary PUDs that fail to receive final development plan approval for at least one phase of the PUD prior to the effective date of this ordinance shall be required to re-apply.

E. Applications in Progress

1. Completed Applications

Complete applications submitted before the effective date and pending approval at the time of adoption may, at the applicant's option, be reviewed wholly under the terms of the previous ordinance. If approved, these projects may be carried out in accordance with the development standards in effect at the time of application.

2. Incomplete Applications

Any application submitted before the effective date but found by the zoning administrator to be incomplete shall be required to re-apply.

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ARTICLE 2 DEFINITIONS

16-2-1. Rules of Construction

All provisions, terms, phrases, and expressions contained in this LUC shall be construed to accomplish the purposes stated in Section 16-1-4, Purpose. In case of any difference of meaning or implication between the text of this LUC and any illustration or figure, the text shall control.

A. Computation of Time

In the computation of time for completing an act, the first day shall be excluded and the last day shall be included. 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 are interpreted as follows:

1. *Day* means one calendar day, unless working day is specified.
2. *Month* means one calendar month.
3. *Week* means seven calendar days.
4. *Year* means one calendar year, unless a fiscal year is indicated.

B. Conjunctions

Conjunctions shall be interpreted as follows unless the context clearly indicates to the contrary:

1. *And* indicates that all connected items, conditions, provisions or events shall apply; and
2. *Or* indicates that one or more of the connected items, conditions, provisions or events shall apply.

C. 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.

D. Nontechnical and Technical Words

1. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
2. All public officials, bodies, and agencies to which reference is made are those of the Town, unless otherwise indicated.
3. The word *shall* is mandatory. The word *may* is permissive.
4. 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

LUC may reasonably suggest. Words of one gender shall apply to persons, natural or fictitious, regardless of gender, as the context and application of this LUC may reasonably suggest.

16-2-2. Terms

Unless specifically defined below, words or phrases used in this LUC shall be interpreted 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 in the LUC or over the application of a definition, the Zoning Administrator shall interpret in accordance with Section 16-18.

A. A Terms

Accessory Use or Structure

A use or structure naturally and normally incidental to and subordinate to the permitted primary structure or use by right of the land or lot area.

Addition

Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Agriculture

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)

Any premises on which five or more dogs over 10 weeks of age are kept or housed for any reason and for any length of time.

Antenna

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

Any structure or building other than a tower that can be used for a location of telecommunications facilities.

Apartment, Accessory

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

Appeal

A request for a review of an administrative action taken under this Land Use Code.

Applicant

A person who submits an application for development to a local government.

Application for Development

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

A temporary facility for producing asphalt or concrete products used in construction activities on the same or nearby sites.

Awning

A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B. B Terms

Basement

Any area of a building having its floor sub-grade (below ground level) on all sides.

Bed and Breakfast

A house, or portion thereof, used by the record owner of the property, who is also a resident of the property where the use is proposed, and where short-term lodging rooms and meals are provided.

Block

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 600 feet.

Block Face

All lots on one side of a block.

Boarding House

A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

Building

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 Materials, Sales and Yard

An establishment in which building or construction and home improvement materials are offered or kept for retail sale, which may also include the fabrication of certain materials related to home improvement and/or the outdoor storage of such materials designated for retail sale.

Bus Station or Terminal

A lot and related building that is a designated location where bus or coach services start or end. A bus terminal shall not include a location where the bus stops to drop off or take on passengers where there are no operational facilities related to the bus or coach operation.

C. C Terms

Campground

A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy by travel trailers, campers, tents, recreational vehicles, motor homes and the motor vehicles propelling or carrying the same, but excluding mobile homes or manufactured housing designed for year-round occupancy or as a place of residence.

Canopy

An attached or detached structure, open on at least one side, which is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cochères, arcades, and pergolas. A canopy is different from an awning in that a canopy is not covered with fabric or flexible material.

Car Wash

A facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities.

Clear Sight Triangle

An area free of all obstructions that could interfere with the visibility of approaching drivers as defined in this code.

1. An intersection clear sight triangle is located at an intersection between two streets. The area is a triangular-shaped piece of land, measuring 40 feet in distance along the major street and 20 feet in distance along the minor street, both distances being measured from and along the back of the curb.
2. A driveway clear sight triangle is located at an intersection between an entrance or drive and a street. The area is a triangular-shaped piece of land, measuring 15 feet in distance along the street and 15 feet in distance along the entrance or drive, both distances being measured from and along the back of the curb.

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

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 40 years, including renewal options, as measured from the commencement date of the initial term.

Common Open Space

A parcel of usable land, area of water, or a combination of land and water within a 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

A common interest community that is not a condominium or cooperative.

Commercial Speech

Expression by a speaker for the purposes of commerce, where the intended audience is actual or potential consumers, and where the content of the message is commercial in character. Commercial speech typically advertises a business or business activity or proposes a commercial transaction.

Condominium

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

Condominium Map

A printed instrument depicting all or a portion of a common interest community in three dimensions. A condominium map or a condominium plat may be combined in one instrument.

Condominium Plat

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

Cooperative

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.

Copy

The wording on a sign surface either in permanent or removable form.

Copy Area

The geometric area in square feet that encloses the copy of the sign.

Copy Extension

That part of the sign area which extends beyond the edge or border of the sign.

Cottage Industry

Limited commercial and industrial uses permitted in a residential dwelling or other on-premise, accessory structure that are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential nature of the premises or its surroundings.

Cultivation Operation

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

Custom Personal Service

A barbershop, beauty shop, tailor, dressmaker, shoe shop, or similar shop offering custom service.

D. D Terms

Dark Sky Cutoff Fixture

Any light fixture that emits its light below 45 degrees when measured from zero to 180 degrees vertical. *Dark Sky cutoff fixtures* keep most of their light from reaching the night sky, minimize ground reflection, and reduce light scatter beyond the property line.

Dark Sky Fixture

Any light fixture that emits its light below 90 degrees when measured from zero to 180 degrees vertical. *Dark Sky fixtures* keep most of their light from reaching the night sky.

Dark Sky Shade

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

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.

Day Care Center

A building or place where care, supervision, custody or control is provided for a specified number of unrelated children pursuant to the requirements of state statute.

Developer

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

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, Floodplain

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. See Article 16-7, Floodplain Regulations.

Development Permit

See *Zoning Development Permit*.

District

A zoning district.

Duplex

See *Dwelling Unit, Two-family*.

Dwelling, Mixed-use Two-family

A two-family dwelling unit that, in addition to two 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.

Dwelling, Mixed-use Multi-family

A multi-family dwelling unit that, in addition to three 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.

Dwelling, Mixed-use Single-family

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.

Dwelling, Multi-family

The use of a lot for three or more residential dwellings within a single building and under a single roof, including apartments, townhouses, and attached condominiums.

Dwelling, Single-family

The use of a lot for one 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.

Dwelling, Two-family

The use of a lot for two dwelling units within a single building and under a single roof.

Dwelling Unit

A building arranged and designed as a dwelling unit and intended to be occupied by one family, which has at least one bathroom and a minimum floor area of 500 square feet, unless otherwise specified within the appropriate zoning districts. *Dwelling units* shall include manufactured homes and factory-built homes.

E. E Terms

Emergency

Refers to lighting as required by civil officers, agents, and officials to perform their duties to maintain the public health, safety, and welfare.

Erosion Control Blanket

An erosion control blanket is a preformed protective blanket of plastic fibers, straw or other plant residue designed to protect soil from the impact of precipitation and overland flow and retain moisture to facilitate establishment of vegetation. Erosion control blankets are sometimes referred to as Rolled Erosion Control Products (RECPs).

Essential Services and Facilities

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. Telecommunications towers or facilities shall not be considered essential services and are defined separately.

Existing Finish Grade

The highest point of elevation within the area below the sign and the parcel line or, when the parcel line is more than five feet from the sign, between the sign and a line five feet from the sign, excluding all planter boxes, foundations, berms, or any other surface alteration that would increase the height of the sign.

F. F Terms

Factory-built Home

A dwelling unit designed for one 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

Two or more persons related by blood or marriage, or between whom there is a legally recognized relationship, or not more than five unrelated persons occupying the same dwelling unit.

Farmers' Market

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

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.

Flag

A rectangular piece of fabric of distinctive design, not including streamers, banners or pennants.

Frontage

1. Building means the wall of the building that faces the street abutting the property. If the building is located on a corner lot, the frontage shall be the wall of the building which faces the street with the highest average daily traffic count.
2. Lot means the length of the property line of any one property along a public right-of-way on which it borders.
3. Street means the length of the property line of any one property along a public right-of-way on which it borders, measured along the property line.

Front Wall or Façade

A building wall fronting the primary street or housing the primary entrance to the business.

G. G Terms

Garden Center or Nursery

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

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 and services.

Greenhouse

A facility or area for the indoor growing, display, or sale of plant stock, seeds or other horticulture items.

Gross Floor Area (GFA)

Total floor area designed for occupancy and use, including basements, mezzanines, and upper floors as measured from the centers of outside walls, excluding warehouse, storage, and utility rooms.

Group Home

A structure in which housing is provided for a group of unrelated individuals or related and unrelated individuals pursuant to state statute.

H. H Terms

Historic

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.

Historical

See *Historic*.

Historic District

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 Structure

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:
 - i. By an approved state program as determined by the Secretary of the Interior; or
 - ii. Directly by the Secretary of the Interior in states without approved programs.

Historic Properties

The resources, including buildings, structures, objects, sites, districts, or areas that are of historical significance.

Historic Preservation

The protection, enhancement, and maintenance of historic properties.

Home Occupation

An activity that is carried on for commercial or philanthropic purposes on the same lot as a dwelling unit where the operator of the home occupation resides and that is clearly secondary to that dwelling.

Hospital or Clinic

An establishment that provides diagnosis and treatment, both surgical and nonsurgical, for patients who have any of a variety of medical conditions through an organized medical staff and permanent facilities that include inpatient beds, medical services, and continuous licensed professional nursing services.

Hotel or Motel

A building or group of buildings with six or more guest rooms designed in which lodging is provided and offered to transient guests for compensation.

I. I/J/K Terms

Improvement

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

Industrial

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

Junk Vehicles

Vehicles that lack a current license or are wrecked and/or dismantled.

J. L Terms

Landscaping

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.

Light Fixture

Any device intended to produce illumination.

Lot

An undivided tract or parcel of land under one 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 types include:

- a. Interior Lot: Any lot that is not a corner lot.
- b. Corner Lot: A lot at the junction of two or more intersecting or intercepting streets where the angle of intersection of the lot lines does not exceed 135 degrees.
- c. Reverse Corner Lot: A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- d. Double Frontage (Through) Lot: A lot having a pair of opposite lot lines along two relatively parallel public rights-of-way, and that is not a corner lot.
- e. Flag Lot: A lot not meeting the minimum lot width or public street frontage requirements, and where access to a public street is limited to a narrow strip of land or private access way.

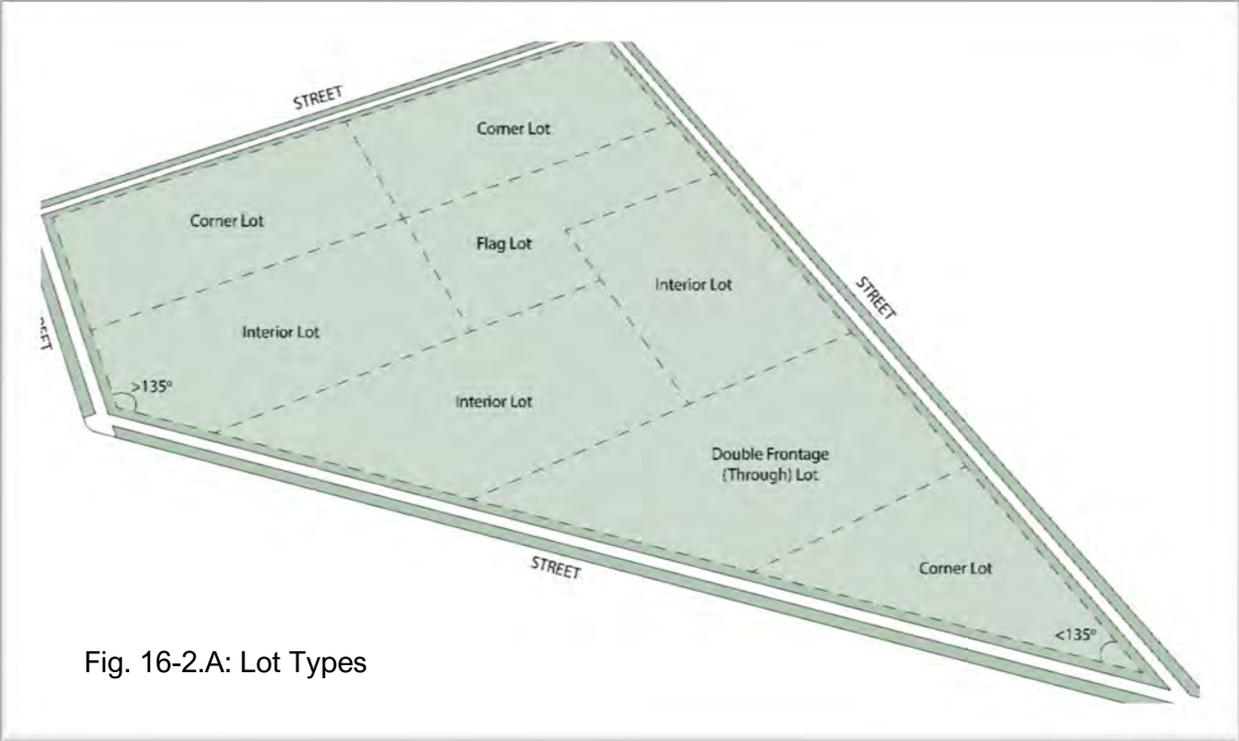


Fig. 16-2.A: Lot Types

Lot of Record

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.

Lot Coverage

The percentage of a lot or tract covered by the roof or first floor of buildings.

K. M Terms

Manufactured Home

A structure transportable in one or more sections that is built on a permanent chassis, is designed for use with or without a permanent foundation when connected to the required utilities, and meets the construction safety standards of the federal Manufactured Housing Act of 1974. Similar structures that do not meet the construction safety standards of that Act are referred to as mobile homes. Manufactured home does not include recreational vehicle.

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home Community

A tract of land designed or being used to accommodate two or more manufactured home dwelling sites for rental.¹

Manufacturing, Hazardous or Objectionable

The 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, warehousing, petroleum refineries, pulp processing, paper products manufacturing, radioactive materials manufacturing or use, steel works, slaughterhouses, and tanneries.

Manufacturing, Light

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

The "usable form of marijuana" as set forth in Article XVIII, Section 14(1)(i) of the Colorado Constitution, or as defined in any applicable state law or regulation.

Marijuana Business, Medical

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.

¹ Heather/Staff: "Manufactured Home Park or Subdivision" and "Manufactured Home Community" and "New Manufactured Home Park of Subdivision" may be able to be combined. Only "Manufactured Home Community" is used in the Table or Permitted Uses (Sec. 16-4-3).

Marijuana Dispensary

Any business licensed by the State that sells or otherwise distributes medical or non-medical marijuana or marijuana-infused products.

Marijuana Dispensary, Medical

A business that sells or otherwise distributes marijuana through one or more primary caregivers to patients for medical use.

Marijuana-infused Product

A product infused with marijuana that is intended for use or consumption other than by smoking including edible products, ointments, and tinctures.

Marijuana-infused Product, Medical

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.

Marijuana, Medical

Marijuana or marijuana-infused products regulated and intended for medical use as defined by the State of Colorado 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.

Marijuana Production Facility

A facility that (cultivates marijuana, produces marijuana-infused products, or tests marijuana products; whether medical or non-medical.

Market Garden

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

Marquee

A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a façade of a building.

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

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

The owner or lessee of a mineral estate underneath a surface estate that is subject to an application for development.

Mixed-use Buildings

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.

Mobile Home

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.

Motel or Hotel

See, Hotel or Motel.

Motion Sensor

Any device that turns a light fixture on when it detects motion and off when motion stops.

Municipal Facilities

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.

L. N Terms

New Construction

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.

Niche Manufacturing

The production or manufacturing of specialty items in conjunction with the retail and/or wholesale, sales of the items at the same location.

Nursing Home

A residential facility, licensed according to the requirements of Sec. 25-1.5-103, Colorado Revised Statutes, which is maintained primarily for the care and treatment of inpatients under the direction of a physician. The patients in such a facility require supportive, therapeutic, or compensating services and the availability of a licensed nurse for observation or treatment on a twenty-four-hour basis. Nursing care may include but is not limited to terminal care; extensive assistance or therapy in the activities of daily living; continual direction, supervision, or therapy; extensive assistance or therapy for loss of mobility; nursing assessment and services which involve assessment of the total needs of the patient, planning of patient care, and observing, monitoring, and recording the patient's response to treatment; and monitoring, observing, and evaluating the drug regimen. "Nursing home" includes intermediate nursing facilities for the mentally retarded or developmentally disabled.

M. O Terms

Office, Business or Professional

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

Natural areas as described in the Town's Parks, Recreation, and 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

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.

Owner

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.

N. P Terms

Park

Any dedicated and accepted public or private land available for recreational or scenic purposes.

Passive Open Space

Open space that is owned, managed, and maintained in its natural state.

Pennant

A piece of fabric, plastic or other flexible medium that may be in the shape of a triangle, rectangle or other shape, is typically mounted to a flexible cord or rope that is stretched across two points, is mounted in quantity and spaced along the cord or rope.

Person

An individual, proprietorship, trust, partnership, corporation, association, or other legal entity.

Portable Storage Unit

Enclosed storage containers that are left at a location for temporary storage on-site, or for filling and moving to another site (which may include an off-site storage facility).

Premises

Any one or more parcels directly abutting each other and all under the same ownership, upon which any building is located.

Primary Building

The building in a multi-unit multifamily development located at the main access to the complex or where the office functions are provided for the complex.

Public Land

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.

O. R Terms

Recreational Use, Indoor or Outdoor Commercial

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.

Recreational Vehicle

A vehicle which is:

- a. Built on a single chassis;
- b. 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.

Recreational Vehicle

Vehicle type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic types are:

1. Travel Trailer: A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and of a body width of no more than eight feet and six inches (8'6"), excluding awnings, and a body length of no more than forty (40) feet when factory equipped for the road.
2. Tent Camper: A portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.
3. Truck Camper: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two basic types:
 - a. 1. Slide-in camper - A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.
 - b. 2. Chassis-mount camper - A portable unit designed to be affixed to a truck chassis.
4. Motorhome: A vehicular unit built on a self-propelled motor vehicle chassis.
5. Tiny House on Wheels: a structured intended for temporary living quarters that is: a validly licensed vehicle, certified by the Mancos Building Inspector, a portable unit designed to be affixed to a truck chassis, and has not less than 115 square feet nor more than 400 square feet of habitable space excluding lofts.

Repair, Renewal, Refurbishment, and Restoration of a Sign

Synonymous terms that may be used interchangeably to mean "to restore to a former, better state, and resembling the original design and construction as closely as possible" when describing a damaged sign or a sign in disrepair.

Repair Services, General

An establishment engaged in the repair of trucks, buses, agricultural equipment, construction equipment, or other heavy equipment.

Repair Services, Limited

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

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

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 non-disposable 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)

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)

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.

P. S Terms

Screen

A fence or wall that is at least four feet in height designed and erected to obstruct and eliminate the public view of storage or other areas.

Seasonal Decorations

Decorations and temporary signs that are clearly incidental, customary, and commonly associated with a holiday, birthday, anniversary, graduation or similar occasion.

Setback

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

Sign

Any writing (including letter, word or number), pictorial representation (including illustration or declaration), product, form (including shapes resembling any human, animal or product form), emblem (including any device, symbol, trademark, object or design which conveys a recognizable meaning, identity or distinction) or any other figure of similar character that is a structure or any part thereof, or is written, painted, projected upon, printed, designed into, constructed or otherwise placed on or near a building, board, plate, or upon any material object or device whatsoever, that by reason of its form, location, manner of display, color, working, stereotyped design or otherwise attracts or is designed to attract attention to the subject or to the property upon which it is situated, or is used as a means of identification, advertisement or announcement. The term sign shall not include the following:

- (a) Window displays of merchandise or products;
- (b) Art that does not include commercial speech;
- (c) Products, merchandise or other materials which are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise or materials; and
- (d) Any feature of display that would otherwise be considered a sign, but that has been found by the Planning Commission to be an integral part of a building that contributes to the character of the building and surrounding area.

Sign, Abandoned

A sign for a business that is no longer in operation at the location or for which no legal owner can be found, for a period of six months or more.

Sign, Attached

A sign that is mounted on or attached to a structure, including a wall sign, window sign, roof sign, or projecting sign.

Sign, Awning

A type of sign with one face affixed to an awning.

Sign, Banner

A type of temporary sign that is painted or printed on cloth, vinyl, or other flexible material, which is designed to be stretched between poles, fence posts or wire, mounted in a free-standing frame, or hung on walls with ties, clips, rails, brackets, hooks, or frames.

Sign, Canopy

A type of sign with one face affixed to a canopy.

Sign, Damaged

A sign that, for any reason, has received less than 50 percent damage to any combination of the copy area or sign structure.

Sign, Destroyed

Any sign that, for any reason, has received 50 percent or greater damage to any combination of the copy area or sign structure.

Sign, Double-Faced

A sign with two faces that are parallel or within 30° of parallel.

Sign, Electronic Message Center (EMC)

An electronic sign that utilizes video content, whether static or motion, to advertise products, services and businesses, and is digitally programmed and controlled, either directly or indirectly, by the use of a computer or software. The term electronic message center sign includes, but is not limited to, light-emitting diodes, liquid crystal displays and plasma screen displays.

Sign, Freestanding

A ground-mounted sign erected on a permanently set pole or poles, mast, or framework that is not mounted on or attached to a structure, including an access sign, monument sign, or pole sign.

Sign, Inflatable

A sign that is constructed from an envelope flexible material that is given shape or movement by inflation.

Sign, Light Projection

Any image, text, or other content that is projected onto an outdoor surface (e.g., a building wall, window, or sidewalk) by a laser projector, video projector, video mapping, or other comparable technology, in a location such that the image, text, or content is obviously visible from outside of the property.

Marquee Sign (current definition)

A permanent canopy often of metal and glass projecting over an entrance (as of a hotel or theater).

Sign, Marquee (proposed definition)

A sign attached to a marquee.

Sign, Monument

A sign supported by the ground and not attached to a building or structure, and where the bottom edge of the sign structure is on or in the ground. A multi-tenant monument sign is a monument sign permitted for a property with three or more tenants, as identified by individual tenant addresses.

Sign, Off-Premises

Any sign advertising products, services, uses, or enterprises sold or offered at a location other than the property where the sign is physically located.

Sign, On-Premises

A sign advertising any product, service, or enterprise physically located on the property where the sign is located.

Sign, On-Vehicle

Any magnetic sign(s), signs painted or wrapped on, adhesive vinyl film affixed to a window, or sign attached by other temporary or permanent means to a vehicle, where the vehicle is owned by the business, is operable and properly licensed, and the vehicle is regularly and consistently used in the normal daily conduct of the business, such as delivering or transporting goods or providing services related to the business.

Sign, Pole

A sign which is supported by one or more uprights, poles, or braces affixed to the ground, and not attached to a building or structure.

Sign, Projecting or Suspended

A vertical edge mounted sign that is attached directly to the wall of a building, and which extends at least one foot from the face of the wall, and is typically mounted perpendicular to the wall surface.

Sign, Required

A sign that is required by an applicable building code (e.g., address numbers) or health and safety regulations (e.g., the Occupational Safety and Health Act (“OSHA”)) or other laws or regulations, whether such sign is temporary or permanent.

Sign, Rider

A subordinate sign that is attached to a temporary sign, either above or below the sign face.

Sign, Roof

A sign erected on a roof, including a mansard type roof, where any portion of the sign extends above the roofline of a building or structure, or that is mounted upon the horizontal plane of a flat roof structure, which may include the roof of a canopy or porte-cochère that is attached to a building.

Sign, Subdivision

A monument sign located at the entrance of a legally platted subdivision of land.

Sign, Temporary

A sign that is: (1) constructed of cloth, canvas, vinyl, paper, plywood, fabric or other lightweight material not well suited to provide a durable substrate; or (2) if made of some other material, is neither permanently installed in the ground, nor permanently affixed to a building or structure that is permanently installed. Temporary signs may include rider signs.

Sign, Under Canopy

A sign that is suspended beneath an awning, canopy, ceiling, soffit, or roof.

Sign, Wall

Any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall, and extending not more than one foot from the face of the wall, and not to extend above the highest point of the wall.

Sign, Walker

A sign, including costumes, that is worn, held, or balanced by a person and is not installed or attached to real property.

Sign, Wind

A display of pennants, streamers, balloons, whirligigs, wind blades, or similar devices, activated by wind.

Sign, Wind Blade, Blade, Feather, or Teardrop (referred to as “flutter flags”)

A piece of cloth or other similar material, varying in size, color, and design, that is attached to a pole or staff, and may be in the shape of a vertically-oriented rectangle, teardrop, or similar, where typically the cloth or material is supported by wire to maintain the shape of the flag.

Sign, Window

A solid or transparent sign painted on or affixed to either side of a window, or facing the outside and intended to be seen from the outside.

Sign, Yard

A type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes

Signage

Any graphics, symbols, or written copy designed specifically for the purposes of advertising or identifying an establishment, product, goods or services.

Sign Structure

The base, footer, support poles, framing, and all other parts and components onto which the copy area is resting or attached.

Solar Energy System, Large

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

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 120 percent of the total annual on-site energy use.

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 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.

Stealth Tower

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 not look 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

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

Street Line

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

Any change in the supporting member of a building, such as a bearing wall, column, beam, or girder.

Structure

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.

Structure Area (Sign)

The total surface area of the structure of a monument sign that supports its copy area and contains dimensional or material differences from the plane of the sign face.

Subdivision

The division of any parcel of land into two or more parcels, separate interests, or interests in common, except when such division:

- a. Creates parcels of land each 35 acres or more, 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 35 acres or more 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 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.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Surface Estate

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

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

Switch

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.

Q. T Terms

Telecommunications Facilities

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 (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and other similar services marketed to the commercial or residential consumers. *Telecommunications facilities* shall not include:

- a. Any satellite earth station antenna two meters in diameter or less which is in an area zoned commercial or industrial; and
- b. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

Temporary Lighting

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 months without an exemption granted by the Town.

Temporary Use

A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Theater and Performing Arts Space

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

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 Federal Communications Commission (FCC).

Tower, Multi-user

A tower with attached antennas of more than one commercial wireless telecommunication service provider or governmental entity.

Tower, Single-user

A tower with attached antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this Chapter.

Town Register

The Town register of historic properties.

R. V Terms

Variance

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.

Vehicle Repair Garage

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.

S. W/X/Y/Z Terms

Warehouse, Commercial or Self-storage

An enclosed building designed and used primarily for the storage of goods and materials.

Wall Face

The area determined by multiplying the linear footage of the wall times the vertical height of the wall.

Wireless Telecommunication Services

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.

16-2-3. Measurements

Buildable Area and Setbacks

Buildable area means that portion of a building lot or site not within the required front, side, and rear setback areas. A *setback* is the minimum horizontal distance that must remain unobstructed from the ground to the sky, measured perpendicular from the lot line.

For the purposes of issuing building permits, *buildable area* also means those 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.

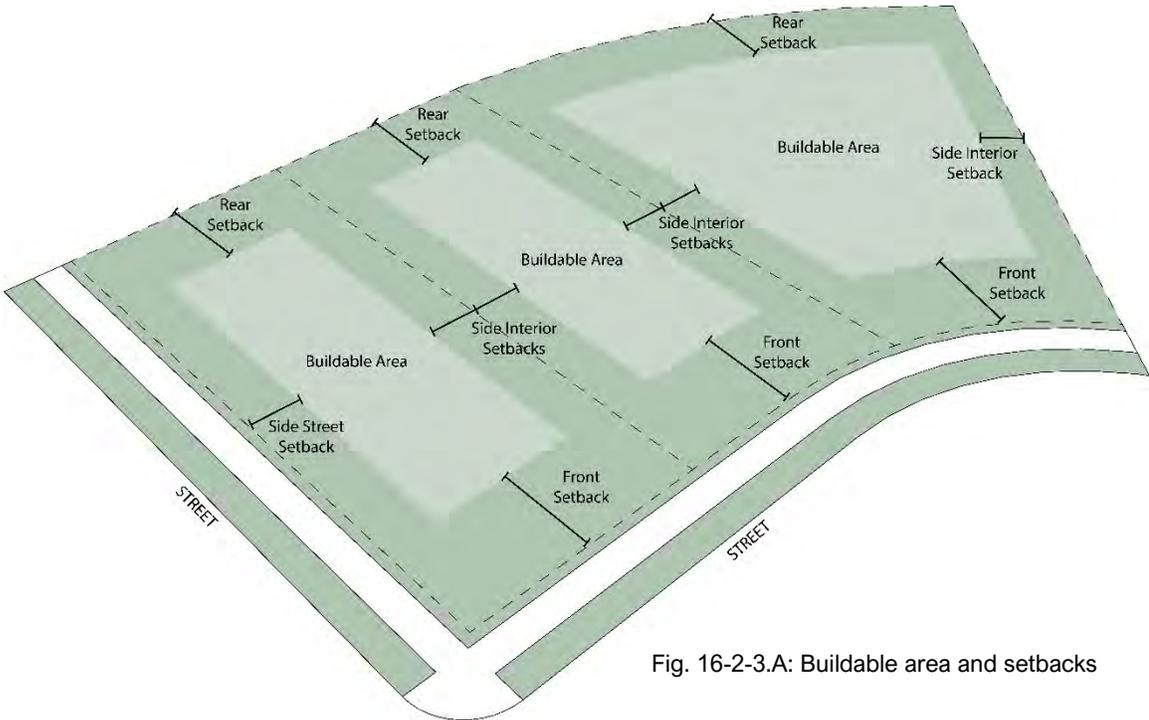


Fig. 16-2-3.A: Buildable area and setbacks

Building Line

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.

Density

The maximum number of dwelling units per gross acre of land permitted in a zone district.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Lot Area

The net area of the lot, excluding portions of streets and alleys.

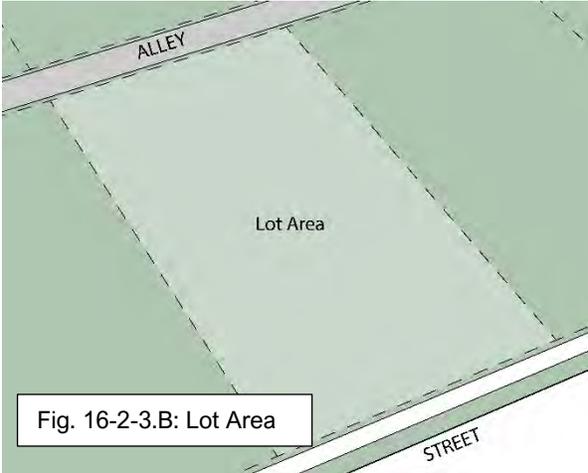


Fig. 16-2-3.B: Lot Area

Lot Coverage

The percentage of a lot or tract covered by the roof or first floor of buildings.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, recreation, or any combination. 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 LUC and Section 60.3 of the National Flood Insurance Program regulations.

Usable Square Footage

Any portion of a structure or attachment to a structure (such as a patio or porch) that is livable, leasable, or otherwise used to generate income on a continuing basis.

Yard

An open space on the lot that is not obstructed from any point 30 inches above the general ground level of the graded lot to the sky except as authorized obstructions.

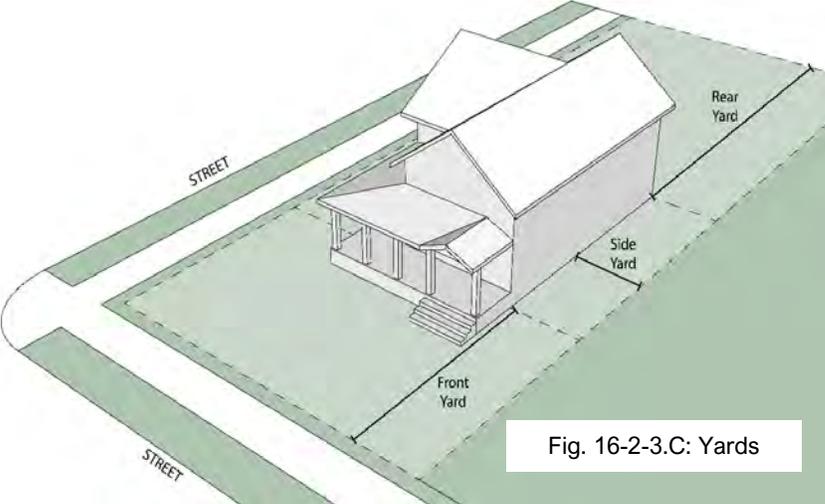


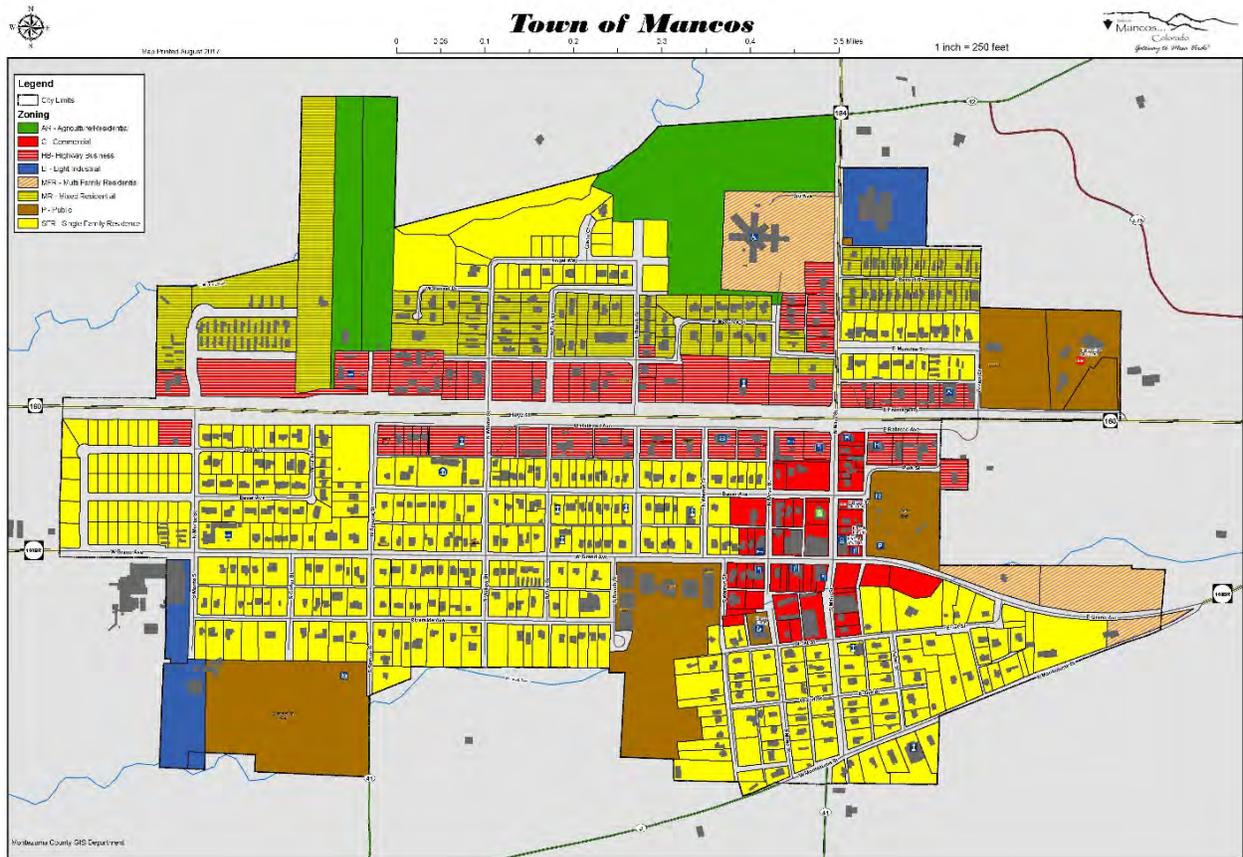
Fig. 16-2-3.C: Yards

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Article 3: Zone Districts

Drafting Note: for the purposes of public review of this section, we have included a copy of the Town’s zoning map. It is always available at <http://mancoscolorado.com/admindocs/ZoningMap.pdf>



Section 16-3-1 Districts Established

To implement the comprehensive plan and the purposes and provisions of this land use code, the town has established ten zoning districts as indicated in Table 16-3-A, Table of Zoning Districts:

Table 16-3-A: Table of Zoning Districts

Residential Zoning Districts	
AR	Agriculture Residential
AR-C	Agriculture Residential Cluster
SFR-R	Single-Family Residential Rural
SFR-1	Single-Family Residential Low Density
SFR-2	Single-Family Residential Medium Density
MFR-1	Multifamily Residential Low Density
MFR-2	Multifamily Residential Medium Density
PUD	Planned Unit Development

Table 16-3-A: Table of Zoning Districts

Mixed-Use Zoning Districts	
DMU	Downtown Mixed-Use (new)
CMU	Corridor Mixed-Use (new)
Nonresidential Zoning Districts	
C	Commercial District
HC	Highway Commercial District
LI	Industrial District
P	Public District

Section 16-3-2 Official Zoning Map

A. Adoption

The boundaries of the zoning districts are delineated on the official zoning map, as amended from time to time. The official zoning map is available on the Town of Mancos website and is maintained by the office of the town clerk. From time to time, or if the official zoning map becomes damaged, destroyed, lost, or difficult to interpret, the board of trustees may adopt a new official zoning map to supersede the prior map.

B. Amendment

Changes or amendments to the district must be made in compliance and conformity with procedures set forth in Section 16-2-14(A). The zoning administrator is responsible for updating the official zoning map. Changes or amendments to the map shall be made promptly after official adoption.

Section 16-3-3 Interpretation of District Boundaries

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

- A. Boundaries indicated as approximately following streets, highways, or alleys shall be construed to follow the centerline of such street, highway, or alley.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
- C. Boundaries indicated as approximately following town limits shall be construed as following town limits.
- D. Boundaries indicated as approximately following the centerline of irrigation ditches or drainageways shall be construed to follow such centerline.
- E. Boundaries indicated as parallel to or extensions of features indicated in this section shall be so construed.
- F. Distances not specifically indicated on the official zoning map shall be determined from the graphic scale on the map.
- G. 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.

- H. 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 16-3-3, above, the property shall be considered as classified AR, Agriculture Residential, and subject to the provisions of Section 16-2-14(A).

Section 16-3-4 District Purposes

A. Agriculture Residential District (AR)

The Agriculture Residential District is designed primarily to accommodate agricultural uses and single-family development on lots of five acres. It is intended for application as temporary zoning following annexation but prior to final subdivision approval, as defined in Section 16-2-11.

B. Agriculture Residential Cluster District (AR-C)

The Agriculture Residential Cluster District is designed to accommodate clustered residential uses in areas that are shared with active agricultural uses, important natural areas, environmentally sensitive areas, and areas where clustered development would be beneficial to preserve the existing rural character.

C. Single-Family Residential Rural (SFR-R)

The Single-Family Residential Rural district is intended to accommodate very low density single-family development on lots of at least three acres. It is intended for application in rural areas at the edge of Town where topography, road access, and the availability of public water and sewer will produce a low density development pattern.

G.D. Single-Family Residential Low Density District (SFR-1)

The Single-Family Residential District (SFR-1) 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.

D.E. Single-Family Residential Medium Density District (SFR-2)

The Single-Family Residential Compact District (SFR-C) is designed to accommodate single-family structures on small lots to support a compact, walkable development pattern. It is intended for use adjacent to downtown Mancos and can also be used as a transition from multifamily development to larger lot single family residential development. SFR-C zoning can be applied in areas designed "single-family" on the future development plan map.

E.F. Multifamily Residential Low Density District (MR-1)

The Multifamily Residential Low Density District (MR-1) is designed primarily to accommodate multifamily uses. It is intended for application to areas designated "mixed housing" on the future development plan map in the comprehensive plan.

F.G. Multifamily Residential Medium Density District (MR-2)

The Multifamily Residential Medium Density District (MR-2) is designed primarily to accommodate multifamily uses on smaller lots in more compact and walkable settings. It is

intended for application to areas designated "multi-family" on the future development plan map in the comprehensive plan.

G-H. Downtown Mixed-Use (DMU)

The Downtown Mixed-Use District is designed for application to Downtown Mancos to allow a vibrant mix of commercial, retail, office, light industrial, and residential uses that allow residents and visitors to enjoy the hub of the community. Downtown Mixed-Use is applicable [insert map]

H-I. Commercial Mixed-Use (CMU)

The Commercial Mixed-Use District is intended for application to corridors and other areas outside of Downtown Mancos where mixed-use development is indicated on the future development plan map. Commercial mixed-use development should include a combination of commercial and residential uses that are mutually supportive and that provide goods and services to surrounding residential uses.

I-J. Commercial District (C)

The Commercial District (C) 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.

J-K. Highway Commercial District (HC)

The Highway Commercial District (HC) 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.

K-L. Light Industrial District (LI)

The Light Industrial District (LI) 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.

L-M. Public District (P)

The Public District (P) 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.

M-N. Planned Unit Development District (PUD)

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 residential districts.

Section 16-3-5 Dimensional Standards

Table 16-3-B through Table 16-3-E, indicate the required dimensional standards for lots and structures in each of the zoning districts.

A. Dimensional Standards – Residential Districts

Table 16-3-B: Dimensional Standards – Residential Districts

Zoning District	AR	SFR-R	SFR-1	SFR-2	MR-1	MR-2
Lot						
Area (sf., min.)						
Single-family	5 acres	3 acres	7,500	3,000	7,500	5,000
Two-family (per structure)	n/a	3 acres	5,500	4,000	5,500	7,500
Tri/Quadrplex (per unit)	n/a	n/a	n/a	2,000	3,500	3,500
Townhouse (per unit)	n/a	n/a	n/a	2,000	3,500	3,500
Multi-family (per structure)	n/a	n/a	n/a	n/a	3,000	3,000
All other uses (per structure)	5 acres	3 acres	5,500	5,500	5,500	5,500
Width (ft., min.)						
Single-family	200	200	50	50	50	50
Two-family	n/a	n/a	75	50	75	75
Tri-and Quadrplex	n/a	n/a	n/a	50	50	50
Townhouse	n/a	n/a	n/a	18/unit	18/unit	18/unit
Multi-family dwelling	n/a	n/a	n/a	n/a	75	75
All other uses	75200	200	75	50	75	75
Coverage (% , max.)						
	n/a	n/a	30	60	60 ¹	75 ²
Setbacks [1]						
Front (ft., min.)	30		25	15	25	15
Side Interior (ft., min.)	15		7	7	7	7
Side Street (ft., min.)	15		15	15	15	15
Rear (ft., min.)	35		25	25	25	25
River (ft., min.) [2]	25		25	25	25	25
Height						
Height (ft., max.) [1]	35		35	35	35	35
Floor Area						
Area (sf., min.)	0		500	500	500	500

¹ In the current LDC, the text allows 50% and table allows 30%. Both measurements are low for multifamily development, so we have recommended 60% lot coverage.

² In the current LDC, the text allows 50% and the table allows 30%. Both measurements are low for multifamily development, so we have recommended 75% lot coverage.

Notes

- [1] Attached units: measured at end units, not between individually attached units.
[2] Unless the requirements of Sec. xx.xx, Riparian Buffer, apply to require a larger setback.

B. Dimensional Standards - Commercial Districts

Table 16-3-C: Dimensional Standards – Mixed-Use and Commercial Districts

Zoning District	DMU	CMU	C	HC	LI	P
Lot						
Area (sf., min.)	n/a	n/a	n/a	n/a	n/a	n/a
Width (ft., min.)	n/a	n/a	n/a	n/a	n/a	n/a
Coverage (% max.)	90	80	80	80	50	50
Setbacks						
Front (ft., min.)	0	0	0	0	15	25
Side Interior (ft., min.)	5	5	0	6	10	10
Side Street (ft., min.)	0	0	0	0	15	15
Rear (ft., min.)	10	10	25	25	10	10
River (ft., min.)	25	25	25	25	25	25
Height						
Height (ft., max.)	35	35	35	35	35	35

Section 16-3-6 Planned Unit Development (PUD)

A. Intent

A planned unit development (PUD) designation may be applied to land intended for residential development purposes.

B. Uses

The use permissions shall be those of the underlying zone district.

C. Dimensional Standards

1. Minimum Lot Area: The minimum lot area for PUD districts shall be **five times the minimum lot area in the underlying zone district one acre**.
2. Maximum Density: The maximum density shall be no greater than that permitted in the underlying zone district prior to PUD approval.
3. Minimum Common Open Space: The minimum common open space shall be 30 percent of the land area in the PUD.
 - a. At least one-half of the required common open space shall be usable for recreational purposes.
 - b. Common open space shall include, but is not limited to:

- i. Trails;
- ii. Setback adjacent to the normal river channel on Mancos Ricer and Chicken Creek; or
- iii. Areas impacted by geologic hazards and flood hazards; and
- iv. Historic or prehistoric sites.

D. Procedures

Administrative procedures are located in Section 16-x.

Section 16-3-7 District-Specific Standards

A. AR-C: Cluster Development Standards

1. Purpose

The purpose of a cluster development subdivision is to allow the creative design of subdivisions as an alternative to conventional, large-lot subdivisions. The option will allow applicants to design subdivisions creatively to avoid placing residential buildings in floodplains or on ridgelines or steep slopes, conserve riparian areas and other natural resources, such as wildlife habitat, and maintain the open character and agricultural viability. The option allows residential units to be clustered on small lots while maintaining the allowable density. In turn, the option requires that a portion of the property be set aside as a “conservation area” that will have a limited range of allowed uses and activities.

2. Applicability

To be eligible for the cluster development subdivision option, the parcel of land shall be located within either an agricultural or a residential district.

3. Allowed Uses

In a cluster development subdivision, the proposed uses shall be limited to residences, agriculture, and non-motorized recreational uses. Only agriculture, open space, forestry, greenhouses, and non-motorized recreational uses are allowed in the conservation area(s).

4. Submittal and Review Requirements

A cluster development subdivision shall be processed as a subdivision of land as described here:

a. Pre-application Meeting

Prior to submittal of a cluster development subdivision application, the applicant shall meet with the zoning administrator for a pre-application meeting to discuss the preparation of a site analysis map and to schedule a site visit, as described herein.

b. Preliminary Site Analysis Map

After the pre-application meeting, but prior to submittal of the cluster development subdivision application, the applicant shall prepare and submit a preliminary site analysis map that provides information about existing site conditions and context, and that comprehensively analyzes existing conditions both on the proposed subdivision property and on all lands within 1,500 feet of the subject property’s boundaries. The site analysis map scale shall be in accordance with standards for

a preliminary plat and the map shall contain the information listed in the subsections below.

i. Natural and Constructed Features

The site analysis map shall show the relationship of the property to natural and constructed features located on the property and within 1,500 feet of its boundaries. The features to be shown include:

- (a) Public roads and trails;
- (b) Utility easements and rights-of-way, as filed with the county;
- (c) Constructed features, including but not limited to driveways, farm roads, buildings, foundations, walls and fences, wells, drainage fields, ditches, dumps, and utilities;
- (d) Topography (from United States Geological Survey (USGS) maps) as required for preliminary plats, including steep slopes (30% or greater);
- (e) Streams, rivers, waterbodies, and wetlands, and required setbacks as defined in this chapter;
- (f) Base flood areas;
- (g) Wildlife habitat protection areas identified by Colorado Parks and Wildlife (CPW);
- (h) Soils as mapped by the United States Department of Agriculture (USDA) Natural Resources Conservation Service;
- (i) Public lands, both state and federal;
- (j) Lands protected under conservation easements; and
- (k) Historically and culturally significant sites or structures.

ii. Proposed Conservation Area

The site analysis map shall depict the proposed or potential conservation area(s) (including total calculated conservation area and its percentage of the total subdivision) based on the natural features to be protected and to achieve the minimum amount of land to be conserved as identified in this section. The preliminary site analysis shall also identify the applicant's approach to conservation area(s) long-term maintenance.

iii. Potential Buildable Areas

The site analysis map shall delineate the potential buildable areas (including total calculated conservation area and its percentage of the total subdivision) as a last step, following delineation of the natural and constructed features and potential conservation area(s).

c. Site Visit

After the applicant creates a preliminary site analysis map, and prior to submission of the concept plan and complete application, the applicant shall schedule a site visit to the property with the zoning administrator. The zoning administrator may invite other relevant local, state, or federal agencies (e.g., town engineer, Montezuma Land Conservancy, CPW) to attend the site visit. The purpose of the site visit is to:

- i. Familiarize staff with the property’s existing conditions and special features,
- ii. Identify potential site development issues, and
- iii. Provide an opportunity to discuss design concepts, including the general location and layout of the conservation area(s), the potential locations for proposed buildable areas, parcels, and building envelopes within parcels (as applicable), and the potential locations for utilities, roads, and other development features.

Comments made by staff during the site visit are not binding in any way and shall be interpreted as suggestions only. No official decisions shall be made during the site visit.

d. Concept Plan

After the pre-application meeting and site visit, the applicant shall submit the site analysis map, and a concept plan, and proposed conservation area(s) maintenance plan to the zoning administrator for review and comment.

e. Complete Application

Following receipt of the written comments on the concept plan from the zoning administrator, the applicant shall submit a complete subdivision application for a cluster development subdivision. The subdivision review and approval process shall follow the requirements of a major subdivision approval.

5. Standards Applicable to Cluster Development Subdivisions

In addition to the general subdivision design standards, the following standards shall apply to cluster development subdivisions.

a. Components of a Cluster Development Subdivision

A cluster development subdivision is comprised of two components: (A) the conservation area (s), and (B) the residential cluster. The conservation area(s) is the larger portion of the development parcel that is platted as a separate parcel and permanently conserved for passive open space, limited impact uses identified as part of the subdivision approval process, or non-motorized recreation uses. The residential cluster is the portion of the development parcel that is subdivided into parcels for residential development and accessory uses.

b. Cluster Development Subdivision Standards

i. Maximum Density

The maximum number of lots is determined by dividing the total area of the tract of land by the minimum conventional lot size specified in the underlying zoning.

ii. Minimum Conservation Area

(a) Conservation Area(s)

The minimum percentage of the cluster development subdivision parcel’s gross land area that shall be set aside as conservation area(s) is 50 percent. The conservation area(s) and its calculated percentage of the gross area shall be clearly delineated on the cluster development

subdivision plat. The acreage, intended use, and final ownership of all conservation area tracts shall be shown on the plat.

(b) Conservation Lot(s)

Up to two conservation lots may be designated for a parcel, provided that the minimum 50 percent conservation area is set aside within the conservation lot(s).

iii. Location of Conservation Areas

The conservation areas shall be delineated to include the following features:

- (a) Streams, rivers, waterbodies, wetlands, and other sensitive or unique natural features along with required setbacks as identified in this chapter;
- (b) Floodplains and alluvial soils;
- (c) Steep slopes (30% or greater);
- (d) Woodlands, natural areas, and wildlife habitats and corridors;
- (e) Scenic views, especially of natural and cultural features, including views from public spaces and roads, as well as views from potential home sites; and
- (f) Identified historic and cultural features.

iv. Contiguous Conservation Area(s)

The conservation area(s) shall be contiguous to the maximum extent feasible.

v. Location of Residential Lots

The buildable residential lots and all public and private roads shall be sited to be located outside the delineated conservation areas.

B. MR-2: Manufactured Home Community

1. Manufactured Home Lot

- a. 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.
- b. There shall be a minimum of 20 feet between manufactured homes.
- c. Each manufactured home shall be set in accordance with the Colorado Division of Housing Installation Guidelines in effect at the time of installation.

2. Manufactured Home Community Design Standards

- a. Each manufactured home community shall have an internal driveway not less than 20 feet wide, and the internal driveway shall have an all-weather, durable dust-free surface.
- b. 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.
- c. Manufactured home communities shall be properly graded and well-drained, so as to prevent the accumulation of surface water.
- d. All refuse shall be stored in rodent, dog, and bear-proof containers, which shall be located no more than 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.

- e. 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. [The development of a community garden within the manufactured home community is a permissible accessory use.](#)
- f. A detached, accessory storage building or buildings shall be provided within a manufactured home community, containing a minimum storage capacity of 10 cubic yards per manufactured home site.
- g. 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.
- h. Manufactured home communities shall connect to the sanitary sewer system per the Town requirements.
- i. All utility lines, including electrical utility lines, shall be installed underground.
- j. Each manufactured home community shall include a recreational area and facilities for the use and enjoyment of the residents encompassing an area of 10 percent or two 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.

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Article 4: Use Regulations

Section 16-4-1 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 Article 3, 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 LUC for the district in which the building or structure or land is located.

Section 16-4-2 Use Table Organization and Categories

A. Organization

The uses allocated to each zone district are identified in Table 16-4-4.1, Permitted Uses. Within the use table, land uses and activities are classified into general “use categories” and then into specific “use types” that are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. Use types may also be organized into “use type subgroups” where there are a number of possible variations of a use type, such as residential dwellings or group living. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts.

B. **Agriculture**

This is a category of uses characterized by active and on-going agricultural uses, activities, and related uses. An agricultural use, in general, means the use of and for the growing and production of field crops, livestock, aquatic, and animal products for the production of income. Other agricultural uses might include fruit and vegetable stands, livestock sales, wholesale nurseries, and stables. Lands in agricultural uses and districts may also be held for preservation and conservation purposes.

C. **Residential**

This is a category of uses offering habitation on a continuous basis of at least 30 days. The continuous basis is established by tenancy with a minimum term of one month or property ownership. This use category also includes group residential facilities.

1. **Household Living**

This use type is characterized by residential occupancy of a dwelling unit by one or more persons. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be a form of transient lodging.

2. **Group Living**

This use type is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living". Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may also reside at the site.

D. Civic, Public, and Institutional Uses

This is a category of uses that are public or quasi-public uses that provide services to benefit the public-at-large.

1. Cultural

This use type includes uses where persons regularly assemble to experience or participate in cultural activities. This category includes libraries, museums, and public and religious assembly uses. Assembly uses are permanent places, which are maintained and controlled by a body organized to sustain the religious or public assembly. Public assembly uses include civic and social organizations such as private lodges, clubs, fraternities, and similar private membership organizations.

2. Education

This use type includes institutions of learning that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

3. Government Services

This is a use type for locations and structures that provide a place for the regular transaction of governmental business.

4. Medical Care

This use type is characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building. Uses include foster care facilities, detoxification facilities, hospitals, nursing homes, and psychiatric hospitals.

5. Custodial Care

This use type includes facilities providing custodial care in a supervised environment to more than 16 persons, excluding staff, who reside on a 24-hour basis. Uses include alcohol and drug centers, assisted living facilities, congregate care facilities, group homes, halfway houses, residential board and care facilities, and social rehabilitation facilities. Facilities providing custodial care to less than 16 persons shall be classified as a group living use.

E. Commercial

This is a use category for any retail, consumer service, or office use.

1. Arts, Entertainment, and Recreation

This use type includes a broad array of commercial establishments that operate indoor or outdoor facilities or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons. Uses within this category comprise:

- a. Establishments involved in producing, promoting, or participating in live performances, events, or exhibits intended for public viewing;

- b. Establishments that create, preserve and exhibit objects and sites of artistic, historical, cultural, sports or educational interest; and
- c. Establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, or leisure time interests.

2. Eating and Drinking Establishments

This is a use category for businesses that prepare or serve food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

3. Lodging Accommodations

Uses in this use type provide customers with temporary housing for an agreed upon term of less than 30 consecutive days. This includes any use where temporary housing is offered to the public for compensation, and is open to transient rather than permanent guests.

4. Office

This type includes uses where people are engaged primarily in on-site administrative, business, or professional activities. These uses are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking or other amenities primarily for the use of employees in the firm or building.

5. Personal Services

This use type is characterized by establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location.

6. Retail

This is a use type for businesses involved in the sale, lease, or rental of new or used products to the general public. Such uses may include, but are not limited to: convenience food store, drug store, hardware store, general merchandise store, garden supplies, furniture, home furnishings and equipment. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging or repair of goods for on-site sales.

7. Transportation

This is a use type for uses that provide public and private modes of transportation.

8. Vehicle/Equipment Sales and Services

This use type includes a broad range of uses for the maintenance, sale, or rental of vehicles, trucks and heavy equipment. Accessory uses may include incidental repair, storage, and offices.

F. Industrial, Wholesale, and Storage

This is a use category including uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced.

1. Manufacturing

This use type includes industrial uses that produce noise, odors, and noxious or toxic by-products. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part of the manufacturing process creating increased hazards of fire or explosion. Industrial processes are not required to take place within enclosed buildings. Work areas and the storage of finished products may be permitted within an enclosed yard. These uses are generally incompatible with lower intensity land uses.

2. Utilities

This use type includes structures and locations for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity. Utility uses may or may not have regular employees at the site and the services may be public or privately provided.

3. Wholesale and Storage

This use type includes facilities used for the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking, and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

G. Performance Standards

1. Applicability

To protect the public health, safety, and welfare of the Town, all uses in any zone district shall conform in operation, location, and construction to the performance standards of this Section.

2. Exemption

The following are exempt from the performance standards:

- a. Temporary construction, excavation, and grading associated with development for which applicable permits have been issued, and with the installation of streets or utilities; and
- b. 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.

3. General

The location, size, design, and operating characteristics of all uses shall minimize adverse effects, including visual impacts on surrounding properties.

4. Noise

The sound pressure level of any use, operation, or plant shall not produce noise of such intensity as to create a nuisance or detract from the use and enjoyment of the adjacent property, as measured on the bounding property line. 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 parcels of property shall be interpreted as the bounding property line.

5. Smoke and Particulate Matter

Any use in any district shall not 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.

6. Odorous Matter

Any use in any district shall not emit odorous matter that 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.

7. 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.

8. Toxic and Noxious Matter

Any use in any district shall not 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.

9. Vibration

Any use in any district shall not create earth-borne vibration 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.

10. Glare

Any use in any district shall not 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.

Section 16-4-3 Allocation of Uses

A. Explanation of Table Abbreviations

The symbols and abbreviations used in Table 16-4-4.1, Permitted Uses, have the following meanings:

1. Permitted Uses

Uses identified in a district column with a "P" in a cell indicates that the use is allowed by right in the district subject to compliance with any applicable use-specific standards conditions and all other provisions of this LUC.

2. Special Uses

Uses identified in a district column with an "S" in a cell indicates that the use is allowed in the district only upon approval of a special use permit in accordance with the procedures and standards of Section 16-2-8, Special Use Permits.

3. Temporary Uses

Uses identified in a district column with a "T" in a cell indicates that the use is allowed in the district only upon approval of a temporary use permit in accordance with the procedures and standards of Section 16-2-7, Temporary Use Permits.

4. Accessory Uses

Uses identified in a district column with an "P" shall be permitted in the district as an accessory use subject to compliance with any applicable use standards.

5. Not Permitted

A blank cell indicates that the use is not permitted in the district.

B. Use-Specific Standards

Code references for use-specific standards are listed in the "Use Standard" column in Table 16-4-4.1. Use specific standards refer to conditions applicable to the use in all cases and in any zone district, as set forth in Section 16-4-4, Use-Specific Standards.

Section 16-4-4 Permitted Uses and Classification of Unlisted Uses

A. Permitted Uses

The uses permitted in each zone district are identified in Table 16-4-4.1, Permitted Uses.

B. Interpretation Process

When a use category or use type is proposed that is not specifically listed in Table 16-4-4.1, the zoning administrator shall make a determination as to the appropriate classification of any new or unlisted form of land use based on the criteria listed below.

C. Interpretation Criteria

1. The zoning administrator is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions.

2. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the zoning administrator is authorized to determine the most similar, and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this section. In making such determinations, the zoning administrator shall consider:
 - a. The types of activities that will occur in conjunction with the use;
 - b. The types of equipment and processes to be used;
 - c. The existence, number and frequency of residents, customers or employees;
 - d. Parking demands associated with the use;
 - e. Any special public utility requirements for serving the proposed use type, including but not limited to electricity, water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures or infrastructure and communications towers or facilities;
 - f. The impact on adjacent structures, uses, or lands created by the proposed use type, which should not be greater than that of other use types in the zone district; and
 - g. Other factors deemed relevant to a use determination.
3. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the zoning administrator shall categorize the use in the category, subcategory or specific use type that most closely matches the number of factors met and identify the key reasons for that determination.

D. Appeal

The zoning administrator's determination may be appealed to the board of adjustment by the applicant or abutting property owner. The board of trustees may also call-up an administrative interpretation for review at the board's next regularly scheduled meeting.

Table 16-4-4.1: Permitted Uses														
Use Type	Additional Standards	Zone Districts												
		AR	AR-C	SFR-R	SFR-1	SFR-2	MFR-1	MFR-2	DMU	CMU	C	HC	LI	P
		Key: P= Permitted by Right, S = Special Use Permit, T = Temporary Use Permit, A = Accessory Use												
Agriculture Uses														
Agriculture		P	P	P										
Market garden		P	P	A	A	A	A	A			P		P	P
Residential Uses														
Household Living														
Dwelling, single-family	16-10	P	P	P	P	P	P	P	P	P	P			
Dwelling, two-family	16-10				P		P	P	P	P				
Dwelling, triplex							P	P	P	P				
Dwelling quadraplex							P	P	P	P				
Dwelling townhome							P	P	P	P				
Dwelling, multi-family	16-10						P	P	P	P				
Dwelling in mixed-used building	16-4-5								P	P	P	P		
Manufactured home	16-4-5	P			P		P							
Mobile home	16-4-5													
Manufactured home community	16-3-7						S							
Group Living														
Boarding house							P	P						
Convents and monasteries							P	P						
Group home	16-4-5	P	P	P	P	P	P	P	P	P				
Residential care facility					S		S	S	S	S				
Shelter for the homeless							S	S	S	S	S			
Student housing								P						
Civic, Public, and Institutional Uses														
Government Services														
Correctional facility													S	
Municipal facility		P		P			P	P	P	P	P	P	P	P

Table 16-4-4.1: Permitted Uses														
Use Type	Additional Standards	Zone Districts												
		AR	AR-C	SFR-R	SFR-1	SFR-2	MFR-1	MFR-2	DMU	CMU	C	HC	LI	P
Key: P= Permitted by Right, S = Special Use Permit, T = Temporary Use Permit, A = Accessory Use														
Park maintenance or storage structure													P	P
Cultural														
Cemetery		P	P	P			P	P						P
Library		P	P	P	P	P	P	P	P	P	P	P		P
Museum									P	P	P	P		P
Public Assembly		PS	S	S	PS	S	P	P	P	P	P	S	PS	PS
Religious Assembly		P	P	P	P	P	P	P	P	P	P	S	PS	PS
Education														
School, elementary or secondary		S	S	S	S	S	S	S		S	PS		S	P
School, vocational										S	S	S		S
School, university or college										S	S	S		S
Medical Care														
Hospice care				S	S	S	P	P		P				
Hospital and Medical Clinic		S			S		S	S	S	S	P	P	P	P
Medical clinics and offices									P	P	P	P	P	
Nursing facility		S			S	S	S	S		S	S			
Custodial Care														
Adult day care facility		S	S	S	S	S	P	P	S	P	P			
Child care center		S	S	S	S	S	P	P	S	P	P		P	P
Assisted living facility		S	S	S	S	S	S	S	S	P	P			
Treatment or care facility							S	S		S	S			
Commercial Uses														
Arts, Entertainment, and Recreation														
Adult business													P	
Banquet hall		S	S	S						P	P	P		
Entertainment and recreation														
Less than 10,000 sf		S							P	P	P	P		
10,000 sf or more		S									S	P		
Performing arts		S							P	P	P	P		

Table 16-4-4.1: Permitted Uses														
Use Type	Additional Standards	Zone Districts												
		AR	AR-C	SFR-R	SFR-1	SFR-2	MFR-1	MFR-2	DMU	CMU	C	HC	LI	P
		Key: P= Permitted by Right, S = Special Use Permit, T = Temporary Use Permit, A = Accessory Use												
Eating and Drinking Establishments														
Bar, tavern, or nightclub									P	P	P	P	P	
Restaurant, fast food	[1] No drive-thru								P [1]	P	P	P		
Restaurant, general									P	P	P	P		
Lodging Accommodations														
Bed and breakfast	16-4-6	P	S	S	PS	S	P	P	P	P				
Campground or recreational vehicle park	16-4-6	S										S	P	P
Hotel or motel					S				P	P	P	P		
Offices														
Office, general									P	P	P	P	P	
Financial institution									P	P	P	P		
Laboratories and research									P	P		P		
Veterinarian hospital or clinic		S								P	P	P	P	
Personal Services														
Personal service, general									P	P	P	P	P	
Funeral parlor		S	S	S	S	S	S	S	P	P	P	P	P	
Instructional services and studios									P	P	P	P		
Repair services	[1] Internal operations only								P [1]	P	P	P	P	
Retail														
Animal sales and services, general		S								P	P	P	P	
Building materials, sales and yard												P		
Garden center or nursery												P		
Kennel		S										S	P	
Retail, general (indoors)									P	P	P	P		
Retail, general (outdoors)										S	S	P	P	
Marijuana Dispensary	16-4-6													

Table 16-4-4.1: Permitted Uses														
Use Type	Additional Standards	Zone Districts												
		AR	AR-C	SFR-R	SFR-1	SFR-2	MFR-1	MFR-2	DMU	CMU	C	HC	LI	P
Key: P= Permitted by Right, S = Special Use Permit, T = Temporary Use Permit, A = Accessory Use														
	Less than 2,500 sf											P	P	P
	2,500 – 5,000 sf											S	S	S
	5,000 sf or more													
Transportation														
	Bus station or terminal									P	P	P	P	P
	Parking lot or structure								P	S	S	P	P	P
Vehicle/Equipment Sales or Services														
	Car wash										P	P	P	P
	Gasoline service station	16-4-6	P							P	P	P	P	P
	Truck and heavy equipment maintenance and repair											S	P	
	Truck and heavy equipment sales											S	P	
	Vehicle maintenance and repair	16-4-6										P	P	
	Vehicle sales, leasing, and rental											P	P	
Industrial, Utility, Wholesale, and Storage Uses														
Manufacturing														
	Manufacturing, low-hazard										S	S	S	P
	Manufacturing, moderate-hazard													P
	Manufacturing, high-hazard													S
	Marijuana production facility	16-4-7												
	Less than 2,500 sf													P
	2,500 – 5,000 sf													S
	5,000 sf or more													
	Niche Manufacturing	16-4-7										P	S/P	P
	Solar energy system - large	16-4-7												S
														S
Utilities														
	Essential services and facilities		P	P	P	P	P	P	P	P	P	P	P	P
	Telecommunications towers or facilities	16-4-7	S	S	S	S	S	S	S	S	S	S	S	S

Use Type	Additional Standards	Zone Districts												
		AR	AR-C	SFR-R	SFR-1	SFR-2	MFR-1	MFR-2	DMU	CMU	C	HC	LI	P
Key: P= Permitted by Right, S = Special Use Permit, T = Temporary Use Permit, A = Accessory Use														
Warehouse and Storage														
Contractor's yard		P										P	P	
Outdoor storage		P										P	P	
Recycling, salvage, and waste transfer station													P	
Self-storage facility												P	P	
Truck and heavy equipment storage													P	
Warehouse												S	P	
Wholesale and distribution facility												S	P	
Accessory Uses														
Accessory dwelling unit	16-4-8	P	P	P	P	P	P	P	P	P				
Caretaker or guard residence											P	P	P	P
Cottage industry	16-4-8	P	P	P	P	P	P	P	P	P				
Drive-through	16-4-8										P	P		
Electric vehicle charging station	16-4-8													
Family child care home		P	P	P	P	P	P	P	P	P	P		P	P
Greenhouse		P	P	P	P	P	P	P						
Home based businesses occupation	16-4-8	P	P	P	P	P	P	P	P	P				
Outdoor seating	16-4-8								P	P	P	P		
Solar energy system - small ¹	16-4-7	P	P	P	P	P	P	P	P	P	P	P	P	P
Storage														
Structure		P	P	P	P	P	P	P	P	P	P	P	P	P
Outdoor, enclosed		P	P	P	P	P	P	P	P	P	P	P	P	P
Outdoor, not enclosed													P	
Wind energy system - small	16-4-8	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Uses														

¹ Can this be both a primary use and an accessory use or just accessory?

Table 16-4-4.1: Permitted Uses														
Use Type	Additional Standards	Zone Districts												
		AR	AR-C	SFR-R	SFR-1	SFR-2	MFR-1	MFR-2	DMU	CMU	C	HC	LI	P
		Key: P= Permitted by Right, S = Special Use Permit, T = Temporary Use Permit, A = Accessory Use												
Farmer's Market		P	P	P	P	P	P	P	P	P	P	P	P	P
Field office	16-4-9	P			P		P	P	P	P	P	P	P	P
<u>Portable storage unit</u>	<u>16-4-9</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>RV as Temporary Home</u>	<u>16-4-9</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
Street vendor										P	P	P	P	P

Section 16-4-5 Use-Specific Standards for Residential Uses

In addition to any applicable provisions in Article 6, Site Development Standards, the The following conditions apply to the listed uses when referenced in Sec. 16-4-31, Table of Permitted Uses. Other standards located elsewhere in this Code may also be applicable.

~~A.—Dwelling, Two-Family (moved to Art. 10, Site and Structure Standards)~~

- ~~1.—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 Section 16-5-7, Design Standards.~~
- ~~2.—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.~~
- ~~3.—Parking will be accessed from an alley if available or from a single common driveway if alley access is not available.~~
- ~~4.—A storage room of at least 10 feet in width by 10 feet in length, and not taller than 20 feet or shorter than eight feet, shall be provided for each residential unit, unless a garage is provided for each unit which contains adequate storage space (100 square feet) and the ability to park a vehicle in the garage.~~

~~B.—Dwelling, Multi-Family~~

- ~~1.—All required off-street parking shall be provided in the rear of the property; parking along street frontages is not permitted.~~
- ~~2.—Parking will be accessed from an alley if available or from a single common driveway if alley access is not available.~~
- ~~3.—A storage room of at least 10 feet by 10 feet shall be provided for each residential unit.~~
- ~~4.—Each multi-family dwelling shall have a balcony or a patio of at least 64 square feet.~~
- ~~5.—Break up long, flat facades over 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.~~
- ~~6.—All multi-family dwellings shall comply with the compatibility standards of Section 16-5-7, Design Standards.~~

G.A. Dwelling, Manufactured Homes

Manufactured homes shall comply with the following standards within 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.

1. 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.

2. Transport Equipment

All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation of the home.

3. 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.

4. Finished Floor Elevation

The finished floor elevation of the residential-design manufactured housing unit shall be a maximum of 24 inches above the exterior finish grade, as measured at the main entrance into the dwelling.

5. 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.

6. National Manufactured Housing Construction Standards Act

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.

D.B. Dwelling, Mobile Home

1. 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.
2. 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.

E.C. Group Home

1. Group homes for the developmentally disabled must be state-licensed.
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 off-street parking space for visitors and one for each employee (typical peak staff), in addition to off-street parking otherwise required pursuant to Section 16-5-2(E), Schedule of Off-street Parking Requirements.~~
- 4.3. In no case shall the total number of persons residing on premises (including staff) be more than one per 400 square feet of usable floor area.

F.D. Mixed-Use Building

Mixed-use buildings shall be allowed in the DMU, CMU, C and HC districts ~~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)~~

Section 16-4-6 Use-Specific Standards for Commercial Uses

A. Bed and Breakfast²

1. The bed and breakfast use shall offer temporary overnight lodging for compensation in no more than three separate bedrooms per minimum lot area of the underlying zone district.
2. One off-street parking space per bedroom that is offered for use for temporary overnight accommodations must be provided, in addition to off-street parking otherwise required in Section 16-5-2(E), Schedule of Off-street Parking Requirements.

B. Campground/RV Park (Revised 05/19 per Board comments)

1. Intent

The recreational vehicle (RV) park standards are intended to:

- a. Provide adequate sites for temporary parking of recreational vehicles.
- b. Minimize the adverse impacts between and RV park and the surrounding land uses.
- c. Provide health and safety standards to protect both the users of the park and the community.

2. Uses Permitted

- a. Primary
 - i. Recreational vehicles subject to the following standards:
 - (a) May be occupied only for overnight and short-duration camping.
 - (b) An RV is only allowed for human habitation if located in an RV park.
 - (c) Each recreational vehicle shall display a current license plate.
 - ii. Stand-alone tents are prohibited.
- b. Accessory
 - i. Caretaker's quarters, in a permanent structure only.
 - ii. Laundry, restrooms, offices and service buildings may be provided on site, so long as the only purpose of any such use is service to residents and guests of the recreational vehicle park.
 - iii. No temporary or accessory structures are not permitted on or adjacent to individual RV spaces.

3. Dimensional Standards

a. RV Park Standards

The following dimensional standards shall be applicable to RV parks:

Table 16-4-6.1: RV Park Dimensional Standards

Parcel Size for RV Park, min.	3 acres
Separation, min.	
RV space to RV space or other non-accessory structure	10 feet
RV space to property line adjoining public street	20 feet
RV space to non-public street property line	15 feet
RV space to any stream or waterbody	50 feet

² Current Section 16-4-210.

RV space to any internal road or sidewalk	5 feet
RV space to any residential zone district or use	100 feet
RV Space Size, min.	
Area	1,500 square feet
Width	22 feet
Distance from RV space to water and sewage service building, max.	200 feet

b. Accessory Structure Standards

Permitted RV park accessory structures (such as caretaker’s unit, laundry, service buildings) shall meet the following standards:

Table 16-4-6.2: Accessory Structure Dimensional Standards

Minimum setback from RV spaces or property lines:	
Front	15 feet
Side	10 feet
Rear	10 feet
Height, max.	30 feet

4. Site Development Standards

A recreational vehicle park shall not be constructed, altered, or enlarged with an approved site plan as described in Section 16-3 that indicates how the park meets the standards of this section and all applicable requirements of this LUC, including but not limited to:

- a. Each site shall:
 - i. Be designed for one recreational vehicle and one personal vehicle,
 - ii. Have direct access from the internal street system, and
 - iii. Have paved, ADA-compliant walkways to it.
- b. Exterior boundaries of recreational vehicle/travel trailer parks shall be screened as follows:
 - i. Park boundaries that abut a public street shall be designed with a 10-foot wide perimeter landscaping strip that runs parallel to the street for the entire length of the public street along the park property boundary. The perimeter landscape strip shall be planted with one street tree every 30 feet 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.
 - ii. Interior park boundaries shall be provided with an opaque screening fence or wall that is six feet in height.
- c. Visitor parking shall be provided at a ratio of one visitor space per 15 RV spaces (or fraction thereof).
- d. Signage shall meet the requirements of Section 16-12.
- e. Uses within the park shall comply with Town noise ordinances.

- f. Lighting shall meet the requirements of Section 16-13 and 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.

5. Park Infrastructure and Service Design Standards

The following minimum infrastructure and service design standards apply to RV parks. A Certificate of Occupancy shall not be issued until all infrastructure and service requirements have been met.

- a. Each park shall be served by central Town water and sewer facilities that conform to all applicable Town requirements.
- b. All utility lines, including electrical utility lines, shall be installed underground by the owner or operator of the recreational vehicle/travel trailer park.
- c. 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 and shall be designed and maintained to meet minimum safety standards for use by emergency vehicles.
- d. 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.
- e. Twenty percent of the site shall be dedicated to open space. This shall not include roads, parking, or space around and between RV spaces. The open space area may be active or passive and shall be fully usable by park guests, meaning that it shall be:
 - i. Entirely accessible by foot without significant changes in grade or terrain;
 - ii. Located adjacent to the main park operations. If water access is available, the open space shall be provided in a manner that buffers the waterbody;
 - iii. Divided into no more than two separate parcels, the smaller of which contains no less than five percent of the required open space; and
 - iv. Not be included in any other required features of the park, such as perimeter landscaping, setback, or stormwater management.

6. Park Operation

- a. RV parks may operate from April 1 to November 30 each year. No RVs are allowed on site prior to 8:00 a.m. on April 1 of each year. All RVs shall be removed from the park by 11:59 p.m. on November 30 of each year.
- b. 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.
- c. The RV park owner or manager shall keep a current record of the names and addresses of the owners and/or occupants of each RV space, along with the make, model, year, and license number of each RV and motor vehicle and the arrival and departure date of each occupant. This record shall be available for inspection by the Town Administrator, or designee, upon request.

- d. Refuse shall be stored 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.
- e. All recreational vehicle park spaces shall be clearly numbered for proper identification.
- f. No generators shall be allowed within the park.
- g. Park operators shall utilize dust control methods to keep dust down on gravel pads or streets within the recreational vehicle/travel trailer park.
- h. Open fires are prohibited.

C. Gasoline Service Station

1. Permitted and Prohibited Services

The following services are permitted: 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; upholstery; or replacement of glass.

2. Convenience Store/Sales

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 2,400 square feet.

D. Marijuana Dispensary

A marijuana dispensary shall comply with the following standards:

- 1. The use must be stand-alone, except that it may be co-located in the same premises as a marijuana production facility use.
- 2. If co-located, floor area measurement shall be calculated as the combined area of the co-located uses.

E. AutoVehicle Maintenance and Repair Garage

All motor vehicles on the premises must carry a current registration and a work order with a completion date not to exceed 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.

Section 16-4-7 Use-Specific Standards for Industrial and Utility Uses

A. Marijuana Production Facility

A marijuana production facility shall comply with the following standards:

- 1. In the LI zoning districts, the use must be a stand-alone.

2. In the C and HB zoning districts, the use is allowed only when co-located in the same premises as a marijuana dispensary.
3. If co-located, floor area measurement shall be calculated as the combined area of the co-located uses.

B. Niche Manufacturing³

1. General Standards

- a. 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.
- b. A minimum of 10 percent of the total floor space, or at least 100 square feet, whichever is larger, shall be used for the retail or wholesale of the items, and it may be combined with offices.
- c. The hours of production or manufacturing are limited to between 7:00 a.m. to 7:00 p.m. There are no additional restrictions on the hours for retail sales operations.

2. District Specific Standards

- a. In the C District, a maximum of 2,000 square feet of floor space may be used for the manufacture or production of the items at the site.
- b. In the HB District, there shall be a minimum of 10 percent of the total floor space, or at least 100 square feet used, whichever is larger, for the retail or wholesale of the items, and it may be combined with offices. A special use permit is required if the area devoted to niche manufacturing is greater than 2,000 square feet of floor space.

C. Solar Energy System, Small

1. The system shall not extend more than 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.
2. The height of a ground-mounted solar energy system shall not exceed 15 feet above the average unaltered grade determined by calculating the average grade within 10 feet of the outer perimeter of the system.
3. 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.
4. 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.
5. All exterior electrical and/or plumbing lines on ground-mounted systems must be buried below the surface of the ground.

6. 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.
7. Solar energy systems may not extend into the side yard or rear setback.
8. 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.
9. 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.
10. Building, electrical and plumbing permits, as applicable, shall be required for solar energy systems, including support structures, wiring, piping, and related components.
11. If a solar collector ceases to perform its originally intended function or is abandoned for more than 12 consecutive months, the property owner shall remove the collector, mount, associated equipment, and facilities by no later than 90 days after the end of the twelve-month period.

Examples of ground-mounted solar energy systems:



Examples of roof-mounted solar energy systems:



D. Solar Energy System, Large⁴

All large solar energy systems shall comply with the requirements of Section 16-4-4(F)(1) 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 acres on-site. Adjacent properties shall not be used to aggregate solar collection panels to achieve an area exceeding five 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 12 months, in conformance with a plan approved by the Town.

⁴ Current Section 16-4-250. A portion of existing Sec. 16-4-4(P), Solar Energy System, Large, is submittal requirements and have been moved to the Appendix.

15. 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 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.

E. Telecommunications Towers or Facilities⁵

1. Co-location Requirement⁶

- 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:
 - i. Within a one-mile search radius for proposed towers over 80 feet;
 - ii. Within a half-mile search radius for proposed towers under 80 feet; or
 - iii. Within a quarter-mile search radius for proposed towers under 60 feet.
- b. In all cases, the applicant shall demonstrate that at least one of the following conditions is present:
 - i. 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;
 - ii. 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
 - iii. Other unforeseen reasons make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

2. Tower Height⁷

- 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 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 feet.

⁵ Current Section 16-4-310. This section will be updated in Phase 3 to comply with new FCC requirements.

⁶ Current Section 16-4-320.

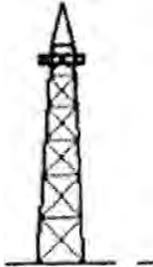
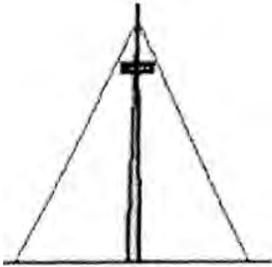
⁷ Current Section 16-4-330.

- 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.

3. Tower Design⁸

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

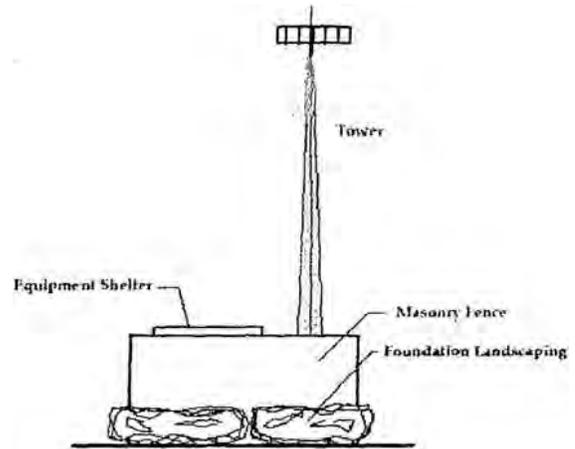
- a. Towers and antennas shall utilize a stealth design, as defined in Section 16-2-60, in order to blend into the surrounding environment through the use of color and camouflaging architectural treatment.
- b. Towers shall be of monopole design, unless the Board of Trustees determines that an alternative design would be more appropriate to or better blend in with the surrounding land uses and environment.
- c. 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.
- d. 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 additional uses, if the tower is over six feet tall, and one additional user for each additional 10 feet over 60 feet.

 <p>Lattice tower</p>	 <p>Guyed tower</p>	 <p>Monopole</p>
Discouraged	Discouraged	Suggested alternative

⁸ Current Section 16-4-340.

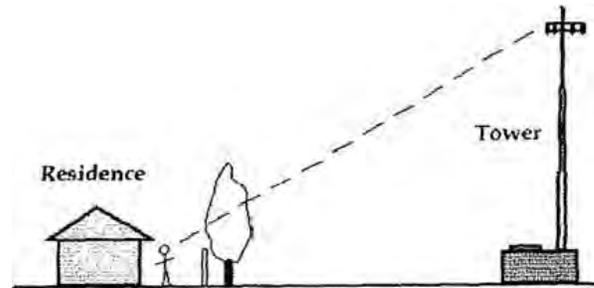
4. Landscaping and Screening⁹

- a. Ground- and rooftop-mounted mechanical equipment shall be screened from view off-site in accordance with the requirements of Article 5, Site Development Standards.
- 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 5, Site Development Standards.



5. Siting and Setbacks¹⁰

- 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:



- i. 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.
- ii. 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.
- iii. 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 the integration of a tower into an existing or proposed structure such as a church steeple, light standard power line support device or similar structure.

6. Lights and Other Attachments¹¹

- 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

⁹ Current Section 16-4-350.

¹⁰ Current Section 16-4-360.

¹¹ Current Section 16-4-370.

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.

7. Signs and Advertising¹²

The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

8. Interference with Public Safety Telecommunications¹³

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 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.

9. Performance Standards¹⁴

All towers must conform to the applicable performance standards in Article 5, Site Development Standards.

10. Tower Construction Requirements¹⁵

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

11. Additional Submittal Requirements¹⁶

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:

- a. Includes any and all technical information and design requirements, including co-location requirements, necessary to evaluate the request.
- b. Describes the tower height and design, including a cross-section and elevation.
- c. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.
- d. Describes the tower's capacity, including the number and type of antennas that it can accommodate.
- e. Documents what steps the applicant will take to avoid interference with established public safety telecommunication.

¹² Current Section 16-4-380.

¹³ Current Section 16-4-390.

¹⁴ Current Section 16-4-400.

¹⁵ Current Section 16-4-410.

¹⁶ Current Section 16-4-420.

- f. Includes an engineer's stamp and registration number.
- g. 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.
- h. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration.

Section 16-4-8 Accessory Uses (new)

A. Purpose

This section authorizes the establishment of accessory uses that are customarily subordinate to principal uses, provided that the accessory use complies with all applicable standards in this section.

B. Approval of Accessory Uses and Structures

1. Permitted accessory uses are identified by zone district in Table 16-4-4.1: Permitted Uses. All accessory uses shall be subject to the standards in this section, as well as any use-specific standards applicable to the associated principal use as set forth in this article.

~~2.—All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this code.~~

~~3.2.~~ No accessory use may be established prior to establishment of the principal use with which such accessory use is associated.

C. Interpretation of Unidentified Accessory Uses and Structures

The zoning administrator shall evaluate applications for accessory uses that are not identified in Table 16-4-4.1 on a case-by-case basis. If the request meets the criteria identified below, the zoning administrator is authorized to determine the most similar, and thus most appropriate accessory use and apply the regulations for the similar accessory use to the application.

- 1. The definition of "accessory use" in this chapter, and the general accessory use standards and limitations established in this section;
- 2. The purpose and intent of the district in which the accessory use is located;
- 3. Potential adverse impacts the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district; and
- 4. The compatibility of the accessory use with other principal and accessory uses permitted in the district.

D. Generally Applicable Standards

All accessory uses and structures shall comply with the following standards:

1. Compliance with this Code

- a. All accessory uses and structures shall be subject to the dimensional requirements of the zone district in which they are located except as specifically provided in this section. In the case of any conflict between the accessory use/structure standards

of this section and any other requirement of this Code, the more restrictive standards shall control.

- b. Accessory uses shall comply with all standards of this Code applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use.

2. Location

- a. The accessory use or structure shall be conducted or located on the same lot(s) as the principal use.
- b. No accessory building shall be erected in any required setback nor within five feet of any other building except that accessory buildings not exceeding 600 sq. ft. may be permitted in the required side and rear setbacks provided such accessory buildings are at least five feet from any property line and do not encroach into any access, utility, or drainage easements.

3. Dimensions

Unless otherwise specified in this section, the following dimensional standards apply to accessory uses:

Table 16-4-2: Dimensional Standards - Accessory Structures

Zoning District	Ag (all)	SF (all)	MF (all)	MU (all)	C	HB	LI	P
Lot								
Coverage (% max.)	10	10	10	10	10	10	10	10
Setbacks [1]								
Front (ft., min.)	30	25	25	25	25	25	15	25
Side Interior (ft., min.)	15	7	7	7	7	7	10	10
Side Street (ft., min.)	15	15	15	15	15	15	15	15
Rear (ft., min.)	25	7	7	7	25	25	25	25
River (ft., min.)	25	25	25	25	25	25	25	25
Height								
Height (ft., max.) [42]	20							
Floor Area								
Area (sf., max.)	Greater of 600 sf or 1/3 the size of primary structure							
Notes								

[1] Between accessory and primary structure or accessory structure and lot line.

[42] Except as provided for in Section 16-4-4(F), the maximum height for accessory uses is 20 feet, and in no case taller than the principal structure

E. Accessory Dwelling Units

1. ADUs Permitted

There shall be no more than one accessory dwelling unit per lot. The unit shall be secondary and incidental to the principal use of the property and located on the same lot with the principal use.

2. Design

- a. ADUs shall be built in compliance with the following site standards:

Table 16-4-3: Dimensional Standards - Accessory Dwelling Units

Zoning District	AR (all)	SFR (all)	MF (all)	MU (all)
Lot				
Area Per Unit (sf., min.)		7,500	7,500	7,500
Width (ft., min.)	200	50	50	50
Coverage (% max.)	10	10	10	10
Setbacks				
Front (ft., min.)	-	-	-	-
Side Interior (ft., min.)	15	7	7	7
Side Street (ft., min.)	15	15	15	15
Rear (ft., min.)	25	15	15	15
River (ft., min.)	25	25	25	25
Height				
Height (ft., max.)	Equal to or less than the primary structure			
Floor Area				
Area (sf., min.)	350	350	350	350
Area (sf., max.) [1]	800	800	800	800
Notes				
[1] In no case shall the accessory dwelling unit exceed two-thirds of the square footage of the first floor of the primary structure.				

- b. Accessory dwelling units may be attached to the main structure or detached from the main structure. Attached means at least one quarter of the total wall area or the floor or ceiling of the accessory dwelling unit shall be fully connected to a wall, floor or ceiling of the principal residential structure. In no case shall a detached accessory dwelling unit be located in the front yard; it may be located only in the rear yard or side yard.
- c. A mobile home, travel trailer, or recreational vehicle may not serve as an accessory dwelling unit. Manufactured homes that meet the definition in this chapter may be permitted as an accessory dwelling unit.
- d. While the accessory dwelling unit may be accessed from the alley, in no case shall parking or storage of equipment, or any other form of encroachment, be permitted to encroach onto the alley. The unit shall be easily accessible to emergency personnel at all times and at no time shall parking associated with the unit inhibit vehicular flow.
- e. Homeowners associations or other covenant-based property owner associations shall have the ability to adopt stricter guidelines for accessory dwelling units within their boundaries, or to prohibit them altogether, according to their covenants and rules and regulations.

3. Construction, Utilities, and Fees

- a. An accessory dwelling unit permit application and building permits are required prior to construction. A building permit fee shall be paid prior to issuance of a

building permit. No Accessory Dwelling Unit shall be occupied without a certificate of occupancy.

- b. Upon approval of the accessory dwelling unit, an address shall be assigned to the accessory dwelling unit by the Town of Mancos and the accessory dwelling unit shall comply with address signs as set forth in Section 16-16-200 of the Land Use Code.
- c. A water and sewer plant investment fee shall be charged prior to the issuance of the building permit per the town's current fee schedule and Chapter 13 of the Mancos Municipal Code. The charge for the water and sewer plant investment fee for the accessory dwelling unit shall be one-third of the current tap fee for water and sewer service. In the case of an accessory dwelling unit already in existence at the time of this ordinance, the water and sewer plant investment fees must be paid prior to obtaining a certificate of occupancy. The accessory dwelling unit shall share a tap and utility meters with the principal structure, except where the utility provider requires separate meters for an accessory dwelling unit. The property owners will be billed per the requirements of Chapter 13 of the Mancos Municipal Code for the accessory dwelling units monthly water and sewer charges.
- d. Accessory dwelling units are subject to a street impact fee per Chapter 16 Article 23 which shall be paid prior to a building permit for the accessory dwelling unit. In the case of an accessory dwelling unit already in existence at the time of this ordinance, the street impact fee must be paid based on the fee schedule provided herein prior to obtaining a certificate of occupancy.

4. Ownership

The accessory dwelling unit may not be sold separately or legally severed from ownership of the lot or from the primary structure. Both the accessory dwelling unit and the primary structure shall remain on one lot with one common owner, unless the ADU (if removable) is sold and removed from the lot.

5. Rental

If the property owner chooses to rent the accessory dwelling unit for less than a 30-day lease (short term rentals), the requirements of Chapter 6 of the Mancos Municipal Code shall apply. A town business license shall be required, as well as payment of all applicable fees and truces per Chapter 6 of the Mancos Municipal Code.

F. 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 16-10-2.

3. The cottage industry may be located within a single-family dwelling unit, not to exceed 40% of the dwelling, or in a separate structure not to exceed 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 axles.

G. Drive Through (Thru)

A drive through facility may be permitted only as an accessory use; i.e., in combination with other uses such as a bank or financial institution, restaurant, retail store, dry cleaners, laundry, or pharmacy. *Where Table 3-1 specifically identifies a drive-through option, a drive-through shall only be allowed in conformance with Table 3-1.*

H. Electric Vehicle Charging Station

1. Where Permitted

- a. Level 1 and 2 electric vehicle charging stations are a permitted use in all zoning districts.
- b. Level 3 electric vehicle charging stations are a permitted use in the C, HC, and LI zoning districts, and may be permitted through special use permit in any mixed-use zoning district.
- c. Battery exchange stations are permitted in the LI zoning district.

2. Standards

Electric vehicle charging stations utilizing parking stalls located in a parking lot, parking garage or in on-street parking spaces shall comply with the following standards:

- a. Except when located in conjunction with single-family residences, electric vehicle charging stations shall be reserved for parking and charging of electric vehicles only. Parking spaces that have electric vehicle charging stations shall be counted toward the required parking for the associated use.
- b. Accessible charging stations shall be located in proximity to the buildings or facility entrances and shall be connected to a barrier-free accessible route of travel.
- c. Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.
- d. Charging station outlets and connectors shall be no less than 36 inches or no higher than 48 inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.
- e. Equipment shall be protected by wheel stops or concrete-filled bollards.

3. Notification

The following information shall be posted at all electric vehicle charging stations:

- a. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner;

- b. Usage fees, if applicable; and
- c. Contact information for reporting when the equipment is not operating or other problems.

I. Home-Based Businesses Occupation

- 1.—~~The home occupation shall be conducted entirely within the principal residential building or within a permitted accessory structure.~~
- 2.—~~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 person who does not occupy the property as his residence may be employed as part of the home occupation where at least one additional off-street parking space is provided, in addition to off-street parking otherwise required pursuant to Section 16-5-2, Parking and Loading.~~
- 3.—~~There shall be no visible storage of equipment, materials, or vehicles that have more than two axles.~~
- 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.~~

The Town recognizes that the restrictions set forth in this section do not anticipate all possible types of home-based businesses. The following operational standards are applicable to all home-based businesses:

1. Standards of Operation

- a. The home-based business should not generate traffic before 7:30 a.m. or after 6:00 p.m.
- b. The use should not generate, on average, more than four vehicle trips to the residence during any hour.
- c. No person shall be employed other than the residents of the dwelling.
- d. The business shall be conducted entirely within the dwelling or an accessory building.
- e. The floor area devoted to the business shall not exceed 500 square feet or 25 percent of the total ground area occupied by the buildings, whichever is less.
- f. The business shall not produce light, noise, vibration, glare, fumes, odors, electrical interference, etc., which is inconsistent with the character of the residential area.
- g. There shall be no sign advertising or calling attention to the business on the premises.
- h. There shall be no display, evidence or activity apparent from the exterior of the lot which would indicate that the premises are being used for any purpose other than that of a dwelling.
- i. There shall be no group instruction, assembly or activity for greater than five persons.
- j. One business vehicle that is associated with the home-based business and which does not exceed 8,000 pounds gross vehicle weight (G.V.W.), may be parked or

stored on the premises. In addition, there shall be no outside storage of materials or equipment related to the home occupation, except the one allowed business vehicle.

2. Uses Permitted by Registration

The following uses shall require home-based business registration but shall not require approval as a special use, provided that full compliance with all standards of operation can be achieved, except as modified herein.

a. Home Office

An office for the clerical and administrative purposes of receiving mail and telephone calls, maintaining records, and similar functions is permitted.

b. Off-Site Sales Offices

Home offices may include offices for direct sales distribution for manufacturer's representatives, and other similar activities provided that all sales are conducted off-site and that storage and deliveries do not exceed the limitations stated above.

c. Off-Site Services Offices

Home offices may include offices for services provided off-site, including but not limited to such activities as house cleaning service, yard/garden service, locksmiths, appliance repair, contractors, and similar activities, provided that all services are provided off-site, that storage does not exceed the limitations stated above, that no other employees regularly visit the premises, and that no more than one commercial vehicle is parked at the residence on a regular basis.

d. Professional Services

Home offices may include offices/studios for engineers, draftsmen, and similar services provided that client consultation is conducted off-site.

e. Home Instruction

Individual tutoring or lessons in art, dance, music, swimming, or similar activities are permitted, provided that a maximum of six students per day shall be permitted at the premises.

f. Home Arts/Crafts

The preparation of small arts/crafts items for off-site display and sale, including ceramics with a maximum kiln size of six cubic feet and including dressmaking/sewing with a maximum of one machine, shall be permitted, provided that all ordering, fittings, and delivery are conducted off-site. The preparation or creation of larger items requiring frequent delivery of materials, movement by vehicles other than passenger vehicles, larger or noisy equipment, or storage exceeding the limits stated above shall not be allowed.

3. Uses Permitted with Special Use Permit

A home-based business may be approved by special use permit if it is determined that the activity will be incidental and subordinate to the residential purpose of the property, will comply with the spirit and intent of these regulations, will not create adverse impacts on adjacent properties, and will be compatible with the residential character of the area.

4. Prohibited Uses

The following types of uses will not be approved as home-based businesses unless unusual or special circumstances exist as determined through a special use permit application:

- a. Uses involving regular client visits, such as photographic studios, small appliance repair shops, barber/beauty shops, medical offices, etc.;
- b. Uses involving large goods or materials, such as upholstery or furniture repair, arts/crafts other than small items, etc.;
- c. Uses involving nuisances (noise, dust, etc.) or which cannot be conducted within a totally enclosed structure, such as automobile, lawn mower, or other engine repair, welding or machine shops, etc.;
- d. Uses where other employees visit the site, such as operating/dispatch offices for contractors, offices for businesses having employees who are not occupants, etc.;
- e. Uses involving handling and/or storage of quantities of goods or materials, such as retail/wholesale operations or manufacturing/assembly; or
- a.f. Uses involving the grooming, breeding, or boarding of animals.

J. Outdoor Seating

1. Eating and drinking establishments may provide outdoor seating areas, including rooftop seating, for customers following design review and issuance of a liquor license where applicable. The approval of outdoor seating shall be reviewed against the following criteria:
 - a. Outdoor seating areas may not occupy required parking spaces or parking area access aisles.
 - b. An outdoor seating area exceeding 10% of the indoor building floor area is counted as floor area for purposes of determining off-street parking and loading requirements.
2. Sidewalk seating may be permitted under the following conditions:
 - a. The area of occupancy must be abutting and contiguous to the restaurant in which food preparation, sanitation and related services for the sidewalk cafe will be performed.
 - b. Sidewalk seating may not be enclosed by fixed walls, unless such walls are necessary to comply with requirements to serve alcohol, and shall be open to the air, except that it may have a canopy.
 - c. There shall be unimpeded sidewalk remaining for pedestrian flow from the face of the curb and the area of sidewalk seating.
 - d. The sidewalk seating shall be located a minimum of five feet from driveway and alleys, and ten feet from intersections.
 - e. All curbs, alleys, sidewalks and public rights-of-way adjacent to the sidewalk seating shall be kept in a clean and orderly condition.

K. Wind Energy System, Small

1. Setback

The base of the tower shall be set back from all property lines, public right-of-ways, and public utility lines a distance equal to the total extended height (e.g., if on a roof, roof height + tower height) plus five feet. Guy wires and other support devices shall be setback at least five feet from all property lines.

2. Tower Height

The maximum height of any small wind energy system shall be the maximum height allowed in the zone district plus 50 feet.

3. Sound

Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the building permit, shall not exceed 55 dBA for any period of time. The 55 dBA sound level may be exceeded during short-term events out of the owner's control such as utility outages and/or severe wind storms.

4. Appearance, Color, and Finish

The turbine and tower shall remain painted or finished in the color that was originally applied by the manufacturer. Bright, luminescent, or neon colors are prohibited

5. Clearance

The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades.

6. Signage Prohibited

All signs on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be prohibited.

7. Lighting

No illumination of the turbine or tower shall be allowed unless required by the FAA.

8. Access

Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

9. Requirement for Engineered Drawings

Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.

10. Compliance with FAA Regulations

No small wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

11. Compliance with Municipal Code

Small wind energy systems and all associated components shall comply with all applicable building and electrical codes.

12. Utility Notification

No small wind energy system shall be installed until evidence has been submitted to the Town that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

13. Abandonment

If a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his or her expense, to remove the wind turbine from the tower for safety reasons. If the owner(s) fails to remove the wind turbine from the tower, the Town may pursue legal action to have the wind generator removed at the owner's expense.

Section 16-4-9 Temporary Uses (new)

A. Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses comply with the standards in this subsection, and are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

B. Temporary Use Table

Temporary uses may be approved in the following districts as identified in Table 3-4 and the following temporary use standards.

C. Classification of Temporary Uses

The zoning administrator shall classify temporary use requests as major or minor based on the following criteria and each type of temporary use application shall be reviewed pursuant to the procedure in Section 16-3:

1. Major Temporary Use

- a. Potential impact on adjacent properties;
- b. Potential impact on traffic, health, or public safety;
- c. Occurs on either developed or undeveloped property; and
- d. Large temporary use for a short duration (less than six months) or any temporary use for a long duration (more than six months).

2. Minor Temporary Use

- a. Little to no impact on adjacent properties;
- b. Minimal or no impact on traffic, health, or public safety;
- c. Occurs only on developed property; and
- d. Very short duration of use (less than six months).

D. Interpretation of Unidentified Temporary Uses

The zoning administrator shall evaluate applications for temporary uses that are not identified in this section on a case-by-case basis. If the request meets the criteria identified below, the zoning administrator is authorized to determine the most similar, and thus most appropriate temporary use category and apply the regulations for the similar temporary use to the application.

1. The definition of "temporary use" in this chapter, and the general temporary use standards and limitations established in this section;
2. The purpose and intent of the district in which the temporary use is located;
3. Potential adverse impacts the temporary use or structure may have on other lots, compared with other temporary uses permitted in the district; and
4. The compatibility of the temporary use with other principal, accessory, and temporary uses permitted in the district.

E. General Standards for All Temporary Uses and Structures

All temporary uses shall be subject to the issuance of a temporary use permit, and shall meet the following general requirements, unless otherwise specified in this Code.

1. Impact on Subject Property and Surrounding Properties and Uses

- a. Permanent alterations to the site are prohibited.
- b. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use, or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.
- c. If the property is developed, the temporary use shall be located so as to have minimal impact on the regular functioning of the principal use unless the proposed temporary use is a short-term enhancement of the principal use, such as sidewalk sales.
- d. Off-street parking shall be adequate to accommodate the proposed temporary use.
- e. Trash containers shall be provided on site for debris, and all waste from the permitted use shall be properly disposed of.

2. Compliance with Applicable Regulations

- a. The temporary use shall comply with all applicable general and specific regulations of this section and this Code, unless otherwise expressly stated.
- b. Temporary uses are only permitted on private property with the written permission of the property owner.
- c. All temporary signs associated with the temporary use shall be properly permitted and removed when the activity ends or the permit expires, whichever occurs first.
- d. The temporary use shall not violate any applicable conditions of approval that apply to a principal use on the site.

- e. The applicant or operator must obtain any other required permits, such as health or building permits prior to the commencement of the temporary use.
- f. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet all requirements of the Code.

F. Field Office, Temporary

A temporary field office shall be promptly removed following the issuing of a certificate of occupancy for the principle structure.

G. Portable Storage Unit

A portable storage unit may be permitted on a residential premises subject to the following:

1. A portable storage unit is intended to be used only for temporary storage. It is not intended to be used for long-term, on-site storage, and any such use in any zoning district is expressly prohibited.
2. The outside dimensions shall not exceed 16 feet in length, eight feet in width and nine feet in height.
3. Portable storage units are prohibited within any street right-of-way.
4. A portable storage unit may be placed on a non-residential zoned premises provided the unit is located in a manner which does not hinder pedestrian or vehicular access to the premises, and does not obstruct intersection sight distance.

H. RV as Temporary Home

An RV may be occupied as a temporary home by a property owner with a valid construction permit for a one-time period of no more than six months. The RV shall be parked on private property.

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ARTICLE 5 Proportionate Compliance

16-5-1: Applicability to Redevelopment and Infill: Proportionate Compliance

To encourage redevelopment, continuing property investment, and infill development, it may be necessary to determine site appropriate adjustments to applicable development standards that will allow the development to take place while applying a proportional development standard requirements. This section identifies the process for determining specific site compliance with a proportionate standard.

16-5-2: Limited to Specific Articles

A request for proportionate compliance is limited to measurable development standards in the following articles:

- A. Article 8, Parking and Loading
- B. Article 9, Landscaping, Buffering, and Screening:

16-5-3: Eligibility for Proportionate Compliance

Proportionate compliance may be requested for development types in Table 16-5-1.1 according to the calculation described in Section 16-5-4, below:

Table 16-5-1.1: Applicability of Development Standards				
Structure Type	Res. Multi-Unit	Mixed-Use	Comm.	Ind.
New Development				
Percent compliance with development standards				
New Development	100	100	100	100
Infill, Conforming Lot	90	90	90	90
Infill, Nonconforming Lot	70	70	70	70
Existing Development				
SF change less than 10 %	n/a	n/a	n/a	n/a
SF change between 10% and 75%	See Sec. 16-5-4.B, below.			
SF change greater than 75%	100	100	100	100
Interior Redevelopment Only	Parking may be applicable, see Article 8			
Nonconformities				
<i>See Article 15 for applicability of nonconformity standards</i>				

16-5-4: Measuring Required Compliance

A. Interior Changes

Where development changes are wholly internal to the existing structure, only the off-street parking requirements of this Code is applicable. This requirement may be waived by the zoning administrator where the applicant can show there is sufficient existing parking to service the interior changes.

B. External Square Footage Changes

The development standards in Articles 8 and 9 shall apply to all external structural changes as follows:

1. Minimal Change. Square footage changes that increase the total gross floor area of a structure by less than 10 percent, as determined by the zoning compliance permit application, shall not be required to increase compliance with these development standards Articles 8 and 9.
2. Proportionate Change. Square footage changes that increase the total gross floor area of a structure by more than 10 percent but less than 75 percent, as determined by the zoning compliance permit application, shall require a corresponding percent increase in compliance with ~~these development standards~~ Articles 8 and 9 or until the site reaches compliance, whichever is less.
3. Full Compliance. Square footage changes that increase total gross floor area of a structure by 75 percent or greater, as determined by the zoning compliance permit application, shall be required to fully comply with ~~these standards~~ Articles 8 and 9.

C. Individual Structure

Measurement is based on changes to an individual structure that is subject to improvements, regardless of the total number of structures on the site.

D. Ten Year Timeframe

Any application by property owners to expand or replace part of an existing structure shall remain on record for 10 years from the date of work completion. Any subsequent application by the same property owner(s) to expand or replace part of an existing structure shall be cumulative to any requests made within the previous 10 years. The total shall be used by the county to determine the property owner's necessary level of compliance.

ARTICLE 6 Natural Resource Protection and Environmentally Sensitive Lands

16-6-1: Purpose

The Town contains many natural amenities, including stream corridors, river corridors, natural drainages, significant viewsheds, hillsides, and mountains, as well as tree cover, and open space, all of which contribute to the Town's character, quality of life, and property values. The regulations of this section are intended to implement the Mancos Comprehensive Plan and ensure that the natural character of the Town is reflected in patterns of development and redevelopment, and significant natural features are protected and incorporated into open space areas.

16-6-2: Applicability

These development standards apply to all development types across the Town that are located outside of the Town's downtown waterfront.

16-6-3: Steep Slope and Ridgeline Development

A. Purpose

The purpose of this subsection is to:

1. Prevent soil erosion and landslides;
2. Protect the public by preventing or regulating development in hazardous areas, such as locations with steep slopes;
3. Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas and to provide access for emergency vehicles necessary to serve the hillside areas;
4. Encourage only minimal grading that relates to the natural contour of the land;
5. Preserve the most visually significant slope banks and ridgelines in their natural state;
6. Preserve visually significant rock outcroppings, native plant materials, natural hydrology, and other areas of visual significance;
7. Encourage variety in building types, grading techniques, lot sizes, site design, density, arrangement, and spacing of buildings in developments;
8. Encourage innovative architectural, landscaping, circulation, and site design;
9. Discourage mass grading of large pads and excessive terracing; and
10. Require revegetation and reclamation of slopes disturbed during development.

B. Applicability

This subsection shall apply to any development or subdivision proposal or lot created after the effective date of this Code for properties with an average slope of 15 percent or greater, or where adverse conditions associated with slope stability, erosion, or sedimentation are present as determined by the Town engineer. Determinations of adverse conditions shall be identified by the Town engineer within 10 days of applicable application filing.

C. Development on Slopes Greater than 20 Percent

Site areas with slopes greater than 20 percent shall remain undisturbed except as follows:

1. This requirement shall not apply to small, isolated steep slope areas within a site that do not exceed 2,500 square feet.
2. Slope areas of 20 percent or greater shall count toward minimum lot size.
3. Development is permitted outside of the 20 percent slope area if the Zoning Administrator determines that there is sufficient buildable area on the lot for the proposed structure or where buildable area can be made available through the **minor modification-administrative adjustment** process **in Article 18**.

D. Development on Slopes Between 15 and 20 Percent

The following standards apply to all proposed development on sites where the average slope of the site measures between 15 and 20 percent.

1. Site Design

- a. Roads and building sites shall be oriented to minimize grading.
- b. Buildings shall be oriented to consider views from the site as well as the aesthetic impact of views of the site from surrounding properties.
- c. Hilltops, if graded, should be rounded to blend with natural slopes rather than leveled.
- d. Slopes providing a transition from graded areas into natural areas should be varied in percent grade both up-slope and across the slope, in the undulating pattern of surrounding natural slopes; so that the top or the toe (or both) of the cut or fill slope will vary from a straight line in plan view.
- e. Parking areas should be constructed on multiple levels and follow natural contours as necessary to minimize cut and fill.
- f. Roads should follow natural topography to the extent feasible, to minimize cut and fill. Necessary grading should be constant half-cut and half-fill along the length of the road (versus all cut or all fill at points) unless other arrangements would result in less severe alteration of natural terrain.
- g. Typical design should utilize full split pads (separate level for a down-slope lower story), a split foundation (adapting a single story to a slope), setting the building into a cut in the hillside, or a combination of techniques. Repetitive padding or terracing of a series of lots (stair-stepping up a slope) is discouraged. Creation of a single large pad or terrace (especially creating a single pad or terrace of an entire lot) should be an exception to typical design, to deal with circumstances that cannot be managed with other techniques.

2. Natural Drainage Patterns

Site design shall not change natural drainage patterns, except as provided below:

- a. All final grading and drainage shall comply with applicable Town and state requirements.

- b. To the maximum extent feasible, development shall preserve the natural surface drainage pattern unique to each site as a result of topography and vegetation. Grading shall be designed to ensure that drainage flows away from all structures, especially structures that are cut into hillsides. Natural drainage patterns may be modified on site only if the applicant shows that there will be no significant adverse environmental impacts on site or on adjacent properties. If natural drainage patterns are modified, appropriate stabilization techniques shall be employed.
- c. Development shall be designed to mitigate all negative or adverse drainage impacts on adjacent and surrounding sites.
- d. Standard erosion control methods shall be used during construction to protect water quality, control drainage, and reduce soil erosion. Sediment traps, small dams, barriers of straw bales, or other methods acceptable to the Town shall be located wherever there are grade changes to slow the velocity of runoff.

E. Winter Erosion Control Blanket

If a disturbed slope is not stabilized by October 15, then the developer/builder shall install an erosion control blanket (or some equivalent) when finished working to protect the site during the winter season.

F. Utilities on Slopes

1. Utility easements are not permitted to follow slope lines and may only cross slope lines at 90 degree angles.
2. Where buried utilities are placed on side slopes and where the utility corridor runs transverse to the side slope, the side slope portion of the corridor shall be no more than 10 percent.

G. Cutting, Grading, and Filling

1. Cutting and grading to create benches or pads for buildings or structures shall be avoided to the maximum extent feasible.
2. Except for driveways, cut and fill slopes shall be entirely contained within a lot (i.e., natural grade at the lot lines shall be maintained).
3. Sharp angles shall be rounded off, in a natural manner, at the top and ends of cut and fill slopes (within approximately five feet of the sharp angle) unless steep angles are a natural character of the site. Where this would damage tree root systems, the amount of rounding off may be reduced and shrubs used instead to hide the transition.

H. Raising or Lowering of Natural Grade

The original, natural grade of a lot shall not be raised or lowered more than four feet at any point for construction of any structure or improvement, except:

1. The site's original grade may be raised or lowered a maximum of six feet if retaining walls are used to reduce the steepness of man-made slopes, provided that the retaining walls comply with the requirements set forth in this subsection.
2. As necessary to construct a driveway from the street to a garage or parking area, grade changes or retaining walls up to six feet may be allowed.

3. For the purposes of this subsection, basements and buildings set into a slope are not considered to lower the natural grade within their footprint.

I. Vehicular Routes

The following regulations apply to vehicular routes on slopes of 15 percent or greater.

1. No street, road, private access road, driveway, or other vehicular route shall cross slopes greater than 50 percent.
2. Streets, roads, private access roads, driveways, and other vehicular routes shall not be allowed to cross slopes between 30 and 50 percent, except that a short run of no more than 100 feet or 10 percent of the road/street's entire length, whichever is less, may be allowed by the Zoning Administrator upon finding that:
3. Such street or road will not have significant adverse safety or environmental impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and
4. No alternate location for access is feasible or available.
5. Streets, roads, private access roads, and other vehicular routes shall, to the maximum extent feasible, follow natural contour lines.
6. Grading for streets, roads, private access roads, and other vehicular routes shall be limited to the paved portion of the right-of-way, plus up to an additional 10 feet on either side of the paved portion as needed, except that when developing access on slopes in excess of 25 percent, only the paved right-of-way shall be graded plus the minimum area required for any necessary curb, gutter, or sidewalk improvements. The remainder of the access right-of-way shall be left undisturbed to the maximum extent feasible.

J. Trails

Public trails are permitted on all slopes. Private trails may be allowed if the zoning administrator determines that there will be no significant adverse impacts, such as increased erosion potential.

16-6-4: Riparian Buffer

A. Buffers Established

1. The following buffers are established by the mapped floodplain area, or from the mean annual high-water line (AHWL), as determined by the Town engineer, on each side of any perennial stream or river, water body, or wetland.
2. Classifications of surface waters as perennial or intermittent streams, or as a lake or pond, shall be as indicated on the most recent version of the United States Geological Survey (USGS) 1:24,000 (7.5 minute) scale topographic maps, or the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA). If there exists a discrepancy between these maps that would affect a required buffer, the classification requiring the most stringent buffer shall be applied.

B. Riparian Protection Buffer

1. **Intent**

The riparian protection buffer is intended to protect the habitat, wetland, slopes, stream integrity, and features in the immediate vicinity of riparian areas. These areas are typically ecologically rich but sensitive habitats that also serve as critical buffers to sedimentation.

2. Minimum Total Width

- a. The minimum total width of the riparian protection buffer shall be the width of the mapped floodplain, or where the floodplain is not mapped or is narrower than 100 feet, 100 feet from the AHWL on both sides.
- b. On residential properties, the minimum width of the riparian protection buffer may be reduced to 50 feet in some locations where the floodplain in that area is less than 50 feet wide, and if an average setback of 100 hundred feet is maintained across the property as a whole.
- a-c. Provision of a riparian protection buffer is not required in Downtown Mancos.

3. Riparian Protection Buffer Zones

The riparian protection buffer area shall be divided into two zones as described below:

- a. No Disturbance Zone – Zone 1
 - i. Zone 1 shall begin at each edge of any identified riparian area and shall occupy a margin of land on each side, each with a minimum width of 25 feet from any wetland, water body, or any perennial stream. Where very steep slopes (30 percent or greater) are located within, and extend beyond such margin, Zone 1 shall extend to include the entirety of the very steep slopes up to a maximum dimension of 100 feet.
 - ii. No disturbance of land shall be allowed within Zone 1 including, but not limited to, dumping, filling, dredging, new construction, excavating, substantial improvements or modifications, scraping by motorized equipment, removal of native vegetation or root systems, or transferring materials that will reduce the natural storage capacity of the land, interfere with the natural flow pattern of any watercourse, or degrade the quality of surface or ground water. Limited exceptions to these restrictions include:
 - (a) Flood control structures;
 - (b) Stream restoration practices;
 - (c) Selected removal of dead, hazardous, or invasive vegetation or vegetation management in accordance with an approved landscape plan;
 - (d) Utility rights-of-way and construction;
 - (e) Unpaved pedestrian trails; and
 - (f) Roads where no economically feasible alternative exists.
- b. Riparian Transition Buffer- Zone 2
 - i. Zone 2 provides for limited uses in a buffer between development and Zone 1. It also provides separation between areas of intense human use and riparian features associated with intermittent or ephemeral streams.

- ii. The minimum width of Zone 2 for wetlands, waterbodies, and perennial streams shall be from the edge of Zone 1 to the limit of the mapped floodplain. The width of Zone 2 when applied to intermittent streams is 50 feet.
- iii. No significant disturbance of land shall be allowed within Zone 2 buffers including, but not limited to, dumping, filling, dredging, new construction, excavating, substantial improvements or modifications, scraping by motorized equipment, removal of native vegetation or root systems, or transferring materials that will reduce the natural storage capacity of the land or interfere with the natural flow pattern of any watercourse or degrade the quality of surface or ground water. The following structures, uses, and activities are permitted in the riparian transition buffer:
 - (a) Any use permitted in the Zone 1 buffer,
 - (b) Non-agricultural open fencing,
 - (c) Biking or hiking trails;
 - (d) Stormwater management facilities with the approval of the Town engineer, and
 - (e) Recreation uses with the approval of the zoning administrator.
 - (f) Reconstruction of existing structures is permitted in accordance with this Code.

16-6-5: Erosion Prevention and Sediment Control

A. Standards

All new development shall be subject to the following erosion prevention and sediment control standards:

1. Compliance with applicable Town and state requirements.
2. Water shall be carried off the site without damage to downhill public or private properties and/or improvements.
3. Water shall be directed away from buildings and other heavily used areas.
4. Post-development discharge of stormwater shall not exceed predevelopment discharge for a 100-year storm event.
5. Unnecessary ponding not intended for detention or retention purposes should be avoided.
6. Erosion control measures as necessary to control erosion and sedimentation during site development and construction shall be implemented. These may include, but are not limited to, the placement of hay bales and siltation fences.

B. Grading Plan—Revegetation of Disturbed Sites

A grading plan, submitted pursuant to Section xx.xx, *Grading Permits*,¹ and demonstrating compliance with the above standards is required. The grading plan shall include a section

¹ Does the Town have or want to implement a grading permit program?

outlining the type and extent of revegetation proposed to accomplish the following requirements:

1. Following construction, the site shall be reclaimed and revegetated following the standards of Article 9, Landscaping, Buffering, and Screening Standards.
2. In areas of subdivisions and development sites where landscaping is not required or not anticipated by the zoning administrator, the developer shall reclaim all disturbed property and replant the entire area with native vegetation as described in Article 9, Landscaping, Buffering, and Screening Standards.
3. Topsoil shall be stockpiled and placed on disturbed areas.
4. Irrigation shall be provided to the revegetated areas if the zoning administrator determines that it is necessary to establish the plants in the revegetated areas ensure survival of native species planted.

16-6-6: Stormwater Management – Redevelopment of Existing Lot or Parcel

All redevelopment shall conform to the following stormwater management requirements:

- A. Redevelopment of the site shall not have adverse effects on the Town stormwater drainage system.
- B. As determined by the Town engineer, redevelopment of the site shall not have detrimental effects on any applicable Town approved drainage basin area.
- C. Stormwater management shall be designed to meet current technical specifications and standards as adopted by the Town of Mancos.

16-6-7: Wildland/Urban Interface and Wildland/Urban Intermix Analysis

Drafting note: our notes show an early discussion about looking at increasing development safety in the wildland-urban interface (WUI). Has the Town done any preliminary planning analysis or mapping of the hazard areas?

ARTICLE 7 Mobility and Connectivity

16-7-1: Mobility

A. Purposes

1. The following standards are designed to encourage pedestrian and bicycle mobility that can reduce dependency on the automobile, reduce the number of daily trips by single occupancy vehicles, and preserve the capacity of existing roadways while reducing parking demand. Consideration shall be given to alternative transportation modes, bicycle and pedestrian ways, and paths through the development design process.
2. This section is intended to ensure that pedestrian and bicycle access is available to serve uses that need and benefit from such access.

B. Sidewalks, Easements, and Trails

1. Sidewalks are required along all streets adjacent to a building site, except in the LI, Light Industrial District.
 - a. Sidewalks shall be five feet in width in multifamily, mixed-use, and commercial districts the C, Commercial District and the HB, Highway Business District, or eight feet in width if installed adjacent to a curb.
 - b. Sidewalks built in all other districts shall be four feet in width.
 - c. The construction specification of sidewalks will conform to the Standards and Specifications for Public Improvements, Town of Mancos, Colorado, 1998, on file with the Town.
 - d. Existing development that does not have a sidewalk along a frontage where a sidewalk would be required pursuant to this section shall install a sidewalk at such time where combined site and structure redevelopment total 60% of the building permit value of the structure as of August 1, 2019.
2. All development in multifamily, mixed-use, and commercial districts shall provide a connected pedestrian walkway system as follows:
 - a. There shall be a walkway from the perimeter public sidewalk to the principal building entrance.
 - b. Where there are multiple entrances, pedestrian walkways or sidewalks shall connect all primary building entrances and must be provided along any facade featuring an entrance that exits into a parking area or travel lane.
 - c. Pedestrian walkways shall also connect all on-site common areas, parking areas, storage areas, open space, and recreational facilities.
 - d. The walkway must be distinguished from driving surfaces through the use of special pavers, bricks, patterned concrete, or other methods approved by the Town to enhance pedestrian safety and the attractiveness of the walkway.
3. Trail easements or rights-of-way shall be dedicated in accordance with the Town of Mancos Comprehensive Plan and Trails Master Plan. Trail construction is not required of an applicant.

- a. Where a proposed subdivision includes portions of the Mancos River or Chicken Creek, a minimum 25-foot easement or public right-of-way outside and adjacent to the normal river channel shall be dedicated for trail purposes.
- b. Trails in the Town must be designed as multi-use trails and conform to the standards of Table 16-7-1.1, Trail Design Standards:

Table 16-7-1.1: Trail Design Standards

	X-slope Range	Tread Width	R.O.W. Width	Clearing		Surface Materials			
				h.	v.	Natural	Gravel	Asphalt	Concrete
Multi-use	0-10%	8'	25'	+3'	10'	Pref.	Pref.	No	No

- 4. If an applicant believes that pedestrians do not need or not will they benefit from access across or to a project, a written request for interpretation per Article 16-18, 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.

C. Certificate of Occupancy or Escrow

- 1. No certificate of occupancy shall be issued until the requirements of this section are met.
- 2. 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.

16-7-2: Connectivity

A. Circulation Plan Required

- 1. All new developments and redevelopment in the Town, except for new detached and attached single-family residential uses with fewer than three dwellings, shall require a circulation plan.
- 2. The circulation plan shall address street, pedestrian, and bicycle connectivity; emergency and service vehicle access; parking movements; accommodation of loading operations; turning radii; traffic calming measures where future “cut-through” traffic is likely; and similar issues.
- 3. The circulation plan shall identify how bicycle and pedestrian paths shall connect to existing facilities on adjoining projects and/or to paths, trails, and routes.
- 4. The zoning administrator may waive the requirement for a circulation plan for redevelopment or infill development or on a case-by-case basis in the event that a new development is expected to have no impact upon circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.
- 5. A circulation plan shall be submitted with a site plan or preliminary plat.

B. Traffic Impact Mitigation

1. Applicability of Traffic Impact Analysis Requirement

The transportation system for new development shall be capable of supporting the proposed development in addition to the existing and future uses in the area. Evaluation of system capacity shall be undertaken through a Traffic Impact Analysis (TIA), that should consider the following factors without limitation: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and connections to transit; impacts on adjacent neighborhoods; and traffic safety including pedestrian and cyclist safety. A TIA shall be required with applications for development review and approval when:

- a. Trip generation during any peak hour is expected to exceed 250 trips per day or more than 100 trips during any one-hour peak period, based on traffic generation estimates of the Institute of Transportation Engineers' Trip Generation Manual (or any successor publication); or
- b. A TIA is required by the planning and zoning commission or Board as a condition of any land use application approved pursuant to the requirements of this Code; or
- c. The zoning administrator may require a TIA for:
 - i. Any project that proposes access to a street with Level of Service "D" or below (as determined by the most current version of the Transportation Research Board's Highway Capacity Manual);
 - ii. Any application for a rezoning or specific plan review;
 - iii. Any case where the previous TIA for the property is more than two years old;
 - iv. Any case where increased land use intensity will result in increased traffic generation; or
 - v. Any case in which the zoning administrator determines that a TIA should be required because of other traffic concerns that may be affected by the proposed development.

2. Traffic Impact Analysis and Development Review Process

- a. A scoping meeting between the developer and the zoning administrator shall be required prior to the start of the TIA in order to determine the parameters of the study. This may be conducted as part of a pre-application meeting. The zoning administrator shall define the vicinity of the TIA study in as limited a geographic area as is feasible to make adequate traffic determinations for the project. Where a larger boundary is necessary to make adequate traffic determinations, the town shall work with the applicant to provide traffic information and perform such modeling as is necessary to study the area outside of the project vicinity.
- b. The TIA shall be submitted with the applicable development application.
- c. When access points are not defined or a site plan is not available at the time the TIA is prepared, additional studies may be required when a site plan becomes available or the access points are defined.

3. Traffic Mitigation Measures

- a. The applicant shall, as part of the TIA, recommend measures to minimize and mitigate the anticipated impacts and determine the adequacy of the development's planned access points. Mitigation measures shall be acceptable to the zoning administrator and may include, without limitation: an access management plan; transportation demand management measures; street improvements on or off the site; placement of proportionate pedestrian, bicycle, or transit facilities on- or off-site; or other capital improvement projects such as traffic calming infrastructure or capacity improvements.
- b. Following Town approval of the TIA, developer and Town shall enter into an agreement specifying the implementation program and timeframe for the required traffic improvements and identifying mitigation requirements where the project construction timeframe varies from the anticipated traffic improvement timeframe.

16-7-3: Streets and Vehicular Circulation

A. Street Standards

All streets shall meet the design standards of Article 14, and shall be consistent with the transportation element of the Mancos Comprehensive Plan.

B. Street Connectivity

1. Purpose

Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoids traffic congestion on principal routes. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping. These connections should knit separate developments together, rather than forming barriers between them.

2. Residential Streets

- a. Residential streets shall be laid out so that use by through-traffic will be discouraged. Traffic-calming techniques such as diverters, neck-downs, street gardens, and curvilinear alignments are encouraged to reduce speeds and cut-through traffic.
- b. Should topography or other constraints require the use of straight streets that extend more than 600 feet without being punctuated by cross streets, an oblong median, traffic-calming device, or similar feature shall be used to slow traffic and break-up the "runway" appearance.
- c. To the maximum extent practicable, streets shall be arranged to follow the natural contours of the site.

3. Vehicular Access to Public Streets and Adjacent Land

- a. All development shall provide public street connections to all existing, proposed or preliminary platted adjacent public streets.

- b. If there are no adjacent public streets, subdivisions and/or site plans shall provide for connections along each boundary abutting adjacent vacant land for future connections spaced at intervals not to exceed 1,000 feet for arterials, or 660 feet for other street types.
- c. When connections to surrounding streets are required, public right-of-way shall be dedicated and streets developed pursuant to existing paved rights-of-way. The Town may also require temporary turnarounds to be constructed ~~and paved~~ for temporary cul-de-sacs between development phases.

4. Cul-de-Sacs and Dead-End Streets Discouraged

- a. The design of street systems shall use through-streets. Permanent cul-de-sacs and dead-end streets shall only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical.
- b. All permanent dead-end streets shall be developed as cul-de-sacs and extend no further than 660 feet.
- c. All cul-de-sacs shall conform to the requirements of the present adopted International Fire Code.
- d. Half streets (i.e., streets of less than the full right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the development, creates or comprises a street that meets the right-of-way and pavement requirements.
- e. Whenever cul-de-sac streets are created, at least one eight-foot wide pedestrian access easement shall be provided, to the maximum extent practicable, between each cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian pathway. This requirement shall not apply where it would result in damage to or intrusion into significant natural areas such as stream corridors, wetlands and steep slope areas. The pedestrian access easement will be dedicated to the Town and maintained as part of the sidewalk system.

ARTICLE 8 Parking, Loading, and Access Drives

16-8-1: Purpose

The purpose of this section is to require off-street parking and loading facilities in proportion to the parking demand for each use 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 LUC and with the current Comprehensive Plan where site constraints exist for adequate off-street parking. The regulations and design standards of this section are intended to accomplish the following:

- A. Ensure the usefulness of parking facilities;
- B. Ensure sufficient parking spaces on-site to prevent excessive parking on public streets and in residential neighborhoods;
- C. Ensure that access to parking does not impair the function of adjacent roadways or endanger the public safety; and
- D. Ensure that projects that are conducive to preserving the "western, small-town character" and improving the quality of life of the community will not be impeded by off-street parking requirements when adequate on-street parking is available.

16-8-2: Applicability

A. New and Complying Development

New development occurring after the effective date of this ordinance shall comply with the following provisions:

1. Every use of a building or land must provide the minimum required off-street parking spaces.
2. The number of parking spaces may be reduced if the land use or floor area of a building is changed 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 to one that increases the number of parking spaces required, the number of spaces must be increased to meet the minimum standards for the changed or expanded use.

B. Existing Noncomplying Development²

Developments with legal, noncomplying parking areas are subject to the following provisions:

1. Existing parking spaces may not be reduced below the minimum required.
2. A change of use, remodel, or structural alteration that does not increase the required number of parking spaces may be approved without requiring compliance with Section 16-8-3.

² In phase 3 of the LUC update, we will consider easing noncompliant standards for existing/previously developed lots to stimulate redevelopment in downtown.

3. Outside of Downtown: A building expansion or change of use that increases the number of parking spaces that would be required by Section 16-8-3 shall provide additional parking spaces only for the 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 Section 16-8-3.

3-4. Downtown: A building expansion or change of use that increases the number of parking spaces that would be required by Section 16-8-3 shall provide additional parking spaces only for the increment of the expansion, as if it were a separate development, to the extent that there is space available on the lot for some or all of the additional parking. Only the expanded portion of the parking area shall be required to comply with the provisions of Section 16-8-3. Where there is no space available on the lot for additional parking, the applicant may apply for planning commission site plan review to determine that providing additional parking on site is not feasible while still approving the building expansion or change of use.

C. Infill Development Downtown

Downtown infill development shall comply with Section 16-8-3 to the maximum amount feasible as determined through a planning commission site plan review. The planning commission may determine that the site plan establishes reasonable site design that meets other requirements of this Code, such as landscaping or pedestrian connectivity, which standards are better suited to promoting site development in keeping with downtown Mancos than the provision of off-street parking.

C-D. Waivers

The provision of off-street parking may be waived by the Board of Trustees for publicly funded development in a ~~public district or for development in a mixed use,~~ the commercial, or public district if the number of spaces eligible for waiver equals the number of available spaces conforming to all the following requirements:

1. There are site constraints that prevent the developer from providing required on-site/off-street parking without undue hardship.
2. All parking spaces meet the design requirements of this article.
3. There is no conflict with Section 16-8-1, Purpose.
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 meets the requirements of Section 16-8-3.
6. Alternative on-street or public parking lot parking exists 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 purposes of this LUC and the current Comprehensive Plan.

D-E. Computing Parking

The minimum number of parking spaces required for a specific development proposal shall be based on the requirements listed in Section 16-8-3 and the following provisions:

1. When determination of the number of parking or loading spaces results in a requirement of a fractional space, any fraction shall be rounded up and counted as one parking space.
2. When there are multiple structures on a lot or multiple uses in a structure, parking shall be calculated separately for each different use area in a building or on a site, including all accessory uses.
3. When the standards use the amount of square footage in buildings as a unit of measurement, all calculations shall be based on gross floor area minus 10 percent to account for spaces utilized for storage, circulation, and utility and equipment rooms.
4. Parking spaces required on a per-employee basis shall be based on the maximum number of employees on duty and/or residing on the premises at any one time.
5. Parking spaces required based on the number of beds in a facility shall be calculated based on the number of beds accommodated in the design capacity of the facility.
6. When the standards use seating as a unit of measurement, all calculations shall be based on the number of fixed seats. If fixed seats are not provided, then parking shall be determined at a rate of one space per four occupants.
7. For any use not specifically listed, the zoning administrator may interpret the requirements as being equal to the requirements of a similar listed use.
8. In computing the parking requirements for any building or development, the total parking requirement is the sum of the specific parking space requirements for each class of use included in the building or development.

16-8-3: Schedule of Off-Street Parking Requirement (Sec. 16-16-60)

Off-street parking spaces shall be provided as follows:

A. Downtown Parking

Parking for downtown development shall fall within the following minimum and maximum standards:

Table 16-8.1 Downtown Parking

Land Use	Minimum Required Spaces	Maximum Permitted Spaces
Residential Uses	1 per unit studio or 1 bedroom; 1.25 per 2 bedroom; 1.25 + 0.25 for each bedroom over 2	2 per studio or 1 bedroom; 2.5 per 2 bedroom; 2.5 + 0.25 for each bedroom over 2
Non-Residential Uses	1 per 8 1000 SF GFA	1 per 250 SF GFA

B. General Off-Street Parking

1. Required Off-Street Parking

The minimum number of parking spaces identified in either Table 16-8.2 or Table 16-8.3, as appropriate shall be provided unless otherwise specifically permitted by another section of this code.

Table 16-8.2: Off-Street Parking

Abbreviations: DU - Dwelling Unit, GFA – Gross Floor Area	
Use Type	Minimum Required Spaces
Agriculture	
Agriculture	n/a
Market garden	
Residential Uses	
Household Living	
Dwelling, single-family	2 per DU
Dwelling, two-family	2 per DU
Dwelling, multiple units	1 per studio; 1.5 per 1 bedroom DU; 2 per 2 bedroom DU; 2 + 0.5 for each bedroom over 2
Dwelling in mixed-used building	1 per DU
Manufactured home	2 per DU
Accessory dwelling unit	1 per ADU
Group Living	
Boarding house	1 per bedroom
Group living, general standard	2 + 1 per 5 beds
Shelter for the homeless	2
Civic and Public Uses	
Government Services	
Municipal facility	1 per 300 SF GFA of space used by the public + 1 per 600 SF GFA of space not used by the public
Park maintenance or storage structure	1
Cultural	
Cemetery	1 per 50 SF chapel area
Library	1 per 300 SF GFA used by the public+ 1 per 600 SF GFA of space not used by the public
Museum	1 per 1,000 SF GFA
Assembly, all types	1 per 4 seats in assembly area or 1 per 100 SF GFA in assembly area without seats
Education	
School, elementary or secondary	Elementary School: 2 per classroom Middle School: 2 per classroom High School: 6 per classroom and 1 per 300 SF GFA additional enclosed floor space
School, vocational	1 per 300 SF indoor GFA
School, university or college	1 per 400 SF indoor GFA
Utilities	
Telecommunications towers or facilities	1

Table 16-8.2: Off-Street Parking

Abbreviations: DU - Dwelling Unit, GFA – Gross Floor Area	
Use Type	Minimum Required Spaces
Institutional Uses	
Medical Care	
All medical care	1 per 2 beds based on maximum capacity + 1 per 350 SF GFA office and administrative area + spaces as required per accessory use
Custodial Care	
Adult day care facility, child care center	1 per 500 SF GFA
Assisted living facility	2 + 0.5 per dwelling unit over 2
Treatment or care facility	Use medical care standard
Commercial Uses	
Arts, Entertainment, and Recreation	
Adult business	1 per 200 SF GFA
Banquet hall	1 per 200 SF GFA
Entertainment and recreation	Indoor: 6 per 1,000 SF GFA; Outdoor: 1 per 4 occupants
Performing arts	6 per 1,000 SF GFA
Eating and Drinking Establishments	
All eating and drinking	1 per 200 SF GFA
Lodging Accommodations	
Bed and breakfast	2 plus 1 per guest room
Campground or recreational vehicle park	1 per campsite/RV site
Hotel or motel	1 per room + 1 per 300 SF meeting or restaurant and bar area
Offices	
Office, general	1 per 333 SF GFA
Financial institution	1 per 200 SF GFA used by general public + 1 per 600 SF GFA not used by general public
Medical clinics and offices	Medical, dental or optical: 1 per 222 SF GFA; Therapy: 1 per 250 SF GFA
Veterinarian hospital or clinic	1 per 600 SF GFA indoor area
Personal Services	
Personal service, general	1 per 333 SF GFA
Funeral parlor	1 per 200 SF GFA used by general public + 1 per 600 SF GFA not used by general public
Retail	
Kennel	1 per 800 SF GFA
Retail, general (indoors)	1 per 300 SF GFA
Retail, general (outdoors)	1 per 250 SF retail sales area; 1 per 500 SF greenhouse sales area; 1 per 1,000 SF outdoor display area
Transportation	
Bus station or terminal	1 per 400 SF passenger waiting area
Vehicle/Equipment Sales or Services	

Table 16-8.2: Off-Street Parking

Abbreviations: DU - Dwelling Unit, GFA – Gross Floor Area	
Use Type	Minimum Required Spaces
Car wash	2
Gasoline service station	2 + 1 per 333 SF GFA for retail
Truck and heavy equipment maintenance and repair	1 per 250 SF GFA
Truck and heavy equipment sales	1 per 1,000 SF GFA plus storage of equipment for sale
Vehicle maintenance and repair	1 per 250 SF GFA
Vehicle sales, leasing, and rental	1 per 1,000 SF GFA plus storage of vehicles for sale
Industrial, Wholesale, and Storage Uses	
Manufacturing	
Niche Manufacturing	1 per 500 SF GFA
Industrial, wholesale, and storage general	See Table 16-8.3

Table 16-8.3: Parking for Industrial, Warehouse, and Waste and Salvage Uses

Use or Activity	Minimum Required	
Office or administrative area	1 per 500 SF GFA	
Indoor sales area	1 per 200 SF GFA	
Indoor storage, distribution, warehousing, assembly, vehicular service, or manufacturing area:	1-3,000 square feet of floor area	1 per 250 SF GFA
	3,001-5,000 square feet of floor area	1 per 500 SF GFA
	5,001-10,000 square feet of floor area	1 per 750 SF GFA
	10,001 or more square feet of floor area	1 per 1,250 SF GFA
Outdoor sales, display, or storage area (3,000 square feet or less)	1 per 750 GFA	
Outdoor sales, display, or storage area (more than 3,000 square feet)	1 per 1,000 GFA	
Notes:		

The total number of required spaces is cumulative based on the variety of different functions present in a single use.

2. Parking Calculation

Uses that do not have established standards in Tables 16-8.2 or .3 may be required to establish parking standards pursuant to this section. Parking calculation may be required for uses that have widely varying parking characteristics that make it difficult to establish a single standard. Upon receiving an application for a use subject to a parking calculation, the zoning administrator shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use. The zoning administrator may also establish minimum off-street parking requirements based on a parking study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates, and shall include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

C. Parking Reductions

1. On-Street Parking

The use of legal, on-street parking to meet a portion of the minimum off-street parking requirements is permitted.

2. Small Use Exception

Any individual use in a space that is 2,000 square feet or smaller shall be exempt from the minimum parking requirements of this section.

3. Senior Housing

- a. The required minimum number of off-street parking spaces may be reduced by 33 percent for any group living use or multi-family use in which occupancy of at least 80 percent of the units is restricted for use by those 60 years of age or older.
- b. The required minimum number of off-street parking spaces may be reduced by 50 percent for any group living use or multi-family use in which occupancy of more than 80 percent of the units is restricted for use by those meeting the definition of “handicapped” individuals under the federal Fair Housing Act Amendments

16-8-4: Drive Through Lanes and Vehicle Stacking

Any facility offering drive-through service shall provide stacking lanes which are a minimum of eight feet in width and which provide direct forward access to each service window, station, or other point of service. Such stacking lane shall be marked and shall be separate from any other driveway, parking space, or aisle. Stacking lanes shall be measured from the point of service and shall provide 20 feet per vehicle. Common stacking lanes for several service points may be used for financial and restaurant uses, provided that separate stacking for at least three vehicles is provided for each point of service before stacking is merged into a common lane.

A. General

Unless otherwise specified below, each service point shall be provided with a stacking lane for a minimum of three vehicles. The off-street loading zone must lie outside the stacking lane.

B. Financial

Each teller station at a drive-through financial institution shall be provided with a stacking lane for a minimum of five vehicles.

C. Restaurant

Each remote ordering station and each service window at a restaurant with drive through service shall be provided with a stacking lane for a minimum of five vehicles.

16-8-5: Off-Site Parking

The zoning administrator may allow required parking spaces to be provided on a building site other than that of the use for which the spaces are required. In general, such exception may be considered for employee parking or for institutional type uses such as hospitals, religious assembly, or other uses where longer term parking is common. Off-site parking shall meet the following conditions:

A. Same Ownership

The parking area is located on land under the same ownership as the use it serves, or a recorded easement in perpetuity that has been established for the use of an off-site location for parking and filed with the county recorder of deeds.

B. Distance Between Off-Site Parking Area and the Proposed Use

1. Off-site parking for multiple-family dwellings shall not be located more than 600 feet from any normally used entrance of the principal use served.
2. Off-site parking for nonresidential or mixed uses shall not be located more than 600 feet from any normally used entrance of the principal use served.
3. The above distances shall be measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

C. No Undue Hazard

The off-site parking area shall be convenient to use without causing unreasonable:

1. Hazard to pedestrians,
2. Hazard to vehicular traffic,
3. Traffic congestion,
4. Interference with commercial activity or convenient access to other parking areas in the vicinity,
5. Detriment to the appropriate use of business lands in the vicinity, or
6. Detriment to any abutting residential neighborhood.

16-8-6: Shared Parking

The zoning administrator may allow shared parking pursuant to this section. Shared parking shall mean that where the required spaces provided for one use may also be credited as required spaces for a complementary use. A permanent and irrevocable easement of the parking facilities in favor of the use to be benefited thereby shall be dedicated and recorded in the county records as a condition of such use. Shared parking shall meet the following conditions:

A. Proximity to Use

Shared parking spaces shall be located within 600 linear feet of the primary entrance of all uses served as measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk. Such distance shall not apply if a remote parking shuttle bus service is provided and approved as part of a development approval. Shared parking spaces shall not be separated from the use they serve by an arterial or collector street with a right-of-way greater than 80 feet. In addition, adequate and safe pedestrian access must be provided from and to the shared parking areas.

B. Same or More Intensive Use

A shared parking area shall be located on a site with the same or more intensive zone district classification than required for the primary uses served.

C. Calculating Shared Parking

1. General

Where two land uses listed in separate use categories in Table 16-4-4.1, Permitted Uses, share a parking lot or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 16-8-6.1, below. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors in Table 16-8-6.1. If uses in three or more categories of Table 16-4-4.1 share a parking lot or structure, the zoning administrator shall determine the parking reduction based on the relative sizes of the various uses and the reduction factors listed in Table 16-8-6.1.

Table 16-8-6.1: Joint Parking Reduction Factors

Property Use	Multi-Family Residential	Public and Institutional	Food, Beverage, Indoor Entertainment, or Visitor Accom.	Retail	Other Commercial
	<i>[Add the two parking requirements and divide by these factors]</i>				
Multi-Family Residential	1.0				
Public and Institutional	1.1	1.0			
Food, Beverage, Indoor Entertainment, or Visitor Accommodation	1.1	1.2	1.0		
Retail	1.2	1.3	1.3	1.0	
Other Commercial	1.3	1.5	1.7	1.2	1.0

2. Additional Joint Parking Permitted for Certain Uses

As an alternative to those reduction factors listed in Table 16-8.4, (a) up to 50 percent of the parking spaces required for food, beverage and indoor entertainment uses, and up to 100 percent of parking spaces required for religious assembly uses and elementary, middle, high school, university, or college auditoriums may be used jointly by (b) any non-residential use not normally open, used, or operated during the same hours as those listed in (a).

16-8-7: Bicycle Parking

A. Required Number of Spaces

Bicycle parking shall be provided as follows:

Table 16-8-7.1: Bicycle Parking

Use	Bicycle Parking Spaces [1]
Multiple-family	2 or 1 per 10 units
Group home	1 per 4 bedrooms
Office	4 or 1 per 8,000 sq. ft. (net area)
Commercial sales and service	4 or 1 per 4,000 sq. ft. (net area)
Community use (non-utility)	4 or 1 per 8,000 sq. ft. (net area)
Schools	.5 per classroom
Notes: [1] Whichever measurement results in the higher number of spaces.	

B. Design and Location

1. Bicycle parking facilities shall include a rack or storage facility (e.g., locker) that enables bicycles to be secured. Where racks are used, they shall meet the following standards:
 - a. The bicycle frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock if both wheels are left on the bicycle;
 - b. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
 - c. The rack must be securely anchored.
2. Bicycle racks and storage facilities shall be accessible without moving another bicycle.
3. Bicycle racks and storage facilities shall be located in convenient, visible, well-lit areas with easy access and near main entrances of all commercial, residential, and institutional buildings. Such locations shall be clearly noted with signage.
4. The racks and storage facilities shall be located so they do not interfere with pedestrian traffic and shall be protected from potential damage by motor vehicles.
5. Bicycle parking shall not be within any required landscape area nor interfere with any pedestrian pathway.

16-8-8: Parking Lot Layout and Construction

A. Parking Layout for Single-Unit and Two-Unit Residential Uses**1. Applicability**

The following standards shall apply to parking for single unit and two-unit residential uses.

2. Parking Dimensions

The minimum parking space dimension shall be 8.5 feet by 18 feet.

3. Tandem Spaces

Required parking may be provided in tandem spaces to accommodate two vehicles parked end-to-end, under the following circumstances:

- a. May be provided in tandem, either on a driveway, garage, or both; and
- b. For each dwelling unit, including accessory dwelling units, at least one parking space shall be provided that is not blocked by another parking space.

4. Garage and Carports

- a. To allow for vehicle maneuvering, there shall be a minimum clear distance on private property of 18 feet perpendicular to the garage doors or carport openings for any opening that is perpendicular to the public right-of-way.
- b. When garage doors or carport openings face an alley, a minimum of 18 feet shall be provided from the garage door or carport opening to the furthest alley right-of-way boundary.

B. Parking Layout for All Other Uses

1. Applicability

The following standards shall apply to parking for all uses except for single-unit and two-unit residential uses.

2. Parking Dimensions

- a. Parking areas shall comply with the dimensions of parking spaces, drives, and aisles in Table 16-8-8.1, below.
- b. Existing parking structures with parking spaces that do not meet minimum design standards shall be allowed to serve buildings or uses if it can be demonstrated structural constraints prevent the redesign of parking spaces to meet current standards. The design of the structured parking spaces and drive aisles within the parking structure shall be approved by the Town engineer.

C. Parking Space Dimensions, Lighting, and Design

1. Off-street parking serving commercial and multi-family uses shall be set back at least 10 feet beyond the front yard setback.
2. Each off-street parking space shall consist of an open area measuring at least 8.5 feet wide by 18 feet long and seven feet high; provided, however, that parallel parking spaces shall measure at least 8.5 feet wide by 23 feet long and seven feet high.

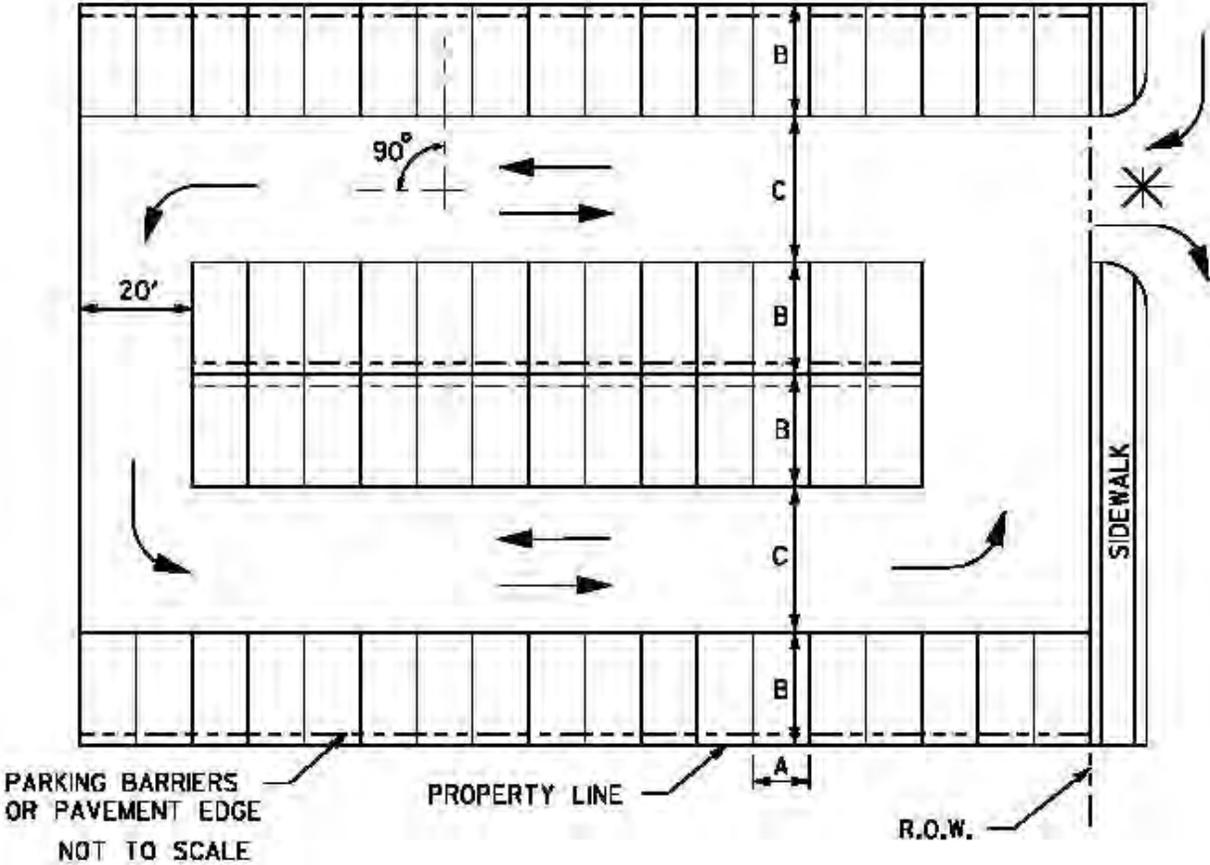
Table 16-8-8.1: Parking Dimensions

Standard		Standard Space (feet)		Compact Space (feet)	
90 Degree Parking					
Stall width	A	9	9.5	10	8
Stall length	B	19	19	19	16
Drive/aisle width	C	24	23	22	24
60 Degree Parking					
Stall width	A	9	9.5	10	8
Stall length	B	19	19	19	16
Curb length/car	C	10.4	11	11.5	9.2
Stall depth	D	21	21.2	21.5	17.8
Drive/aisle width	E	18	17	16	18
Island width	F	37.4	37.7	37.9	31.7
45 Degree Parking					
Stall width	A	9	9.5	10	8
Stall length	B	19	19	19	16
Curb length/car	C	12.7	13.4	14.1	11.3
Stall depth	D	19.8	20.2	20.5	17
Drive/aisle width	E	13	12	11	13
Island width	F	33.2	33.6	33.9	28.3
0 Degree Parking					
Stall width	A	8.5	-	-	Not permitted

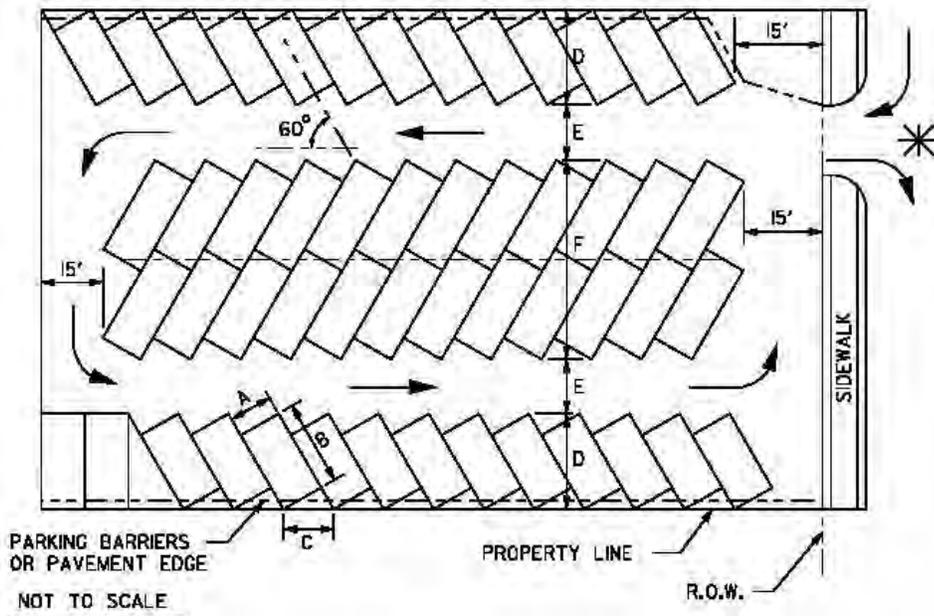
Table 16-8-8.1: Parking Dimensions

Standard	Standard Space (feet)		Compact Space (feet)	
Stall length	B	23	-	-
Drive/aisle width	C	13/24	-	-

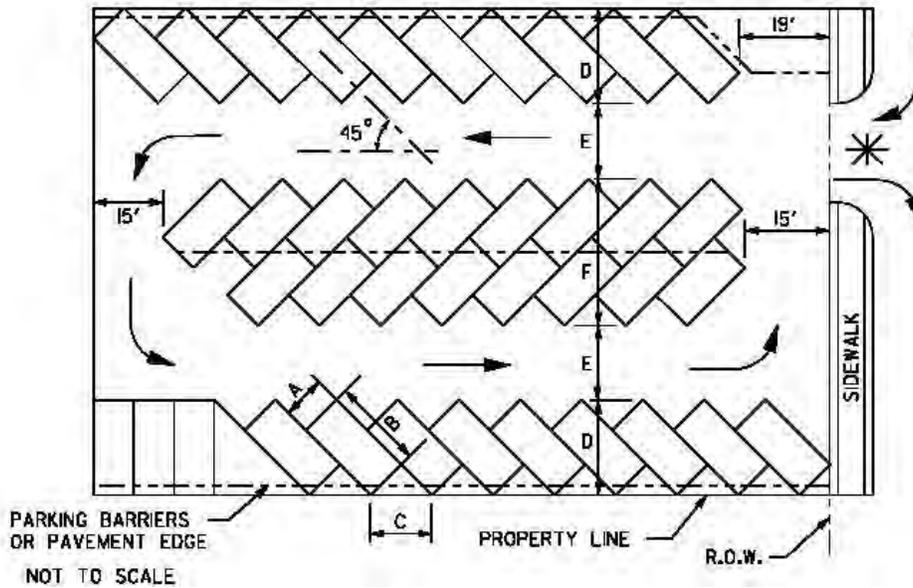
90° PERIMETER & ISLAND PARKING



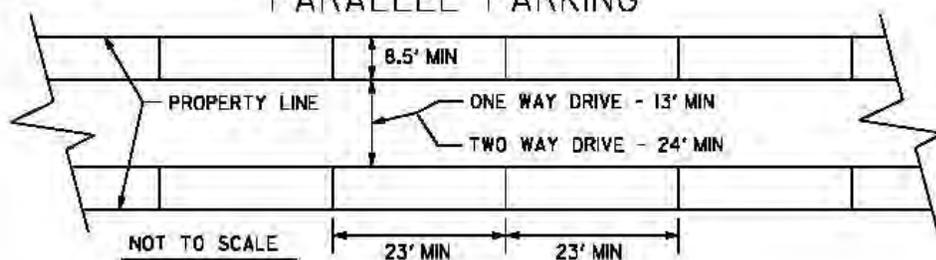
60° PERIMETER & ISLAND PARKING



45° PERIMETER & ISLAND PARKING



PARALLEL PARKING



3. 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.
4. Off-street parking must be free of weeds; properly drained; and surfaced with concrete, asphalt, sealed pavers, cobbles, sealed brick, or a material with similar characteristics and uses; and maintained in good condition.
5. Security lighting must be provided in parking lots with a minimum ground level illumination of ½-foot-candle at any location in the lot. Lighting must be arranged to shield illumination of adjoining residential areas.

D. Restricted Use of Parking Areas

No automobile trailers, boats, detached campers, junk vehicles, or any other object that will render a parking space unusable shall be parked or stored in off-street parking areas.³

16-8-9: Parking Garage

The off-street parking required by this section may be located in a parking structure, whether on the same or on a different lot than the uses which it serves. Such structure shall be subject to the following:

- A. Ground floor parking provided in a parking structure shall be landscaped and screened, insofar as practicable, from surrounding uses and from public view. In addition, for uses located on the same lot as the structure, the conditions required for shared parking shall apply. For uses located on a different lot as the structure, the conditions required for off-site parking shall apply.
- B. Parking structures with ground floors that are not completely wrapped with commercial, office, institutional, public uses, or civic uses on the side facing an intersection (except sides abutting alleys) shall not:
 1. Abut street intersections or public/civic use areas,
 2. Be adjacent to public squares, or
 3. Occupy sites that are the terminus of a street vista.
- C. Design
 1. Parking structures should be constructed of materials of similar quality and shall be compatible in appearance with adjacent buildings.
 2. Facades of parking structures not occupied by commercial, office, institutional, public uses, or civic uses shall be articulated through the use of three or more of the following architectural features.
 - a. Windows or window-shaped openings;
 - b. Masonry columns;
 - c. Decorative wall insets or projections;

³ The definition of Junk Vehicles was Moved to Article 9, Definitions.

- d. Awnings;
 - e. Changes in color or texture of materials;
 - f. Approved public art;
 - g. Integrated landscape planters; or
 - h. Other similar features approved by the town.
3. Vehicle entries to off-street parking structures shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage. At a minimum, parking structures shall have user vehicle access from locations that minimize conflicts with pedestrian circulation.

16-8-10: Design of Loading Areas

Nonresidential uses must provide loading areas in accordance with the following requirements:

A. Number of Loading Areas

- 1. Loading area requirements are calculated using the nonresidential gross floor area in square feet, including outdoor storage of goods.
- 2. One loading space is required for any use with a gross area of up to 10,000 square feet. Above 10,000 square feet, one additional loading space is required per 15,000 square feet, or fraction thereof.

B. Location

- 1. 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 to block access by emergency vehicles.
- 2. Loading spaces shall be located 30 feet from the nearest point of intersection of any two streets.

C. Size of Berths

The minimum required dimensions of loading spaces, open or enclosed, shall be 12 feet in width by 35 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet. Where tractor-trailer units will be using the facility, the minimum length shall be 65 feet.

D. Access

Each on-site loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movement, shall not be designed so as to require trucks using the loading space to back up onto any public street, and shall meet standard Traffic Engineering Department specifications. All driveways servicing loading spaces shall be in accordance with applicable city standards.

E. Screening

All on-site loading spaces that are within or abut a residence district or intervening alley shall be completely screened from the adjacent residential lot by building walls or by a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height.

F. Paving Standards

The surface of all open off-street loading spaces shall conform to the requirements for off-street parking areas.

G. Use of Loading Areas

1. 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.
2. Space allocated to any loading use shall not be used to satisfy the number of required motor vehicle parking spaces.

16-8-11: 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.

A. Minimum Driveway Width

Driveways shall be a minimum of 10 feet in width when serving one dwelling unit or 14 feet wide when serving more than one residence or another use, such as a boarding house.

B. Maximum Driveway Frontage

The combined width of driveway cuts or entrances shall not be more than 40 percent of the frontage of the lot along any street or alley.

C. Maximum Driveway Grade

The maximum driveway grade shall be 12 percent.

D. Corner Visibility

No walls, buildings, or other obstruction to view in excess of four 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 30 feet from the intersection of the property lines.

ARTICLE 9 Landscaping, Buffering, and Screening

16-9-1: Purpose

This section provides standards for the installation and maintenance of landscaping, walls, and screening devices 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 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 non-native plants and 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.

A.—Applicability (16-16-130)

~~This Section applies 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 are exempt. In addition, a one-time expansion of the floor area of nonresidential buildings on a lot or building tract not exceeding 25 percent of the existing floor area shall not be subject to the requirements of this Section.~~

16-9-2: General Requirements

A. 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 that comply with the following criteria:

1. The landscape plan conforms to all requirements of this article and is consistent with the currently adopted comprehensive plan and any other applicable plans.
2. The plant materials or landscape features are designed and situated in a manner that makes the project visually compatible with its surroundings to the greatest extent possible.
3. The landscape design includes the installation of a diversity of species and sizes of vegetation with preference given to native and naturalized vegetation.
4. No plant materials or landscape features are situated in such a manner so as to inhibit vehicle sight distances or otherwise create a traffic hazard.
5. No woody plant materials are situated within any utility easement unless shrubs or other limited height materials are of a size that has been approved by the utility provider.
6. The facilities for watering and drainage are adequate to ensure the landscape area is maintained and that no soil, bark, mulch, gravel, stone, or similar materials are allowed to wash off the landscape area into parking areas, driveways, public streets, sidewalks, gutters, or storm drainage facilities.

7. The design, selection, and layout of such landscaping is such so as to minimize maintenance requirements.

B. 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.

C. Plant Selection

1. Tree and plant materials shall be selected for: energy efficiency and water efficiency; adaptability and relationship to the native environment; color, form and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets, and to achieve a desirable microclimate and minimize energy demand.
2. Native or naturalized trees, shrubs and grasses, as identified by the Colorado State University Extension Service, shall be utilized in order to minimize the consumption of water.
3. Plants identified as noxious weeds by Montezuma County are not permitted for use as planting materials.
- 1.4. Existing Native and naturalized vegetation within sensitive land and resource areas shall be preserved unless the Town approves an alternative naturalized landscaping plan that preserves significant desirable naturalized vegetation.
- 2.5. If turf areas are included in landscaping, they must use a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site.
 - a. The use of non-naturalized, high water consumptive turf or other monoculture seeding such as Kentucky Blue Grass is ~~discouraged~~prohibited.
 - b. The applicant must provide information regarding the composition of a sod or seed mix as part of the detailed plant list as required.
 - c. No person or organization shall impose private covenants, conditions, deed clauses, or other agreements that require the installation of turf or prevent the utilization of water efficient landscaping, provided such landscaping receives appropriate approval. No person shall prohibit landscaping materials and designs solely on the basis that they make use of water-efficient landscaping.

D. 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 zoning administrator may grant a temporary certificate of occupancy during the winter months when installation is impracticable or not feasible.

E. Maintenance Requirements

1. 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.

2. Any plant materials not surviving shall be replaced within thirty days of its demise or in the next appropriate season.

F. 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.

16-9-3: Landscaping Standards

A. Applicability

This section shall apply to all development in the ~~MFR, Multi-Family Residential District, HB, Highway Business District and C, Commercial District~~ multifamily, mixed-use, and commercial districts; provided, however, that single-family detached development in all districts shall be exempt from the requirements of this section.

~~1. In addition, a one-time expansion of the floor area of nonresidential buildings on a lot or building tract not exceeding 25 percent of the existing floor area shall not be subject to the requirements of this Section.~~

B. Landscaping Required

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.

C. Materials

1. One tree with a minimum two-inch caliper shall be utilized per 1,000 square feet, or less (in no case closer than 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.

16-9-4: Buffering and Screening Standards

~~**A. Generally Applicable Standards**~~

~~**1. Height of Screening Devices**~~

~~The height of screening devices is measured from the highest finished adjacent grade of the element to be screened.~~

~~**2. Screening Plant List**~~

~~Plants used to satisfy screening standards are limited to:~~

- ~~a. American cranberry bush (Viburnum trilobum) and all other tall Viburnum,~~
- ~~b. Cheyenne privet (Ligustrum),~~
- ~~c. Dogwood (Cornus species),~~
- ~~d. Lilac (Syringa), and~~

e.—Peking cotoneaster (*Cotoneaster arborescens*).

B.A. Required Screening

1. Single Family Uses and Districts

- a. Nonresidential and multi-family residential development, including off-street parking areas associated with such development, shall be screened from view of adjacent (within 50 feet or across the street from) single-family uses and ~~districts~~ **SFR, Single-Family Residential District**.
- b. Allowed visual screening techniques are 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 ~~district~~ **SFR, Single-Family Residential Zone District**.

2. Parking Areas

- a. All parking areas shall be screened to a minimum height of three feet above the highest finished grade of the parking area.
- b. The minimum width of the landscaped street buffer from the street line to the parking area shall be five feet; provided, however, that the minimum landscaped buffer along the highway shall be 15 feet. Such screening may be accomplished using plants, earth berms, walls, fences, or trees, and shrubs in combination.

3. Outdoor Storage Areas

All outdoor storage areas for materials, trash, mechanical equipment (including ground-based satellite dishes), vehicles, or other similar items shall be screened from street view by a minimum six-foot-high screening consisting either of plant material or a wall constructed of or finished with materials that match or complement the main building of the site.

4. Mechanical Equipment

- a. Mechanical equipment, outdoor storage areas, and refuse collection areas shall be completely shielded from view of adjacent single-family uses and ~~districts~~ **SFR, Single-Family Residential District** by an opaque fence or wall that is at least one 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 10 feet. Fences, walls, and buffers must comply with all other applicable zoning requirements.
- b. Roof-mounted mechanical equipment shall be screened by parapet walls or other screening devices to be no lower in height than three feet below the height of the mechanical equipment on side, front, or rear walls, whichever are adjacent to public streets or residential districts.

B. Height of Screening Devices

The height of screening devices is measured from the highest finished adjacent grade of the element to be screened.

16-9-5: Parking Lot Landscaping

A. Applicability

The following requirements shall be applicable to all new off-street surface parking lots with 10 or more spaces.

B. Required Landscape Area

All surface parking lots shall incorporate the following interior landscaping:

1. All parking stalls shall be within 132 lineal feet of a required parking lot landscape area. For purposes of determining tree spacing, parking spaces may be counted in any rational sequence.
2. Landscape terminal islands that are a minimum of nine feet wide and four feet shorter, at the entry end, than the adjacent parking stalls in the parking row shall be provided at the ends of each parking row.
3. Parking lots with 100 or more spaces shall also be divided into subsections of no more than 50 spaces with landscape divider strips shall be placed between the sections.

C. Plant Materials

1. All of the required parking lot landscaped areas must contain a minimum of 75 percent organic landscaping material, with a maximum of 25 percent inorganic landscaping material. Approved sidewalks are not counted toward the percentage of inorganic material unless specifically provided for in this section.
2. A landscape divider strip shall be planted with one tree every forty feet.
3. Islands shall be planted with one tree and at least 75 percent of the ground plane shall be covered with organic material that will remain in place on the island through typical local weather. Turf grass is prohibited in or on parking lot landscape islands. Deciduous trees are encouraged to provide shade within the parking lot, while evergreen trees should be used where screening is required.

D. Snow Storage

1. A portion of the site equal to five percent of the surface areas to be plowed shall be provided as one or more snow storage areas that:
 - a. Are adjacent to and within 20 feet of the edge of the pavement to be plowed;
 - b. Are located so as not to interfere with the safe movement of pedestrians and traffic, including outside of any required clear vision areas;
 - c. Are provided with appropriate drainage and where refreezing of any sheet drainage will not pose safety issues; and
 - d. Remain accessible, useable, and clear of obstructions.
2. Plowed snow may be placed in a required bufferyard or parking lot interior landscape area that has been designed as follows:
 - a. Snow storage areas shall be planted with plant materials that are salt-tolerant and that can withstand the weight and compaction of the snow. Mulch shall cover less than 30 percent of the landscape area within three years of installation.
 - b. Trees, shrubs and other woody plants shall be protected from adjacent snow storage areas by separation by a minimum at grade separation from tree trunks or

shrubs of four horizontal feet, or planters, elevated landscaping elements, walls or other approved mechanisms.

16-9-6: 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 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 feet in height above the adjacent grade.
4. Fences and walls shall be subject to the corner visibility requirements.

B. Exterior Building Materials

At least a two-hour, exterior firewall shall be required for all structures with less than 10 feet of separation between buildings.

C. Dumpsters and Solid Waste Receptacles

Dumpsters and solid waste receptacles shall be set back at least 20 feet from the lot line of adjacent property that is zoned SFR, Single-Family Residential or that contains an existing single-family use. Dumpsters and receptacles shall be completely screened from view by an opaque fence or wall that is at least one foot taller than the Dumpster or solid waste receptacle.

ARTICLE 10 Site and Structure Standards

16-10-1: All Principle Structures

In all zoning districts, all principle structures shall comply with the following design standards:

- A. Have the primary entrance to the primary structure facing the street, unless otherwise required for handicap access.
- B. 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.
- ~~C. Have a minimum of a 4:12 roof pitch. Structures constructed in the southwest adobe style are exempt from this requirement.~~

16-10-2: Single-family and Duplex Buildings

A. Generally Applicable Standards

Single family or duplex building shall meet the design standards of subsection A, above, and shall also:

- 1. Have a covered doorway/porch.
- 2. Have no horizontal dimension less than 16 feet, unless the structure is placed in a manufactured home community.
- 3. Have a roof with a one-foot overhang. Dwellings constructed in the southwest adobe style are exempt from this requirement.
- 4. Have a base perimeter that is enclosed with materials similar to the siding or a structural foundation.
- 5. Include a minimum of four of the following features:
 - a. Deck.
 - b. Use of more than one 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.

B. Duplex Units

Duplex units shall also meet the following standards:

1. Provide 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 a single-family residential zone (SFR-x). This is not a requirement for two-family dwellings located in other zoning districts.
2. Parking will be accessed from an alley if available or from a single common driveway if alley access is not available.
3. ~~A storage room of at least 10 feet in width by 10 feet in length, and not taller than 20 feet or shorter than eight feet, shall be provided for each residential unit, unless a garage is provided for each unit which contains adequate storage space (100 square feet) and the ability to park a vehicle in the garage.~~

C. Compatibility

1. Intent

These compatibility standards 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.

2. Applicability

Compatibility standards shall apply to all multi-family residential and all nonresidential development when it occurs:

- a. Within 50 feet of the lot line of any property zoned SFR, Single-Family Residential; or
- b. Across the street from or adjacent to a lot containing a single-family use.

3. Exemptions

The following shall be exempt from compliance with the compatibility standards of this Section:

- a. Single-family or duplex uses; and
- b. Structural alteration of an existing building when such alteration does not increase the gross square footage or height of the building.

4. Standards

The following building setback and height standards shall apply to development that is adjacent to (as defined above) a single-family district or structure in a single-family use:

- a. 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:
 - i. On sites with 60 feet of lot width or less, no structure shall be erected within 10 feet of the single-family lot line.
 - ii. On sites with more than 60 feet of lot width, the minimum setback from the lot line of property that is zoned or that contains a single-family use shall be 10

feet, plus two additional feet of setback for each 10 additional feet of lot width or fraction thereof beyond 60 feet. This provision shall not be interpreted as requiring a setback of more than 25 feet.

- b. Building height. No structure shall exceed 28 feet in height within 50 feet of the lot line of property that is zoned in a single-family residential or that contains a single-family or duplex use which is less than 28 feet in height.
- c. Buffer and screening standards.
 - i. Nonresidential, mixed-use, and multi-family residential development, including off-street parking areas associated with such development, shall be screened from view of adjacent SFR districts and single-family uses. 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 district or use.
 - ii. Mechanical equipment, outdoor storage areas and refuse collection areas shall be completely shielded from view of adjacent single-family districts and uses by an opaque fence or wall that is at least one-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 10 feet. Fences, walls and buffers must comply with all other applicable zoning requirements.
- d. Dumpsters and solid waste receptacles. Dumpsters and solid waste receptacles shall be set back at least 20 feet from the lot line of any single-family district or use. Dumpsters and receptacles shall be completely screened from view by an opaque fence or wall that is at least one-foot taller than the dumpster or solid waste receptacle, up to a maximum height of 10 feet.

16-10-3: Multi-family Buildings

Multifamily building shall meet the standards of subsection 16-10-1, above, and shall also meet the following standards:

A. Parking

- 1. All required off-street parking shall be provided in the rear of the property; parking along street frontages is not permitted.
- 2. Parking will be accessed from an alley if available or from a single common driveway if alley access is not available.

~~B.—Storage~~

~~A storage room of at least 10 feet by 10 feet shall be provided for each residential unit.~~

~~C.B. Outdoor Space~~

~~Each multi-family dwelling shall have a balcony or a patio of at least 6432 square feet.~~

~~D.C. Design~~

- 1. Break up long, flat facades over 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.

2. Have no horizontal dimension less than 16 feet, unless the structure is placed in a manufactured home community.
3. 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.
4. Include features in the following list with a minimum of three required in the MFR-1 zoning district and a minimum of two required in the MFR-2 zoning district:
 - i. Covered porch
 - ii. Deck
 - iii. Use of more than one exterior material or color along the front of the home
 - iv. Covered doorways
 - v. Use of masonry or other contrasting material that projects from the wall plane
 - vi. Recesses, projections, or significant offsets in the wall plane
 - vii. Bay window or dormers
 - viii. Shutters
 - ix. Significant change in the roof plane
 - x. Where possible, utilize service and vehicular access off the alley
 - xi. Decorative fencing to define semi-private street yards
 - xii. Chimney

E.D. Compatibility

All multi-family dwellings shall comply with the compatibility standards of Section 16-10-2.C.

16-10-4: Public (P) District

In the P zoning district, all principal structures shall meet the design standards of Section 16-10-1 and shall also:

- A. Have a minimum 24-foot wall dimension.
- B. Be placed on a perimeter foundation.

16-10-5: C & HB District Design Standards

In the C & HB zoning district, all principal structures are encouraged to comply with the adopted Design Guidelines.⁴

⁴ Does the Town want to make the design guidelines mandatory?

ARTICLE 11 Parks and Open Space

16-11-1: Open Space Dedication

A. Purpose

The purposes of open space dedication and the requirements of this section are to:

1. Preserve land for open space and recreational opportunities, preferably in a natural or semi-natural state, in perpetuity for the enjoyment of residents and visitors;
2. Support the creation of a well-connected, non-vehicular transportation system in order to provide choices for bicyclists and pedestrians;
3. Serve environmental, scenic, and agricultural purposes, and provide habitat for wildlife; and
4. Ensure that dedicated open spaces are located on suitable and unencumbered land that is not leftover, remnant, or otherwise unusable land that was not appropriate for the overall subdivision design.

B. Open Space Dedication Required

1. All residential subdivisions shall, as part of the final plat process, dedicate land or an equivalent cash-in-lieu payment for open space for public use. This requirement shall apply to newly platted areas as well as areas that are being replatted. Final determinations as to dedication of land, including location thereof, or acceptance of cash-in-lieu thereof, shall be made by the Board, upon recommendation by the ~~park board and~~ planning commission.
2. The provisions of this section are minimum standards. None of the sections previously set out shall be construed as prohibiting an applicant from dedicating or reserving more land for recreational purposes than required by this section.

C. Open Space Shown on Preliminary Plat

Land areas proposed for dedication shall be shown on the preliminary plat for consideration by the Town as part of the review and approval process. Dimensions, location, and topographic features of the proposed open space shall be shown on the plat to permit a thorough review and determination of the flexibility and usability of the property. Prior to approval of a preliminary plat proposing the dedication of open space, the park board shall review and make a recommendation on the acceptance of the proposed dedication.

D. Calculation of Required Open Space

1. Public Open Space

The area of such open space for public use shall be based upon a calculation of the anticipated residential population of the subdivision when fully developed, as follows:

- a. The area/population shall be at the rate of 20 acres of park land per 1,000 persons.
- b. Such population shall be determined on the basis of three persons per family unit for development on single-family and two-family development, and two persons per family unit in other multiple-family areas.

16-11-2: Private Open Space

- A. In some cases, private open space may be provided in a proposed subdivision to meet up to half of this requirement. Such space is to be privately owned and maintained by the future residents of the subdivision and such areas shall be termed as open space reservations. Such reservations of open space shall be subject to the following standards:
1. Yards, court areas, setbacks, and other open areas required to be maintained by the Code shall not be included in the computation of such private open space;
 2. The private ownership and future maintenance of the open space shall be adequately provided for by written agreement;
 3. The use of the private open space shall be restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract, and which cannot be defeated or eliminated without the consent of the Town;
 4. The proposed private open space shall be reasonably adaptable for use of park and recreational purposes, taking into consideration such factors as shape, topography, geology, access, and location of the private open space land; and
 5. The open space reservation will be applied toward meeting no more than one-half of the dedication requirements as calculated in this section.
- B. In order to ensure that the Town is protected from future maintenance of such private open space, a copy of the private restrictions is required for future reference by the Town and shall be submitted with the final plat or condominium split application. In cases of condominium units, common elements are as defined in this chapter, and include common land (as in residential development), and other parts of the condominium property necessary or convenient to its existence, maintenance, and safety, or normally in common use and described or provided for in the declaration.

16-11-3: Location of Required Open Space

All plats should provide for the dedication of open space at locations designated in the parks and open space element of the comprehensive plan, or any other master plan adopted by the Town. Further, the Town shall review and evaluate proposed dedication based upon the criteria and standards contained in such document. If a proposed dedication does not meet the criteria and standards, it may be rejected.

16-11-4: Dedication of Land or Payment of Cash In-Lieu of Dedication

- A. The dedication of land for public use shall be conveyed by the applicant in fee absolute title by warranty deed to the Town. Such land shall be free of liens, special assessments, and other encumbrances, and shall have all taxes paid to the year of dedication. The location of boundaries of such land shall be marked with permanent monuments in accordance with this chapter.
- B. Payment of cash-in-lieu of such dedication shall be at the rate of \$150,000.00 per acre for required park land based upon acreage requirements as calculated by the formula in this section. If this rate is not acceptable to the applicant, the values per acre shall be determined by an appraiser, agreed upon between the applicant and the Town, or, failing such

agreement, by a real estate appraiser's commission consisting of one appraiser appointed by the applicant, one appraiser appointed by the Town, and a third appraiser to be appointed by previously appointed appraisers, which decision by a majority shall be controlling. Reasonable compensation of the appraisers shall be paid by the applicant. The amount so determined shall be paid prior to approval of the final plat.

ARTICLE 12 Outdoor Lighting

16-12-1: Purpose

This section is intended to improve the nighttime lighting environment for residents, visitors, pedestrians, and drivers by addressing the specific problems of unnecessarily increased light levels, light trespass, glare, and sky glow.

16-12-2: Applicability

- A. Conformance with this section is required for all outdoor lights on a property when a new zoning development permit is issued for a building on that property, regardless of whether new construction would impact all lights on the property.
- B. These provisions apply in all zoning districts.
- C. These provisions apply to all outdoor lighting except:
 - 1. Emergency lighting;
 - 2. Temporary lighting;
 - 3. Vehicular lighting
 - 4. Niche manufacturing; and
 - 5. Lighting on wheeled farm machines.

16-12-3: General

- A. All outdoor lighting must be directed downward or toward a surface and shielded from adjacent properties and residential uses.
- B. Except for approved street lighting, outdoor lighting may not be directed towards any public street.
- C. Light fixtures that are specifically Dark Sky fixtures and Dark Sky cutoff fixtures or that have a Dark Sky shade or a Dark Sky shield are encouraged.

16-12-4: Standards for Allowed Lighting

The following standards for outdoor lighting must be met:

A. Switch or Sensor

Every new fixture installed must include a manual on and off switch or either a motion or daylight sensor that automatically turns it on and off.

B. Security Lighting

Security lighting is permitted to discourage crime and undesirable activity. Where security lighting is needed, motion sensors that automatically turn it on when motion is detected, photocell/timer combinations, or similar technologies to activate lighting during times when it will be needed, are encouraged to provide safety, conserve energy, and promote compatibility among different land uses.

C. Architectural Lighting

1. Fixtures used to accent architectural features, materials, colors, or style of building must be located, aimed, and shielded so that light is directed only on those features being highlighted.
2. Rope/strand lighting may be used as an architectural feature but must be placed so that it is shielded from shining directly upward, except for temporary lighting during the winter holiday season.
3. The width of linear lighting, such as fluorescent awnings, illuminated bands, and similar must be less than two inches.

D. Street Lighting

Street lighting must be shielded by either full cutoff, cutoff, or semi-cutoff fixtures, or a combination of these types. 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.

16-12-5: Prohibited Lighting

The following types of outdoor lights are prohibited:

A. Roof Lights

Light sources shall not be affixed to the top of a roof unless required by the building code.

B. Unshielded Light Sources and Uplighting

Unshielded light sources resulting in light that shines in an upward direction.

C. Search Light, Aerial Lasers, and Spotlights

Search lights, aerial lasers, and spotlights are prohibited except as otherwise indicated in this article. Shielded spotlights may be used in loading zones during loading and unloading operations.

D. Nuisance Lights

Lights that 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 are prohibited.

E. Neon Lights

F. Sodium Vapor and Similar High Intensity Light Sources

G. Linear Architectural lighting

Linear architectural lighting that is two inches or more in width and façade lighting primarily intended to be an attention-gaining device.

16-12-6: Nonconforming Fixtures

Any nonconforming outdoor light fixtures that was installed prior to the effective date of the ordinance may continue for as long as it is in good repair, or until a new zoning development permit is issued for the property, whichever is sooner. When any non-conforming fixture is replaced, it must be replaced with a fixture that meets the regulations of this LUC.

16-12-7: Exemptions

The Board of Trustees may approve an exemption from the provisions of this section to:

- A. Relieve any unusual circumstances, difficulties, or costs that would be encountered if an attempt were made to comply with this Section.
- B. Recognize that a good faith attempt has been made to comply with this section but compliance is still not possible due to unusual circumstances or difficulties or costs encountered.

ARTICLE 13 Signs

Contents:

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16-13-1. General Provisions

A. Purpose and Intent

1. The purposes of these regulations are to:
 - a. Encourage and promote a consistent and appropriate signage element for the benefit of the citizens as well as the business community;
 - b. Encourage aesthetically pleasing signage design, materials, and placement;
 - c. Encourage the erection of signs which are attractive and compatible with the adjacent property;
 - d. Ensure that signage design, construction, and placement will preserve and enhance property values within the community, and
 - e. Regulate signage in a manner that will provide for the general health, welfare, and public safety of Mancos.
2. This section shall comply with all state and federal regulations concerning the establishment of outdoor advertising, including Section 43-1-401, et seq., C.R.S.

B. Interests

The Town has a legitimate, important, substantial, or compelling interest in:

1. Preventing the proliferation of signs of generally increasing size, dimensions, and visual intrusiveness (also known as “sign clutter”) that tends to result from property owners competing for the attention of passing motorists and pedestrians, because sign clutter:
 - a. Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
 - b. May involve physical obstruction of streets, sidewalks, or trails, creating public safety hazards;
 - c. Degrades the aesthetic quality of the Town, making the Town a less attractive place for residents, business owners, visitors, and private investment; and
 - d. Dilutes or obscures messages on individual signs due to the increasing competition for attention.
2. Maintaining and enhancing the character of Downtown Mancos as a resource of exceptional quality and vibrancy to the community as a whole.
3. Maintaining a high-quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, open space, civic buildings, and landscaping, and enhance community pride.
4. Protecting minors from speech that is harmful to them according to state or federal law, by preventing such speech in places that are accessible to and used by minors.

C. Findings

The Town finds that:

1. Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important,

substantial, and compelling interests set out in this article and the constitutionally-protected right to free expression.

2. The regulations set out in this article are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
3. The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this article is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are set out in this article.
4. Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.
5. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the public on Town's streets or sidewalks if they are not removed.
6. Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

D. Savings and Severability

1. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs. Any sign that can be displayed under the provisions of this article may contain a noncommercial message.
2. If any clause, section, or other part of the application of these sign regulations shall be held by a court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the Town that such clause, section, or specific regulation be considered eliminated and not affecting the validity of the remaining clauses, sections, or specific regulations that shall remain in full force and effect.

E. Conflicts with Other Provisions

Nothing in this article shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances or applicable regulations shall comply with all such ordinances and regulations. If there is a conflict between this article and any other ordinance or regulation, the more stringent shall apply.

16-13-2. Applicability

A. Applicability

1. The regulations of this article govern the display, placement, location, installation, erection, construction, use, maintenance, and removal of all signs and support structures within the Town.
2. No sign shall be located, erected, modified, or maintained except in compliance with the regulations contained in this article.

B. Permit Required (Sec. 16-16-230)

1. It shall be unlawful to erect, construct, reconstruct, alter, paint, or repaint, change the use, or convert a sign, including conversion from temporary to permanent or from non-

EMC to EMC without first obtaining a sign permit pursuant to Section 16-2-5, Sign Permits unless otherwise provided in this article.

2. A sign permit shall not be required to maintain a sign exactly as it was permitted.

C. Exempt Signs (Sec. 16-16-180)

The following signs, items, and activities do not require a sign permit, but must comply with the requirements identified in this LUC.

1. Internal and Integral Signs

- a. Signs not intended for view or readily legible from the public right-of-way or adjacent residential, public, or civic institutional districts or uses.
- b. Integral signs that are carved into stone, concrete, or similar material or made of metal or other permanent-type construction and made an integral part of the structure. Integral signs shall not exceed four square feet in area.
- c. Signs that do not exceed two square feet per face or four square feet in total surface area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps/EV charging units, or utility cabinets.
- d. Signs or banners on fences and structures within an arena, Town park, recreational complex, or scoreboards for athletic fields, provided such signs or banners face inward to the arena, Town park, recreational complex, or athletic field.

2. Flags and Insignia

- a. Non-commercial flags, crests, or banners that are 60 square feet or less and are affixed to a permanent flagpole or building.
- b. Flags for the purposes of commercial promotion count toward the allowable sign square footage.

3. Public Signs

- a. Official public signs approved by a governmental body with jurisdiction over issues such as traffic safety, pedestrian safety, construction safety, schools, legal and public notices, railroad crossings, health, hazards, parking, swimming, or dumping.
- b. Signs and notices 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.

4. Seasonal Displays

Seasonal decorations located on private property.

D. Prohibited Signs (Sec. 16-16-190)

The following signs are prohibited in all zoning districts regardless whether they are permanent, temporary, or exempt:

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 16-5-8(K), Illumination;
2. Plastic panel rear-lighted signs;
3. Off-premise signs;

4. Flutter fly and similar types of signs that contain or consist of ribbon streamers, strings of light bulbs, spinners, or other similar moving devices;
5. Sign walkers;
6. Electronic message centers (EMCs) when used for commercial purposes;
7. 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;
8. Signs emitting sound;
9. Any sign or sign structure that is structurally unsafe, constitutes a hazard to safety or health because 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;
10. Abandoned signs; and
11. Banners used as permanent signs.

E. Prohibited Sign Locations

Signs and sign structures are prohibited in the following locations:

1. In the right-of-way or on other public property without approval of the Town. For the purposes of this article, when the right-of-way is not clearly identified, signs shall be placed at least five feet from any edge of street or curb, or beyond any visible utility or sidewalk.
2. Placed on private property without the consent of the owner.
3. Located in or overhanging a utility easement.
4. On roofs, dormers, and balconies.
5. Located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
6. Attached to a tree, whether on public or private property.
7. Attached to utility poles or other utility or public infrastructure structures or equipment, or wireless communication facilities.

F. Content

No sign shall be approved or disapproved based on the content or message it displays, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on signs:

1. Text or graphics that is harmful to minors as defined by state or federal law;
2. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;
3. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs;

4. Signs that provide false information related to public safety (e.g., signs that use the words "stop" or "caution" or comparable words, phrases, symbols, or characters) that are presented in a manner as to confuse or imply a safety hazard that doesn't exist; or
5. Text or graphics that provide false or misleading information in violation of the code.

16-13-3. Measurement and Calculation

A. Applicability

This section applies to all sign types and classifications, including permanent and temporary signs.

B. Sign Area

1. Maximum Sign Area

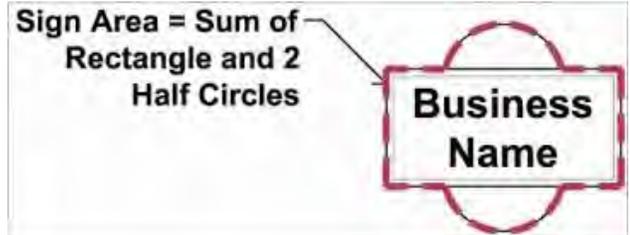
The permitted maximum area for all individual signs is determined by the sign type and the zoning district in which the sign is located.

2. Building Frontage

- a. Building frontage is the wall, including all windows, doors, and other openings, of the primary building that faces the street abutting the property. If the primary building is located on a corner lot, the frontage shall be the wall of the primary building that faces the street with the highest average daily traffic count.
- b. Accessory structures shall not be included in the calculation of maximum signage. Wall signs may be affixed to accessory structures; where this is done the amount of signage used on the accessory structure shall be deducted from the total amount of wall signage permitted on the property.

3. Method of Measuring Sign Area

- a. The area of a two-dimensional sign is measured by encompassing the advertising display surface area within any combination of geometric figures (e.g., rectangles, squares, triangles, parallelograms, circles or ellipses), having no more than eight sides, that would enclose all parts of the sign.



Sample measurement using two geometric figures

- i. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest geometric figure that will enclose both the sign copy and the background.
- ii. Sign copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building, or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest geometric figure that will enclose each word and each graphic in the total sign. Window signs printed on a transparent film and affixed to a window pane shall be considered measured as freestanding letters or logos, provided that the portion of the transparent film

around the perimeter of the sign message maintains the transparent character of the window and does not contain any items in the sign message.

- b. The sign area of three-dimensional free-form or sculptural (non-planar) signs is calculated as 50 percent of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.
- c. If elements of a sign are movable or flexible, such as a flag or banner, or if the sign includes any permitted copy extensions, the measurement is taken when the elements or extensions are fully extended and parallel to the plane of view.
- d. Only structural components shall be excluded in computing the total allowable area.
- e. Only one side of any on premise or temporary double-faced sign shall be considered in the total sign area allowed for any building, use or parcel. If an angle of 30° for a “V” sign is exceeded, the area of both sign faces shall be included in the measurement of total sign area.



Identification of the vertical sides of a three-dimensional sign

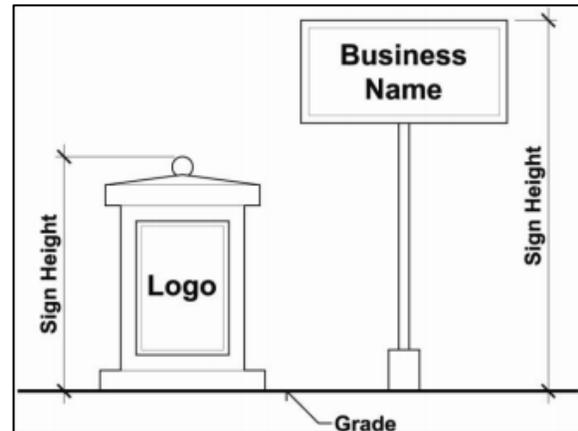
C. Height and Clearance

The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located. Sign height and clearance is measured as follows:

1. Freestanding Sign Height

The height of a freestanding sign shall be computed as the distance from the base of the sign at existing finished grade to the top of the highest attached component of the sign.

- a. When the existing finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height.
- b. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.
- c. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.



2. Attached Sign Height

- a. The height of an attached sign shall be measured at the front sidewalk elevation directly below the sign, or, where a sidewalk is not present, from the typical sidewalk elevation.
- b. Attached signs shall not extend above the base of the second floor windowsill, parapet, eave, or building facade.

3. Sign Clearance

- a. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade directly underneath the sign at the lowest point of the sign structure, including any framework or other structural elements.
- b. No portion of any sign shall be:
 - i. In the line of sight needed for pedestrians or vehicle operators,
 - ii. Lower than eight feet from the average ground level, and
 - iii. Supporting members of such signs shall not obscure views of pedestrians or vehicle operators.

16-13-4. General Regulations for Permanent, On-Premise Signs

A. Freestanding Signs

1. Access Point Signs

- a. Access point signage may be located at public access points where a driveway or other public entryway intersects with a public street. Access point signage is for vehicular access, not pedestrian access.
- a-b. Access point signage may be double-sided.
- c. Access point signs that are visible from the public right-of-way shall meet the following criteria:
 - i. (i) No more than two access point signs per property; and
 - i-ii. (ii) Signs shall be permanently anchored or fastened.



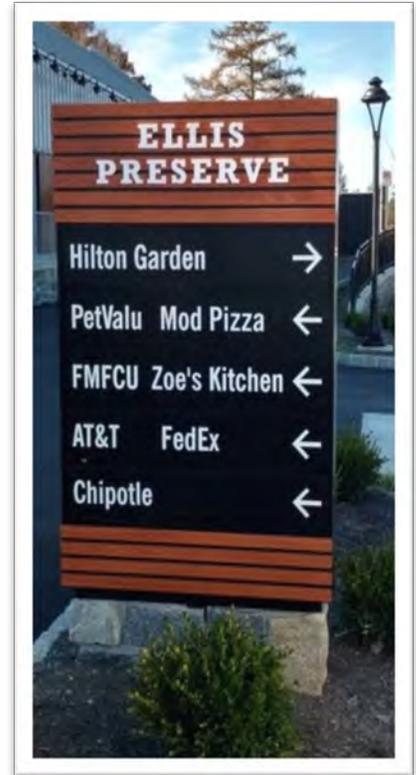
Access point sign examples



2. Highway Access Signs

- a. Each off-highway business in an HC district may have one ~~directional~~ sign at a single appropriate highway intersection.
- b. Each sign shall measure 18 inches by 54 inches and may be double-sided.
- b-c. ~~and Signs~~ shall be attached to and stacked between two 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 additional directional signs on each set of poles.

- e-d. Access point signs that are visible from the public right-of-way shall be permanently anchored or fastened.
- d-e. Access point signs are for vehicular access, not pedestrian access.
- e-f. Permits for directional signs shall not be issued where such standards are served by a sign installation provided by the State or the Town.
- f-g. 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.



Highway access sign example

3. Monument Signs

- a. Monument signs shall have zero clearance above the existing finish grade level and shall be supported in, or on the ground in accordance with the current adopted version of the Town building code.
- b. Multitenant signs: Where more than one 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.



Monument sign examples

4. Pole (or Pylon) Signs

- a. Only one sign board may be affixed to a ~~mount pole sign structure~~. There may not be multiple signboards on a single ~~structure mount or set of poles~~, unless there are multiple on-site ~~businesses-tenants~~ occupying a single building.
- b. Multitenant signs: Where more than one 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 pole structure~~. The dimensional standards of the entire sign shall not exceed that allowed by Table 16-7.
- c. No sign shall ~~project over, or~~ be placed in, any ~~public sidewalk or the area of any future sidewalk as identified in the Town's~~ [CIP, street plans?]; ~~pedestrian and/or public way or project over or be placed in~~ any portion of any ~~Mancos or CDOT street, road, or right-of-way of the Colorado Department of Transportation~~.
- ~~d. Pole signs shall adhere to the illumination requirements of Sections 16-16-190 above and 16-16-232 below.~~
- e-d. Each pole sign may have two faces. The two faces shall be the same size and join back-to-back without any overlap.
- f-e. The following clearance area shall be maintained under any pole sign:
 - i. A clear, unobstructed area, a minimum of eight feet in height above existing finish grade level when a pole sign is located over a pedestrian walkway or within a clear sight triangle.
 - ii. A clear, unobstructed area, a minimum of 13 feet in height above existing finish grade level when a pole sign is located over a vehicle access or parking area.



Pole sign examples

5. Structural Canopy

Signs may be attached to a continuous plane fascia on a structural canopy provided the sign does not extend above or below the projection of the fascia.



Structural canopy sign examples

6. Subdivision Signs

- a. Two subdivision signs shall be allowed per entrance.
- b. No subdivision sign shall be located in the intersection clear sight triangle.
- c. This sign area shall be allowed in addition to the maximum allowable sign area specified within the zone district.



Subdivision sign examples

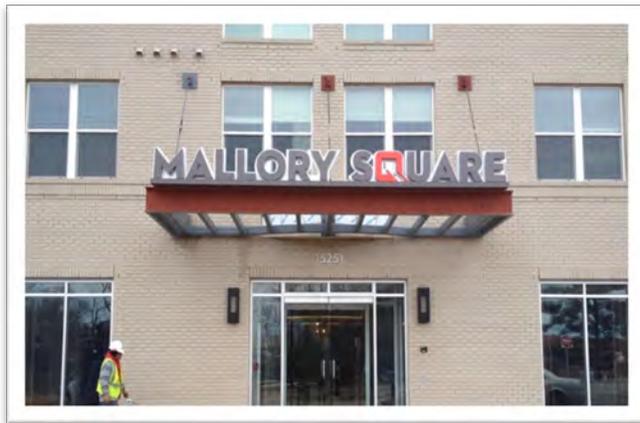
B. Attached Signs

1. Awning and Canopy Signs

- a. The bottom of an awning or canopy sign shall be no less than eight feet above the existing finish grade level at any point.
- b. Awning signs shall not project closer than two feet to a curb line unless the awning is retractable and Town has issued an encroachment permit.
- c. All signage on an awning or canopy sign shall be on the vertical plane of the awning or canopy. Where an awning or canopy does not have a clear vertical plane, the signage shall be centered on the lower third of the awning or canopy.



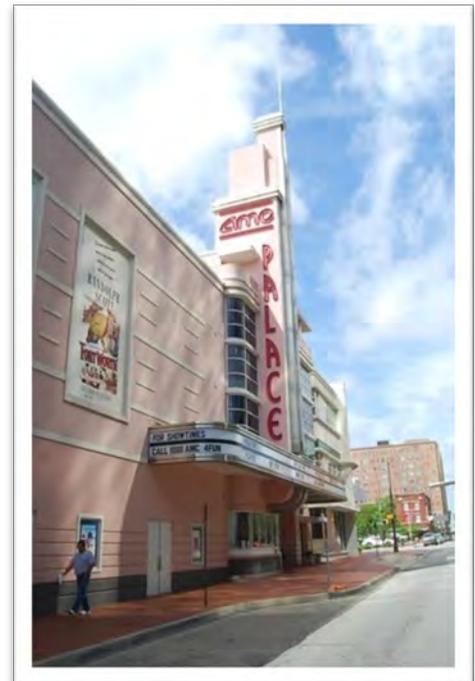
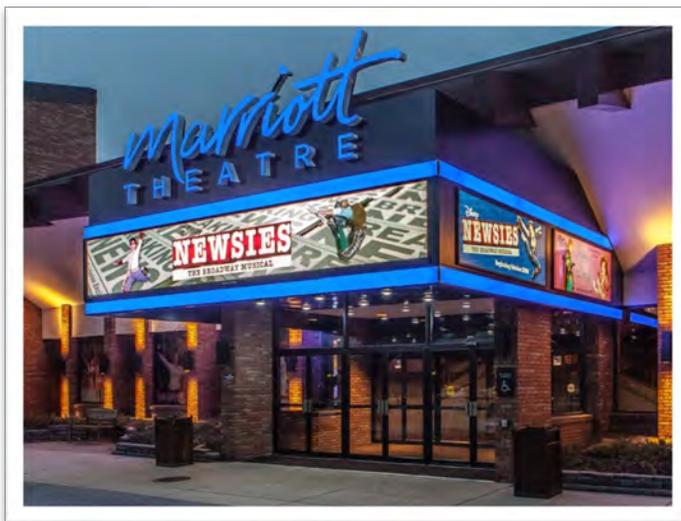
Awning sign examples



Canopy sign examples

2. Marquee Signs

- a. The bottom of a marquee sign shall be no less than eight feet above the existing finish grade level at any point.
- b. Marquee signs shall not project closer than two feet to a curb line unless the Town has issued an encroachment permit.
- c. All signage on the marquee shall be affixed flat to the vertical face of the marquee. No part of the changeable copy shall project above or below the vertical face of a marquee sign.



Marquee sign examples

3. Projecting and Suspended Signs

- a. The distance from the ground to the lower edge of the signboard shall be no less than eight feet or greater than ten 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 inches for a projecting wall or extend beyond the pedestrian area for suspended signs.
- d. Signs may not project over the street.
- e. Signs must be properly secured to ensure maximum safety.
- e-f. Copy is permitted only on the vertical portions of a three-dimensional projecting or suspended sign, not on the top or bottom planes of the sign that are generally horizontal to the ground or sky.



Projecting sign examples

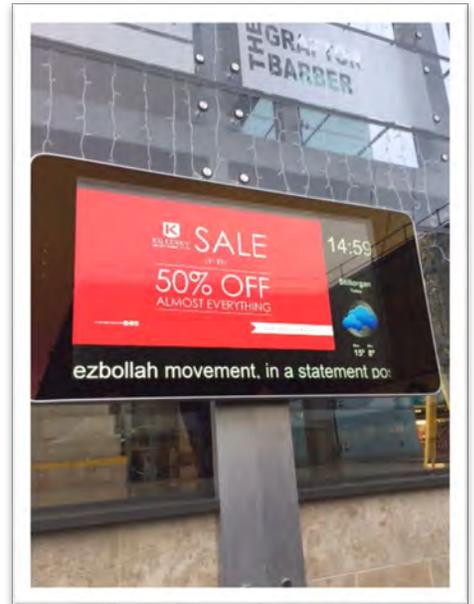
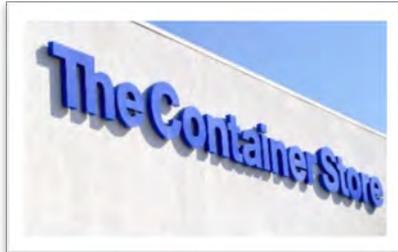
4. Wall Signs

- a. Wall-mounted or painted sign shall be placed on the front wall of a structure. Corner buildings are permitted one sign fronting each street for a total of two signs.¹
- b. Wall-mounted signs shall not project out from the building more than six inches.
- c. Wall signs shall not project above the building wall.
- d. Applied letters may be substituted for wall-mounted signs per Section 15-5-8(l)(3)(e).
- e. When a sign requires access channels or service passageways within the sign, or when the sign is three-dimensional in character, the Planning Commission may approve structurally reasonable increases in the distance from the wall of the wall sign, provided no copy appears anywhere except on the front sign face

¹ Is this interpreted as 2 signs for each use in the building?

e-f. Copy is permitted only on the vertical portions of a three-dimensional wall sign, not on the top or bottom planes of the sign that are generally horizontal to the ground or sky.

g. Multitenant signs only: 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 non-plastic materials, provided that the heightsize of applied letters shall not exceed the square footage allotted to each tenant.



Wall sign examples

5. Window Signs

- The height of the lettering, numbers or graphics shall not exceed eight inches per line.
- Window signs shall be considered as a part of the total wall signage allowed, but shall not exceed 25 percent of the window area as measured by each individual window.



Window sign examples

C. Illumination

Illumination of all signs shall only be allowed if in accordance with the standards in this Section and Section 16-13, Outdoor Lighting.

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. Sign illumination shall be static. 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 in mixed-use and non-residential districts is~~ permitted only on the front of the building or both front sides of a corner lot if both face a public street. ~~Corner lot businesses are permitted to illuminate signs on both sides of the building facing a street.~~

D. Design Standards

All signs must use materials and design that suggest the western rural heritage of the community, such as, but not limited to, wood, metal, paint, brick, stucco, and adobe.

16-13-5. Allowable Signage by Zone District

Table 16-12.1 contains the schedule of allowable signage by zoning district. Additional provisions contained in this section or in the individual district regulations may modify the standards shown in the following schedule.

A. Agricultural Districts

Signs are permitted in agricultural districts as follows:

1. Maximum of one 32 square foot sign per frontage on a public right-of-way. The square footage of two frontages may be partially or completely combined onto one frontage.
- 1-2. Signs may be freestanding or attached to a wall or fence. The maximum height of any freestanding sign is 12 feet.

B. Residential Districts

1. Table 16-13-5.1 identifies the types of signs permitted in residential districts. If a sign type is not included in Table 16-13-5.1 it is not permitted in the residential districts.
2. The maximum total signage permitted per property in the residential districts is one square foot of signage per one lineal foot of building frontage. The maximum size of individual signs is identified in Table 16-13-5.1.
- 1-3. Sign measurement instructions are provided in Section 16-13-3 Measurement and Calculation.

Table 16-13-5.1: Permanent Signs Permitted in Residential Districts

Sign Type	Max. Number	Max. Height (ft)	Max. Sign Area (sf or % of wall)	Illumination	Additional Standards
Attached Signs					
Wall: Civic and Public Uses	1 per frontage [1]	[2]	Front wall: 10%; other walls 5%	Yes	16-13-4.B: Wall Signs
Wall: Cottage Industry, Home Occupation, or Home-Based Business	1	[2]	4 sf	No	16-13-4.B: Wall Signs
Wall: Multifamily Complex	1 per complex	[2]	10%	No	16-13-4.B, Wall Signs
Wall: Multifamily Building [1]	1 per building	[2]	10%	No	16-13-4.B, Wall Signs
Freestanding Signs					
Monument: Civic and Public Use	1 per frontage [1]	12	24 sf	Yes	16-13-4.A: Monument Signs
Monument: B&B, Home Occupation, or Cottage Industry	1 total	12	16; 1 sign face only	No	16-13-4.A: Monument Signs
Monument: Multifamily Building or Complex and Residential Subdivision	1 per entrance	12	16; 24 sf; 1 sign face only	No	16-13-4.A: Monument Signs
Notes:					

[1] May have either a wall sign or a monument sign, not both.

Table 16-13-5.1: Permanent Signs Permitted in Residential Districts

Sign Type	Max. Number	Max. Height (ft)	Max. Sign Area (sf or % of wall)	Illumination	Additional Standards
<u>[2] May not exceed height of wall</u>					

C. Mixed-Use, Commercial, and Industrial Districts

1. Table 16-13-5.2 identifies the types of permanent, attached signs and Table 16-13-5.3 identifies the types of permanent, freestanding signs permitted in mixed-use, commercial, and industrial districts. If a sign type is not included in Table 16-13-5.2 or 16-13-5.3, it is not permitted in the mixed-use, commercial, or industrial districts.
2. The maximum total signage permitted per property in the mixed-use, commercial, and industrial districts is two square feet of signage per one lineal foot of building frontage. The maximum size of individual signs is identified in Tables 16-13-5.2 and 3.
- 2-3. Measurement instructions are provided in Section 16-13-3 Measurement and Calculation

Table 16-13-5.2: Attached Signs Permitted in Mixed-Use, Commercial, and Industrial Districts

Sign Type	Max. Number	Max. Height (ft)	Max. Sign Area (sf)	Illumination	Additional Standards
Awning or Canopy	<u>1 per frontage</u>	<u>Top of vertical face of awning; 12" above canopy</u>	<u>Lesser of 35 sf or 25% of total awning or canopy area</u>	<u>External</u>	16-13-4.B: Awning and Canopy Signs
Marquee	<u>1 per frontage</u>	<u>Top of vertical face of marquee where attached</u>	<u>20 sf</u>	<u>Internal</u>	16-13-4.B: Marquee Signs
Projecting or Suspended	1 per building	<u>7Height of wall where attached</u>	<u>620 sf; max. width 4 ft</u>	<u>Internal or External</u>	16-13-4.B: Projecting or Suspended Signs
Under-Canopy		<u>n/a</u>	<u>4 sf [1]</u>	<u>Internal or External</u>	
Wall	<u>1 per tenant business or principal use² plus 1 per public side or rear entrance²</u>	<u>7Height of wall where attached</u>	<u>625 ft</u>	<u>Internal or External</u>	16-13-4.B: Wall Signs
Wall: Multitenant Building	1 multitenant sign with 1 sf of sign area per tenant	<u>7Height of wall where attached</u>	<u>6Based on number of tenants</u>	<u>Internal or External</u>	16-13-4.B: Wall Signs Must be located next to <u>main</u> building entrance

²Is this interpreted as one sign per front wall or 2 signs for buildings on a corner lot and all tenants/other business are listed on the director sign or does each business/tenant get a wall sign?

Table 16-13-5.2: Attached Signs Permitted in Mixed-Use, Commercial, and Industrial Districts

Sign Type	Max. Number	Max. Height (ft)	Max. Sign Area (sf)	Illumination	Additional Standards
Wall: Multifamily Building or Complex	<u>1 per frontage</u>	<u>Height of wall where attached</u>	<u>24 sf; 1 sign face only</u>	<u>No</u>	16-13-4.B: Wall Signs
Window	1 per window or window in door	<u>Height of window where affixed</u>	<u>25% of any individual window</u>	<u>No</u>	16-13-4.B: Window Signs
Notes	<u>[1] May not extend outside of the canopy or arcade under which the sign is suspended</u>				

Table 16-12.3: Freestanding Signs Permitted in Mixed-Use, Commercial, and Industrial Districts

Sign Type	Max. Number	Max. Height (ft)	Max. Sign Area (sf)	Illumination	Additional Standards
<u>Access Point</u>	<u>2 per property</u>	<u>3</u>	<u>6</u>	<u>Internal or External</u>	16-13-4.A: Access Point Signs
Freestanding Structural Canopy	<u>1 per frontage</u>	<u>May not extend above canopy</u>	<u>On canopy: 20% of canopy facia where mounted; Under canopy: 12 sf</u>	<u>Internal</u>	16-13-4.A: Structural Canopy Signs <u>Must meet building code clearance</u>
Monument	1 per <u>building frontage</u> [1]	12	<u>100 sf</u>	<u>Internal or External</u>	16-13-4.A, Monument Signs
Monument: Multitenant	1 <u>per frontage</u> additional sign per tenant (pole only)	<u>16</u>	<u>Same as monument plus 20 sf of structure and sign area per tenant for up to 4 tenants</u>	<u>Internal or External</u>	16-13-4.A: Monument Signs <u>Must still meet total sign area max</u>
Pole	1 per <u>building frontage</u> [1]	<u>Downtown: 12</u> <u>All other: 20</u>	<u>Downtown: 164</u> <u>All other: 100</u>	<u>Internal or External</u>	16-13-4.A: Pole Signs
Notes:	<u>[1] Either monument or pole, not both.</u>				

D. Highway Commercial Districts

1. Table 16-13-5.4 identifies the types of permanent, attached signs and Table 16-13-5.5 identifies the types of permanent, freestanding signs permitted in highway commercial

districts. If a sign type is not included in Table 16-13-5.4 or 16-13-5.5, it is not permitted in the mixed-use, commercial, or industrial districts.

2. The maximum total signage permitted per property in the highway commercial district is two square feet of signage per one lineal foot of building frontage. The maximum size of individual signs is identified in Tables 16-13-5.4 and 5.

3. Measurement instructions are provided in Section 16-13-3 Measurement and Calculation

Table 16-13-5.2: Attached Signs Permitted in Highway Commercial Districts

Sign Type	Max. Number	Max. Height (ft)	Max. Sign Area (sf)	Illumination	Additional Standards
Awning or Canopy	<u>1 per frontage</u>	<u>Top of vertical face of awning; 12" above canopy</u>	<u>Lesser of 35 sf or 25% of total awning or canopy area</u>	<u>External</u>	16-13-4.B: Awning and Canopy Signs
Marquee	<u>1 per frontage</u>	<u>Top of vertical face of marquee where attached</u>	<u>20 sf</u>	<u>Internal</u>	16-13-4.B: Marquee Signs
Projecting or Suspended	1 per building	<u>17Height of wall where attached</u>	<u>4620 sf; max. width 4 ft</u>	<u>Internal or External</u>	16-13-4.B: Projecting or Suspended Signs
Under-Canopy		<u>n/a</u>	<u>4 sf [2]</u>	<u>Internal or External</u>	
Wall	<u>1 per tenant business or principal use³ plus 1 per public side or rear entrance</u>	<u>17Height of wall where attached</u>	<u>625 ft</u>	<u>Internal or External</u>	16-13-4.B: Wall Signs
Window	1 per window or window in door	<u>Height of window where affixed</u>	<u>25% of any individual window</u>	<u>No</u>	16-13-4.B: Window Signs
Notes	<u>[2] May not extend outside of the canopy or arcade under which the sign is suspended</u>				

4. Spacing

The minimum required sign spacing between all freestanding signs, including off-premise signs, is 150 lineal feet as measured along lot frontage. Additional spacing for off-premise signs may be required by CDOT where appropriate.

³-Is this interpreted as one sign per front wall or 2 signs for buildings on a corner lot and all tenants/other business are listed on the director sign or does each business/tenant get a wall sign?

Table 16-12.3: Freestanding Signs Permitted in Highway Commercial Districts

Sign Type	Max. Number	Max. Height (ft)	Max. Sign Area (sf)	Illumination	Additional Standards
Access Point	<u>2 per property</u>	<u>3</u>	<u>6</u>	<u>Internal or External</u>	16-13-4.A: Access Point Signs
Freestanding Structural Canopy	<u>1 per frontage</u>	<u>May not extend above canopy</u>	<u>On canopy: 20% of canopy facia where mounted; Under canopy: 12 sf</u>	<u>Internal</u>	16-13-4.A: Structural Canopy Signs <u>Must meet building code clearance</u>
<u>Highway Access</u>	<u>1 multi-business sign per highway intersection</u>	<u>20</u>	<u>18 x 54 per business</u>	<u>No</u>	Sec. 16-13-4.A: Access Point Signs
Monument	<u>1 per building frontage [1]</u>	<u>20</u>	<u>200</u>	<u>Internal or External</u>	16-13-4.A: Monument Signs
Monument: Multitenant	<u>1 per frontage additional sign per tenant (pole only)</u>	<u>20</u>	<u>Same as monument plus 20 sf of structure and sign area per tenant for up to 4 tenants</u>	<u>Internal or External</u>	16-13-4.A: Monument <u>Must still meet total sign area max</u>
Pole	<u>1 per frontage building [1]</u>	<u>12 HB: 30</u>	<u>16 HB: 8200</u>	<u>Internal or External</u>	16-13-4.A: Pole Signs
Notes:					
[1] Either monument or pole, not both.					

E. Planned Development District (new)

1. Applicable Standards

- a. A Planned Development (PD) district shall be entitled to the same total signage area as the equivalent district and use categories within this article. For example, those areas designated for commercial development shall be governed by the Mixed-use, Commercial, and Industrial district sign standards.
- b. An applicant for Planned Development district approval may submit a signage plan to the planning commission for review and recommendation to alter the sign regulations which would otherwise be applicable to the Planned Development district. The application for PD signage plan review shall be submitted as part of a complete development project, and may not be submitted for the sole purpose of obtaining changes, variances, or waivers to the provisions of this article.
- c. The following categories of sign regulation are not subject to alteration through PD approval:
 - i. Maximum total signage permitted,
 - ii. Maximum sign height,

- iii. Maximum sign area,
- iv. Freestanding sign separation requirements, or
- v. Use of an electronic message center.

2. Signage Plan

All signage plans shall be submitted with the PD application and shall include, at a minimum, the following:

- a. A drawing of all proposed signs, drawn to scale, with dimensions and sizes of structural supports, and engineering specifications as required.
- b. Detailed information on each sign proposed, including height, type, and other necessary information related to conformance to existing sign regulations.
- c. A site plan of the Planned Development district, drawn to scale, including locations of all signs already present in the Planned Development district and properties immediately adjacent. This shall include correct measurements to property lines and to adjacent signs.
- d. A written explanation of the reasons for the request.
- e. An analysis showing evidence of no net increase in total signage area and compliance with the other categories of sign regulation that are not subject to alteration through PD approval.
- f. Other information, as requested, necessary to provide a complete and thorough report.

16-13-6. Temporary Signs

A. Permitted Temporary Signage

Temporary signs displayed for 30 days or less in a calendar year do not require a sign permit.

B. Sign Types

The following sign types are permitted for use as temporary signs:

- 1. A-frame Sign. A sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an "A" shaped structure that tapers from a wide base to a narrow top.
- 2. Banner Sign. A sign constructed of plastic or fabric of any kind that is attached to supports, a frame, or a flat surface.
- 3. Yard sign. A sign placed upon or supported by the ground, independently of any other structure, but not including an A-frame sign.



A-Frame Signs



Banner Signs



Yard Signs

C. Temporary Signage Permitted by Lot, District, and Use

1. The following temporary signage is permitted by lot, district, and use.

Table 16-13-6.1: Temporary Signage Permitted by District

Zone District	Land Use	Sign Type			Duration
		Yard	Banner	A-Frame	
Residential					
AR, AR-C, SFR (all)	Single-Family, Two-Family, Row house	Max. No.: 2 Max. Area: 6 sq. ft. per sign Max. Height: 6 feet	Not permitted	Not permitted	30 days
MFR-1 and MFR-2	Multi-Family	Max. No.: 2 Max. Area: 6 sq. ft. per sign Max. Height: 6 feet	Max. No.: 1 per street frontage Max. Area: 16 sq. ft. Max. Height: 8 feet	Not permitted	30 days
Mixed-Use and Commercial					
C	All	Max. No.: 1 per licensed business Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign Max. Height 10 feet	Max. No.: 1 per licensed business Max. Area: 8 sq. ft. per sign Max. Height 4 feet	30 days
DMU, CMU	Commercial	Max. No.: 1 per public street frontage. Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per lot Max. Area: 16 sq. ft. total Max. Height 8 feet	Max. No.: 1 per licensed business Max. Area: 8 sq. ft. per sign Max. Height 4 feet	30 days for Yard and Banner; 365 days for A-Frame
	Residential	Max. No.: 1 per public street frontage. Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per lot Max. Area: 6 sq. ft. total Max. Height 6 feet	Not permitted	30 days
HC	All	Max. No.: 1 per public street frontage. Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign Max. Height 10 feet	Max. No.: 1 per licensed business Max. Area: 8 sq. ft. per sign Max. Height 4 feet	30 days
Industrial and Public					
LI, P	All	Max. No.: 1 per public street frontage Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign Max. Height 10 feet	Not permitted	30 days

2. Exceptions and Additions to Table 16-13-6.1

a. A-frame signs may be placed on the public sidewalk in the Downtown district directly in front of the business, but shall be placed so they do not interfere with or impede the flow of pedestrian movement.

a-b. Active real estate listing or active building permit signs. One additional temporary sign is permitted on a property that is subject to: (a) an active real estate sale or

rental listing; or (b) active building permit. The sign may remain posted on the site for the duration of the listing period or while the building permit is valid and active. The dimensional standards of Table 16-13-6.1 shall apply by district. No permit shall be required.

D. Temporary Signage Permitted by Special Event or Temporary Use

1. General. Temporary signs may be allowed as part of a special event or temporary use permit pursuant to this subsection.
 - a. Maximum sign calculation. Temporary signs permitted through a special event or temporary use permit may be off-premises with the permission of the property owner, and may be allowed on a parcel in addition to the maximum amount of temporary signage permitted on that parcel.
 - b. Temporary sign types. Temporary signs permitted as part of a special event or temporary use permit are restricted to the types, sizes, and heights identified in Table 16-13-6.1 unless otherwise specified in this subsection.

Event	Number and Type of Signs Permitted		Duration
Election	See Election Event Signs, below.		
Garage/Yard Sale	6	Yard	Placed and removed same day as event
Open House/ Auction	6	Yard	Placed and removed same day as event
Public Event	20	Yard	Placed no more than 7 days before; Removed no more than 2 days after
	n/a	Window	
	10	Banner	
Special Event	20	Yard	Placed no more than 7 days before; Removed no more than 2 days after
	n/a	Window	
	10	Banner	

2. Election event. For a period of 60 days prior to a state, local, or national election, the total number of temporary signs permitted per property may be increased over the maximum amount of temporary signage permitted by this article. The number of increased signs is calculated by the number of federal, state, and local issues and elected positions on the ballot within the voting district where the property is located. The content of this additional signage is not subject to regulation by the Town, but the number shall not exceed the number of ballot issues and offices on the ballot. The additional signage shall be removed no more than two days following the election.
3. Civic, cultural, and public service organization may post temporary window posters, when posted inside commercial establishments provided, if theythe posters do not individually or collectively occupy more than 25 percent of the total area of a window or five square feet, whichever is less. Temporary window signs are not counted against total permanent signage permitted.

A temporary sign is allowed when it meets one or more of the following provisions:

- ~~4. Civic, cultural, and public service organization window posters, when posted inside commercial establishments, if they do not individually or collectively occupy more than 25 percent of the total area of a window or five square feet, whichever is less.~~
- ~~5. A temporary window, banner, or yard sign, when erected in conjunction with a commercial establishment, if they do not individually or collectively exceed 25 percent of the total area of the ground floor display window or 16 square feet, whichever is less.~~
- ~~6. A temporary wall or yard sign(s) not exceeding six square feet is permitted when a building is subject to an active real estate listing. The sign shall be promptly removed after the sale or leasing of the subject property.~~
- ~~7. Temporary yard signs that are placed in conjunction with special events in agricultural and residential districts or residential uses (e.g., garage sale, estate sale, real estate open house, farm stand) may be displayed not more than 30 days per year or exceed six square feet in size.~~
- ~~8. Election event. For a period of 60 days prior to a state, local, or national election, the total number of temporary signs permitted per property may be increased over the maximum amount of temporary signage permitted by this article. The number of increased signs is calculated by the number of federal, state, and local issues and elected positions on the ballot within the voting district where the property is located. The content of this additional signage is not subject to regulation by the Town, but the number shall not exceed the number of ballot issues and offices on the ballot. The additional signage shall be removed no more than two days following the election.~~

B-E. Temporary Substitute Signage for Damaged Permanent Signs

In the event that a permanent sign is substantially damaged through fire, natural disaster, or similar emergency, or in the case of major construction projects, where existing permanent signage is removed for construction purposes, a temporary sign may be allowed for display for a period of time not exceeding 60 days. Temporary signage is limited to the maximum size of permanent signage permitted on the site.

16-13-7. Installation

A. Installation

The design and construction specifications and standards of this article apply generally to all signs within the Town except as otherwise specifically provided in this article for specific sign types or signs in specific areas. In the event of conflict between or among provisions of this article, the specific provision shall prevail over the general or, if the provisions cannot be distinguished as specific or general, then the more restrictive provision shall prevail.

B. Permanent Materials and Fastening

Except as otherwise specifically permitted in this article, all signs authorized by this article shall be constructed of permanent-durable materials and shall be permanently attached to either a building, or structure wall, or other surface to which it is mounted, or to the ground by direct attachment to a pole, rigid wall, frame, or structure. Signs shall comply with all specific anchoring requirements of this article.

C. Design and Approval by Professional Engineer

1. All freestanding, projecting and roof signs shall be designed by a state-registered professional engineer to withstand 90 mph wind load for three seconds, and the engineer's signature and seal shall be affixed to the documents submitted to the Town.
2. In addition to the requirements contained elsewhere in this article, any sign may be required to be designed by a state-registered professional engineer, when the Town Administrator determines that the size, structural components, or location of the sign are such that potentially could endanger the safety of the general public. The engineer's signature and seal shall be affixed to the submitted documents.

D. Anchoring

No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind. All freestanding signs shall have self-supporting structures erected on, and permanently attached to concrete foundations.

E. Initial and Periodic Inspections

1. Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the Town Administrator upon completion of the work. The Town Administrator shall conduct an inspection within seven working days of the date of notice of completion to ensure that the sign is in compliance with this article.
2. If, at the time of application for a sign permit, any existing sign permits held by the applicant or sign contractor, are over 90 days old and have not received final inspection approval, the Town Administrator may deny issuance of the requested permit, until such time that the existing sign has been inspected and approved.

16-13-8. Nonconforming Signs

A. Nonconforming Signs

1. General Signs: Any sign that existed prior to May 26, 1999, is permitted to remain in place as a nonconforming sign until the sign, or a substantial part (60 percent or more) of it, is destroyed, dismantled, or intended for replacement for any purpose other than maintenance operations or copy change.
2. Historic Signs: Any sign that ~~is 50 years old or older~~ predates 1970 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.
3. No such nonconforming sign or sign structure may be altered in any way that increases its nonconformity.
4. Any proposed change to a nonconforming sign, excluding general repairs, maintenance and advertising copy, shall generally require the sign to be brought into conformance with this article except that alterations may be made to a nonconforming, permanent on-premise sign as follows:
 - a. Where the nonconformity is expressed as a measurement,
 - i. The alteration must reduce the nonconformity by at least 50 percent. For example, a nonconforming sign that is 10 feet over the maximum height for the district may be altered if the height of the sign is also lowered by at least five feet; or

- ii. Where the sign can be made conforming with a change of up to 10 percent or 10 feet, the sign shall be brought into compliance. For example, a nonconforming sign that is 8 feet away from compliance with a required setback shall be relocated and brought into compliance unless there are other conditions on the site, unrelated to the sign and not caused by the applicant, that prohibit compliance.
 - b. Where the nonconformity is not expressed as a measurement, such as a sign type that is not longer permitted in a zone district, alterations may be made as long as the sign structure is kept at the same dimensions and in same the location as the sign was when it became nonconforming. The sign and structure shall be fully maintained and functional, free from all defects, and not exhibiting any signs of deferred maintenance, deterioration, or abandonment. The Town may require proof of maintenance for any internal components, such as electricity, or structural parts that are subject to degradation from wind, weather, or other external causes of stress to the sign.
5. Signs with multiple nonconformities may be altered provided that at least one nonconformity meets the requirements of this section, and that none of the remaining nonconformities are increased or expanded.
 6. Any sign temporarily removed by a public utility company, the Town, or any governmental agency to accommodate repair, maintenance, or expansion operations may be replaced, provided that there is no change in size, height, or location of the sign. If any sign is moved as a direct result of a governmental or utility project, it may be relocated to a position determined by the Town engineer to be appropriate in relation to the project, and such a sign shall not be considered nonconforming for the reason of separation. No permit shall be required for such replacement.

B. Loss of Nonconforming Status

A nonconforming sign shall lose such designation if any of the following apply:

1. The owner or user of a nonconforming sign shall immediately terminate the right to maintain such a sign when the business vacates the location where the sign is being used for a period of more than 90 days.
2. Any violation of this article shall immediately terminate the right to maintain a nonconforming sign.
3. The sign is removed, relocated, or replaced for any reason except towards compliance with this article.
4. 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 60 percent of the cost of erecting a new sign of the same type at the same location.
5. The sign is abandoned pursuant to this article.

C. Maintenance and Repair

1. A nonconforming sign is subject to all requirements of this article regarding safety, maintenance, and repair.
2. When a sign permit has been obtained, temporary removal of any portion of a sign for repairs or general maintenance shall not be considered to be in violation of this section, provided that no alterations are made to the sign or sign structure. Should such sign or

sign structure be moved for any reason and over any distance whatsoever, it shall thereafter conform to all regulations for the district in which it is located after it has been moved or relocated.

3. Maintenance shall not include the conversion of a nonconforming sign to an electronic message center sign. Any such conversions may only be made to a conforming sign, and shall be subject to the permitting and fee requirements set forth in this article.

D. Records

1. The Town Administrator shall maintain a list of all nonconforming signs, including the exact location of each, which list shall be updated as necessary.
2. In addition to initial and construction inspections, signs may be inspected periodically by the Town Administrator to ensure continued compliance with this article.

16-13-9. Maintenance

A. Required Maintenance

1. All signs and components thereof shall be maintained in good repair, and in a safe, neat, clean, and attractive condition, and shall be refurbished often enough to be clearly legible.
2. Maintenance shall not include the conversion of an existing sign to an electronic message center sign. Any such conversions shall be subject to the permitting and fee requirements set forth in this article.
3. In maintaining signs under this article, the following specific standards shall apply. Repairs, where required, shall be equal to or better than the original sign in quality of materials and design:
 - a. Sign finishes and structures shall be maintained in good condition and shall not have:
 - i. Any surface area covered with disfigured, cracked, ripped, faded or peeling paint, poster paper, or other material.
 - ii. Rusted, disfigured, peeling, faded, bent, broken, dilapidated, or deteriorated sign facings, or supports, or loose appendages or struts.
 - b. All signs shall have sign facings installed, whether blank or with advertising content.
 - c. Signs that are designed to be upright and level shall be installed and maintained in an upright and level position. Signs that are not upright and level shall be removed or restored to an upright and level position.
 - d. Signs shall not have weeds, trees, vines, or other vegetation growing on, or in it, or obscuring the view of the sign from the right-of-way from which it is to be viewed.
 - e. No internally illuminated sign shall be allowed to operate with less than full illumination.
 - f. Flags shall not be faded, tattered, or torn.
 - g. Sign lettering must be applied and maintained in such manner that the sign's overall appearance is professional and attractive.

B. Enforcement

The owner of a sign(s) that fails to comply with applicable maintenance requirements shall be notified that they have 30 days to complete necessary maintenance or the sign will be subject to repair or removal at owner or lessee's cost.

C. Abandoned Signs

1. Abandoned Signs

- a. A sign or sign structure where either: (1) the sign is no longer used by the property or sign owner, in which case discontinuance of sign use may be shown by expiration or revocation of a business license for the business located on the property or cessation of use of the property where the sign is located for the use or purpose associated with the sign; or (2) the sign has been damaged, and repairs and restoration have not been started within 45 days of the date the sign was damaged, or, once started, are not diligently pursued to completion.
- b. A nonconforming sign that meets the requirements of this section may be considered abandoned and will be subject to either sign face change or removal as may be appropriate.

2. Sign Face Change

- a. Where an on-premise sign becomes abandoned due to cessation of use of the associated building, the sign face(s) of all signs associated with the structure shall be removed and shall be replaced with a blank face or a face designating that the building is for sale or lease by the owner or lessee of the property upon which the sign is located when the business it advertises is no longer conducted on the property.
- b. If the owner or lessee fails to remove the sign face(s) and replace it with a blank face or face designating that the building is for sale or lease, the Town Administrator shall give written notice to remove it and shall take such actions to remove and replace the sign as authorized in this article.

3. Sign Removal

- a. When an on-premises sign becomes an abandoned sign due to demolition or destruction of the structure in which the business was located, the sign structure shall be removed at the same time as the demolition of the structure, or within 45 days of a determination of abandonment by the Town Administrator.
- b. Where a successor to a business agrees in writing, prior to the demolition of the structure or as part of a determination of abandonment, to bring any sign into compliance with this article and to maintain the sign as provided in this article, the removal requirement shall not apply. The sign structure shall be brought into compliance prior to the issuance of a certificate of occupancy for use of any part of the associated structure or business.

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ARTICLE 14 Subdivision Standards

16-14-1. General Provisions

A. Applicability ¹

This article applies to plats and subdivisions of land within the Town. A subdivision plat may not be approved until the subject area has been annexed and permanently zoned by the Town.

B. Creation of Building Site

A development permit shall not be issued until a building site, building tract, or building lot has been created by compliance with one 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 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 such an event, a building permit for only one main building conforming to all the requirements of this LUC may be issued on each such original separately owned parcel without first complying with **Section 16-6-1(B)(1)**, above.²

16-14-2. Building Lots

A. Lot Configuration

1. Lot size, width, depth, shape, and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall conform to the dimensional standards for the zoning district.
2. The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and loading facilities required by the type of use and development contemplated.

B. Street Frontage Required

Each lot or building tract shall front on a public street.

~~C. Side Lot Lines~~

~~Side lot lines shall be at right angles to street lines unless otherwise approved by the Planning Commission.~~

~~D.C. 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.~~

~~E.D. Large Lots~~

¹ We moved the concurrency subsection to Article 2, Administration and Procedures.

² Does this still apply anywhere?

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 re-subdivided, 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.

16-14-3. Streets and Alleys

A. Specifications

1. All streets and alleys shall be designed in accordance with the Standards and Specifications for Public Improvements, Town of Mancos, 1998.
2. The Public Works Director may grant an exception to one 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.

B. Street Layout

Adequate local streets shall be provided to accommodate the subdivision and provide access to lots. Unless otherwise approved by the Town, new streets and extensions of existing streets must bear a logical relationship to the topography and to the location of existing or planned streets on adjacent properties and conform with the Comprehensive Plan. 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.

C. Street Posts, Markers and Traffic Signs

The developer shall pay the cost of purchasing and installing street posts, markers, and traffic signs of the type as used throughout the Town at each street intersection.

D. Street Connections³

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

³ Drafting note: link to Art. 8, Mobility and Connectivity.

be permitted in any subdivision, unless such reserve strips are conveyed to the Town in fee simple.

1. Street Intersections

More than two 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 50 feet from the edge of the intersection.

2. Street Jogs

Nonintersecting streets with a centerline offset of less than 300 feet shall not be approved.

3. Block Lengths

No block length shall be longer than 600 feet.

4. Half Streets

Half streets are 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.

5. 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.

6. Cul-de-sac

Culs-de-sac shall not exceed 600 feet in length and shall have a turnaround diameter of 70 feet. A specially designed temporary turnaround may be allowed when approved by the Public Works Director.

E. Street Design Standards

Street and alley widths, curves, grades, design speed, and centerline radius shall meet the standards set forth in Table 16-14-3.1, and subsequent provisions of this paragraph.

Table 16-14-3.1: Street Design Standards

Design Features	Alley	Local	Collector	Arterial
Number of lanes	2	2	2	2
Lane width (ft.)	10	12	12	12
Roadway width (ft.)	20	36	24	34
Right-of-way width (ft.)	20	50	80	100
Posted speed (mph)	15	20	20	35
Maximum grade (%)	7	7	7	5
Minimum centerline radius (ft.)	60	200	100	575

1. Street Grade and Curves

Streets may have a maximum grade of seven percent. Centerline profile grades will not exceed four percent for a distance of at least 100 feet on either side of an intersecting centerline.

2. Street Curve Radii

Streets shall have a minimum radius at the centerline of 100 feet, unless in special circumstances the Board of Trustees approves a local residential street with a smaller minimum radius.

3. Paved Streets

All new public streets must be paved.

4. Graveled Alley Required

Graveled alleys shall be provided if required by the Planning Commission.

5. Minimum Alley Width

The minimum right-of-way width of an alley shall be 20 feet. The minimum gravel surface width of alleys shall be 20 feet.

6. 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.

7. 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.

8. 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.

9. Street Names and Numbers

All street names are 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 will assign street numbers.

F. Street Lighting

The costs of purchasing and installing all street lighting equipment are the responsibility of the developer. The developer shall also pay the cost of all street lighting service for a period of two years or until such time as 70 percent of the buildings for which building permits have been issued are completed, whichever is sooner. All street lighting design plans and equipment are 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.

G. Easements

1. Utility Easements

- a. Utility easements must 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. The minimum required width of each utility easement is 10 feet.
- c. The utility easement must be 10 feet in width on each side of all rear lot lines and five 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 feet in width, the easements on the rear and side lot lines in the subdivision shall be 10 feet in width.

2. Potable Water and Sewer Easements

Water and sewer easements shall be a minimum of 20 feet in width; provided, however, that, for utility lines located deeper than eight feet underground, the easement width shall be determined by the Public Works Director based on site conditions.

3. "T" Intersections and Culs-de-sac

Easements 20 feet in width shall be provided beyond "T" intersections and culs-de-sac for the continuation of utilities or drainage improvements, if necessary.

4. Fire Lanes and Emergency Access Easements

Fire lanes and emergency access easements 20 feet in width shall be provided where required by the Fire Chief.

5. 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.

6. 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 25-foot easement or public right-of-way outside and adjacent to the normal river channel shall be dedicated for trail purposes.

7. 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 must obtain such easements.

16-14-4. Dedications

A. Purpose

The requirements for open space, school sites, parks, and recreational areas contained in this section 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.

B. 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 section as a condition of final plat approval and prior to the recording of a final plat.

C. Dedication Requirement

The developer shall dedicate to the Town at least 10 percent of the gross land area, in fee simple or other equivalent cash-in-lieu, unless a land dedication was required for the subject land at the time of annexation.

D. Specifications

1. Land dedicated or otherwise set aside for dedications must be of appropriate size, dimensions, topography, and general character as 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.).
2. Unique natural areas or flood-prone areas that provide an opportunity for public trails or linkage parks may be included in areas dedicated or reserved for open space.
3. With the exception of land dedicated for trails, dedicated or reserved land shall have minimum dimensions of 100 feet in width and 150 feet in depth, unless otherwise approved by the Board of Trustees.

E. Platting Requirements

Any land dedicated for open space, school sites, or park and recreational areas must 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 3/4-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, a plat shall be filed of record in the office of the County Clerk and Recorder.

F. 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 a subdivision of less than 20 acres or where the required dedication would be less than one acre, or if the Board of Trustees finds 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 may substitute a cash payment other equivalent conveyance in lieu of land dedication.

2. Schedule for Cash in Lieu

The amount of cash payment shall be calculated based on the land area that would be required as a dedication. The Planning Commission shall recommend and the Board of Trustees shall establish by resolution the per-acre fee based upon the current fair market value for raw lands within the corporate limits of the Town.

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 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 year after the right to such refund arises.

16-14-5. Drainage

A. Adequate Drainage Required

A developer will 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.

B. Minimum Standards

All provisions for drainage and flood control shall be established, at a minimum, to handle the anticipated 100-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 (see Article 7, Floodplain Regulations).

C. 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.

D. Catch Basins

Standard drop-inlet catch basins shall be constructed.

E. Engineered Design

The Town may require that improvements be designed by a state-registered engineer.

16-14-6. Utility Requirements

A. 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.

B. Sewage Treatment

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.

C. Water and Sewer System Protection

Water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters.

D. Underground Utilities

All utilities shall be placed underground, except transformers, switching boxes, and terminal boxes.

16-14-7. Mandatory Homeowners' Association

A. 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.

B. 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 drainageways or drainage structures or at subdivision entryways. Subdivision entryway treatments or features shall not be allowed unless a mandatory homeowners' association is established and created.

C. 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 the association. Easements or ownership shall be clearly identified on the final plat of the applicable subdivision.

16-14-8. Condominium Subdivisions

Condominium subdivisions shall comply with the following standards:

- A. The density of the development shall not be greater than the maximum density as allowed by the underlying zone district.
- B. Each individual condominium unit shall have separate utility service, including individual meters and shut-off valves.
- C. The structure shall meet current off-street parking requirements for the underlying zone district. Each residential condominium unit shall be considered a separate dwelling unit for purposes of determining parking compliance.
- D. The Town may, at its discretion, require a minimum one-hour firewall between units.

ARTICLE 15 NONCONFORMITIES

ARTICLE 15 NONCONFORMITIES 1

 16-15-1. Nonconforming Status 2

 16-15-2. Nonconforming Structures 2

 16-15-3. Nonconforming Lots 3

16-15-1. Nonconforming Status

The burden of establishing that a nonconforming use, lot, sign, 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, lot, sign, or structure shall be deemed to have a nonconforming status when each of the following conditions is satisfied:

- A. The use, lot, sign, or structure does not conform to the regulations prescribed in the district in which such use, lot, sign, 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.
- B. The event that made such use, lot, sign, or structure nonconforming was one of the following:
 1. Annexation into the Town;
 2. Adoption of this Land Use Code or a previous zoning ordinance; or
 3. Amendment of this Land Use Code or a previous zoning ordinance.
- C. The nonconforming use, lot, sign, or structure has been operating since the time that it first became nonconforming without abandonment, as defined in Subsection (e) below.

16-15-2. Nonconforming Structures

A. 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).
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.

B. 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 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 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.

C. 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.

D. 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 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.

E. 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 60 percent 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 months and be completed within 12 months of the time of the calamity.

F. Exceptions

Subsections (A), (C), (D), and (E) above shall not apply to existing single-family residences, religious assembly, or day care centers that are located in the HC, Highway Commercial District on or before May 30, 2014.

16-15-3. 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 or a special exception is obtained pursuant to Article 19, Division 3.

B. Undivided Lot

If two 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. Lot Consolidation

If a land owner is the owner of one 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 80 percent rule [6,000 square feet] lot size).
2. The owner applies to build on one 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 lot for record purposes. A copy of the recorded documents must be submitted with the building permit.

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ARTICLE 16 Impact Fees

16-16-1: 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 Article 16-19 and shall be subject to impact fee requirements unless exempt. 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.

16-16-2: Exemptions

The following development shall be exempt from the impact fee requirements:

- A. Remodeling of residential structures.
- B. Remodeling of nonresidential structures that does not result in an increase of square footage.
- C. Replacement of existing residential units.
- D. Public sector nonresidential development determined by the fee administrator to be a development that serves growth rather than a growth generator.
- E. Publicly subsidized affordable housing projects.

16-16-3: 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 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. The fee shall be paid to the Town prior to the issuance of a zoning development permit, which is required prior to the issuance of a building permit.
- C. 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. 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.

16-16-4: Fee Schedules

A. The following table sets forth the impact fee schedule for residential land uses:

Land Use	Fee Per Unit
Single-family detached unit	\$1,890.00
Multi-family attached unit	1,300.00

B. The following table sets forth the impact fee schedule for nonresidential land uses:

Land Use Category	Driveway Volume (ADT per 1,000 sq. ft., or other units if noted)	Adjustment Factor	Trip Generation (ADT per 1,000 sq. ft., or other units if noted)	Mitigation Fee (per 1,000 sq. ft., or other units if noted)
Bank	156	22%	34	\$9,418.00
Car wash (per position)	40	22%	9	2,493.00
Medical clinic	31	50%	16	4,432.00
General office	11	50%	6	1,662.00
Hardware store	51	22%	11	3,047.00
High turn-over restaurant	130	22%	29	8,033.00
Industrial	2	50%	1	277.00
Light industrial	7	50%	4	1,108.00
Lodging (per lodging unit)	6	50%	3	831.00
Post office	108	22%	24	6,648.00
Quality restaurant	90	22%	20	5,540.00
Specialty retail	40	22%	9	2,493.00
Supermarket	112	22%	25	6,925.00

Table 16-16-4.2 Nonresidential Land Use Impact Fee Schedule

Land Use Category	Driveway Volume (ADT per 1,000 sq. ft., or other units if noted)	Adjustment Factor	Trip Generation (ADT per 1,000 sq. ft., or other units if noted)	Mitigation Fee (per 1,000 sq. ft., or other units if noted)
Video store	54	22%	12	3,324.00
Warehouse	5	50%	3	831.00

- 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 16-16-5 below.
 3. If this method is used, the following formula shall be used to compute the fee:

Trip generation for proposed land use (in average daily trips)	x	\$277.00	=	Fee amount
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16-16-5: Independent Traffic Study Criteria

A. Fee Calculation

The fee may be calculated using an independent traffic study applied to the formula indicated in the Town of Mancos Development Impact Fee Schedule 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 or is not one 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.

B. Applicant-prepared Independent Traffic Study

The preparation of the traffic study and the fee calculation derived from the formula in Section 16-16-4.C, 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 Article 16-19.

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."
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 Section 16-16-4.

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.

F. Credits

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 16-16-4, 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. 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. 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. 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.
4. 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.

16-16-6: Impact Fee Procedures

A. Imposition of Impact Fees

Impact fee requirements shall be levied for all zoning development permits, and payment of the fee price shall be due prior to the issuance of any building permit, unless exempt pursuant to Section 16-16-2, Exemptions.

B. Determination

Prior to the issuance of a building permit for any development requiring a development permit pursuant to Article 19, 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; 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 submit proof of approval for streets impact fee exemption on the zoning development permit with the 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 16-16-5, Independent Traffic Study Criteria. 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

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 shall follow the procedures of Section 16-18.

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Article 17 Floodplain Management

Section 16-17-1 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)

Section 16-17-2 Definitions

A. 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 Article 16-19) 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.

1. 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.
2. 100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.
3. 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.
4. 500-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a five-hundred-year flood.
5. Addition means any activity that expands the enclosed footprint or increases the square footage of an existing structure.
6. 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.
7. 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.
 8. 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.
 9. 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.
 10. Basement means any area of a building having its floor sub-grade (below ground level) on all sides.
 11. Channel means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.
 12. Channelization means the artificial creation, enlargement or realignment of a stream channel.
 13. 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.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. 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.

19. 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.
20. 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 A1-30, 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.
21. 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.
22. 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).
23. 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.
24. FEMA means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.
25. 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).
26. 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.
27. 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.
28. 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.
29. 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.
 30. Floodplain Administrator means the community official designated by title to administer and enforce the floodplain management regulations.
 31. 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.
 32. 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.
 33. 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.
 34. 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.
 35. 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 ($\frac{1}{2}$) 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.
 36. 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.
 37. 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.
38. Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
 39. 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:
 - i. By an approved state program as determined by the Secretary of the Interior; or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
 40. 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.
 41. 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.
 42. 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).
 43. 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.
 44. 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.
45. 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.
 46. 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.
 47. 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.
 48. 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.
 49. 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.
 50. 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.
 51. 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.
 52. 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).
 53. 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.

- ~~a.—Recreational vehicle means a vehicle which is:~~
 - ~~b.—a.—— Built on a single chassis;~~
 - ~~c.—b.—— Four hundred (400) square feet or less when measured at the largest horizontal projections;~~
 - ~~d.—c.—— Designed to be self-propelled or permanently towable by a light-duty truck; and~~
 - ~~e.—d.—— Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.~~
54. 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.
55. 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.
56. Structure means a walled and roofed building or manufactured home, including a gas or liquid storage tank, that is principally above ground.
57. 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.
58. 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.

59. 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.
60. 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.
61. Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in NFIP 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.
62. 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.

Section 16-17-3 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:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood-control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. 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;
- F. 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
- G. Ensure that potential buyers are notified that property is in an area of flood hazard area.

Section 16-17-4 Methods of Reducing Flood Losses

In order to accomplish its purposes, this section includes methods and provisions for:

- A. 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;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and

- E. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards in other lands.

Section 16-17-5 Lands to Which this Article Applies

This 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.

Section 16-17-6 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 Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

Section 16-17-7 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

Section 16-17-8 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.)

Section 16-17-9 Interpretation

In the interpretation and application of this article, all provisions shall be:

- A. Considered minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 16-17-10 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.

Section 16-17-11 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.

Section 16-17-12 Establishment of Floodplain Development Permit

- A. A floodplain development permit shall be required before construction or development begins within any area of shallow flooding established in Section 16-17-50 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). 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. 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.
- B. 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.

Section 16-17-13 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.

Section 16-17-14 Duties and Responsibilities of Building Inspector

Duties of the Building Inspector shall include, but not be limited to:

A. Permit Review

1. Review, approve or deny all floodplain development permits to determine that the permit requirements of this article have been satisfied.
2. 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.
3. 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 foot at any point.
4. 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.

B. 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.

C. Information to be Obtained and Maintained

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
 - b. Maintain the flood proofing certifications required in Paragraph 16-17-100(3) of this article.
 - c. Maintain for public inspection all records pertaining to the provisions of this article.

D. Alteration of Watercourses

1. 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.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
3. 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 ($\frac{1}{2}$) foot at any point within the community.
4. Program regulations, a community may approve certain development in Zones AI-30, AE or AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half ($\frac{1}{2}$) 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.

E. Interpretation of FIRM boundaries.

1. 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).
2. 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.

Section 16-17-15 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.

- A. 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.

- B. 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.
- C. 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:
 - 1. The danger that materials may be swept onto other lands to the injury of others.
 - 2. The danger to life and property due to flooding or erosion damage.
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 4. The importance of the services provided by the proposed facility to the community.
 - 5. The necessity to the facility of a waterfront location, where applicable.
 - 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - 7. The compatibility of the proposed use with the existing and anticipated development.
 - 8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - 10. 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.
 - 11. 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.
- D. 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.
- E. The Zoning Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

Section 16-17-16 Conditions for Variances

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. 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.

Section 16-17-17 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 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.

Section 16-17-18 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.

Section 16-17-19 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.

Section 16-17-20 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.

Section 16-17-21 Specific Standards

In all areas of special flood hazard where base flood elevation has been provided, the following provisions are required:

A. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to 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.

B. Nonresidential Construction

1. 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.
2. 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.

C. Manufactured Homes

1. Manufactured homes shall be anchored in accordance with Section 16-17-150 of this article.
2. All manufactured homes or those to be substantially improved shall conform to the following requirements:
 - a. 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.

- b. 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.

D. 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.

Section 16-17-22 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:

A. 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.

B. 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)

Section 16-17-23 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:

- A. 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.
- B. 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.
- C. 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)

Section 16-17-24 Alteration of Watercourse

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- A. 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.
- B. Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- C. 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.
- D. Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
- E. All activities within the regulatory floodplain shall meet all applicable federal, state and Town floodplain requirements and regulations.
- F. 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.

- G. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

Section 16-17-25 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.

Section 16-17-26 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.

A. Classification of Critical Facilities

1. 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.
 - i. 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).
- ii. Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems and hydroelectric power generating plants and related appurtenances.
 - iii. 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.
- i. These facilities may include:
 - (a) a) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - (b) b) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - (c) c) Refineries;
 - (d) d) Hazardous waste storage and disposal sites; and
 - (e) e) Aboveground gasoline or propane storage or sales centers.
 - ii. 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.

- iii. 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:
 - i. Elder care (nursing homes);
 - ii. Congregate care serving twelve (12) or more individuals (day care and assisted living);
 - iii. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children);
 - iv. Facilities vital to restoring normal services including government operations. These facilities consist of:
 - (a) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
 - (b) 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.

Section 16-17-27 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.

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ARTICLE 18 Administration and Procedures

Section 16-18-1. Review and Decision-Making Bodies

The Town of Mancos has established review and decision-making bodies to administer and enforce this Land Use Code (LUC or this Code).

A. Zoning Administrator

1. The zoning administrator is an official of the Town designated by the Board and entrusted with the jurisdiction, authority, and duty to administer, enforce, and interpret the LUC and to issue permits when approved as provided for in this Code.
2. The town administrator serves as the zoning administrator unless the Board decides otherwise **by resolution**, in which case the zoning administrator reports to the town administrator.

B. Building Inspector

The building inspector is an official of the Town who serves at the pleasure of and reports to the town administrator. The building inspector has authority to enforce the Town's adopted building code, enforce the LUC, issue building permits, and to administer Article 15, Floodplain Regulations.

C. Delegation of Authority

The town administrator, zoning administrator, and building inspector may delegate associated responsibilities, duties, and tasks to other Town staff in accordance with Town policies. When this Code specifies that the town administrator, zoning administrator, or building official shall perform an act, it may be delegated by any of those officials without further instruction from this Code.

D. Review and Decision-Making Bodies¹

The following boards and commissions have review and decision-making authority for specific applications, permits, and requests in this LUC:

1. Town of Mancos Board of Trustees (Board),
2. Town of Mancos Planning and Zoning Commission (PC), and
3. Town of Mancos Board of Adjustment (BOA)

¹ Current Section 16-18-30.

E. Summary Table of Review Authority

The responsibilities of officials and bodies for each LUC procedure are summarized in Table 16-18-1.1.

Table 16-18-1.1: Summary of Review Authority

Procedure	Zoning Administrator [1]	Planning & Zoning Commission	Board of Trustees	Board of Adjustment
Key: R= Review/Recommendation; D=Decision; and A= Appeal				
Rezoning (Zoning Map Amendment)	R	R	D	
LUC Text Amendment	R	R	D	
Comprehensive Plan Update	R	R	D	
Site Plan Approval, PC	R	D	A	
Site Plan Approval, Admin	D	A		
Special Use Permit	R	R	D	
Temporary Use Permit	D	A		
Minor Subdivision Plat or Plat Amendment	R	R	D	
Major Subdivision Plat, Preliminary	R	R	D	
Major Subdivision Plat, Final	R		D	
Administrative Adjustment	D	A		
Variance	R			D
LCD Interpretations	D			A
Sign Permit	D			A
Zoning Development Permit	D			A
Historic Designation			D	
Annexation	R	R	D	

Notes

[1] Zoning Administrator, except where the building inspector is indicated in Article 7, Floodplain.

Section 16-18-2. General Procedures

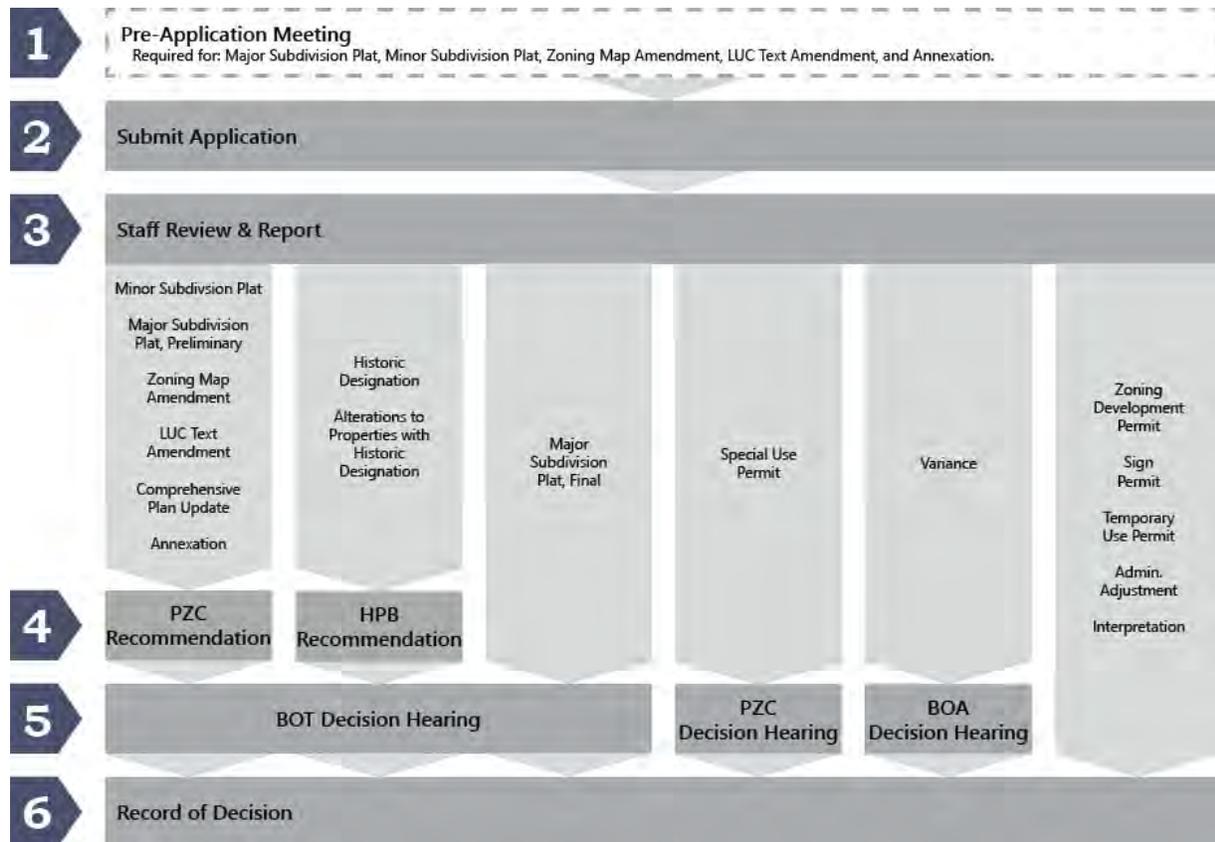
A. Described

1. The generally applicable procedures for review and decision-making for land use and development applications are established in this article. These are standard procedures that are applicable to all or most types of specific applications based on the following review steps:
 - a. Pre-application meeting
 - b. Application submission and completeness review
 - c. Staff review

- d. Public notice
 - e. Action by review and decision-making bodies
 - f. Appeal
2. Article 16-19 establishes additional provisions for specific procedure types. Where the generally applicable procedures conflict with specific procedure provisions, the specific procedures provisions shall prevail.

B. General Procedures Illustration

The procedural steps for the specific application types work generally as follows:



C. Applicable Common Steps by Specific Procedure

Table 16-18-2.1 summarizes the procedural steps that are applicable for each specific application or action, and in the case of recommendations and decision hearings, which body has authority.

Table 16-18-2.1: Applicable Steps by Procedure Type

STEPS	1. Pre-Application meeting	2. Submit Application	3. Staff Review & Report	4. Recomm.	5. Decision Hearing	6. Record of Decision
Key: BOA = Board of Adjustment; BT = Board of Trustees; PC = Planning commission.						
Rezoning (Zoning Map Amendment)	X	X	X	PC	BT	X
LUC Text Amendment	X	X	X	PC	BT	X
Comprehensive Plan Update	X	X	X	PC	BT	X
Site Plan Approval, PC						
Site Plan Approval, Admin.						
Special Use Permit	X	X	X	PC	BT	X
Temporary Use Permit		X	X			X
Minor Subdivision Plat	X	X	X	PC	BT	X
Major Subdivision Plat, Preliminary	X	X	X	PC	BT	X
Major Subdivision Plat, Final		X	X		BT	X
Administrative Adjustment		X	X			X
Variance	X	X	X		BOA	X
Interpretations		X	X			X
Sign Permit		X	X			X
Zoning Development Permit		X	X			X
Annexation	X	X	X	PC	BT	X

D. Administrative Manual for Additional Materials

The zoning administrator may compile the requirements for application contents, forms, fees, submission materials, and review schedule in an administrative manual, which shall be made available to the public. The zoning administrator may amend and update the administrative manual from time-to-time.

Section 16-18-3. Step 1: Pre-Application Meeting

A. Purpose

The purpose of the pre-application meeting is to provide an opportunity for the applicant and the Town to discuss the development concept prior to the application submission for a project in order to:

1. Determine the required application(s) and, if necessary, the timing of multiple application submittals (i.e., whether they may be processed concurrently or must be processed sequentially);
2. Provide the applicant with application materials and inform the applicant of submittal requirements;
3. Provide the applicant with an estimated time frame for the review process;
4. Discuss generally compliance with the Code’s zoning, use, density, development, and design standards, and attempt to identify potentially significant issues regarding compliance;
5. Discuss the need for any neighborhood meetings and public notice requirements; and

6. Refer the applicant to other departments or agencies to discuss potential significant issues prior to application submittal.

B. Applicability

This step is mandatory for special use permits, most subdivision application, rezoning requests, and other applications as identified in Table 16-18-2.1. A pre-application meeting is optional for the remaining procedures and may be scheduled by the zoning administrator at the request of an applicant.

C. Evaluation Not Binding

1. The informal evaluation conducted by the zoning administrator and provided at the pre-application conference are not binding upon the applicant or the Town. The Town is not responsible for making or keeping a summary of the topics discussed at the pre-application meeting.
2. A pre-application conference precedes the actual application, so some key issues relating to a specific proposal may not be apparent at the pre-application conference and may require additional review, submissions, or studies later in the application process.

D. Applicant Representative

An attorney, land planner, engineer, or surveyor may represent or assist the applicant in the pre-application meeting. The applicant shall be present at a mandatory pre-application meeting.

Section 16-18-4. Step 2: Submit Application

The applicant is required to submit a formal application for all procedures and permit requests.

A. Application Requirements

1. Form of Application

- a. The zoning administrator is authorized to establish submittal requirements for all land use development and permit applications required by this section and to update and amend such requirements as necessary to ensure effective and efficient Town review.
- b. Applicants shall refer to the individual application forms for submittal requirements for each type of land use development application.
- c. The applicant shall provide any additional information, documents, or other material relevant to the application that the zoning administrator reasonably believes is necessary in order for the Town to evaluate, analyze, and understand the subject matter of the application.
- d. Application submittal requirements, contents, and fees shall be established on the individual application forms provided by the Town. Application forms may be revised and updated from time-to-time as determined necessary by the zoning administrator.

2. Applicant Responsibility

- a. The applicant shall prepare and submit an application that meets all requirements, including forms and fees, indicated in the appendices to this LUC. It is the applicant's responsibility to ensure that the application is complete and accurate.
- b. All applications required by this section shall be submitted to the Town offices unless otherwise specified.

3. Waiver of Application Submission Requirements

The zoning administrator may waive or alter specific application submission requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards. The zoning administrator may not provide a general waiver of submission requirements.

- a. Applicants shall request the waiver of a submission requirement in writing as part of a pre-application meeting. Requests for waiver may not be submitted without a pre-application meeting.
- b. The zoning administrator shall review the application for waiver as part of the completeness review and make a determination regarding whether to waive or require the information. The zoning administrator may refer the application to the PC for consideration.
- c. A waiver request shall be considered based on the following criteria:
 - i. The applicant shows good cause for the requested waiver;
 - ii. The project size, complexity, anticipated impacts, or other factors support a waiver;
 - iii. The waiver does not compromise a proper and complete review; and
 - iv. The information is not material to describing the proposal or demonstrating compliance with approval criteria.
- d. The zoning administrator shall notify the applicant in writing of the determination whether to waive submission requirements and include a summary of the decision in the staff report within five business days of the pre-application meeting or five business days of the PC meeting at which the request was reviewed. The waiver decision may be subject to call up by the Board.
- e. A waiver shall apply only to the specific application for which it was requested and shall not establish a precedent for approval of other requests.
- f. Once an application has been submitted it is too late to request a pre-application meeting or submission waiver; any late submission waiver requests shall not be considered.

4. Reports and Studies

- a. Reports or studies may be necessary to adequately evaluate the consequences of a proposed development and may be required as part of a specific application. These may include, but are not limited to, studies of soils, geological hazards, fiscal impacts, market analysis, traffic impacts, and environmental impacts.
- b. The applicant shall furnish the reports or studies needed at the applicant's cost. The applicant shall hire qualified professionals who have prepared similar studies

in the region or State of Colorado. If the Board determines that information submitted by an applicant is insufficient or incomplete it may instruct the town administrator to hire a qualified professional and charge the applicant for the cost of preparation of a new or additional study.

- c. All required reports or studies shall be executed by professionals or other persons qualified to provide the requested reports. ~~The Town may create a list of approved professionals for the preparation of various zoning and subdivision plans and studies.~~

5. Fees

- a. Fees for the review of an application shall be established from time-to-time by the Board.
- b. The Town may also assess and collect such additional fees as it may deem appropriate to adequately review an application. The Town shall base such additional fees upon the actual cost, whether by Town employees or independent third parties, of performing related plan and document preparation and review, inspection of construction of public and related improvements, and all related services, including attorney and engineering fees. Such additional fees may be charged on a per-unit basis, such as foot or mile, and the Town may also include in such additional fees a factor for overhead or other indirect expenses.
- c. When changes are made to a complete application for which fees have been paid, the Town shall take the following actions:
 - i. Withdrawn Application: All fees are forfeited; the fee shall be paid again in full if the application is resubmitted.
 - ii. Continuance of Application: Payment of additional fees may be required to cover the cost of additional notice.
 - iii. Reapplication, Resubmission: Payment of fees shall be required for a reapplication or resubmission where a previous application has been denied. The zoning administrator may waive the application submission fee but is required to charge the applicant for actual costs associated with the resubmission.
 - iv. Modification or Revision of Approved Preliminary Plan: Payment of the application fee shall be required to cover costs of re-review, less the cost of notice

B. Official Submission

An application shall be officially submitted when it is presented to the zoning administrator, either through: 1) hand submitted copy of the application, or 2) electronically submitted copy of the application filed pursuant to instructions for electronic filing identified on the Town of Mancos webpage or portal (at such time as the Town makes this technology available), filed on a business day during normal office hours.

C. Determination of Completeness

- 1. The zoning administrator shall determine whether the application is complete within 10 working days of submittal. A complete application is deemed sufficient in form and

content such that recommendations, as required, and a decision may be made on the application by the Town officer or body authorized to review the application. The zoning administrator shall determine application sufficiency.

2. If the application is incomplete, the zoning administrator shall inform the applicant in writing of the determination of incompleteness and specify, generally, which materials are missing or insufficient.
 - a. If the applicant fails to correct the deficiencies within 60 days, the application shall be considered withdrawn and returned to the applicant. Incomplete applications shall not be processed by the Town. The Town may retain the application fee paid. Once an application has expired, the application shall be resubmitted in full.
 - b. An e-mail to the applicant or comment in the Town's permit online tracking system, if one is established, shall be considered a determination in writing.
3. If the application is complete, the zoning administrator shall establish the filing date, inform the applicant of a determination of completeness and the filing date, and continue to Step 3: Staff Review and Report.

D. Filing Date and Scheduling

The filing date is established when the zoning administrator verifies that the application is complete. Complete applications shall be scheduled for public hearing on the next available agenda date of the appropriate review body following any required public notice. Applications for review that do not require a public hearing shall be reviewed within 30 days of a determination of completeness.

E. Concurrent Application

The applicant is encouraged, and may be required by the Town, to submit all applications necessary for a development on the same filing date. The concurrent applications shall be processed under the procedures for the primary application. Unless the Town determines otherwise, the primary application is the procedure type that is decided by the highest decision body. Concurrent applications shall be reviewed and recommended by every recommendation body for every application type being concurrently processed.

F. Withdrawal

At any time at least one business day prior to a decision hearing, the applicant may choose to withdraw the application for any reason by providing verbal or written notice to the zoning administrator. Notification of withdrawal of the application stops all further processing of the application.

G. Limitation on Resubmission

Whenever the board of appeals or board of trustees decides an application or an appeal of an application, no person shall submit an application that is the same, or substantially the same, for at least one year from the date of the final action on the application.

H. Inactive Applications

1. Criteria

The zoning administrator may notify the applicant in writing that an application will be considered inactive unless corrective action is taken within 45 days, if at any point in a development review process the following have occurred:

- a. The applicant fails to attend any scheduled mandatory meeting, meeting with the zoning administrator, meeting or hearing before the PC, BOA, or Board; or
- b. The applicant has not responded to a staff report, has not agreed to a date for a meeting or hearing, or has not taken some other affirmative step within a reasonable time frame that is within the applicant's control and is necessary to advance the application for a final determination. A "reasonable time frame" shall be determined by the zoning administrator taking into account average response times from similar applicants on similar applications; or
- c. The applicant fails to submit an application for the next required permit for the approved application within 2 years.

2. Application Terminated

No further processing of such application shall occur until the deficiencies are corrected. If the applicant does not correct the deficiencies within the 45-day correction period, the application shall be considered automatically withdrawn and terminated. Any re-submittal of the application thereafter by the applicant will be treated as a new application for purposes of review, scheduling, and payment of application fees.

Section 16-18-5. Step 3: Staff Review and Report

Staff reviews the complete application, makes a determination for applications that are administratively approved, and prepares a report of findings for applications that are submitted to the PC, BOA, or Board for review determination.

A. Administrative Decisions

For procedures where the zoning administrator serves as the decision-making authority, the zoning administrator shall make a decision according to the following steps.

1. Review

- a. The zoning administrator shall review the application for conformance with all applicable provisions of the LUC.
- b. Within 15 days of the filing date, the zoning administrator decides to approve or deny the application and provides written notification of the decision to the applicant. If an application is denied the written notification shall include the reasons for denial.

2. Review Criteria

When the zoning administrator has the authority to decide an application, except in the case of an interpretation, the application shall be reviewed against the applicable provisions of this LUC. To be approved, an application shall be fully consistent with the standards of this LUC unless an administrative adjustment is concurrently approved to allow any deviation. An administrative approval shall not be conditioned.

3. Call Up of Zoning Administrator Decisions

The Board may exercise review over an application decided by the zoning administrator by calling-up the application for addition to the Board's agenda.

- a. The Board may call-up decisions made by the zoning administrator within 10 days of the date of written notice of the decision by the zoning administrator.
- b. A determination of call up shall be made by a majority vote of the Board.
- c. Called-up applications shall be reviewed at the next regularly scheduled Board meeting.
- e-d. The purpose of the call-up process is to allow the Board to exercise oversight of administrative approvals as it deems necessary, not to provide an applicant with an un-official appeal of an administrative determination. When the Board calls-up an application for review, it shall review the application information as it was submitted to the Town. An applicant who wishes to submit additional information regarding an application shall first submit the additional information through reapplying for the approval through the zoning administrator.

B. Staff Report to Decision-Making Bodies

For applications decided by the Board, board of adjustment, or planning commission, the zoning administrator shall prepare a report with a recommendation to the decision-making body.

1. Referral to Agencies and Departments

- a. When indicated as required for a specific procedure, the zoning administrator shall forward one copy of the application to:
 - i. Each of the referral agencies and departments named in the specific procedure section; and
 - ii. Any additional county or state agency concerned with urban development or other subject matter relevant to the application, per the request of the agency, applicant, decision-making body, or zoning administrator.
- b. The zoning administrator shall inform each referral agency of the date in which comments shall be received to be included in the staff report. Each referral agency shall submit any comments or recommendations related to the application in writing to the zoning administrator at least 10 days prior to the first public meeting or public hearing for the application.
- c. The failure of any agency to respond shall be considered "no comment" on the application by that agency. As applicable, referring agencies will provide the review and decision-making bodies with a summary of any capacity evaluation study that assesses the availability of Town-provided facilities or services to the proposed development. The summary will include an explanation of the agency's assumptions regarding available capacity.
- e-d. Where a referral agency has authority to grant an approval that is necessary to the Town's final approval and has not done so prior to the Town reviewing the

application, approval of the application may be conditioned upon the referral agency's granting any additional approval that is necessary.

2. Review and Staff Report

- a. Based on staff's review the application against all applicable standards and criteria of the LUC, adopted policies of the Town, and written comments of all referral agencies and departments, staff shall prepare a written recommendation whether to approve, approve with conditions, or deny the application. If decision criteria are specified for the procedure, the recommendation shall include a draft of specific findings that support the recommendation for the decision-maker's review. If the recommendation is to approve with conditions, draft language of the specific conditions shall be stated in the report.
- b. At least five days prior to the meeting or hearing, the zoning administrator shall distribute the staff report to the applicant, referral agencies, and to the recommendation or decision-making body.

Section 16-18-6. Step 4: Recommendation

The planning commission reviews the application and makes a recommendation to the decision-making body whether to approve, approve with conditions, or deny the application.

A. Public Notice of Meeting

Notice shall be provided in published, posted, or mailed forms as indicated in Table 2-3, Section 16-18-9, Public Notice Requirements, and specific procedures in Article 19, Zoning and Subdivision Procedures. Where the provisions of this section conflict with the provisions for specific procedures, the specific procedures provisions prevail.

B. Public Meeting

1. The planning commission shall review the application and staff report and issue a recommendation. As required by a specific application, this may be done in a public hearing.
2. Where applicable, the public hearing shall be completed within 30 days of the filing date.

C. Generally Applicable Review Criteria

Unless otherwise specified in this section or the specific procedure, Town review and decision-making bodies shall review all development applications submitted pursuant to this section for compliance with the general review criteria stated below. The application may also be subject to additional review criteria specific to the type of application. In case of conflict between the general review criteria set forth in this section and the specific review criteria, the specific review criteria shall apply.

1. Consistent with Prior Approvals

Where a preliminary plan or plat was submitted and approved, a subsequent application for the same development shall be consistent with the terms and conditions of such prior the preliminary plan or plat approval for the project including, without limitation, an

approved phasing plan for development and installation of public improvements and amenities.

2. Consistent with Comprehensive Plan

The proposal is consistent with the Mancos comprehensive plan and any applicable sub-area, neighborhood, sector, or district plan. The decision-making authority shall weigh competing plan goals, policies, and strategies and may approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the comprehensive plan or other applicable plans.

3. Compliance with Use and Development Standards

The proposal complies with all applicable use standards, site development standards, design standards, subdivision standards, public improvement standards, floodplain management standards, and all other applicable substantive standards stated in this LUC or other applicable Town code. Such compliance shall be applied at the level of detail required for the subject submittal, and those standards which are not otherwise modified, varied, or waived as allowed by this LUC.

4. Compliance with Other Applicable Regulations

As applicable, prior to final approval of the proposed development pursuant to this LUC, the proposed development complies with all other Town regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions, including but not limited to wetlands, water quality, erosion control, and wastewater regulations.

5. Minimizes Adverse Environmental Impacts

The proposed development meets or exceeds all environmental protection standards in this LUC, is designed to minimize negative impacts, and does not cause significant adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, scenic resources, wildlife habitat, soils, native vegetation, and the natural functioning of the environment.

6. Minimizes Adverse Impacts on Surrounding Property

The proposed development meets or exceeds all neighborhood protection standards in this LUC and all other site development standards intended at least in part to protect the existing character of neighboring properties and uses, and does not cause significant adverse impacts on surrounding properties.

7. Minimizes Adverse Fiscal or Economic Impacts

The proposed use will not result in significant adverse fiscal or economic impacts on community or the Town.

8. Compliance with Utility, Service, and Improvement Standards

As applicable, the proposed development complies with federal, state, county, and/or service or special district standards and design/construction specifications for roads, access, drainage, water, sewer, schools, and emergency/fire protection.

9. Provides Adequate Road Systems

There is adequate road capacity available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.

10. Provides Adequate Public Services and Facilities

There will be capacity to provide adequate public services and facilities to accommodate uses permitted under the proposed development at the time such needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, domestic water, sewer, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

11. Rational Phasing Plan

As applicable, the proposed phasing plan for development of the project is rational in terms of available infrastructure capacity. In addition, each phase of the development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are necessary and desirable for the residents and users of that phase and shall not be dependent upon subsequent phases for those improvements.

D. Written Recommendation

The planning commission shall consider all applicable standards and criteria of the LUC when making a recommendation.

1. Within 10 working days of the public meeting, the planning commission shall submit a written recommendation to the zoning administrator. The zoning administrator shall provide a copy of the recommendation to the applicant.
2. If decision criteria are specified for the procedure in Article 19, Zoning and Subdivision Procedures, then the recommendation shall state specific findings that support the recommendation and identify any recommended conditions.
3. If a decision-making body has authority to make the decision, the zoning administrator may amend the staff report to reflect the written recommendation and any new information discovered in the recommendation meeting. The amended staff report shall be submitted to the decision-making body for consideration.

Section 16-18-7. Step 5: Decision Hearing

A decision-making body holds one or more hearings at which it reviews and decides whether to approve, approve with conditions, or deny the application.

A. Public Notice of Hearing

Notice shall be provided in published, posted, or mailed forms as indicated in Section 16-18-9, Public Notice Requirements. Where the provisions of this Section 16-18-9 conflict with the provisions for specific procedures, the specific procedures provisions prevail.

B. Public Hearing

1. The decision-making body reviews the application, the staff report and recommendations from the PC and referral agencies in a public hearing.
2. The public hearing shall be held within 30 days of the date in which the zoning administrator files the staff report or the PC files its written recommendation, whichever is later.

C. Decision

At the public hearing, the decision-making body decides whether the application is approved, approved with conditions, or denied.

1. Decision Criteria

The decision-making body shall consider the generally applicable review criteria in Section 16-18-6-C along with the decision criteria established for the specific application identified in Article 19, Zoning and Subdivision Procedures.

2. Conditions

- a. The planning commission or Board may impose conditions on an approval to safeguard the welfare and protection of the Town and adjacent property.
- b. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development and shall be based upon the review criteria specified in each procedure's adopted standards.
- c. The decision-making authority may place specific time limits on the satisfaction of any condition of approval. If a time limit is not specified in the approval or in the specific provisions of this Code then a one year time limit shall apply.
- d. The decision-making authority may require financial guarantees from the applicant where it finds such guarantees are necessary to ensure compliance with conditions of approval and protect the public health, safety, or welfare. The Town shall release such guarantees when the zoning administrator has determined that all conditions attached to the approval have been or will be satisfied.
- e. Conditions of approval shall be met or financial guarantees provided prior to the issuance of a certificate of occupancy or the appropriate final permit required by the Town.

3. Written Decision

- a. Within 10 working days of a public hearing, the decision-making body shall submit a written record of the decision to the zoning administrator. The written record shall state the specific findings made to support the decision. If the decision is to approve with conditions, the written decision record shall state the specific conditions of the approval.
- b. As soon as practicable, and within 5 days of receiving the written decision record, the zoning administrator shall send a notice of decision to the applicant.
- c. For decisions by the planning commission, the zoning administrator shall forward a copy of the notice of decision to the Board.

D. Withdrawal of Application by Applicant

An applicant shall have the right to withdraw an application, without prejudice, at any time prior to action on the application at a public hearing or meeting. The applicant shall submit in writing the withdrawal request to the zoning administrator, and after such withdrawal, the Town will not take further action on the application. The application shall be considered terminated and no rights shall vest based on the application. To re-initiate review, the applicant may resubmit the application; in all respects it shall be treated as a new application for purposes of review, scheduling, and payment of application fees. Withdrawal of an application from a public hearing or meeting agenda is at the review or decision-making authority's discretion.

E. Call Up of PC Decisions

The Board may exercise review over an application decided by the Planning Commission by calling-up the application for addition to the Board's agenda.

~~Planning and zoning commission decisions may be called up for decision hearing by the Board.~~

1. Within 20 calendar days following a planning commission decision, the applicant, a citizen owning property within 500 feet of the subject property, or the Town may submit a written request to the zoning administrator for a call up hearing.
2. If called up, the planning commission decision is reviewed *de novo* at a Board meeting. This means that the Board reviews the application without deference to the planning commission's determination. New information may not be submitted to the Board at a call-up review. An applicant who wishes to submit additional information regarding an application shall first submit the additional information through reapplying for the approval through the zoning administrator
3. Public notice for the Board's call-up decision meeting shall be the same as is required for the planning commission decision hearing.
4. The Board decides the called-up application according to the procedures and decision criteria for the application type and submits a written decision to the zoning administrator.

F.—Mayor Review²

~~Approvals of the Board are subject to mayoral disapproval provisions in Section 16-X-X and subject to referendum petitions as provided by law.~~

Section 16-18-8. Step 6: Post-Decision Actions³

A. Termination of Approval

Approvals granted under this LUC may terminate if unused by the applicant after a reasonable period of time.

1. Lapse

²Current Section 16-18-140. We'd like to discuss this provision.

³ Subsections A and B have been added to this section to give specific guidance about termination of approvals and limitations on successive applications.

Except as otherwise specified in the specific procedures sections of this LUC, an approval granted under these regulations shall lapse and shall become void one year following the date of final approval unless, prior to the expiration date, a building permit based upon such approval is issued and construction is commenced and diligently pursued toward completion.

2. Extension

- a. An approval may be extended by up to one year by the body that issued the original approval. Requests for extensions of more than one year must show good cause for the need for extension.
- b. All requests for extensions shall be submitted to the zoning administrator in writing at least 30 days prior to the expiration of approval. An extension request shall include payment of required fees and written description of the reasons for the applicant's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the comprehensive plan or this Code that have occurred since approval of the permit/plan as these changes affect the permit/plan, and the anticipated time schedule for completing the review project and/or the specific project. Additional review of the permit/plan may result in additional conditions.
- c. If the extension is denied, the applicant may re-submit a new application, subject to the fees and regulations in effect at the time of re-submittal, for the same project.

B. Limitations on Successive Applications

1. Limitations on Resubmittals

No application on the same request shall be permitted within one year of an application denial unless the commission determines that extenuating circumstances exist. A notation of "denied without prejudice" on the minutes of the prior action on an application shall be evidence of the existence of extenuating circumstances and resubmission shall be permitted.

2. Amendments

- a. All substantial changes, modifications, removal, or release of the provisions of an approved plan or plat that do not qualify for administrative adjustment per Section 16-19-x shall be considered amendments. Amendments shall include, but are not be limited to, changes in use, access, layout, any condition of approval, any change resulting in significant increased off-site impacts, and similar changes as determined by the zoning administrator.
- b. For purposes of review and scheduling, proposed amendments are treated as new applications subject to the applicable procedures and review criteria set forth in this chapter unless otherwise noted in the specific review procedures.
- c. All approved amendments to a recorded plan or plat shall be recorded within 90 days of the amendment's approval.

3. Modification of Special Use Permits

A request to modify, expand, or otherwise change an approved special use permit that is not in substantial conformance with the approved permit shall be processed according to the provisions of this section as a new application.

Section 16-18-9. Public Notice Requirements

A. Forms of Required Notice

Table 16-18-9.1, Forms of Required Notice, indicates the forms of required public notice for meetings and hearings for each procedure. Not all application types require public notice.

Table 16-18-9.1: Forms of Required Notice

Procedure	PC Recommendation Public Meeting Notice	Decision Public Hearing Notice
Special Use Permit	Posted, Published, Mailed	Posted, Published, Mailed
Variance	n/a	Posted, Published, Mailed
Minor Subdivision Plat	none	none
Major Subdivision Plat, Preliminary	Posted, Published	Posted, Published
Major Subdivision Plat, Final	n/a	none
Subdivision Plat, Minor Amendment	n/a	none
Historic Designation	none	Posted, Published
Zoning Map Amendment	Posted, Published, Mailed	Posted, Published, Mailed
LUC Text Amendment	Published	Published
Comprehensive Plan Update	Published	Published
Annexation	None	Published

B. Published Notice

The town clerk shall publish one notice of the public meeting or hearing in a newspaper of general circulation that shall state the time and place of such hearing and the nature of the subject to be considered.

C. Posted Notice

1. The applicant shall post a notice sign provided by the town clerk in a prominent location on the subject property.
2. The town clerk shall post a notice sign in a publicly visible location within the Town offices and on the Town website.
3. The notice sign shall state the time and place of the hearing and the nature of the subject to be considered; state the name, address, and phone number of the applicant; and include a map showing the land area affected.

D. Mailed Notice

1. The town clerk, at the expense of the applicant, shall send notice by first class mail to property owners within 500 feet of the subject property.
2. The mailed notice shall state the time and place of the hearing and the nature of the subject to be considered; state the name, address, and phone number of the applicant and; include a map showing the land area affected.

E. Voluntary Notice

1. At the direction of the Board, the town clerk may establish a Voluntary Notice Address List. Residents of Mancos and Montezuma County may ask the town clerk to be added to the voluntary notice list and they will be provided summary information via email or appropriate delivery format about notices that the Town has posted.
2. Voluntary notice is a courtesy provided for informational purposes only.
 - a. Failure of the Town to provide voluntary notice shall have no procedural implications for any application.
 - b. Provision of voluntary notice shall not establish any rights, obligations, or standing on the part of the recipients or Town.

E.F. Timing of Published, Posted, or Mailed Notice

Unless otherwise identified in a specific procedure, the timing for published, posted, or mailed notice shall be a minimum of 15 days prior to the public meeting or public hearing being noticed.

F.G. Notice for Development of Mineral Estate

1. In accordance with Colorado Revised Statutes Section 10-11-123 and Sections 24-65.5-101 through 24-65.5-106, the applicant shall provide mailed notice to any mineral estate owner that has a severed mineral interest within the proposed development.
2. Such notice shall contain the name and address of the mineral estate owner. 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:
 - a. The identity of the owner of the mineral estate.
 - b. That an applicable request for notification is on record.
 - c. That the mineral estate owner has recorded an instrument satisfying any applicable dormant mineral interest act.
3. 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.
4. 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.
5. The notice shall be sent by first-class mail a minimum of 30 days prior to the decision hearing.
6. Certification of notification of mineral estate owners is required. Provisions for the certification of notification of development of mineral estate owners are established in Chapter 2 of the municipal code.

Section 16-18-10. Appeal

A. Applicability

1. Any person aggrieved by a decision made under this LUC by Town staff may file an appeal to the board of adjustment as provided for in this section, except that interpretations made by the zoning administrator may be appealed to the Board.
2. In lieu of appeal, decisions of the planning commission can be “called up” to the Board as provided for in subsection 16-18-7.
3. A protest provision for a decision of the Board on a rezoning application (zoning map amendment) is established in Section 16-18-20.

B. Appeals to Court

A decision of the board of adjustment or Board may be appealed by any aggrieved person or by an officer, department, board or bureau of the Town as provided by Rule 106(a)(4), Colorado Rules of Civil Procedure. A written notice of appeal stating specific reasons for the appeal shall also be filed with the town administrator within 30 days of the final written decision being appealed.

C. Appeal Procedure

1. Filing

The appeal must be filed within 30 days after the decision date by filing a notice specifying the grounds for the appeal with the zoning administrator. The zoning administrator shall transmit to the board of adjustment the full record of the appealed action.

2. Stay of Proceedings

An appeal stays all proceedings of the appealed decision, unless the zoning administrator or other Town official certifies with findings of fact that a stay would cause imminent peril to life or property. If so certified, then the proceedings are not stayed unless the board of adjustment or a court of record grants a restraining order on due cause and provides notice to the zoning administrator.

3. Hearing and Notice

The board of adjustment shall fix a time for a hearing of an appeal, give due notice to the parties, and decide the appeal within 30 days. Published and posted notice shall be provided per Section 16-18-9, Public Notice Requirements, not less than 15 days prior to the hearing.

4. Determination

The board of adjustment may amend; reverse or affirm, wholly or partly; or modify an appealed decision with all the powers of the officer whose decision is appealed.

5. Written Record

The board of adjustment shall submit a written record of the appeal determination to the town clerk within 10 working days of the appeal hearing.

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ARTICLE 19 Zoning and Subdivision Procedures

Section 16-19-1. Zoning Development Permit

A. Applicability

A zoning development permit is required prior to any and every development (including grading) within the incorporated area of the town.

B. Payment of Impact Fees and Dedications Required

1. The issuance of a zoning development permit and agreement to pay street impact fees, where applicable, is required prior to development and the issuance of any further construction or occupancy permits.
2. 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.
3. 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 and shall sign an agreement on the zoning development permit to pay the approved fee price due prior to the issuance of a building permit.

C. Procedures

Procedures for review and decision of a zoning development permit are established in Section 16-18-2, General Procedures.

Section 16-19-2. Sign Permit

A.—Applicability

~~A sign permit is required to erect, construct, reconstruct, alter, paint, repaint, or change the use of any sign. Once approved, a sign may be repainted or otherwise maintained exactly as it was permitted.~~

B.A. Procedures

Procedures for review and decision of a sign permit application are established in Section 16-18-2, General Procedures.

Section 16-19-3. Interpretation

A. Applicability

An interpretation may be requested by any affected person, any resident or real property owner in the town, or any person with a contractual interest in real property in the town.

B. Procedures

Procedures for an interpretation are established in Section 16-18-2, General Procedures.

1. 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 LUC and the official zoning map, if applicable, before rendering an interpretation.

2. Form

The interpretation shall be made in writing and shall be sent to the applicant by certified mail.

3. 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.

Section 16-19-4. Temporary Use Permit

A. Applicability

A temporary use permit may be approved only where the use is allowed as a permanent or temporary use in the zone district where the use is located.

B. Procedures

Procedures for review and decision of a temporary use permit are established in Section 16-18-2, General Procedures, and this section.

C. Review Criteria

Temporary use permit applications shall be processed through the site plan review process. In addition to the site plan review criteria, the zoning administrator shall also review temporary use applications for the following:

1. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation;
2. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat); and
3. Regulation of maintenance and site restoration during, and after termination of the temporary use or expiration of the temporary use permit. A bond or other form of security acceptable to the planning and development director may be required prior to the initiation of the use to ensure cleanup after the use is finished.

D. Time Limit

A time limit for the duration of a temporary use shall be specified on the permit. If no time limit is specified, then the time limit shall be 30 days from the day on which the temporary use is established.¹

¹ Added a new provision that provides a default time limit for a temporary use.

Section 16-19-5. Special Use Permit

A. Applicability

A special use permit is required and may be approved where the use is allowed as a special use in the zone district where the use is located. Any change or expansion of a special use shall require a new special use permit.

B. Procedures

Procedures for review and decision of a special use permit are established in Section 16-18-2, General Procedures.

C. Maximum Density

The maximum density allowed by a special use permit shall be no greater than that permitted in the underlying zone district.

D. Review Criteria

The special use permit application shall comply with following specific criteria:

1. The proposed use is consistent with the Mancos Comprehensive Plan;
2. The proposed use complies with all applicable provisions of the UDC;
3. The proposed use will not have a negative impact on the value of surrounding property or the general neighborhood;
4. The location and size of the use, the nature and intensity of the operation involved or conducted in connection with is, and the location of the site with respect to streets giving access to it are such that the condition use will not dominate the immediate neighborhood so as to prevent the development and use of neighborhood property in accordance with the applicable zoning district regulations. In determining whether the use will dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature, and height of buildings, structures, walls, and fences on the site; and
 - b. The nature and extend of the proposed landscaping and buffering on the site.
 - c. Whether adequate utility, drainage, and other necessary facilities have or will be provided; and
 - d. Whether adequate access roads or entrance and exit drives will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion.

E. Special Use Permit Recorded

1. The town clerk shall record every special use permit decision made under this LUC and maintain a file containing all documents relevant to each application and its disposition.
2. ~~All approvals shall run with the land except special use approvals.~~ Special use approvals for permanent structures run with the land and approvals for uses and mobile structures approvals run with the property owner; to continue an existing approved special use for a use or mobile structure, a subsequent property owner must apply for a new special use permit.

Section 16-19-6. Administrative Adjustment

A. Applicability

1. An administrative adjustment is a modification of an existing numeric dimensional standard of the LUC, such as lot width, depth, coverage, or area; setbacks; and building height or massing; by up to ten percent.
2. Any application for greater modification of any other standard, or dimensional standard shall be processed under Section 16-19-16, Special Exception or Section 16-19-17, Variance.

B. Procedures

Procedures for review and decision of an administrative adjustment application are established in Section 16-18-2, General Procedures.

C. Decision Criteria

To approve an administrative adjustment, the zoning administrator shall make and record findings that all of the following provisions are met:

1. The proposed use is a permitted use in the underlying zone district.
2. 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;
3. Such unnecessary hardship has not been created by the applicant;
4. The administrative adjustment is necessary to permit the applicant the same rights in the use of the property that are enjoyed under this LUC by other properties in the vicinity and zone, but which are denied to the subject property;
5. The administrative adjustment 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;
6. The administrative adjustment will have no significant adverse impact on the health, safety or general welfare of the surrounding property owners or the general public; and
7. The administrative adjustment will not cause injury to the use, enjoyment, or value of property in the vicinity.

D. Permitted Types of Administrative Adjustments

The zoning administrator may grant a 10 percent administrative adjustment to the following dimensional standards that meet the design criteria:

1. Minimum lot width,
2. Minimum lot area,
3. Minimum setbacks,
4. Maximum height,
5. Maximum lot coverage, and

6. Minimum number of parking spaces.

Section 16-19-7. Site Plan Review

A. Purpose

The purpose of the site plan review process is to ensure compliance with the development and design standards and provisions of the LUC. It is designed to encourage quality development reflective of the goals, strategies, and actions of the Mancos comprehensive plan.

B. Applicability

1. When site plan review is required, as identified below, structures and uses may be established, and building permits may be issued only after a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this section.
2. Preliminary Planned Development (“PD”) review and approval serves as site plan review for the purposes of this section.

C. Site Plan Review Required

The following applications and projects are subject to site plan approval:

1. All new uses and structures that are not part of a preliminary PUD application or preliminary subdivision plat;
2. All requests for temporary uses and structures;
3. Any proposed redevelopment that meets or exceeds 20 percent increase in gross square footage, or 50 percent increase in assessed valuation, with either measurement calculated over a five-year period.
4. Relocation of development pads, buildings, or dwelling units for some practical reasons such as topography, road alignment or easements provided that the modification does not significantly alter the site design in terms of parking layouts, vehicular circulation, landscape design, and other similar components of the development plans;
5. An increase or decrease in a proposed setback, provided LUC requirements are still met;
6. A modification to a recreation area or open space design, but not elimination or a significant reduction;
7. A change in the parking lot layout or vehicular circulation;
8. A change in the landscape design or a change of more than 20 percent of plant types;
9. Any change that may affect an adjoining residential neighborhood;
10. Any request that would significantly alter the design of the site or building(s); or
11. A request to change or delete a condition of approval established by the PC or the Board.

D. Procedure for Site Plan Review

1. Action by the Zoning Administrator

The zoning administrator shall review each site plan application and, as necessary, distribute the application to other departments. Taking into account the results of those reviews, the zoning administrator shall take final action on the application and approve, approve with conditions, deny, or defer decision on the application based on the applicable approval criteria below.

2. Approval Criteria

The zoning administrator may approve a site plan upon a finding that the application meets all of the following criteria, as applicable:

- a. The site plan is consistent with the Mancos comprehensive plan;
- b. The site plan is consistent with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable;
- c. The site plan complies with all applicable development and design standards set forth in this LUC;
- d. Any significant adverse impacts reasonably anticipated to result from the use will be mitigated or offset to the maximum extent practicable;
- e. The development proposed in the plan and its general location is, or will be, compatible with the character of surrounding land uses and structures; and
- f. The development can be adequately served by Town services including, but not limited to, roads, water, and wastewater.

3. Referral to Planning Commission

The zoning administrator may refer any application to the PC that, in the zoning administrator's opinion, presents issues that require PC attention.

E. Post-Approval

1. Site-Specific and Binding

Approved site plan documents shall be binding upon the applicants and their successors and assigns. No permit shall be issued for any building, structure or use that is not in accord with the approved documents, or any approved modifications thereto. The construction, location, use or operation of all land and structures within the site shall conform to all conditions and limitations set forth in the documents. No structure, use, or other element of approved design review documents shall be eliminated, altered or provided in another manner unless an amended site plan is approved.

2. Expiration

Approved site plan documents shall expire one year after approval if a building permit has not been issued, or the approved use established. In the event that the documents expire due to the passage of this time period, new site plan review documents must be submitted for approval in the same manner as an original application for development

review. An extension not to exceed one year may be granted by the zoning administrator.

3. Modifications to Site Plans

The holder of an approved site plan may request a modification to the document, or the conditions of approval, by submitting amended documents to the zoning administrator. The amended documents shall be filed and processed in accordance with the procedures for an initial site plan submittal.

Section 16-19-8. Variance

A. Applicability

A variance is a deviation or modification of the standards of this LUC that exceeds what may be allowed as an administrative adjustment or special exception. A variation may be approved only where, due to special physical site conditions, a literal enforcement of the provisions of this LUC would result in unnecessary hardship such that the parcel cannot be appropriately developed.

B. Procedure

Procedures for review and decision of a variance are established in Section 16-18-2, General Procedures, and this section.

C. Decision Criteria

To approve a variance, the board of adjustment shall make and record findings that all of the following provisions are met:

1. The proposed use is a permitted use in the underlying zone district.
2. 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;
3. Such unnecessary hardship has not been created by the applicant;
4. The variance is necessary to permit the applicant the same rights in the use of the property that are enjoyed under this LUC by other properties in the vicinity and zone, but which are denied to the subject property;
5. The variance 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;
6. The variance will have no significant adverse impact on the health, safety or general welfare of the surrounding property owners or the general public; and
7. The variance will not cause injury to the use, enjoyment, or value of property in the vicinity.

Section 16-19-9. Minor Subdivision Plat

A. Applicability

Minor subdivision plats, condominium conversions, and amendments to previously approved final plats shall be decided under this minor subdivision plat procedure.

1. Minor Plats

A minor subdivision plat conforms to all the following:

- a. No streets, roads, extensions or access easements need to be widened, dedicated or developed per Article 14, Subdivision Standards.
- b. All utilities other than individual service lines that are needed to serve the resulting lots are in place immediately adjacent to each lot.
- c. The resulting lots shall comply with all applicable requirements of this LUC.
- d. There are no other problems of public concern.

2. Plat Amendments

An amendment of a previously approved final plat, or “replat,” is reviewed and decided as a minor subdivision when it conforms to the following criteria:

- a. The replat does not remove any covenants or restrictions or increase the number of lots.
- b. The purpose of the amendment is to correct an error in any course or distance shown on the prior plat.
- c. The purpose of the amendment is to add any course or distance that was omitted on the prior plat.
- d. The purpose of the amendment is to correct an error in the description of the real property shown on the prior plat.
- e. 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.
- f. 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.
- g. The purpose of the amendment is to correct any other type of clerical error or omission in the previously approved plat.
- h. The purpose of the amendment is to correct an error in courses and distances of lot lines between two 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.
- i. The purpose of the amendment is to relocate a lot line to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement.

- j. The purpose of the amendment is to relocate or vacate one or more lot lines between one or more adjacent lots where the owners of all such lots join in the application for the plat amendment.

3. Condominium Conversions

Condominium conversion is reviewed and decided as a minor subdivision, regardless of the number of units proposed for conversion, provided that it conforms to the off-street parking requirements for the underlying zone district in Section 16-8, Parking, Loading, and Access Drives. Each residential condominium unit shall be considered a separate dwelling unit for purposes of determining parking compliance.

B. Procedures

Procedures for review and decision of minor subdivision plats are established in Section 16-18-2, General Procedures, and this section.

1. Pre-Application Meeting

A pre-application meeting is required.

2. Referral Agencies and Departments

Required referral agencies and departments for a minor subdivision are as follows:

- a. Public works director,
- b. Electric power association,
- c. School district, and
- d. Fire protection district.

3. Notification

Notification is not required for meetings or hearings for a minor subdivision plat procedure, except that owners of properties proposed for condominium conversion shall notify all residential tenants in writing of the conversion at least 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.

4. Approval Condition for Condominium Conversion

A minimum one-hour firewall may be required between units as a condition of Town approval of any condominium plat involving a condominium conversion.

5. Recording and Filing

- a. The Board's approval of the minor subdivision plat shall be evidenced by the execution of the Board's certificate of approval on the plat. No additions, corrections or modifications of any kind shall be made to the minor subdivision plat, other than to meet conditions of approval and affixing required signatures.
- b. The developer shall pay all fees to the Town including recording, review fees, and cash in lieu of public land dedication.
- c. The developer shall file the minor subdivision plat in the plat records of the county.

6. Expiration on Failure to Record

If the minor subdivision plat is not recorded within 90 days of the Board executed approval, the approval shall be void.

Section 16-19-10. Major Subdivision Plat

A. Applicability

A subdivision plat establishes parcels, lot lines, rights-of-way, utilities, and dedications of land. Every subdivision, including a condominium subdivision, shall be considered and decided under the procedures of this section, unless it conforms to the applicability provisions for a minor plat procedure of Section 16-2-19, Minor Subdivision Plat.

B. Preliminary Plat Procedures

Procedures for review and decision of a preliminary plat are established in Section 16-18-2, General Procedures, and this section.

1. Pre-Application Meeting

A pre-application meeting is required for a preliminary plat.

2. Referral Agencies and Departments

Required referral agencies and departments for a preliminary subdivision plat are as follows:

- a. Public works director,
- b. Town engineer,
- c. Town attorney,
- d. Parks and recreation director,
- e. Town marshal,
- f. Natural gas provider,
- g. Telephone provider,
- h. Fire protection district,
- i. Water conservancy district,
- j. Division of water resources,
- k. Electric power association, and
- l. School district.

C. Decision Criteria for Condominium Subdivisions

1. Condominium subdivisions shall comply with the subdivision standards of Article 6, Subdivision Standards, and the following supplemental criteria:
 - a. The density of the development shall not be greater than the maximum density allowed by the underlying zone district.

- b. 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.
 - c. Each individual condominium unit shall have separate utility service, including individual meters and shut-off valves.
2. 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.
3. Notwithstanding anything in this LUC 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.

D. Final Plat Procedures²

Procedures for review and decision of a final plat are established in Section 16-18-2, General Procedures, and this section.

1. Filing Date

- a. The applicant shall submit for approval the final plat within 12 months of the approval of the preliminary plat.
- b. The planning commission may grant an extension of up to one additional year by action of the planning commission.

2. Conformance with Preliminary Plat

The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the applicant, 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.

3. Construction Plans

The applicant shall submit construction plans to the zoning administrator and public works director. The public works director shall review the plans and submit to the planning commission a staff report for the final plat public hearing. The developer shall pay the construction plans review fee prior to the public hearing by the Board.

4. Review in Stages

An applicant may obtain final plat approval of a portion or a section of previously approved preliminary plat in the same manner as is required for a complete final plat. Each final plat 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 where final plat approval occurs in phases.

² Current Section 16-18-320.

5. Recording and Filing

- a. The Board's approval of the subdivision plat shall be evidenced by the execution of the Board's certificate of approval on the plat. No additions, corrections or modifications of any kind shall be made to the minor subdivision plat, other than to meet conditions of approval and affixing required signatures.
- b. The developer shall pay all fees to the Town, including recording, review fees, and cash in lieu of public land dedication.
- c. The developer shall file the subdivision plat in the plat records of the County.

6. 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 an improvements agreement for construction of any required public improvements designated on the final plat.

7. Performance Guarantee

- a. Prior to the issuance of any building permit, the Board shall require an applicant to file a financial guarantee in order to ensure compliance with any or all requirements of the Board stipulated in the improvements agreement and the final plat.
- b. The financial guarantee, in the judgment of the Board, shall be sufficient to make reasonable provision for completion of the improvements in accordance with design and time specifications.
- c. Ordinarily, an irrevocable letter of credit to the Board 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 from approving other forms of financial security.

8. Release of Collateral

- a. As public improvements are made, an applicant may apply to the Board for release of part or all of the collateral deposited with the Board.
- b. Upon inspection and approval, the Board shall release collateral, provided that, in the event a combination of forms of collateral has been accepted, the Board shall release collateral on a priority basis it deems appropriate.
- c. If the Board 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 determines that the applicant will not construct any or all of the improvements in accordance with all of the specifications, the Board may withdraw and employ from the deposit of collateral such funds as may be necessary to construct the improvements in accordance with the specifications.

9. 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.

10. Plan Resubmittal

If construction has not commenced within one 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 15 working days after submittal. A fee, as provided for in the fee schedule adopted by resolution of the Board, is required upon the resubmittal of plans for review. Construction shall mean the start or commencement of construction of Town-maintained facilities.

11. 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 the subdivision filed in the plat records of the County within 36 months from the date of final plat approval by the Town, the 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 LUC. If the public improvements for a subdivision that was approved prior to the adoption have not been constructed and accepted by the Town, and the corresponding final plat for the subdivision filed in the map and plat records of the County within 36 months of the original adoption of the LUC, the 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 36 months, pursuant to the following provisions:

- a. The Board 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.
- b. 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.

12. Inspection

- a. The Public Works Director shall be notified three 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 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.

13. Review Procedures for As-built Plats

- a. The zoning administrator shall review as-built plats within 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.
- b. As-built plats for condominium subdivisions 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.

E. Final Plat Decision Criteria

When deciding a final plat, the Board shall consider the:

- a. Dedication of rights-of-way for public use;
- b. Construction of utilities, streets, drainage and other improvements;
- c. Status of conditions established by the preliminary plat approval;
- d. Status of all fees paid to the Town; and
- e. 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.

Section 16-19-11. Rezoning/Zoning Map Amendment

A. Applicability

- 1. A zoning map amendment is required for a change in the boundary of a zoning district, or the assignment of a parcel to different zoning district.
- 2. Corrections of drafting and clerical errors or omissions are not map amendments and may be made by the town clerk without a map amendment procedure.

B. Procedures

Procedures for review and decision of a zoning map amendment are as established in Section 16-2-2, General Procedures, and this section.

1. Notice

Published, posted, and mailed notice are required as established in Section 16-2-9, Public Notice Requirements; except that the mailed and posted notice requirements shall be waived when the zoning map amendment is incidental to or part of a general revision of this LUC.

2. Protest

As set forth in Section 31-23-305, C.R.S., a two-thirds vote of all members of the Board shall be required in favor of a zoning map amendment where there has been filed a protest with the town clerk at least 24 hours prior to the governing body's vote on the amendment where such protest is signed by owners of 20 percent or more of the area of land which is subject to the proposed change or 20 percent or more of the area of land extending a radius of 100 feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys.

C. Decision Criteria

When recommending and deciding a zoning map amendment, the planning commission and Board shall determine 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~~ as in Section 16-9-X, S Terms? the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area and inconsistent with the comprehensive plan for the benefit of the owner of such property and to the detriment of other owners.

Section 16-19-12. Land Use Code Text Amendments³

A. Applicability

Any person having a proprietary interest in any property may submit an application to the Board for a change or amendment to the provisions of this LUC, or the planning commission may, on its own motion or on request from the Board, institute a study and proposal for changes and amendments in the public interest.

B. Procedures

³ Current Section 16-18-100.

Procedures for review and decision of land use code text amendments are as established in Section 16-2-2, General Procedures, and this section.

1. Notice

Published, posted, and mailed notice are required as established in Section 16-2-9, Public Notice Requirements; except that the mailed and posted notice requirements shall be waived when the code text amendment relates to a change of a regulation or to the text of this LUC that does not affect specific property.

C. Decision Criteria

When recommending and deciding a code text amendment, the planning commission and Board shall consider the following criteria:

1. Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact since the time that the original text designations were established;
2. Whether the proposed amendment is consistent with the Mancos comprehensive plan or other applicable Town plans and policy guides;
3. Whether the proposed amendment is consistent with the purpose and intent of this LUC;
4. Whether the proposed amendment will result in a logical and orderly development pattern; and
5. Whether the proposed amendment is in the best interests of the Town as a whole.

Section 16-19-13. Comprehensive Plan Update

A. Applicability

The planning commission may, on its own motion or on request from the Board, institute a study and proposal for changes, amendments, or updates to the comprehensive plan that are in the public interest.

B. Procedures

Procedures for review and decision of a comprehensive plan update are established in Section 16-2-2, General Procedures.

C. Decision Criteria

The application for plan amendment shall be considered against the following criteria:

1. The existing plan and/or any related element of the plan is in need of the proposed amendment;
2. The proposed amendment is compatible with the surrounding area and the goals and policies of the plan;
3. The proposed amendment will have no major impact of transportation services and facilities;

4. The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;
5. The proposed amendment is consistent with the Town's ability to annex the property (if applicable);
6. The proposed amendment is consistent with the logical expansion of services (if applicable);
7. Strict adherence to the current plan would result in a situation neither intended nor in keeping with other key elements and policies of the plan; and
8. The proposed plan amendment will promote the public welfare.

Section 16-19-14. Vested Property Rights

A. Generally

1. Following 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.
2. 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.
3. The Board 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.

B. Term

1. A property right that has been vested as provided in Section 16-1-9(A), above, shall remain vested for a period of three years. However, the Board may enter into development agreements with land owners specifying that property rights shall be vested for a period exceeding three years when warranted considering 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.
2. 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.
3. Should no building permit or development permit be issued within said three years, the plan shall be terminated and the vested property right shall automatically expire.

C. Extension

1. The affected landowner may request that the Board grant an extension of the final plat for up to three years, provided that:

- a. A written request for an extension is submitted by the affected landowner no less than 60 days prior to the date of termination of the vested property right;
 - b. There is no conflict with this LUC, or any conflict may be corrected by an amendment to the final plat, which shall be presented with the request for extension;
 - c. 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
 - d. The applicant has demonstrated that the final plat is consistent with the Comprehensive Plan.
2. Such extension request shall be considered by the Board in a public hearing, notice of which shall be published not less than 30 days prior to such hearing in a newspaper of general circulation within the county.
 3. Such extension, if granted, shall be valid only for the period approved by the Board.

D. 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.

E. 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.

F. 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.

G. 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.

H. Effective Date of Final Plat Approval (Sec. 16-22-80)

The effective date of the approval of a final plat shall be the date of approval or grant by the Board. 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 finds to the contrary and incorporates such finding in its approval of the amendment.

I. 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 14 days after approval of the final plat, in a newspaper of general circulation within the county.

J. 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.

Section 16-19-15. Annexation

A. Applicability

A petition to annex land into the Town may be filed by any individual or initiated by planning commission or Board.

B. Compliance with State Law

1. 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 Colorado Constitution.
2. 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.
3. The annexation must comply 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.
4. 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.

C. Annexation Policies

In deciding annexation petitions, the Town will exercise its powers as 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. The comprehensive plan identifies areas surrounding the town that are planned for the future residential, commercial and industrial growth of the town. All annexations shall be consistent with the comprehensive plan and the Town of Mancos Trails Master Plan.
2. Consent to annexation by benefiting landowners and conformance to the comprehensive plan and standards of this LUC 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. Compliance with every 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.

D. Procedures

1. Generally

Procedures for review and decision of annexations are established in Section 16-2-2, General Procedures, and this section.

2. Preapplication Conference

- a. A pre-application meeting is required.
- b. Following the pre-application meeting with staff, the zoning administrator may request a nonbinding pre-application conference between the applicant and the planning commission or Board.
- c. The town clerk shall refer the petition to the Board as a communication. The Board 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.
- d. Before an application is presented to the Board 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.

3. Concurrent Submittals

- 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, of the town.

- b. Any area annexed shall be brought under such zoning ordinance and map within 90 days after the effective date of the annexation ordinance.
- c. During such 90-day period or such portion thereof required to comply with **Section 16-2-16(l)(2)-**, 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.
- g. In addition to any other applicable notice requirements provided by law, not less than 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:
 - i. To any person who owns property in the annexed area that is contiguous to the right-of-way, by certified mail; and
 - ii. 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.
 - iii. For purposes of this subsection, agricultural vehicles and equipment means any vehicle or equipment that is designed, adapted or used for agricultural purposes.

4. Referral Departments and Agencies

Required referral departments and agencies for an annexation application are:

- a. Street supervisor,
- b. Public works director,
- c. Electric power association,
- d. Fire protection district, and
- e. Town attorney.

5. Notice

- a. 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, the Board shall hold a hearing upon the 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.
- b. Notice shall be published once a week for four 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 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 notice is published shall be proof thereof.
- c. 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 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.

6. Recommendation

In addition to making findings and recommendations related to the annexation decision criteria of **subsection E**, below, the planning commission shall recommend as to:

- a. Whether it believes the petition for annexation complies with Section 31-12-107, C.R.S.;
- b. Whether it believes the petition for annexation complies with adopted annexation policies of the Town; and
- c. Suggested terms of an annexation agreement.

7. Decision Hearing

- a. The Board 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 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.

- b. The hearing shall be held not less than 30 days, nor more than 60 days after the effective date of the resolution setting the hearing. The hearing need not be held if the Board 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.
- c. The Board 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 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 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, by resolution, shall set forth its findings of fact and its conclusion based thereon with reference to the following matters:
 - i. 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;
 - ii. 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
 - iii. The Board shall also determine whether additional terms and conditions are to be imposed.
 - (a) 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.
 - (b) If the resolution of the Board 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 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.

- (c) If the Board 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.

8. Annexation Impact Analysis

- a. The Town shall prepare an annexation impact report for all annexations involving more than 10 acres of land at least 25 days prior to the date of the hearing held in accordance with the requirements of Section 16-18-16(E), Review by Board, and shall file one copy with the board of county commissioners within five days thereafter.
- b. A report shall not be required for annexations of 10 acres or less in total area or when the Board and the board of county commissioners agree that the report may be waived.
- c. A report shall include the following, as a minimum:
 - i. 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.
 - ii. A copy of any draft or final preannexation agreement, if available.
 - iii. 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.
 - iv. 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.
 - v. A statement identifying existing districts within the area to be annexed.
 - vi. 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.

9. Filing

The Town shall file:

- a. One copy of the annexation map with the original of the annexation ordinance in the office of the town clerk; and
- b. Three 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.

10. Effective Date

- a. The area shall be annexed on 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 **Section 16-2-16(H)(2)**.
- b. An annexation shall be effective for the purpose of general taxation on and after the 1st of January, next ensuing.

E. Decision Criteria

The following criteria must be met under the terms of the annexation agreement:

1. Use

The master plan for the use of the area to be annexed is consistent with adopted land use and policy plans for the town including the comprehensive plan, utility plans, trails master plan, and in harmony with the intent of Town zoning, 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.

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 10 percent 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.

Section 16-19-16. Building Permit and Certificate of Occupancy

A. Building Permit

1. A building permit is required before any construction commences on an approved development.
2. The applicant must pay all required development fees per the agreement on the zoning permit before the Town shall issue a building permit.

B. Certificate of Occupancy⁴

1. A certificate of occupancy shall be applied for concurrently with every building permit.
2. A certificate of occupancy is required before use or occupancy of any building erected, converted, or structurally altered; or a change in use of any land or a nonresidential building.
3. A certificate of occupancy will be issued within 10 days after the completion of the erection, alteration, or conversion of such building or land, provided that the building inspector finds that the building or proposed use of land or building complies with the provisions of this LUC and other building and health laws of the Town.
4. A record of all certificates of occupancy shall be kept on file in the office of the building inspector, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.

Section 16-19-17. Form of Submittal

A. Submittal Requirements

⁴ Current Section 16-20-160.

The zoning administrator shall establish and update, from time to time, the required inclusions in every application. The current submittal requirements shall be appended to this LUC. The town clerk shall maintain copies for public review in the Town offices.

B. Forms

The zoning administrator shall establish and update, from time to time, forms for use in applications, which shall be appended to this LUC. The town clerk shall maintain and provide copies for applicant use in Town offices.

C. Required Number of Copies

1. The applicant is responsible to bear the expense of and provide all copies of the application as are necessary for review by the recommendation, referral, and decision officials and bodies as required by this Article 2, Procedures.
 - a. The number of copies required shall be a minimum of two copies for applications that are decided by staff, plus one additional copy for every required referral agency or department, and one additional copy for every member of every recommendation body, and hearing body. The typical requirements are included in a schedule in the Appendix to this LUC.
 - b. The zoning administrator may reduce the number of required copies if a review body has fewer than the typical number of sitting members.
 - c. The zoning administrator may increase the number of copies if additional referral departments or agencies are required.
 - d. By mutual agreement, the zoning administrator may charge the applicant for the cost of copies above the minimum number of two. On payment, the zoning administrator shall make copies on behalf of the applicant.
2. The town clerk shall maintain one of the submitted copies of the application available for public review.

D. Application Filing Fees

1. In order to cover the cost to the Town of reviewing and deciding applications for procedures of this LUC, the Board establishes a schedule of required application filing fees. The town clerk shall keep a record of the current schedule of application filing fees on record and make it available to the public.
2. The zoning administrator shall periodically study the cost of application review and advise the Board as to whether any changes are necessary to ensure that fees are aligned with the real cost of review to the Town.
3. The applicant shall submit the required filing fee when an application is submitted. An application shall not be deemed complete until the required filing fee is paid.
4. If the Town finds that review and decision of an application will incur expense significantly greater than the established fee, then the Board may require the applicant to reimburse additional costs incurred by the Town.

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ARTICLE 20 VIOLATIONS AND ENFORCEMENT

16-20-1. Compliance Required

No structure or land shall be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of this Code or enforcement of the LUC regulations shall result in penalties and remedies as set forth in this article.

16-20-2. Definition of Violations

The following are violations of this LUC. Each day that a violation is permitted to exist shall constitute a separate offense.

A. Activities Inconsistent with cODE

Erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any building, structure, or sign, or to engage in development of any land in contravention of any zoning or other regulation of this ordinance, including all required approvals.

B. Activities Inconsistent with Approval or Permit

Engage in any development, use, construction, remodeling, or other activity that is inconsistent with the terms and conditions of any permit or approval.

C. Making Lots or Setbacks Nonconforming

Reduce the lot area, setbacks, or open space below the minimum required by this LUC.

D. Increasing Intensity of Use

Increase the intensity of use of any land or structure beyond that permitted by right or approved through the procedures of this LUC.

E. Subdivision Sale Prior to Approval

Transfers, sale, agreement to sell, or negotiation to sell any part of a subdivision before the plat has been approved by the Board of Trustees and recorded or filed in the office of the County Clerk.

F. Expand Nonconformities

Create, expand, replace, or change a nonconforming use, structure, lot, or sign except in compliance with this LUC; or failure to remove or discontinue a nonconformity beyond the specified amortization period.

G. Misrepresentation

Obtaining any permit or approval listed in Article 16-19 through misrepresentation, the use of misleading documents or testimony, or the withholding of information known to the applicant, that might lead the decision-making body to conclude that the application was not consistent with the applicable standards or criteria for such development under this ordinance.

16-20-3. Enforcement

A person who violates or fails to comply with any of the provisions of this Land Use Code 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 administrative enforcement action as provided by Chapter 19 of the Mancos Municipal Code.

A. Complaint

Any person aggrieved by a violation of the provisions of this LUC 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.

B. Inspections

To enforce the terms and provisions of this ordinance, the zoning administrator or their designee shall:

1. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this ordinance; and
2. Receive from any person complaints alleging, with particularity, a violation of this ordinance and investigate such complaints.

C. Notification

On determination that there has been a violation of this LUC, the zoning administrator shall serve written legal notice of the violation in the following manner:

1. List the violations, referring to the specific violated section of the LUC;
2. Specify a time for compliance with relevant Land Use Code provisions 30 days from the service of the notice; and
3. Serve the notice on the responsible party in person or by certified mail to his last known mailing address, residence, or place of business. (

16-20-4. Penalties and Remedies

- A. Any person who violates or fails to comply with the provisions of this LUC 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.
- B. Penalties for violations of the LUC are 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 LUC, in addition to all other remedies.
- C. Liability: The owner of a noncompliant lot, use, structure, sign, fence, lighting fixture, or similar is responsible for all costs and any other liability resulting from failure to comply with this chapter.
- D. Money Penalties
 1. Violations may be punishable by a penalty of up to \$499.00 per violation, where each day of a continuing violation may be considered a separate violation.

2. 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.
- E. Revocation: The Town may revoke any zoning development permit upon 30 days' notice to the developer and after the opportunity for a hearing and determination of noncompliance.